

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
March 6, 2012**

AGENDA

10:00	Held	Reception for Intellectual and Developmental Disabilities Inclusion Month – Reception Area of the Conference Center
11:00	Done	Presentations
12:00	Report Adopted	Report on General Assembly Activities
12:10	Done	Presentation on Ending Homelessness in the Fairfax-Falls Church Community Snapshot 2011
12:30	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Approval of Installation of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program (Dranesville District)
2	Approved	Extension of Review Periods for 2232 Review Applications (Hunter Mill, Mason, and Mount Vernon Districts)
3	Approved	Designation of Plans Examiner Status under the Expedited Land Development Review Program
4	Approved	Streets into the Secondary System (Dranesville, Mount Vernon, Providence, Springfield, and Sully Districts)
5	Approved	Authorization to Advertise Publication of the FY 2013 Budget and Required Tax Rates
6	Approved	Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2012 Revised Budget Plan

**INFORMATION
ITEMS**

1	Approved	2011 Virginia Pollutant Discharge Elimination System Permit Annual Report for Fairfax County, Virginia
12:40	Done	Matters Presented by Board Members
1:30	Done	Closed Session

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
March 6, 2012**

PUBLIC HEARINGS

4:00	Approved	Public Hearing on Proposed Comprehensive Plan Amendment S11-CW-4CP Regarding Revisions to the Comprehensive Plan to Update Information on Heritage Resources
4:00	Public Hearing Deferred	Public Hearing on a Proposed Amendment to the Zoning Ordinance Re: Public Entertainment Establishments



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
March 6, 2012

11:00 a.m.

PRESENTATION to Fairfax County by the United Way of the National Capital Area for funds donated to the Fairfax/Falls Church Community Impact Fund.

RECOGNITIONS

- CERTIFICATE – To recognize Fairfax County Government Channel 16 for its first Emmy and being named Best Government Cable TV Station in two national competitions. Requested by Chairman Bulova.

DESIGNATIONS

- PROCLAMATION – To designate March 2012 as Including People With Intellectual and Developmental Disabilities Month in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate March 2012 as Women's History Month 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
March 6, 2012

12:00 p.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on March 6, 2012

PRESENTED BY:

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

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Board Agenda Item
March 6, 2012

12:10 p.m.

Presentation on Ending Homelessness in the Fairfax-Falls Church Community
Snapshot 2011

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on March 6, 2012

PRESENTED BY:

Michael L. O'Reilly, Chairman, Governing Board of the Partnership to Prevent and End Homelessness

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Board Agenda Item
March 6, 2012

12:30 p.m.

Items Presented by the County Executive

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Board Agenda Item
March 6, 2012

ADMINISTRATIVE - 1

Approval of Installation of "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Dranesville District)

ISSUE:

Board endorsement of "\$200 Additional Fine for Speeding" signs, as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board approve a resolution for the installation of "\$200 Additional Fine for Speeding" signs on Kirby Road between Chesterbrook Road and Powhatan Street (Dranesville District).

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved measures as soon as possible.

TIMING:

Board action is requested on March 6, 2012.

BACKGROUND:

Section 46.2-878.2 of the *Code of Virginia* permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less. In addition, to determine that a speeding problem exists, staff performs an engineering review to ascertain that additional speed and volume criteria are met. Kirby Road between Chesterbrook Road and Powhatan Street (Attachment I) met the RTAP requirements for posting of the "\$200 Additional Fine for Speeding" signs. On January 13, 2012, FCDOT received written verification from the local supervisor confirming community support.

FISCAL IMPACT:

Funding in the amount of \$600.00 for the "\$200 Additional Fine for Speeding" signs is to be paid out of the VDOT secondary road construction budget.

Board Agenda Item
March 6, 2012

ENCLOSED DOCUMENTS:

Attachment I: Area Map of Proposed "\$200 Additional Fine for Speeding" Signs.
Attachment II: Kirby Road "\$200 Additional Fine for Speeding" Signs Resolution.

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric M. Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Selby J. Thannikary, Chief, Traffic Operations Section, FCDOT



**Fairfax County Department of Transportation
Residential Traffic Administration Program (RTAP)
PROPOSED \$200 FINE FOR SPEEDING**

KIRBY ROAD

Dranesville District



RESOLUTION

**FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS
KIRBY ROAD BETWEEN CHESTERBROOK ROAD AND
POWHATAN STREET
(DRANESVILLE DISTRICT)**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, March 06, 2012, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Kirby Road between Chesterbrook Road and Powhatan Street, such road also being identified as a Minor Arterial; and

WHEREAS, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Kirby Road between Chesterbrook Road and Powhatan Street.

NOW, THEREFORE BE IT RESOLVED that "\$200 Additional Fine for Speeding" signs are endorsed for Kirby Road between Chesterbrook Road and Powhatan Street.

AND FURTHER, the Virginia Department of Transportation is requested to allow the installation of the "\$200 Additional Fine for Speeding", and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

A Copy Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

Board Agenda Item
March 6, 2012

ADMINISTRATIVE – 2

Extension of Review Periods for 2232 Review Applications (Hunter Mill, Mason, and Mount Vernon Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: applications 456A-V97-18-3 and FSA-H00-97-2 to May 19, 2012; application FS-M11-43 to July 9, 2012; and application 2232-V11-25 to July 23, 2012.

TIMING:

Board action is required on March 6, 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 should extend the review period for applications 456A-V97-18-3 and FSA-H00-97-2 which were accepted for review by the Department of Planning and Zoning (DPZ) on December 21, 2011. These applications are for telecommunications facilities and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

The Board should extend the review period for application FS-M11-43 and 2232-V11-25 which were accepted for review by the DPZ on January 9, 2012 and January 23, 2012 correspondingly. These applications are for a non-telecommunication public facility, and

Board Agenda Item
March 6, 2012

thus are not subject to the State Code provision for extending the review period by no more than sixty additional days.

The review periods for the following applications should be extended:

FS-M11-43 Dept. of Public Works and Environmental Services
Baileys Fire Station renovation and expansion
3601 Firehouse Lane, Falls Church
Mason District

2232-V11-25 Fairfax County Park Authority
Westgrove Park off-leash dog area
6801 Fort Hunt Road, Alexandria
Mount Vernon District

456A-V97-18-3 Sprint
Antenna collocation on existing tower
9130 Belvoir Court, Ft. Belvoir
Mount Vernon District

FSA-H00-97-2 Sprint
Antenna collocation on building rooftop
13861 Sunrise Valley Drive, Herndon
Hunter Mill 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)
Chris B. Caperton, Chief, Facilities Planning Branch, Planning Division, DPZ
Sandi M. Beaulieu, Planner, Facilities Planning Branch, Planning Division, DPZ

ADMINISTRATIVE - 3

Designation of Plans Examiner Status under the Expedited Land Development Review Program

ISSUE:

Board action to designate one individual as a Plans Examiner to participate in the Expedited Land Development Review Program and to place eight individuals who have elected not to pursue their continuing education requirements into inactive status, pursuant to the adopted criteria and recommendation of the Advisory Plans Examiner Board (APEB).

RECOMMENDATION:

The County Executive recommends that the Board take the following actions:

- Designate the following individual, identified with her registration number, as a Plans Examiner:

Viktoriya Kurbatova	295
---------------------	-----

- Designate the following eight individuals, identified with their registration numbers, as inactive Plans Examiners:

Ipek Aktuglu	267
Timothy S. Doody	281 (requested to be inactive)
Charles F. Dunlap	108 (retired)
David R. Hall	252
Hiren C. Joshi	280
Janet S. Leavitt	43 (requested to be inactive)
Carol T. Nelson	244 (retired)
Hugh W. Turner	55 (retired)

TIMING:

Routine.

BACKGROUND:

On August 7, 1989, the Board adopted Chapter 117 (Expedited Land Development Review) of *The Code of the County of Fairfax, Virginia*, (The Code) establishing a Plans Examiner Program under the auspices of an APEB. The purpose of the Plans Examiner Program is to expedite the review of site and subdivision plans submitted by certain specially qualified applicants, i.e., Plans Examiners, to the Land Development Services, Department of Public Works and Environmental Services.

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The Code requires that the Board designate an individual's status under the Expedited Land Development Review Program.

Plans Examiner Status: Candidates for status as Plans Examiners must meet the education and experience requirements contained in Chapter 117. After the review of her application and credentials, the APEB has found that the one candidate listed above satisfies these requirements. This finding was documented in a letter dated February 8, 2012, from the Chairman of the APEB, James H. Scanlon, P.E., L.S., to Chairman Sharon Bulova.

Inactive Status: Chapter 117 requires Plans Examiners to participate in the Board adopted Continuing Education Program. Consonant with the requirements of Section 117-1-3(a), and subject to Board approval, the APEB will recommend designation of inactive status for individuals electing not to pursue the continuing education program. This status designation continues until and if they wish to reactivate their Designated Plans Examiner (DPE) status by completing the continuing education requirements. An inactive status makes these individuals ineligible to participate in the expedited plan process procedure. At the time they are placed in inactive status, individuals are provided with information concerning requirements for reinstatement as an active DPE.

In a letter also dated February 8, 2012, from the Chairman of the APEB, eight individuals were identified that have elected not to pursue the continuing education requirements. The APEB recommends that their status become inactive until and if they wish to reactivate their status as a DPE by completing their continuing education requirements.

Staff concurs with these recommendations as being in accordance with Chapter 117 and the Board-adopted criteria.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:

Attachment I – Two letters dated February 8, 2012, from the Chairman of the APEB to the Chairman of the Board of Supervisors.

STAFF:

Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Michelle Brickner, Director, Land Development Services, DPWES



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CELEBRATING OUR 25TH ANNIVERSARY

February 8, 2012

Hon. Sharon Bulova, Chairman
Fairfax County Board of Supervisors
12000 Government Center Parkway
Fairfax, VA 22035

Dear Chairman Bulova:

The following named individual, was approved by the Advisory Plans Examiner Board for recommendation as Designated Plans Examiners:

Name	Reg. No.
Viktoriya Kurbatova	#295

She has been found to meet the qualifications outlined in Chapter 117-1-2 of the Code of Fairfax County and is in accordance with the criteria adopted by the Fairfax County Board of Supervisors on February 11, 1991.

Sincerely,

James H. Scanlon, P.E., L.S.

Chairman

Fairfax County Advisory Plans Examiner Board

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Land Development Services
Directors Office

(19)

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CELEBRATING OUR 25TH ANNIVERSARY

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- Jeffrey J. Stachel, P.E. L.S.
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- EXECUTIVE DIRECTOR**
 Terrance C. Ryan, PH.D., P.E.

February 8, 2012

Hon. Sharon Bulova, Chairman
 Fairfax County Board of Supervisors
 12000 Government Center Parkway
 Fairfax, VA 22035

Dear Chairman Bulova:

The Board of Supervisors approved the following individuals as Designated Plans Examiners:

<u>Name</u>	<u>Reg. Number</u>
Ipek Aktuglu	#267
Timothy S. Doody	#281 (requested to be inactive)
Charles F. Dunlap	#108 (retired)
David R. Hall	#252
Hiren C. Joshi	#280
Janet S. Leavitt	# 43 (requested to be inactive)
Carol T. Nelson	#244 (retired)
Hugh W. Turner	# 55 (retired)

However, they have elected not to pursue the continuing education requirements at this time. It is recommended that their status become inactive until and if they wish to reactivate their status by completing their continuing education requirements. As such, they would no longer be eligible to participate in the expedited plan process procedure.

Following the Board of Supervisors' approval of this recommendation, each will be notified of his/her status change, as well as the procedure to be followed for reinstatement.

Sincerely,

James H. Scanlon, PE., LS
 Chairman
 Fairfax County Advisory Plans Examiner Board

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Land Development Services
 Directors Office

Board Agenda Item
March 6, 2012

ADMINISTRATIVE – 4

Streets into the Secondary System (Dranesville, Mount Vernon, Providence, Springfield, 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>
Foster Estates - Addition	Dranesville	Windrock Drive (Route 3609)
		Bellview Road (Route 683) (Additional Right-of-Way (ROW) Only)
Lorton Station Boulevard Lorton Town Center Phase I	Mt. Vernon	Lorton Station Boulevard (Route 7768) (Additional ROW Only)
		Lorton Station Boulevard (Route 7768) (Additional ROW Only)
		Lorton Station Boulevard (Route 7768) (Additional ROW Only)
Stream Valley Estates	Mt. Vernon	Paige Glen Avenue (Route 6914)
		Deavers Run Court
		Bienville Court
Edison W. Bunch Jr. Riggs Bank 2964 Chain Bridge Road	Providence	Chain Bridge Road (Route 123) (Additional ROW Only)
		Miller Road (Route 663) (Additional ROW Only)

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<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Marywood Estates	Providence	Sutton Road (Route 701) (Additional ROW Only)
Burke Community Church	Springfield	Old Keene Mill Road (Route 644) (Additional ROW Only)
Headquarters 2, LLC The Ellipse at Westfields	Sully	Lee Road (Route 661) (Additional ROW Only)

TIMING:
Routine.

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

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Street Acceptance Forms

STAFF:
Robert A. Stalzer, Deputy County Executive
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

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

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

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.

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

ENGINEERING MANAGER: Terry Yates, P.E.

FOR OFFICIAL USE ONLY
PLAN NUMBER: 9818-SD-002
SUBDIVISION PLAT NAME: Foster Estates-Addition
COUNTY MAGISTERIAL DISTRICT: Dranesville

BY: *Nadia Ryzhenko*

DATE OF VDOT INSPECTION APPROVAL: 12/14/2011

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Windrock Drive (Route 3609)	Existing Windrock Drive (Route 3609) - 410' NE CL Windy Ridge Way (Route 10206)	681' NE to End of Cul-de-Sac	0.13
Bellview Road (Route 683) (Additional Right-of-Way Only)	515' SE CL Union Church Road (Route 5795)	1,538' SE to Section Line	0.0
NOTES:			
TOTALS:			0.13

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA

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

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.

REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.
 PLAN NUMBER: 3642-SP-04
 SUBDIVISION PLAT NAME: Lorton Station Boulevard - Lorton Town Center Phase I
 COUNTY MAGISTERIAL DISTRICT: Mount Vernon

ENGINEERING MANAGER: Terry Yates, P.E.

FOR OFFICIAL USE ONLY

BY: Nidia Aphonso

DATE OF VDOT INSPECTION APPROVAL: 12/22/2011

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Lorton Station Boulevard (Route 7768) (Additional Right-of-Way Only)	62' NE CL Lorton Road (Route 642) - 252' SW CL Gilmore Drive (Route 991)	50' NW to Section Line	0.0
Lorton Station Boulevard (Route 7768) (Additional Right-of-Way Only)	62' NE CL Lorton Road (Route 642) - 344' SW CL Gilmore Drive (Route 991)	50' NE to Section Line	0.0
Lorton Station Boulevard (Route 7768) (Additional Right-of-Way Only)	2,204' SW CL Pohick Road (Route 638)	914' SW to Section Line	0.0
NOTES:			TOTALS:
Special Pavers Sidewalks on West Side to be maintained by Fairfax County.			0.0
Concrete Sidewalks on West Side to be maintained by VDOT.			
Asphalt Trail on East Side to be maintained by Fairfax County.			
Pavers Crosswalks and Landscape to be privately maintained.			

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ADMINISTRATIVE - 5

Authorization to Advertise Publication of the FY 2013 Budget and Required Tax Rates

ISSUE:

Board authorization to advertise the FY 2013 County budget and the tax rates that are proposed to support the FY 2013 budget. Advertising these rates will not prevent the Board from lowering any advertised tax rate, but higher tax rates could not be imposed without advertising such rates.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a brief synopsis of the FY 2013 Budget and a real estate tax rate for FY 2013 of \$1.09 per \$100 of assessed value. The County Executive's proposed budget is balanced based on a real estate tax rate of \$1.07 per \$100 of assessed value, which maintains the rate at the current real estate tax rate for FY 2012, and the attachments included for advertisement reflect the \$1.07 rate. Advertising a real estate tax rate of \$1.09 per \$100 of assessed value gives the Board of Supervisors an additional revenue option to consider and provides flexibility during their deliberations on the FY 2013 budget. Advertising an increase in the rate does not prevent the Board from lowering any advertised tax rate, but a higher tax rate cannot be imposed without advertising the higher rate.

It should also be noted that the effective tax rate in FY 2013, based on the assessed value of existing property, has increased more than one percent. As required by Virginia Code Section 58.1-3321, a separate advertisement is included. The total increase in assessed value of existing properties is expected to be 2.53 percent. In FY 2013, the assessed value of residential real property is expected to increase by 0.71 percent and non-residential property is expected to increase by 8.21 percent. As the Board will recall, a separate advertisement for the effective tax rate increase was also required in FY 2012.

In addition, the County Executive recommends that the Board authorize advertisement of a public hearing on the Advertised Capital Improvement Program for Fiscal Years 2013-2017 (With Future Fiscal Years to 2022).

Also included in the brief synopsis of the FY 2013 budget advertisement is information as it relates to the Personal Property Tax Relief Act (PPTRA) and the percentage of state "Car Tax" subsidy on qualifying personal property tax levy. On November 21, 2005, as part of Action Item 3, the Board of Supervisors adopted a resolution to implement the state "Car Tax" changes found in the Executive Amendments to the 2004 – 2006 Biennial Budget, specifically state Budget Item 503(E) of the Central

Board Agenda Item
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Appropriations Act, in accordance with the requirements set forth in Virginia Code Sections 58.1-3524(C)(2) and 58.1-3912(E), as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in Item 503(E)(Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly.

Beginning in tax year 2006, the state "Car Tax" subsidy on qualifying vehicles was "capped" to a statewide total of \$950 million. Based on the final report from the state Auditor of Public Accounts, dated February 2006, Fairfax County's share of this \$950 million was fixed at 22.2436 percent, or \$211,313,944.16. The annual subsidy is frozen at this amount and is factored into the FY 2013 Advertised Budget Plan.

Consistent with the November 21, 2005 Board resolution, the state "Car Tax" funding is estimated to provide a 100 percent subsidy of the levy for tax year 2012 for qualifying vehicles valued at \$1,000 or less. Furthermore, the state "Car Tax" funding is estimated to provide a 63 percent subsidy of the tax year 2012 levy for all other qualifying vehicles on the value up to \$20,000.

Please note that the draft tax resolution to be advertised includes the following recommendations regarding rates for FY 2013:

The following rates are not recommended to change:

- Reston Community Center at \$0.047/\$100 assessed value.
- Burgundy Village Community Center at \$0.02/\$100 assessed value.
- Special service district for pest infestations at \$0.0010/\$100 assessed value.
- Leaf Collection Districts at \$0.015/\$100 assessed value.
- Refuse Collection Services assessment at \$345 per household unit.
- Energy Resource Recovery Facility fee at \$29 per ton.
- Route 28 Taxing District Levy at \$0.18/\$100 assessed value.
- Rail to Dulles Phase I Transportation Improvement District Levy at \$0.22/\$100 assessed value.
- Commercial and Industrial Real Estate Tax for Transportation at \$0.11/\$100 assessed value.
- EMS Transport Fee: (1) a service fee of \$400 for Basic Life Support transport (BLS), (2) \$500 for Advanced Life Support, level 1 transport (ALS1), (3) \$675 for Advanced Life Support, level 2 transport (ALS2), and (4) \$10.00 per mile for ground transport mileage.

The following rates are recommended to increase:

- Stormwater Service District Levy from \$0.015/\$100 assessed value to \$0.025/\$100 assessed value.
- Rail to Dulles Phase II Transportation Improvement District Levy from \$0.10/\$100 assessed value to \$0.15/\$100 assessed value in accordance with the petition to create the district as approved by the Board of Supervisors in December 2009.
- I-95 ash disposal fee from \$15.50 per ton to \$17.50 per ton.

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The following rate is recommended to decrease:

- McLean Community Center from \$0.023/\$100 assessed value to \$0.022/\$100 assessed value.

A separate public hearing on the effective tax rate will be held on Tuesday, April 10, 2012 as required by Virginia Code Section 58.1-3321. In addition, public hearings on the FY 2013 budget, the advertised capital improvement plan (CIP) and proposed tax rates for tax year 2012 will be held on April 10-12, 2012.

Please note that a separate item recommending Board authorization to advertise public hearings for sewer rate revision notices was included in the February 28, 2012, Board package. The sewer rate revision notices authorize the increase in the Sewer Service Charge from \$6.01 to \$6.55 per 1,000 gallons of water consumption, to become effective July 1, 2012. In addition, the base charge to sewer billings will increase from \$5.00 per quarter totaling \$20.00 per year to \$5.50 per quarter totaling \$22.00 per year. The Sewer Availability Fee will remain at the current rate of \$7,750 per new home being constructed. These rate increases are consistent with the recommendations of the Department of Public Works and Environmental Services and the analysis included in the January 2012 Wastewater Revenue Sufficiency and Rate Analysis. A separate public hearing on sewer rate revisions will be held on Tuesday, April 10, 2012.

TIMING:

Action must be taken on March 6, 2012 in order to provide adequate time to include the effective tax rate advertisement in the newspaper no later than March 9, 2012 to meet advertising legal requirements and ensure as broad a circulation as possible.

BACKGROUND:

Virginia Code Section 15.2-2506 specifies the time frame within which the advertisements must be published. That section requires the publication of a brief synopsis of the budget at least seven days prior to the date set for public hearing.

Virginia Code Section 58.1-3321 also specifies advertisement requirements for an increase in the real estate tax levy for existing property based on an equalization increase greater than one percent. The assessed value of existing real estate is projected to increase 2.53 percent due to equalization, which exceeds the one-percent threshold for that statute. That section requires the publication of a notice in the paper at least thirty days prior to the date set for the public hearing and a separate public hearing is required to consider the effective tax increase.

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Therefore, this item requests Board authorization to advertise the following items in accordance with the notification requirements listed above.

- A brief synopsis of the FY 2013 Budget , including information as it relates to the impact of the Personal Property Tax Relief Act (PPTRA) on the percentage of state “Car Tax” subsidy on qualifying personal property tax levy
- Proposed Tax Rates for tax year 2012
- The effective tax rate notice required by Virginia Code Section 58.1-3321
- Notice of public hearings on the Advertised Capital Improvement Program for Fiscal Years 2013 - 2017 (With Future Fiscal Years to 2022)

In order to meet these legal requirements and hold to the scheduled public hearing dates, the advertisements must be approved no later than March 6, 2012. This will permit the County to adhere to the following budget schedule:

- Public Hearing on the FY 2013 Effective Tax Rate – April 10, 2012. Please note the Public Hearing on the Effective Tax Rate is separate from the Public Hearings on the Budget. However, citizens may speak on the Effective Tax Rate during the Public Hearings on the FY 2013 Budget.
- Public Hearings on the FY 2013 Budget, the Advertised Capital Improvement Program for Fiscal Years 2013-2017 (With Future Fiscal Years to 2022) and proposed FY 2013 Tax Rates – April 10-12, 2012.
- Public Hearings on the *FY 2012 Third Quarter Review* – April 10-12, 2012.
- FY 2013 Budget Mark-up and Board Adoption of the *FY 2012 Third Quarter Review* - April 24, 2012.
- Board Adoption of Fiscal Plan, Tax Levies, and Appropriation Resolution – May 1, 2012.
- School transfer set (required by May 1 or 30 days after the State approves aid to schools).

In addition, it should be noted that during FY 2013 the allowable asset limits and income limits associated with the Real Estate Tax Relief Program for the Elderly and Disabled are maintained at the FY 2012 level. In FY 2013, the income limits of the Tax Relief program provide 100 percent exemption for elderly and disabled taxpayers with incomes up to \$52,000; 50 percent exemption for eligible applicants with income between \$52,001 and \$62,000; and 25 percent exemption if income is between \$62,001 and \$72,000. The allowable asset limit in FY 2013 is \$340,000 for all ranges of tax relief and that limit does not include the value of the residence of the applicant and one acre of land on which the residence is located. In addition, veterans who have a 100

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percent and total disability related to military service, or their surviving spouse, are eligible for full Real Estate Tax relief regardless of income and assets.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I - Brief Synopsis of the FY 2013 Budget

Attachment II - Draft Resolution Adopting Fairfax County Tax Rates for FY 2013

Attachment III - Notice of a Proposed Tax Increase for FY 2013

STAFF:

Anthony H. Griffin, County Executive

Susan W. Datta, Chief Financial Officer

Kevin C. Greenlief, Director, Department of Tax Administration

Michael Long, Deputy County Attorney

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**COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX**

In accordance with Virginia law, notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will meet in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on April 10 at 6:00 P.M. and April 11 and April 12 at 3:00 P.M. The purpose of these meetings shall be to consider the adoption of a FY 2013 County Budget and to consider such tax rate changes as described therein. A brief synopsis of the FY 2013 Advertised Budget Plan is shown below. Citizens may appear and be heard for and against the following estimates of revenues, expenditures, transfers and surpluses as contained in the FY 2013 Advertised Budget Plan and proposed tax rate changes. Fiscal Year 2013 begins on July 1, 2012 and ends on June 30, 2013.

At the same time, the Board of Supervisors will hear public testimony regarding proposed adoption of the Advertised Capital Improvement Program for Fiscal Years 2013-2017 (With Future Fiscal Years to 2022).

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

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

Copies of the FY 2013 Advertised Budget Plan are available at all Fairfax County Public Libraries, on the Internet at <http://www.fairfaxcounty.gov/dmb> and at the Office of the Clerk to the Board of Supervisors at 12000 Government Center Parkway, Suite 533, Fairfax, Virginia. Copies of the FY 2013 Advertised Budget Plan and the Advertised Capital Improvement Program for Fiscal Years 2013-2017 (With Future Fiscal Years to 2022) are available on compact disc (CD) in the Department of Management and Budget, 12000 Government Center Parkway, Suite 561, Fairfax, Virginia.

#	FUND	EXPENDITURES	TRANSFERS OUT	TOTAL EXPENDITURES & TRANSFERS OUT	TAX REQUIRED				OTHER RESOURCES			APPROPRIATED FROM/(ADDED TO) SURPLUS	
					AMOUNT	2013 RATE	2012 RATE	2011 RATE	STATE AID	FEDERAL AID	OTHER RECEIPTS		TRANSFERS IN
GOVERNMENTAL FUNDS													
General Fund													
001	General Fund ¹	\$1,287,088,407	\$2,234,260,167	\$3,521,348,574	\$2,447,905,010	1.07 a	1.07 a	1.09 a	\$305,581,391 c	\$34,270,839	\$671,684,189	\$4,270,457	\$57,636,688
002	Revenue Stabilization Fund	0	0	0	0	4.57 b	4.57 b	4.57 b	0	0	997,603	0	(997,603)
	Total General Fund Group	\$1,287,088,407	\$2,234,260,167	\$3,521,348,574	\$2,447,905,010				\$305,581,391	\$34,270,839	\$672,681,792	\$4,270,457	\$56,639,085
Special Revenue Funds													
090	Public School Operating ²	\$2,353,308,729	\$31,319,435	\$2,384,628,164	\$0				\$500,929,069	\$41,367,235	\$55,717,962	\$1,683,322,285	\$103,291,613 d
100	County Transit Systems	99,781,260	0	99,781,260	0				0	0	29,392,195	65,553,911	4,835,154
102	Federal/State Grant Fund	86,811,968	0	86,811,968	0				21,933,141	57,688,741	2,562,357	4,627,729	0
103	Aging Grants and Programs	0	0	0	0				0	0	0	0	0
104	Information Technology	8,841,579	0	8,841,579	0				0	0	300,000	8,541,579	0
105	Cable Communications	10,469,160	17,583,929	28,053,089	0				0	0	24,827,920	0	3,225,169
106	FFX-Falls Church Comm Svcs Board	141,359,619	0	141,359,619	0				12,871,445	4,245,895	25,081,061	99,161,218	0
108	Leaf Collection	2,546,035	0	2,546,035	0	0.015 e	0.015 e	0.015 e	0	0	2,124,762	0	421,273
109	Refuse Collection	21,963,179	0	21,963,179	0	345 f	345 f	345 f	0	0	21,071,810	0	891,369
110	Refuse Disposal	53,462,576	0	53,462,576	0	60 g	60 g	60 g	0	0	50,253,752 h	0	3,208,824
111	Reston Community Center	8,277,726	0	8,277,726	5,958,186	0.047 i	0.047 i	0.047 i	0	0	1,052,946	0	1,266,594
112	Energy Resource Recovery Facility	19,660,223	0	19,660,223	0	29 j	29 j	29 j	0	0	31,893,600	0	(12,233,377)
113	McLean Community Center	6,070,810	0	6,070,810	3,718,108	0.022 l	0.023 l	0.024 l	0	0	1,320,930	0	1,031,772
114	I-95 Refuse Disposal	9,869,255	0	9,869,255	0	17.50 k	15.50 k	13.50 k	0	0	8,003,548	0	1,865,707
115	Burgundy Village Community Center	44,791	0	44,791	23,775	0.02 l	0.02 l	0.02 l	0	0	25,345	0	(4,329)
116	Integrated Pest Management Program	3,069,083	0	3,069,083	1,782,817	0.001 m	0.001 m	0.001 m	0	0	10,600	0	1,275,666
118	Consolidated Community Funding Pool	9,419,221	0	9,419,221	0				0	0	0	9,419,221	0
119	Contributory Fund	15,623,588	0	15,623,588	0				0	0	0	15,573,588	50,000
120	E-911 Fund	38,539,515	0	38,539,515	0				4,000,000	0	17,751,524	14,664,865	2,123,126
121	Dulles Rail Phase I Transportation Improvement District	52,066,583	0	52,066,583	24,221,727	0.22 n	0.22 n	0.22 n	0	0	195,000	0	27,649,856
122	Dulles Rail Phase II Transportation Improvement District	500,000	0	500,000	11,049,068	0.15 o	0.10 o	0.05 o	0	0	13,104	0	(10,562,172)
124	County & Regional Transportation Projects	17,734,014	26,701,986	44,436,000	44,436,000	0.11 p	0.11 p	0.11 p	0	0	0	0	0
125	Stormwater Services	49,750,000	0	49,750,000	49,750,000	0.025 q	0.015 q	0.015 q	0	0	0	0	0
141	Elderly Housing Programs	4,206,682	0	4,206,682	0				0	0	2,299,568	2,030,905	(123,791)
142	Community Development Block Grant	5,418,429	0	5,418,429	0				0	5,418,429	0	0	0
143	Homeowner and Business Loan Prgrms	3,910,249	0	3,910,249	0				0	0	3,910,249	0	0
144	Housing Trust Fund	451,361	0	451,361	0				0	0	451,361	0	0
145	HOME Investment Partnership Grant	2,383,767	0	2,383,767	0				0	2,383,767	0	0	0
191	School Food & Nutrition	92,574,259	0	92,574,259	0				836,574	27,929,822	46,824,379	0	16,983,484 r
192	School Grants & Self Supporting	68,289,788	0	68,289,788	0				10,058,302	32,695,982	2,173,891	24,525,161	(1,163,548) s
193	School Adult & Community Education	10,840,709	0	10,840,709	0				685,243	662,139	9,007,056	400,000	86,271 t
	Total Special Revenue Funds	\$3,197,244,158	\$75,605,350	\$3,272,849,508	\$140,939,681				\$551,313,774	\$172,392,010	\$336,264,920	\$1,927,820,462	\$144,118,661
Debt Service Funds													
200/201	Consolidated Debt Service	\$289,824,864	\$0	\$289,824,864	\$0				\$0	\$0	\$380,000	\$289,444,864	\$0
	Total Debt Service Funds	\$289,824,864	\$0	\$289,824,864	\$0				\$0	\$0	\$380,000	\$289,444,864	\$0
Capital Project Funds													
300	Countywide Roadway Improvements	\$0	\$0	\$0	\$0				\$0	\$0	\$0	\$0	\$0
301	Contributed Roadway Improvements	0	110,000	110,000	0				0	0	110,000	0	0
302	Library Construction	0	0	0	0				0	0	0	0	0
303	County Construction	20,537,806	0	20,537,806	0				0	0	5,400,000	15,137,806	0
304	Transportation Improvements	0	0	0	0				0	0	0	0	0
306	No VA Regional Park Authority	0	0	0	0				0	0	0	0	0
307	Pedestrian Walkway Improvements	300,000	0	300,000	0				0	0	0	300,000	0
309	Metro Operations & Construction	30,943,110	2,304,186	33,247,296	0				0	0	21,839,000	11,408,296	0

¹ Personal Property taxes of \$211,313,944 that are reimbursed by the Commonwealth as a result of the Personal Property Tax Relief Act of 1998 are included in the Revenue from the Commonwealth category in accordance with guidelines from the State Auditor of Public Accounts.

² The proposed County General Fund transfer for school operations in FY 2013 totals \$1,683,322,285, which reflects an increase of \$72,487,563, or 4.5 percent, from the FY 2012 Adopted Budget Plan level. It should be noted that the actual transfer request approved by the School Board on February 9, 2012 reflects a General Fund transfer of \$1,746,669,819, an increase of \$135,835,097, or 8.4 percent, over the FY 2012 Adopted Budget Plan. The advertisement expenditure total for School Operating reflects the level that is supportable by the proposed General Fund transfer.

#	FUND	EXPENDITURES	TRANSFERS OUT	TOTAL EXPENDITURES & TRANSFERS OUT	TAX REQUIRED			OTHER RESOURCES			APPROPRIATED FROM/(ADDED TO) SURPLUS					
					AMOUNT	2013 RATE	2012 RATE	2011 RATE	STATE AID	FEDERAL AID		OTHER RECEIPTS	TRANSFERS IN			
311	County Bond Construction	0	0	0	0				0	0	0	0				
312	Public Safety Construction	0	0	0	0				0	0	0	0				
314	Neighborhood Improvement Program	0	0	0	0				0	0	0	0				
315	Commercial Revitalization	0	0	0	0				0	0	0	0				
316	Pro Rata Share Drainage Construction	0	0	0	0				0	0	0	0				
317	Capital Renewal Construction	15,285,000	0	15,285,000	0				0	0	15,000,000	285,000	0			
318	Stormwater Management Program	0	0	0	0				0	0	0	0	0			
319	The Penny for Affordable Housing Fund	15,443,400	0	15,443,400	9,975,000	u			0	0	5,468,400	0	0			
340	Housing Assistance Program	515,000	0	515,000	0				0	0	0	515,000	0			
370	Park Authority Bond Construction	0	0	0	0				0	0	0	0	0			
390	School Construction	163,072,120	0	163,072,120	0				0	0	155,306,000	7,766,120	0			
	Total Capital Project Funds	\$246,096,436	\$2,414,186	\$248,510,622	\$9,975,000				\$0	\$0	\$203,123,400	\$35,412,222	\$0			
	TOTAL GOVERNMENTAL FUNDS	\$5,020,253,865	\$2,312,279,703	\$7,332,533,568	\$2,598,819,691				\$856,895,165	\$206,662,849	\$1,212,450,112	\$2,256,948,005	\$200,757,746			
PROPRIETARY FUNDS																
Enterprise Funds																
400	Sewer Revenue	\$0	\$171,750,000	\$171,750,000	\$0	6.55	v	6.01	v	5.27	v	\$0	\$0	\$184,591,364	\$0	(\$12,841,364)
401	Sewer Operation and Maintenance	93,687,778	0	93,687,778	0	7.750	w	7.750	w	7.750	w	0	0	0	93,750,000	(62,222)
402	Sewer Construction Improvements	30,000,000	0	30,000,000	0	5.50	x	5.00	x	5.00	x	0	0	0	30,000,000	0
403	Sewer Bond Parity Debt Service	23,549,186	0	23,549,186	0							0	0	0	21,000,000	2,549,186
406	Sewer Bond Debt Reserve	0	0	0	0							0	0	0	0	0
407	Sewer Bond Subordinate Debt	26,756,645	0	26,756,645	0							0	0	0	27,000,000	(243,355)
408	Sewer Bond Construction	0	0	0	0							0	0	400,000	0	(400,000)
	Total Enterprise Funds	\$173,993,609	\$171,750,000	\$345,743,609	\$0				\$0	\$0	\$184,991,364	\$171,750,000	(\$10,997,755)			
Internal Service Funds																
501	County Insurance Fund	\$22,523,548	\$0	\$22,523,548	0				\$0	\$0	895,859	21,017,317	610,372			
503	Department of Vehicle Services	80,538,514	0	80,538,514	0				0	0	74,089,330	0	6,449,184			
504	Document Services Division	6,084,209	0	6,084,209	0				0	0	3,389,107	2,398,233	296,869			
505	Technology Infrastructure Services	34,052,702	0	34,052,702	0				0	0	27,725,734	4,620,303	1,706,665			
506	Health Benefits Fund	148,713,403	0	148,713,403	0				0	0	149,790,703	0	(1,077,300)			
590	School Insurance Fund	16,577,166	0	16,577,166	0				0	0	14,081,339	0	2,495,827			
591	School Health and Flexible Benefits	366,325,831	0	366,325,831	0				0	3,254,730	314,811,824	0	48,259,277			
592	School Central Procurement	6,500,000	0	6,500,000	0				0	0	6,500,000	0	0			
	Total Internal Service Funds	\$681,315,373	\$0	\$681,315,373	\$0				\$0	\$3,254,730	\$591,283,896	\$28,035,853	\$58,740,894			
	TOTAL PROPRIETARY FUNDS	\$855,308,982	\$171,750,000	\$1,027,058,982	\$0				\$0	\$3,254,730	\$776,275,260	\$199,785,853	\$47,743,139			
FIDUCIARY FUNDS																
Trust Funds																
600	Uniformed Employees' Retirement	\$90,429,197	\$0	\$90,429,197	\$0				\$0	\$0	\$158,254,115	\$0	(\$67,824,918)			
601	Fairfax County Employees' Retirement	248,781,882	0	248,781,882	0				0	0	378,863,125	0	(130,081,243)			
602	Police Retirement	65,905,261	0	65,905,261	0				0	0	124,634,407	0	(58,729,146)			
603	OPEB Trust Fund	7,625,991	0	7,625,991	0				0	1,300,000	4,243,233	28,000,000	(25,917,242)			
691	Educational Employees' Retirement	190,645,039	0	190,645,039	0				0	0	343,065,199	0	(152,420,160)			
692	Public School OPEB Trust Fund	37,335,500	0	37,335,500	0				0	0	52,255,000	0	(14,919,500)			
	Total Trust Funds	\$640,722,870	\$0	\$640,722,870	\$0				\$0	\$1,300,000	\$1,061,315,079	\$28,000,000	(\$449,892,209)			
Agency Funds																
700	Route 28 Taxing District	\$10,578,633	\$0	\$10,578,633	\$9,578,633	0.18	aa	0.18	aa	0.18	aa	\$0	\$0	\$1,000,000	\$0	\$0
716	Mosaic District Community Development Authority	1,492,499	0	1,492,499	1,492,499				0	0	0	0	0	0	0	0
	Total Agency Funds	\$12,071,132	\$0	\$12,071,132	\$11,071,132				\$0	\$0	\$1,000,000	\$0	\$0			
	TOTAL FIDUCIARY FUNDS	\$652,794,002	\$0	\$652,794,002	\$11,071,132				\$0	\$1,300,000	\$1,062,315,079	\$28,000,000	(\$449,892,209)			
	TOTAL ALL FUNDS	\$6,528,356,849	\$2,484,029,703	\$9,012,386,552	\$2,609,890,823				\$856,895,165	\$211,217,579	\$3,051,040,451	\$2,484,733,858	(\$201,391,324)			

FOOTNOTES

	Revenue Amount	Tax Required		
		2013 Rate	2012 Rate	2011 Rate
OTHER REAL ESTATE & PERSONAL PROPERTY TAX RATES				
<u>PUBLIC SERVICE CORPORATIONS</u>				
Equalized a	\$37,081,588	1.07	1.07	1.09
Vehicles b	409,481	4.57	4.57	4.57
<u>OTHER</u>				
Mining and Manufacturing Machinery and Tools (General Fund Revenue) b	3,410,768	4.57	4.57	4.57
Research and Development (General Fund Revenue) b	452,155	4.57	4.57	4.57
Antique Automobiles b	-	0.01	0.01	0.01
Mobile Homes a	210,617	1.07	1.07	1.09
Van Pools-Privately Owned Vans b	-	0.01	0.01	0.01
Motor Vehicles Owned by Members of a Volunteer Rescue Squad or Volunteer Fire Department b	-	0.01	0.01	0.01
Motor Vehicles Owned by Members of the Auxiliary Police b	-	0.01	0.01	0.01
Motor Vehicles Owned by Members of the Auxiliary Deputy Sheriff b	-	0.01	0.01	0.01
Homeowners Associations Furniture, office equipment and maintenance equipment b	-	0.01	0.01	0.01
Aircraft and Flight Simulators b	-	0.01	0.01	0.01
Motor Vehicles Specially Equipped to Provide Transportation to Physically Handicapped Individuals b	-	0.01	0.01	0.01
Boats b	-	0.01	0.01	0.01
Motor Vehicles Owned by Disabled Veterans b	-	0.01	0.01	4.57
Motor Vehicles Owned by Certain Qualifying Elderly and Disabled Individuals b	-	0.01	0.01	0.01
Special Service District for Pest Infestations m	1,782,817	0.001	0.001	0.001

- a. Real Estate Tax Rate per \$100 of assessed value. **It should be noted that the FY 2013 Advertised Budget Plan was developed assuming a tax rate of \$1.07 per \$100 of assessed value. Because of residential assessments, the real estate tax bill for the typical residential homeowner would increase by \$34 in FY 2013 with a real estate tax rate of \$1.07 per \$100 of assessed value. Advertising an increase in the rate does not prevent the Board from lowering any advertised tax rate, but a higher tax rate cannot be imposed without advertising the higher rate.**
- b. Personal Property Tax Rate per \$100 of assessed value (excluding household furnishings). Tax collection, as a percentage of total taxes levied are estimates as follows:
 - 001 General Fund - Real Estate, 99.64 percent; Personal Property, 97.78 percent
 - Sanitary District - Refuse Assessments, 100 percent.
- c. Percentage of state "Car Tax" subsidy on qualifying personal property tax levy. On November 21, 2005, as part of Action Item 3, the Board of Supervisors adopted a resolution to implement the state "Car Tax" changes found in the Executive Amendments to the 2004 – 2006 Biennial Budget, specifically state Budget Item 503(E) of the Central Appropriations Act, in accordance with the requirements set forth in Virginia Code §§ 58.1-3524(C)(2) and 58.1-3912(E), as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in Item 503(E)(Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly.

Beginning in tax year 2006, the state "Car Tax" subsidy on qualifying vehicles was "capped" to a statewide total of \$950 million. Based on the final report from the state Auditor of Public Accounts, dated February 2006, Fairfax County's share of this \$950 million was fixed at 22.2436%, or \$211,313,944.16. The annual subsidy is frozen at this amount and is factored into the FY 2013 Advertised Budget Plan.

Consistent with the November 21, 2005, Board resolution, the state "Car Tax" funding is estimated to provide a 100% subsidy of the levy for tax year 2012 for qualifying vehicles valued at \$1,000 or less. Furthermore, the state "Car Tax" funding is estimated to provide a 63% subsidy of the tax year 2012 levy for all other qualifying vehicles on the value up to \$20,000.

- d. Fund 090, Public School Operating, assumption of \$600,000 as a transfer from Fund 105, Cable Communications. Fund 105 reflects this funding as a transfer to Fund 192, Public School Grants and Self-Supporting.
- e. Leaf Collection rate per \$100 of assessed value. (See districts listed below)

Leaf Collection:

- | | |
|---------------------------------|--------------------------------|
| Small District 2 Braddock | Local District 1A Mason |
| Local District 1A11 Dranesville | Small District 2 Mason |
| Local District 1A21 Dranesville | Small District 4 Mason |
| Local District 1A22 Dranesville | Local District 7A Mason |
| Local District 1A61 Dranesville | Small District 9 Mason |
| Local District 1B1 Dranesville | Small District 10 Mason |
| Local District 1E Dranesville | Local District 1A Mount Vernon |
| Small District 3 Dranesville | Local District 1B Mount Vernon |
| Small District 7 Dranesville | Local District 1C Mount Vernon |
| Small District 8 Dranesville | Local District 1D Mount Vernon |
| Small District 10 Dranesville | Local District 1E Mount Vernon |
| Small District 12 Dranesville | Small District 1 Providence |
| Small District 15 Dranesville | Small District 2 Providence |
| Local District 1B Lee | Small District 4 Providence |
| Local District 1C Lee | Small District 6 Providence |
| Local District 1D Lee | Small District 7 Providence |
| Local District 1E Lee | Small District 8 Providence |
| Small District 1 Mason | |

ATTACHMENT I

- f. Refuse Collection assessment - the base annual charge for refuse collection service to be added to the regular real estate tax bill. (See districts listed below)

Refuse Service:

Small District 2 Braddock	Small District 4 Lee
Small District 3 Braddock	Small District 1 Mason
Local District 5A Hunter Mill	Local District 1A Mason
Small District 2 Hunter Mill	Local District 1B Mason
Small District 3 Hunter Mill	Local District 1C Mason
Local District 1A1 Dranesville	Local District 1D Mason
Local District 1A2 Dranesville	Local District 1F Mason
Local District 1A3 Dranesville	Small District 2 Mason
Local District 1A4 Dranesville	Small District 3 Mason
Local District 1A5 Dranesville	Small District 4 Mason
Local District 1A6 Dranesville	Small District 5 Mason
Local District 1A8 Dranesville	Small District 6 Mason
Local District 1A9 Dranesville	Small District 7 Mason
Local District 1A11 Dranesville	Small District 8 Mason
Local District 1A12 Dranesville	Local District 7A Mason
Local District 1A21 Dranesville	Small District 9 Mason
Local District 1A22 Dranesville	Small District 10 Mason
Local District 1A61 Dranesville	Small District 11 Mason
Local District 1B Dranesville	Small District 1 Mount Vernon
Local District 1B1 Dranesville	Local District 1A Mount Vernon
Local District 1B2 Dranesville	Local District 1B Mount Vernon
Local District 1E Dranesville	Local District 1C Mount Vernon
Small District 3 Dranesville	Local District 1D Mount Vernon
Small District 4 Dranesville	Local District 1E Mount Vernon
Small District 6 Dranesville	Small District 2 Mount Vernon
Small District 7 Dranesville	Local District 2A Mount Vernon
Small District 8 Dranesville	Local District 2B Mount Vernon
Small District 9 Dranesville	Small District 1 Providence
Small District 10 Dranesville	Local District 1A Providence
Small District 11 Dranesville	Local District 1B Providence
Small District 12 Dranesville	Small District 3 Providence
Small District 13 Dranesville	Small District 4 Providence
Small District 14 Dranesville	Small District 6 Providence
Small District 15 Dranesville	Small District 7 Providence
Small District 1 Lee	Small District 8 Providence
Local District 1A Lee	Small District 9 Providence
Local District 1B Lee	Small District 11 Providence
Local District 1C Lee	Small District 12 Providence
Local District 1D Lee	Small District 13 Providence
Local District 1E Lee	Small District 4 Springfield
Small District 2 Lee	Small District 6 Springfield
Small District 3 Lee	

- g. Per ton refuse disposal fee charged to County refuse collectors, other jurisdictions, and private haulers.

- h. User fee charged at the Recycling and Disposal Center. Information regarding the schedule of fees is available from the Department of Public Works and Environmental Services (DPWES) Division of Solid Waste Disposal and Resource Recovery at 12000 Government Center Parkway, Suite 458, Fairfax, Virginia, 22035 or online at www.fairfaxcounty.gov/dpwes. Residents who use the Recycling and Disposal Center are charged for disposal of waste based on weight and category of waste. There are different fees for disposal of brush, yard waste, white goods, tires and other materials.
- i. Operating costs and debt service - Community Center. Tax Rate per \$100 of assessed value.
- j. Per ton tipping fee charged to the County for the incineration of refuse and the disposal of ash generated from the process.
- k. Per ton ash disposal fee charged to the County and participating jurisdictions.
- l. Utilities and other operating costs - Community Center. Tax Rate per \$100 of assessed value.
- m. Additional special tax levy of real estate within Fairfax County, but exclusive of the Lake Barcroft Water Improvement District to control infestations of pests. Tax Rate per \$100 of assessed value.
- n. Additional tax assessment per \$100 of assessed value for commercial and industrial property for the Phase I Dulles Rail Transportation Improvement District.
- o. Additional tax assessment per \$100 of assessed value for commercial and industrial property for the Phase II Dulles Rail Transportation Improvement District.
- p. Additional tax assessment per \$100 of assessed value for commercial and industrial property in the County to support transportation.
- q. Additional special tax levy of real estate to support operating and construction requirements for the stormwater management program. Tax Rate per \$100 of assessed value.
- r. Fund 191, School Food & Nutrition Services, assumption of carryover of General Reserve of \$16,983,484 from FY 2012 to FY 2013.
- s. Fund 192, School Grants & Self-Supporting Programs, assumption of available balance of \$686,953 to balance the FY 2013 budget. Additionally, does not reflect (\$600,000) as a transfer from Fund 105, Cable Communications, and does not reflect a reduction in balance of (\$1,250,501) from an anticipated increase in FY 2013 expenditures as a result of the reconciliation of the transfer in from Fund 105 and the transfer assumed in the School Board's Advertised Budget Plan.
- t. Fund 193, School Adult and Community Education, assumption of available balance of \$86,271 to balance the FY 2013 budget.
- u. Real Estate revenue reflected in Fund 319, The Penny for Affordable Housing Fund, reflects the Board of Supervisors policy to allocate the approximate value of one penny on the real estate tax rate to this program. It should be noted that the FY 2013 Advertised Budget Plan includes the allocation of one-half penny on the real estate tax rate to this fund.
- v. Sewer service rate per 1,000 gallons of water.
- w. Sewer availability fee for single family homes.
- x. Sewer Service per bill Base Charge.
- y. Fund 403, Sewer Bond Debt Service, fund balance adjustment for non-appropriated amortization expense of (\$25,000) is anticipated to be carried forward from FY 2012 to FY 2013.

- z. Fund 591, School Health & Flexible Benefits, assumes carryover of claims stabilization reserve of \$48,259,277 from FY 2012 to FY 2013.
- aa. Additional tax assessment per \$100 of assessed value for road improvements to State Route 28.

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, May 1, 2012, at which a quorum was present and voting, the following resolution was adopted:

**RESOLUTION ADOPTING TAX RATES
FOR FAIRFAX COUNTY**

FISCAL YEAR 2013

BE IT RESOLVED that, pursuant to the provisions of Virginia Code § 58.1-3001, and after having first complied with the provisions of the Virginia Code §§ 15.2-2506 and 58.1-3321, the Board does hereby establish the tax levies for the fiscal budget year beginning July 1, 2012, and ending June 30, 2013, and calendar tax year beginning January 1, 2012 and ending December 31, 2012, as follows to wit:

COUNTY LEVIES

General provisions. The County property taxes are levied on each \$100.00 of assessed valuation of real estate and tangible personal property, excluding household furnishings, and including machinery and tools of mining, manufacturing, radio or television broadcasting, dairy, dry cleaning or laundry firms, and all personal property of research and development firms, in the County, including such property within the incorporated towns that are within the County. Except as otherwise stated herein, all such taxes are imposed generally pursuant with Virginia law on all taxable property throughout the County, including the incorporated towns therein, and the revenues derived from such levies shall be appropriated by the Board of Supervisors in accordance with Virginia law.

Real Estate*

On each \$100.00 of the assessed valuation of real estate and improvements on real estate in the County the tax rate shall be \$1.07

*Tax will be levied and collected in two semi-annual tax billings.

Commercial and Industrial Real Estate Tax for Transportation*

On each \$100.00 of assessed valuation of the taxable commercial and industrial real estate in the County the tax rate in support of transportation shall be an additional..... \$0.11

*Tax will be levied and collected in two semi-annual tax billings.

Personal Property

On each \$100.00 of assessed valuation of tangible personal property, including all property separately classified by Virginia Code § 58.1-3503, the tax rate shall be \$4.57

Except for the following:

Mobile Homes

On each \$100.00 of assessed valuation of mobile homes, as separately classified by Virginia Code § 58.1-3506(A)(10), the tax rate shall be \$1.07

Machinery and Tools

On each \$100.00 of assessed valuation of machinery and tools, as separately classified by Virginia Code § 58.1-3507, the tax rate shall be \$4.57

Research and Development

On each \$100.00 of assessed valuation of tangible personal property used or employed in a research and development business, as separately classified by Virginia Code § 58.1-3506(A)(7), the tax rate shall be \$4.57

Certain Personal Property of Homeowner Associations

On each \$100.00 of assessed valuation of furniture, office, and maintenance equipment, exclusive of motor vehicles, which are owned and used by an organization whose real property is assessed in accordance with Virginia Code § 58.1-3284.1 and which is used by that organization for the purpose of maintaining or using the open or common space within a residential development as classified by Virginia Code § 58.1-3506(A)(24), the tax rate shall be \$0.01

Van Pools - Privately Owned Vans

On each \$100.00 of assessed valuation of privately owned vans, as separately classified by Virginia Code § 58.1-3506(A)(13), the tax rate shall be \$0.01

Privately owned vans means vans with a seating capacity of seven to fifteen persons used exclusively pursuant to a ridesharing agreement as defined in Virginia Code § 46.2-1400, and which have been certified as such by the Director of the Department of Tax Administration.

Motor Vehicles Owned by Members of a
Volunteer Rescue Squad or Volunteer Fire Department

On each \$100.00 of assessed valuation of motor vehicles as separately classified by Virginia Code § 58.1-3506(A)(15), the tax rate shall be \$0.01

Motor vehicles as classified by Virginia Code § 58.1-3506 (A) (15), shall be defined to mean one motor vehicle owned or leased by each member of a volunteer rescue squad or volunteer fire department which is regularly used by such members to respond to emergency calls and certified as such by the Chief or Head of the Volunteer Organization and the Department of Tax Administration.

Motor Vehicles Specially Equipped to Provide
Transportation for Physically Handicapped Individuals

On each \$100.00 of assessed valuation of motor vehicles as separately classified by Virginia Code § 58.1-3506(A)(14), the tax rate shall be..... \$0.01

Specially equipped means any vehicle which has been modified specifically for the purpose of transporting physically handicapped individuals and the vehicle is certified as such by the Director of the Department of Tax Administration.

Motor Vehicles Owned
By Certain Qualifying Elderly and Disabled Individuals

On each \$100.00 of assessed valuation of certain motor vehicles as classified by Virginia Code § 58.1-3506.1, the tax rate shall be \$0.01

Applies to one motor vehicle owned and used by certain elderly and disabled persons who qualify on the basis of income and net worth.

Motor Vehicles Owned
By Persons Who Have Been Appointed to Serve as Auxiliary Police Officers

On each \$100.00 of assessed valuation of motor vehicles as classified by Virginia Code § 58.1-3506(A)(20), the tax rate shall be \$0.01

Motor vehicles as classified by Virginia Code § 58.1-3506 (A) (20), shall be defined to mean one motor vehicle owned or leased by an Auxiliary Police Officer to respond to auxiliary police duties, subject to certification as required by the provisions of the authorizing statute.

Motor Vehicles Owned
By Persons Who Have Been Appointed to Serve as Auxiliary Deputy Sheriffs

On each \$100.00 of assessed valuation of motor vehicles as classified by Virginia Code § 58.1-3506 (A)(32), the tax rate shall be \$0.01

Motor vehicles as classified by Virginia Code § 58.1-3506 (A)(32), shall be defined to mean one motor vehicle owned or leased by an Auxiliary Deputy Sheriff to respond to auxiliary deputy sheriff duties, subject to certification as required by the provisions of the authorizing statute.

Aircraft and Flight Simulators

On each \$100.00 of assessed valuation of aircraft and flight simulators, as classified by Virginia Code § 58.1-3506(A)(2), (3), (4) and (5) the tax rate shall be \$0.01

Antique Motor Vehicles

On each \$100.00 of assessed valuation of antique motor vehicles, as separately classified by Virginia Code § 58.1-3506(A)(6), the tax rate shall be \$0.01

Antique motor vehicles or antique automobiles means every motor vehicle which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than twenty-five years ago and is owned solely as a collector's item.

Boats

On each \$100.00 of assessed valuation of boats and watercraft, as classified by Virginia Code § 58.1-3506(A)(1), (12), (28), (29), (35) and (36) the tax rate shall be \$0.01

Motor Vehicles Owned By Qualified Disabled Veterans

On each \$100.00 of assessed valuation of motor vehicles, as classified by Virginia Code § 58.1-3506(A)(19), the tax rate shall be \$0.01

Motor vehicles as classified by Virginia Code § 58.1-3506(A)(19) shall be defined to mean one motor vehicle owned and regularly used by qualified disabled veterans, subject to certification as required by the provisions of the authorizing statute.

SANITARY DISTRICT LEVIES*

Local District 1A Lee

(Burgundy Village Community Center)

On each \$100.00 of assessed valuation of real estate within the boundary of Local District 1A Lee in the County, the tax rate shall be \$0.02

Small District 1 Dranesville

(McLean Community Center)

On each \$100.00 of assessed valuation of real estate within the boundary of Small District 1 Dranesville in the County, the tax rate shall be \$0.022

Small District 5 Hunter Mill

(Reston Community Center)

On each \$100.00 of assessed valuation of real estate within the boundary of Small District 5 Hunter Mill in the County, the tax rate shall be \$0.047

*Tax will be levied and collected in two semi-annual tax billings.

Leaf Collection:

Small District 2 Braddock
Local District 1A11 Dranesville
Local District 1A21 Dranesville
Local District 1A22 Dranesville
Local District 1A61 Dranesville
Local District 1B1 Dranesville
Local District 1E Dranesville
Small District 3 Dranesville
Small District 7 Dranesville
Small District 8 Dranesville
Small District 10 Dranesville
Small District 12 Dranesville
Small District 15 Dranesville
Local District 1B Lee

Local District 1C Lee
Local District 1D Lee
Local District 1E Lee
Small District 1 Mason
Local District 1A Mason
Small District 2 Mason
Small District 4 Mason
Local District 7A Mason
Small District 9 Mason
Small District 10 Mason
Local District 1A Mount Vernon
Local District 1B Mount Vernon
Local District 1C Mount Vernon
Local District 1D Mount Vernon

DRAFT
Resolution Adopting Tax Rates for Fairfax County
Fiscal Year 2013

ATTACHMENT II

Leaf Collection (continued):
Local District 1E Mount Vernon
Small District 1 Providence
Small District 2 Providence

Small District 4 Providence
Small District 6 Providence
Small District 7 Providence
Small District 8 Providence

On each \$100.00 of assessed valuation of real estate within the boundaries of the above-
numerated Districts in the County, the tax rate shall be \$0.015

On any real estate which is deleted from a sanitary district effective July 1, 2012, as a result of
the contraction of such sanitary district, such real estate will be entitled to pro rata abatement from the
amount of the annual charge hereby established for leaf collection.

On any real estate, which is added to a sanitary district effective July 1, 2012, as a result of either
the creation or the enlargement of a sanitary district, such real estate will be charged a pro rata fee for the
annual charge hereby established for leaf collection.

Refuse Service:

Small District 2 Braddock
Small District 3 Braddock
Local District 5A Hunter Mill
Small District 2 Hunter Mill
Small District 3 Hunter Mill
Local District 1A1 Dranesville
Local District 1A2 Dranesville
Local District 1A3 Dranesville
Local District 1A4 Dranesville
Local District 1A5 Dranesville
Local District 1A6 Dranesville
Local District 1A8 Dranesville
Local District 1A9 Dranesville
Local District 1A11 Dranesville
Local District 1A12 Dranesville
Local District 1A21 Dranesville
Local District 1A22 Dranesville
Local District 1A61 Dranesville
Local District 1B Dranesville
Local District 1B1 Dranesville
Local District 1B2 Dranesville
Local District 1E Dranesville
Small District 3 Dranesville
Small District 4 Dranesville
Small District 6 Dranesville
Small District 7 Dranesville
Small District 8 Dranesville
Small District 9 Dranesville
Small District 10 Dranesville
Small District 11 Dranesville
Small District 12 Dranesville
Small District 13 Dranesville
Small District 14 Dranesville
Small District 15 Dranesville
Small District 1 Lee
Local District 1A Lee
Local District 1B Lee
Local District 1C Lee

Local District 1D Lee
Local District 1E Lee
Small District 2 Lee
Small District 3 Lee
Small District 4 Lee
Small District 1 Mason
Local District 1A Mason
Local District 1B Mason
Local District 1C Mason
Local District 1D Mason
Local District 1F Mason
Small District 2 Mason
Small District 3 Mason
Small District 4 Mason
Small District 5 Mason
Small District 6 Mason
Small District 7 Mason
Small District 8 Mason
Local District 7A Mason
Small District 9 Mason
Small District 10 Mason
Small District 11 Mason
Small District 1 Mount Vernon
Local District 1A Mount Vernon
Local District 1B Mount Vernon
Local District 1C Mount Vernon
Local District 1D Mount Vernon
Local District 1E Mount Vernon
Small District 2 Mount Vernon
Local District 2A Mount Vernon
Local District 2B Mount Vernon
Small District 1 Providence
Local District 1A Providence
Local District 1B Providence
Small District 3 Providence
Small District 4 Providence
Small District 6 Providence
Small District 7 Providence

Refuse Service (continued):
Small District 8 Providence
Small District 9 Providence
Small District 11 Providence

Small District 12 Providence
Small District 13 Providence
Small District 4 Springfield
Small District 6 Springfield

On each single-family dwelling and on each unit of two-family dwellings, excluding apartments (garden through high-rise), multi-family condominiums (garden through high-rise), and/or other multi-unit dwelling type buildings, existing or under construction January 1, 2012, within the boundaries of the above enumerated Districts, a base annual charge of \$345.00 for refuse collection service to be added to the regular real estate tax bill, and that annual charge shall be subject to penalty and interest charges and becoming a lien against the property if not paid, in the same manner as any other real estate tax.

On any dwelling that is neither completed nor occupied by June 30, 2012, the owner thereof shall, upon application to the Director of the Department of Tax Administration or the Director DPWES, Solid Waste Collection and Recycling, made prior to December 5, 2012, be entitled to relief in the amount of the pro-rata portion based on the service period of the base annual charge hereby established. The claimant must provide acceptable evidence that the dwelling was not occupied, nor generating waste to the Director of the Department of Tax Administration or the Director DPWES, Solid Waste Collection and Recycling.

On any dwelling that is neither completed nor occupied by December 31, 2012, the owner thereof shall, upon application to the Director of the Department of Tax Administration or the Director DPWES, Solid Waste Collection and Recycling, made prior to March 31, 2013, be entitled to relief in the amount of the pro-rata portion based on the service period of the base annual charge hereby established. The claimant must provide acceptable evidence that the dwelling was not occupied, nor generating waste to the Director of the Department of Tax Administration or the Director DPWES, Solid Waste Collection and Recycling.

On any dwelling that is deleted from a sanitary district, as a result of the contraction of such sanitary district, the owner thereof will be entitled to relief in the amount of a pro rata portion of the base annual charge hereby established when service for refuse and recycling collection service is eliminated based on the service period.

On any dwelling that is added to a sanitary district, as a result of either the creation or the enlargement of a sanitary district or construction within the sanitary district, the owner thereof will be charged a pro rata portion of the base annual charge hereby established when service begins for refuse and recycling collection service based on the service period.

Water Service:

Small District One within Springfield District

On any lot within the district, an annual assessment of \$661 for thirty years commencing July 1, 1993. This annual assessment is for the purpose of providing water service to Clifton Forest, a group of homes located within the Lincoln-Lewis-Vannoy Conservation District.

Small District Three within Springfield District

On any lot within the district, an annual assessment of \$959 commencing January 1, 2003 and ending December 31, 2032. This annual assessment is for the purpose of providing water service to Colchester Road-Lewis Park, a group of 141 homes located within the Lincoln-Lewis-Vannoy Conservation District.

TRANSPORTATION IMPROVEMENT DISTRICT LEVIES*

State Route 28 Transportation Improvement District

On each \$100.00 of assessed valuation of the taxable commercial and industrial real estate within the boundary of State Route 28 Transportation Improvement District, as specified by Virginia Code § 15.2-4607, the tax rate shall be \$0.18

Phase I Dulles Rail Transportation Improvement District

On each \$100.00 of assessed valuation of the taxable commercial and industrial real estate within the boundary of Phase I Dulles Rail Transportation Improvement District, as specified by Virginia Code § 33.1-435, the tax rate shall be..... \$0.22

Phase II Dulles Rail Transportation Improvement District

On each \$100.00 of assessed valuation of the taxable commercial and industrial real estate within the boundary of Phase II Dulles Rail Transportation Improvement District, as specified by Virginia Code § 33.1-435, the tax rate shall be..... \$0.15

*Tax will be levied and collected in two semi-annual tax billings.

SPECIAL SERVICE DISTRICT FOR THE CONTROL OF PEST INFESTATIONS*

On each \$100.00 of assessed valuation of real estate within Fairfax County, but exclusive of the Lake Barcroft Water Improvement District, within the service district established by Appendix I of the Fairfax County Code, the tax rate shall be..... \$0.0010

*Tax will be levied and collected in two semi-annual tax billings.

SPECIAL SERVICE DISTRICT FOR STORMWATER MANAGEMENT*

On each \$100.00 of assessed valuation of real estate within Fairfax County, within the service district, the tax rate shall be \$0.025

*Tax will be levied and collected in two semi-annual tax billings.

SERVICE CHARGES FOR AMBULANCE TRANSPORT SERVICE

Pursuant to Fairfax County Code § 4-26-1, each person being transported by any emergency medical services vehicle that is operated or maintained by the County or for which a permit has been issued to the County by the Virginia Office of Emergency Medical Services will be charged (1) a service fee of \$400 for Basic Life Support transport (BLS), (2) \$500 for Advanced Life Support, level 1 transport (ALS1), (3) \$675 for Advanced Life Support, level 2 transport (ALS2), and (4) \$10.00 per mile for ground transport mileage. The term "emergency medical services vehicle" has the definition specified in Virginia Code § 32.1-111.1.

GIVEN under my hand this _____ day of May, 2012

By: _____
Catherine A. Chianese
Clerk to the Board of Supervisors

FAIRFAX COUNTY NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

In accordance with Virginia Code Section 58.1-3321, notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will meet in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on April 10, 2012 at 3:30 P.M. At that meeting, the Board of Supervisors shall consider the matters described below.

The Fairfax County Executive has proposed the advertisement of a real estate tax rate of \$1.07 per \$100 of assessed value. No numerical change in the Real Estate tax rate is being proposed; however, the total assessed value of existing property has increased. It should be noted that the total increase in assessed value of existing properties is expected to be 2.53 percent, including an increase of 0.71 percent for residential real property and an increase of 8.21 percent for non-residential real property. As a result, most property owners will experience an increase in their real estate tax bill. The tax rate being proposed remains the same as FY 2012. Nevertheless, because the average value of real property in Fairfax County has appreciated by at least one percent, Virginia Code Section 58.1-3321 requires Fairfax County to publish the following notice.

Fairfax County, Virginia proposes to increase property tax levies.

1. **Assessment Increase:** Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 2.53 percent.
2. **Lowered Rate Necessary to Offset Increased Assessment:** The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$1.0436 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. **Effective Rate Increase:** Fairfax County, Virginia, proposes to adopt a tax rate of \$1.07 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$0.0264 per \$100, or 2.53 percent. This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. **Proposed Total Budget Increase:** Based on the proposed real property tax rate and changes in other revenues, the total budget of Fairfax County, Virginia, will exceed last year's by 3.36 percent¹.

A public hearing on this issue will be held at 3:30 P.M. on April 10, 2012 in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway.

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

ATTACHMENT III

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

The Board will conduct a separate public hearing on the FY 2013 Advertised Budget Plan which will commence on April 10, 2012 at 6:00 PM and on April 11 and April 12 at 3:00 PM.

Copies of the FY 2013 Advertised Budget Plan are available at all Fairfax County Public Libraries, on the Internet at <http://www.fairfaxcounty.gov/dmb> and at the Office of the Clerk to the Board of Supervisors at 12000 Government Center Parkway, Suite 533, Fairfax, Virginia. Copies of the FY 2013 Advertised Budget Plan and the Advertised Capital Improvement Program for Fiscal Years 2013-2017 (With Future Fiscal Years to 2022) are available on compact disc (CD) in the Department of Management and Budget, 12000 Government Center Parkway, Suite 561, Fairfax, Virginia.

A Copy - Test:

Catherine A. Chianese, Clerk
Board of Supervisors

¹ The total budget increase is based on all revenues received by the General Fund of Fairfax County. Projected FY 2013 disbursements reflect an increase of 1.71 percent from the FY 2012 level.

Board Agenda Item
March 6, 2012

ADMINISTRATIVE – 6

Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2012 Revised Budget Plan

ISSUE:

Board approval of an advertisement for a public hearing to adjust the FY 2012 appropriation level. The advertisement encompasses both the County and the Schools' *FY 2012 Third Quarter Reviews*. Section 15.2-2507 of the Code of Virginia requires that a public hearing be held prior to Board action to amend the current appropriation level.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to publish the advertisement for a public hearing.

TIMING:

Board Action is requested on March 6, 2012 to provide sufficient time to advertise the proposed public hearing on April 10, at 6:00 p.m. and April 11 and 12, 2012 at 3:00 p.m.

BACKGROUND:

As the *FY 2012 Third Quarter Review* includes proposed adjustments in appropriation greater than one percent of total expenditures, a public hearing is required prior to Board action. In addition, the Code of Virginia requires that a synopsis of proposed changes be included in the advertisement. Copies of these documents are being made available for citizen review at governmental centers, libraries, the Government Center, and on the County's Internet website.

The School Board funding adjustments included in the advertisement are based on staff's Third Quarter recommendations to the School Board, which were presented to the School Board on February 23, 2012 with action to be taken by the School Board on March 8, 2012.

FISCAL IMPACT:

The enclosed documents describe the fiscal impact of FY 2012 Third Quarter adjustments.

Board Agenda Item
March 6, 2012

ENCLOSED DOCUMENTS:

Attachment A – Proposed advertisement for public hearing

Attachment B – Memorandum to the Board of Supervisors dated March 6, 2012 from Anthony H. Griffin, County Executive, with attachments, transmitting the County's *FY 2012 Third Quarter Review* with appropriation resolutions and the Fairfax County Public Schools staff's recommendations on *FY 2012 Third Quarter Review*.

These attachments available online via the following link:

http://www.fairfaxcounty.gov/dmb/third_quarter/fy2012/third_quarter.htm

STAFF:

Anthony H. Griffin, County Executive

Susan W. Datta, Chief Financial Officer

INFORMATION – 1

2011 Virginia Pollutant Discharge Elimination System Permit Annual Report for Fairfax County, Virginia

Fairfax County Department of Public Works and Environmental Services prepared the enclosed annual report for submission to the Virginia Department of Conservation and Recreation (DCR) in compliance with Virginia Pollutant Discharge Elimination System (VPDES) Permit VA0088587, Part I, Section C.4. The annual report documents activities performed by the County between January 1, 2011, and December 31, 2011, to satisfy requirements of its VPDES permit to operate a municipal separate storm sewer system (MS4). The report is formatted to meet DCR's request for a concise summary of activities related to each permit requirement presented in the order in which they appear in the MS4 permit. The current permit was issued January 24, 2002, and expired January 24, 2007. The County is currently operating under an administrative continuance of the existing permit in anticipation of permit renewal later this year.

Unless otherwise directed by the Board of Supervisors, the County Executive will forward the "2011 VPDES Permit Annual Report" with attachments to DCR and to others as requested, and will publish it on the County's Web site.

FISCAL IMPACT:

No fiscal impact is associated with the submittal of this report to the Department of Conservation and Recreation.

ENCLOSED DOCUMENT:

Attachment 1: 2011 VPDES Permit Annual Report

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

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2011 VPDES Permit Annual Report

Prepared by

Fairfax County, Virginia
VPDES Permit No. 0088587

Submitted to

Virginia Department of Conservation and Recreation

March 6, 2012

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The following annual report is submitted to the Virginia Department of Conservation and Recreation (DCR) in compliance with Fairfax County's Virginia Pollutant Discharge Elimination System (VPDES) permit. The permit was issued on January 24, 2002, and expired on January 24, 2007. The county is currently operating under an administrative continuance of the existing permit in anticipation of permit renewal. This report covers the previous calendar year from January 1, 2011, through December 31, 2011, and describes all of the activities performed to satisfy the county's permit requirements.

NOTE: Annual Report requirements as specified in Part I.C.4 of the permit are indicated below by **bold** section headings and the stormwater program requirements as specified in Part I sections B.1, C.1, C.2 and C.3 of the permit are in *italics* directly beneath the applicable section heading.

a) Watershed Management Program Implementation

The permittee shall develop and implement Watershed Management Plans to maintain water quality and manage environmental resources within the county's watersheds (B.1).

Starting with the Little Hunting Creek Watershed Management Plan in 2003, the county embarked on a watershed planning initiative that assessed the needs of and resulted in proposed improvements for the county's 30 watersheds over approximately the next 25 years. The watershed management planning process is one component of the county's MS4 Program and is part of the Fairfax County Board of Supervisors' Environmental Agenda. The overarching goals for the watershed plans are:

1. Improve and maintain watershed functions in Fairfax County, including water quality, habitat and hydrology.
2. Protect human health, safety and property by reducing stormwater impacts.
3. Involve stakeholders in the protection, maintenance and restoration of County watersheds.

A total of 13 plans, which cover all 30 watersheds, were developed during this watershed planning initiative. The plans were developed with the assistance of the community through public meetings and individual plan stakeholder groups. This public involvement process helped to ensure that the plans meet the needs in the watershed and have the support of county residents. The county completed and adopted six watershed plans between 2005 and 2008 as part of the first round of planning. By early February 2011, the seven remaining watershed management plans were completed and adopted by the Fairfax County Board of Supervisors. In November 2011 the county held a meeting of watershed advisory groups and other public interests to give a status update on the watershed plans and the broader stormwater management program. Attachment 1 lists the 13 county watershed management plans.

It is anticipated that structural projects proposed in the plans will be primarily funded from the Stormwater Services fund and from the Pro Rata Share Drainage Construction fund. The number of projects selected for implementation annually will be determined as part of the annual budgetary process. Efforts to include implementation of non-structural projects and policy recommendations from the watershed plans are ongoing.

a.1) Structural and Source Controls

The Municipal Separate Storm Sewer System and any storm water structural controls shall be operated in a manner that reduces the discharge of pollutants to the maximum extent practicable (B.1.a).

a.1 (a) Report all inspections performed on SWM facilities and BMP Ponds.

In 2011 the county inspected 1,156 (79 percent) of the 1,465 county-maintained stormwater management (SWM) and best management practice (BMP) facilities at least once. In anticipation of a new annual reporting schedule with a renewed MS4 permit, these inspections are being tracked on a fiscal year basis (July 1 through June 30), resulting in approximately 725 inspections per fiscal year. In 2011 the county inspected 616 (17 percent) of the 3,611 privately-maintained facilities, with the goal of inspecting all privately-maintained facilities at least once during the permit cycle as required by the permit.

a.1 (b) Report all maintenance performed on SWM facilities and BMP Ponds.

In 2011 the county cleaned and/or mowed 1,259 dam embankments, including 52 regional ponds which were maintained four times each during the calendar year. Cleaning involves removing trash, sediment, and debris from the trash rack, control structure, and all inflow channels leading to the control structure. At each stormwater management facility, deposited sediment is removed from the trickle ditch upstream of the control structure and disposed of offsite. The cleaning helps keep the facility functioning properly by conveying water and performing the BMP function as it was designed. The county completed 256 maintenance work orders to correct deficiencies in publicly maintained SWM/BMP facilities.

a.2) Areas of New Development and Significant Redevelopment

The permittee shall comply with and enforce all components of the County's Comprehensive Land Use Plan that are relevant to storm water discharges. The goals of such controls shall be to limit increases in the discharge of pollutants from storm water as a result of development and significant re-development (B.1.b).

The Comprehensive Plan, as amended through 2011, provides explicit support for better site design and low impact development (LID) measures, and opportunities to implement such measures are explored during the zoning process. A 2010 Area Plan amendment for the Tysons Corner Urban Center included recommendations for attainment of LEED stormwater design credits and retention of at least the first inch of rainfall on-site for zoning applications proposing significant increases in development density/intensity. Plan amendments for the Annandale and Baileys Crossroads Community Business Centers also included recommendations for attainment of the LEED stormwater design credits for some or all development and redevelopment proposals. This Comprehensive Plan guidance helps staff to negotiate for measures such as reductions in proposed impervious cover and LID measures that will serve to reduce stormwater discharges.

The Department of Planning and Zoning (DPZ) provides a full range of environmental review, and does not track stormwater efforts independently from other environmental efforts. In coordination with other DPZ staff and staff from other county agencies, DPZ accepted and reviewed 45 rezonings and related applications (e.g., amendments), 19 special exceptions and amendments, and 47 special permits and amendments in fiscal year 2012 for environmental considerations.

a.3) Roadways

Public streets, roads, and highways maintained by the permittee shall be operated and maintained in a manner to minimize discharge of pollutants, including those pollutants related to deicing or sanding activities (B.1.c).

The Virginia Department of Transportation (VDOT), which is covered by a separate Phase II MS4 permit, is responsible for maintenance and operation of public roads (interstate, primary, secondary, and residential) in Fairfax County. The county is only responsible for maintaining several miles of discontinuous road segments, many of which are unpaved. A significant component of Fairfax County's roadways program is sweeping parking lots associated with county facilities such as government centers, libraries, public schools (funded by Fairfax County Public Schools), fire stations, police stations, health centers, bus transit facilities, park and ride lots, commuter rail stations, public housing facilities, and staffed park locations.

In an effort to limit the discharge of pollutants from parking lots into the county's streams, the county provides sand and chemical treatment only when dictated by safety. The county sweeps material from each treated parking area once annually during the spring.

The county's parking lot sweeping program is currently carried out by three organizations: Department of Public Works and Environmental Services (DPWES), Department of Housing and Community Development (DHCD), and Fairfax County Park Authority (FCPA, or Park Authority). DPWES sweeps parking lots at county government and public schools sites as well as paved county road segments, where feasible. DHCD sweeps parking lots on residential developments such as apartment complexes, townhouse developments, group homes, and senior facilities that are owned and operated by DHCD. FCPA maintains (plows and/or treats) essential use parking areas at staffed park locations and commuter parking lots on a case-by-case basis to remove snow and provide for safe driving and footing. In 2011 more than 1,842 cubic yards of material was removed from 316 county government and public schools sites, 41 residential sites, 28 essential use areas at parks, and 31 county-maintained road segments through sweeper trucks and hand sweeping.

a.4) Retrofit

Receiving water quality impacts shall be assessed for all storm water management facilities. When the permittee determines water quality impact, they shall continue to evaluate and implement retrofitting existing storm water management facilities and areas without stormwater controls (B.1.d).

In compliance with retrofit requirements, Fairfax County agencies completed 11 retrofit projects throughout the county to enhance stormwater management functionality. While the majority (7) of the projects involved dry extended detention pond retrofits, the county also employed wet pond dredging, bioretention/raingardens, and urban filtration practices (such as installation of tree box filters and pervious pavement). The results of the county's retrofit efforts are summarized below:

- Projects were completed in 9 of the 30 county watersheds: Accotink Creek, Bullneck Run, Cameron Run, Cub Run, Dead Run, Little Hunting Creek, Pohick Creek (2), Popes Head Creek (2), and Turkey Run.
- Most of the retrofits occurred on properties zoned for residential land use.
- Seven of the 11 retrofits were recommended by county watershed management plans.
- The drainage area to the 11 retrofits totals approximately 952 acres, and the impervious area treated by the retrofits totals at least 234 acres.
- Combined, the 11 retrofits are estimated to remove nitrogen, phosphorus, and sediment at rates of approximately 796 pounds/year, 225 pounds/year, and 104 tons/year, respectively.
- The estimated cost of these retrofits is approximately \$7 million.

Retrofit project documentation is maintained by the Maintenance and Stormwater Management Division and the Stormwater Planning Division of DPWES and the Park Authority.

a.5) Pesticides, Herbicide, and Fertilizer Application

The permittee will implement controls to reduce the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied to public right of ways, parks, and other municipal property. The permittee shall develop and implement a program within one year of the effective date of the permit to achieve the above goal (B.1.e).

County agencies involved in the administration of public rights-of-way, parks and other municipal properties currently have some form of nutrient and pest management plans and either implement the plans themselves or have contractors implement them. County personnel and private contractors follow the Virginia Department of Conservation and Recreation's nutrient management guidelines, the Virginia Department of Agriculture's guidelines, and the Virginia Pesticide Control Act, 2006. In addition, many agencies are also collecting information on the application rates and total annual usage of pesticides, herbicides and fertilizers (PHF).

In 2011 Park Authority staff worked to reduce the amount of mowed turf areas and improve stream buffers at several park sites around the county to promote water and air quality and provide additional wildlife habitat. Staff at Lake Fairfax Park increased the stream buffer along 600 linear feet of Colvin Run. No-mow areas at Pinecrest Golf Course were expanded to 3.5 acres around the Turkeycock Run Resource Protection Area. Jefferson Golf Course staff expanded un-mowed buffers around six ponds.

The Park Authority currently has nutrient management plans for approximately 515 acres of golf courses and 252 acres of natural turf athletic fields. The vast majority of the remaining mowed turf areas do not receive any regular treatments of either fertilizers or pesticides.

In 2011 a Virginia state-certified nutrient management planner from the Northern Virginia Soil and Water Conservation District (NVSWCD) prepared nutrient management plans covering 188.4 acres in the county. These included 152 "new acres," which were not previously part of any current or expired plan, and 36.4 "revised acres," which were already under plans that had been recently rewritten because the previous ones had expired or were about to expire. All of the plans were for horse operations or mini-farms (such as Frying Pan Park).

a.6) Illicit Discharges and Improper Disposal

a.6 (a) Report all identified illicit dischargers. This shall include site inspections and a description of any follow-up activities associated with illicit dischargers (see a.12 below for related dry weather screening program activities and findings);

Non-storm water discharges to the Municipal Separate Storm Sewer System will be effectively prohibited (B.1.f).

Fairfax County's efforts regarding the permit requirements related to Industrial and High Risk Runoff are also presented in sections a.12.a of this report, which contain a discussion of the county's Dry Weather Screening Program.

The Fire and Rescue Department's (FRD) Fire and Hazardous Materials Investigative Services (FHMIS) section aggressively enforces County Code Chapters 62, 105 and 106 in conjunction with the Department of Public Works and Environmental Services and the Department of Planning and Zoning. FHMIS also issues criminal citations during investigations of hazardous materials incidents. Chapter 62 establishes that the Fire Marshall and all permitted members of the Fire Marshall's staff have police powers to investigate and prosecute certain offenses including offenses related to

storage, use, and transportation of hazardous materials and hazardous waste, and environmental crimes. Chapters 105 and 106 contain provisions that address illicit discharges to state waters and the county's storm drainage system. Procedural Memorandum No. 71-01, Illegal Dump Site Investigation, Response, and Cleanup, outlines the process of follow-up action for non-emergency incidents of illegal dumping; establishes action under County Code Chapter 46, Health or Safety Menaces; and provides referrals for action on complaints that are neither public health hazards nor regulated.

Programs that can help to prevent, detect, and eliminate illicit discharge of sanitary wastes into the MS4 are implemented and documented in the Wastewater Management business area of DPWES. The Sanitary Sewer Infiltration Abatement Program conducts wastewater flow measurements and analysis to identify areas of the wastewater collection system with excessive inflow/infiltration problems, and uses closed circuit television (CCTV) to inspect trunk sewer mains in an effort to specifically identify defective sewer lines for repair and rehabilitation. In 2011, 198.25 miles of old sewer lines and 7.84 miles of new sewer lines were inspected, resulting in the identification of sanitary sewer lines and manholes needing repair and rehabilitation. In 2011, 30.83 miles (162,763 feet) of sanitary sewer lines were rehabilitated, bringing the total length of sewer lines repaired over the past ten years to 211.15 miles (1,114,868 feet).

The Sanitary Sewer Extension and Improvement Program addresses pollution abatement and public health considerations by providing sanitary sewer service to areas identified by the Department of Health as having non-repairable, malfunctioning septic systems. In 2011, one (1) Extension and Improvement project was completed consisting of 703 linear feet of eight-inch sanitary sewer and sanitary sewer connections for seven existing homes.

The Health Department mailed 14,921 flow diversion valve reminder notices in 2011. The notices are sent to homeowners on the anniversary of the installation of their septic system to remind them to turn their flow diversion valve once a year. It reminds them to pump out their septic tank every three to five years.

In 2011, 1,831 non-compliance letters were mailed to owners of homes that have not pumped out their septic tank during the five-year period required in Chapter 68.1 of the Fairfax County Code and the Chesapeake Bay Preservation Area Designation and Management Regulations. If a homeowner fails to comply, a follow-up letter is mailed to them informing them that action will be taken under the regulations to insure their septic tank is pumped out as required.

There were 54 new alternative onsite sewage systems approved in 2011, bringing the total number of alternative systems in Fairfax County to 678. It is required that each of these systems is inspected annually by a licensed operator and a report be filed with the Health Department. Regulations for these systems went into effect December 7, 2011. The Health Department plans to send notices to all owners of these systems in 2012 which will outline the requirements resulting from these regulations.

a.7) Spill Prevention and Response

A program to prevent, contain, and respond to spills that may discharge into the Municipal Separate Storm Sewer System shall be implemented. The spill response program may include a combination of spill response actions by the permittee (and/or another public or private entity), and legal requirements for private entities within the permittees' jurisdiction (B.1.g).

The FRD responds to all reported incidents of hazardous material releases, spills and discharges in the county (regardless of whether the material has potential to enter the county-operated MS4,

another system such as VDOT's, or waters of the state). The department maintains and tracks firefighter training/certification under OSHA 29 CFR 1910.120 (q) and NFPA 472. The department's FHMIS personnel receive regular training in pollution prevention and are equipped to initiate spill control measures to reduce the possibility of hazardous materials reaching the MS4. Resources available to personnel include personal protective equipment, technical tools and equipment for spill control, and absorbent products such as pads and booms for spill containment. The section also maintains a contract with a major commercial hazardous materials response company to provide additional containment and clean-up support for large-scale incidents.

In 2011 FHMIS received 585 complaints. Approximately 326 of the complaints involved the actual release of various petroleum or chemical substances. Of the 326 releases, 232 involved the release of either diesel fuel (27), home heating fuel oil (80), gasoline (33), motor oil (37), or hydraulic oil (55). Other releases investigated involved antifreeze, paint, sewage, waste water discharges, water treatment chemicals and mercury. Storm drains were involved in 58 of the releases.

In both emergency and non-emergency spills that reach the MS4, FHMIS enforces appropriate codes and ordinances to ensure that responsible parties take appropriate spill control and cleanup actions to protect and restore the environment.

FHMIS monitors, on a long-term basis, contaminated sites that have a potential for the contaminant coming in contact with surface waters or stormwater management facilities. As a part of the oversight program, FHMIS, as an agent of the Director of DPWES, accepts, reviews and processes requests to discharge treated groundwater from remedial activities at contaminated sites into county storm sewers. FHMIS then monitors the discharge for the duration of the agreement. In 2011 the Hazardous Materials Technical Support Branch of FHMIS started the year with 56 oversight files. During the year, 101 new oversight files were opened and 93 were closed. Most of these oversight files involve contaminated underground storage tank sites.

Fire and Rescue continued to maintain membership in the Fairfax Joint Local Emergency Planning Committee (FJLEPC), which includes representatives of Fairfax County, the City of Fairfax, and the towns of Vienna and Herndon. Fire and Rescue periodically updates its Hazardous Material Emergency Response Plan.

a.8) Industrial & High Risk Runoff

a.8 (a) Report on all inspections of any new or previously unidentified facilities.

a.8 (b) Report an updated list of all industrial storm water sources and VPDES permitted facilities that discharge into the MS4.

A program to identify and control pollutants in storm water discharges to the Municipal Separate Storm Sewer System (municipal landfills; other treatment, storage, or disposal facilities for municipal waste; hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313) and any other industrial or commercial discharge the permittee determine are contributing a substantial pollutant loading to the Municipal Separate Storm Sewer System shall be implemented under this program (B.1.h).

Fairfax County's efforts regarding the permit requirements related to Industrial and High Risk Runoff are also presented in sections a.12.b and a.12.c of this report, which contain a discussion of the county's Wet Weather and Industrial and High Risk Runoff Monitoring Program.

There are currently 35 facilities that are covered under a Virginia Pollutant Discharge Elimination System (VPDES) general permit and nine facilities that are covered under a VPDES individual permit that drain to Fairfax County's MS4. In addition, there is currently one facility with a no-exposure certification. Of the 44 permitted facilities, seven are county facilities. As required by the permits, each county facility has developed and is implementing a stormwater pollution prevention plan (SWPPP), which includes spill prevention and response procedures.

a.9) Construction Site Runoff

a.9 (a) Report all Erosion and Sediment Control Plans the permittee has approved for sites disturbing greater than 1 acre of land for that year.

A program to reduce the discharge of pollutants from construction sites (land disturbing activities equal to or greater than one acre) shall be implemented under this program (B.1.i).

In 2011 a total of 758 Erosion and Sediment (E&S) Control plans for projects that would disturb a land area of 2,500 square feet or more were submitted and approved. Written reports listing these individual sites were provided on a monthly basis to the Virginia Department of Conservation and Recreation (DCR).

Fairfax County's E&S control program is fully approved by DCR and is implemented by Land Development Services (LDS). In 2011, 27,849 E&S inspections were performed through the county's Alternative Inspection Program on all sites under construction. Those E&S inspections represent 57.4 percent of the 48,496 total site inspections that were performed by Site Development and Inspection Division (SDID) personnel. The site inspections total also includes 2,198 projects that were inspected for purposes other than strictly E&S control (e.g., pre-construction, streets, sanitary sewer, storm sewer, and project release).

In 2011 SDID wrote 905 "2030" E&S control reports, which identify the E&S control deficiencies developers must correct within five days. Failure to comply within the specified time frame can result in issuance of a violation to the developer. In 2011 SDID issued 86 violations and 76 of those were later cleared. The remaining 10 violations are extended until the required corrections are made or court action is initiated. SDID held 198 escrows for either landscaping or stabilization issues.

The Land Disturbance and Post Occupancy Branch of LDS investigated 184 complaints alleging violations of Fairfax County's Erosion and Sediment Control Ordinance (Chapter 104). The branch also investigated 46 complaints alleging violations of the county's Chesapeake Bay Preservation Ordinance (Chapter 118). In 180 of the total complaints there was either no violation or there was timely compliance if a violation was cited. The other 50 complaint investigations led to the branch undertaking 50 criminal proceedings to ensure compliance, with some proceedings resulting in fines issued by the court.

The county sponsors an annual Land Conservation Awards program to recognize the developers, contractors, site superintendents, and site inspectors who demonstrated an exemplary effort during the past year in the installation and maintenance of erosion and sediment control measures on construction projects and preservation of natural resources (such as trees, wetlands and Resource Protection Areas). In 2011, 12 sites were nominated for awards in the following categories: Large Commercial, Small Commercial, Large Single Family Residential, Infill Lot, and Special Project. One Large Commercial, one Large Single Family Residential, and one Special Project were selected for awards. In addition, one site was recognized as the Best Protected Environmentally Sensitive Site of

the year. At the 2011 Land Conservation Awards program held on January 20, 2012, an Outstanding Superintendent, an Outstanding Engineering Firm, and an Outstanding Contractor were also recognized. These awards are valued by recipients in the construction industry and provide incentives to do excellent work. County employees will also be recognized with awards for Outstanding E&S County Inspector and Outstanding E&S County Reviewer.

Residents may report complaints about erosion and sedimentation to the county by phone or through email. Residents can visit the following website to find contacts for specific land development issues:

<http://www.fairfaxcounty.gov/dpwes/publications/urbanfor.htm>

a.10) Storm Sewer Infrastructure Management

A program to maintain and update the accuracy and inventory of the storm sewer system shall be implemented. The permittee shall submit to the Department of Environmental Quality, Northern Virginia Office a plan and schedule by which the entire storm sewer Infrastructure will be mapped. The plans and schedule shall be submitted within 180 days of the effective date of this permit (B.1.j).

A Storm Sewer Infrastructure Management Plan and Schedule was submitted to the Virginia Department of Environmental Quality (DEQ) on July 24, 2002, in accordance with the permit, and has been updated with each annual report as shown in Attachment 2 Table 3. The requirements in the plan have been fulfilled and the infrastructure inventory will continue to be updated in accordance with the permit.

Fairfax County is comprised of an area of 399 square miles (land and water) as identified on 436 tax map grids. During the initial five-year permit cycle (completed in 2005), Fairfax County staff field verified the location of the storm drainage conveyance system on each tax map grid, identified storm sewer pipes, outfalls and associated appurtenant structures, and created a GIS-based data layer. During 2011 the GIS inventory was continuously updated with new as-built plans and field verification of system location and components within identified easements. More than 265 as-built construction plans were digitized along with 268 tax map grids having been reviewed for completeness, proper maintenance responsibility identification, and spatial accuracy verification. Routine maintenance of the GIS-based stormwater easement database has continued through 2011.

The county continued implementation of its infrastructure inspection and rehabilitation program. In 2011, 850 pipe segments and 15,000 storm structures were inspected with video and photo documentation. Under the rehabilitation program, more than 17 miles of pipe were videoed. The videos documented the existing structural and service conditions of the interior of the storm drainage system. The inspection efforts represent 319 miles, or 21.2 percent of the storm drainage network being photographed or screened for obvious deficiencies. The inventory continues to be assessed for ongoing repair of identified deficiencies. In addition, more than 4,700 feet of storm pipe in the county's storm system inventory were rehabilitated or repaired through replacement or by lining entire pipe segments using cured-in-place pipe lining methods.

a.11) Public Education

A public education program shall be implemented (B.1.k).

Fairfax County's public education program is an essential component of stormwater management. The program raises awareness about stormwater challenges throughout the county, educates residents about watersheds and the need for stormwater management, and offers opportunities for

residents to become involved in efforts to restore and protect Fairfax County's local waterways, the Occoquan Reservoir, the Potomac River and the Chesapeake Bay. While a number of county organizations contribute to the public education program, the following summary highlights the extensive education and outreach efforts of the Stormwater Planning Division (SWPD), the Solid Waste Management Program (SWMP), Fairfax County Park Authority (FCPA) and Northern Virginia Soil and Water Conservation District (NVSWCD) as well as the regional Clean Water Partners.

In 2011 the county reached out to residents to raise awareness of environmental issues. Following are some efforts included providing education to help residents with recognition of illicit discharges of pollutants and improper disposal of wastes.

- County employees promoted environmental awareness and watershed-friendly behaviors at public events like the Earth Day/Arbor Day Celebration, Celebrate Fairfax (featuring the DPWES "Greenology" tent), and the Fall For Fairfax Kidsfest.
- Stormwater and Solid Waste employees gave 17 presentations to more than 430 students in 6 high schools highlighting issues related to watersheds and management of stormwater and solid waste.
- During the hands-on wastewater Sewer Science Laboratory, Wastewater employees reviewed the difference between the storm drainage and the sanitary sewer systems. Sixty eight classes, 1,477 students, and 16 high schools participated in the Sewer Science Program.
- FCPA provided water quality and environmental education to hundreds of thousands of park visitors each year through five nature centers and a naturalist at the Cub Run Recreation Center.
- SWMP supports Clean Fairfax Council's annual Johnnie Forte Environmental Grant program, which offers \$500 grants to support environmental projects in FCPS.
- SWPD updated its website with information on flooding and stream litter, and created "What's that Stuff in the Stream?" to educate residents and to facilitate reporting of suspected illicit discharges.
- Through the storm drain marking program, NVSWCD coordinated 31 projects to mark 2,554 storm drains, educated more than 14,000 households, and engaged over 600 volunteers who contributed more than 1,700 hours. The program addresses stewardship, nonpoint source pollution, and proper disposal of wastes.
- Podcasts on composting, native pollinators, swimming pool discharge, lawn fertilizing, and rain barrels aired through the county website for a weekly audience of about 350 listeners.
- Educational public service announcements on stormwater, wastewater, recycling, and urban forestry aired on county Channel 16 and were posted on YouTube, where there were more than 7,000 views.
- SWPD posted numerous messages to the County's environmental Facebook page on such topics as stream cleanups and restorations, invasive plants, rain barrels, Lake Barton fish restocking, how to enjoy "green" holidays, cigarette butt litter, and watershed management plan updates.
- Stormwater Management created fact sheets on rain gardens and barrels, reforestation plots, detention basins, impervious pavement and pavers, water quality swales, and cigarette butt litter.
- Stormwater Management was interviewed numerous times by local and national media on topics related to stormwater management.

- NVSWCD mailed the monthly *Watershed Calendar*, listing training and other events, to 962 recipients.
- Fairfax County participated in the Clean Water Partners 2011 campaign.
- Clean Water Partners' Google, Facebook and YouTube advertisements appeared more than 26 million times on individual computers, with more than 85 percent of these ads including action-oriented messages.
- Clean Water Partners aired three public service announcements related to proper disposal of pet waste and motor oil and proper use of fertilizer on five radio stations 174 times, reaching an estimated 967,000 listeners.
- Clean Water Partners surveyed 500 Northern Virginia residents and found that of the one-third of respondents who recalled hearing or seeing their public service announcements, 5 percent pick up pet waste more often, 5 percent recycle used motor oil, and 17 percent fertilize less and more carefully.
- Clean Water Partners' Only Rain website was updated in Spring 2011. Visitors to the website spend an average of two minutes each on the site.
- Clean Water Partners, through the Northern Virginia Dog Blog, sponsored a "Wag Your Words essay contest" attracting 2,300 participants and a dog trivia quiz attracting 700 respondents.

Several of the county's outreach and education efforts focused specifically on watershed and stream health.

- SWPD conducted one public meeting about the watershed plan updates and the status of the county's stormwater program that attracted approximately 70 participants.
- NVSWCD presented the Enviroscape® watershed model 11 times to more than 750 students in schools and scout programs.
- FCPA held the annual Wetlands Awareness Day on May 1 to educate the public on maintaining healthy watersheds.
- SWPD distributed more than 3,100 copies of Stormy the Raindrop activity books to children through public libraries, district offices and public events, and made them available on the county website. The Stormy the Raindrop educational campaign was awarded a 2011 Governor's Environmental Excellence bronze medal.
- SWPD mailed a flood protection newsletter to 20,000 county residents and posted a new page to the county's website about the functions of floodplains.
- NVSWCD sponsors a volunteer stream monitoring program to build awareness of watershed issues. Approximately 45 volunteers collected data at 21 sites four times per year. In addition, 34 public stream monitoring workshops and field trips were attended by 619 county residents.
- NVSWCD's newsletter, *Conservation Currents*, featured articles on stream health, stream monitoring and stream restoration, including actions that residents can take to improve stream water quality.
- FCPA participates in stream water quality monitoring at several Resource Management sites and trains and sponsors citizen volunteer monitors.

In addition to sponsoring stream cleanup events (further described in section a.12.f), the county addressed litter through the following efforts:

- In summer 2011 a multi-agency, county workgroup launched its regional anti-littering campaign using materials developed from the Alice Ferguson Foundation's anti-littering

outreach toolkit. SWMP collaborated with the Alice Ferguson Foundation on the Trash-Free Potomac River Watershed Initiative and placed five full-page ads regarding the litter clean-up program in the *Living* section of the *Washington Post*.

- In fall 2011 the trash workgroup initiated an education and outreach campaign on improperly discarded cigarette butts and other smoking-related litter. The initial focus was on educating county employees about the impacts of cigarette litter on the environment and encouraging proper disposal of smoking waste. In November 2011 the trash workgroup hosted a cigarette butt pickup event on the grounds of the Fairfax County Government Center campus and later disseminated the results to county employees. The findings will be used to develop additional outreach materials for county employees and the general public.
- Staff from SWPD and SWMP worked together to develop a litter website with links to other county pages (such as the updated Floatables page, renamed the Stream Litter page) as well as the websites of partner organizations and programs (such as NVSWCD, CFC, DCR's Adopt-a-Stream and Adopt-a-Highway) providing information about litter-related topics, associated organizations and volunteer programs.
- FCPA hosted and organized lake and stream valley clean up days in many stream valley parks and two lake front parks, providing excellent learning and stewardship opportunities for volunteers.
- SWPD distributed 1,000 Stormy the Raindrop reusable bags at public events.

The county continued to educate the public on how to properly dispose of solid wastes and offered collection programs aimed at preventing wastes from polluting county waterways.

- SWMP is responsible for the county's Household Hazardous Waste (HHW) Management Program where county residents can, at no charge, properly dispose of HHW at two permanent HHW collection facilities.
- SWMP continued its monthly *Electric Sunday* program where county residents have, over three years of its operation, brought 3,000,000 pounds (1,500 tons) of electronic waste (equating 70 tons of lead) for recycling.
- SWMP made presentations to students in 52 schools and 45 presentations to community groups and business leaders about solid waste and recycling practices.
- SWMP dedicates a portion of its website specifically for student education on recycling.
- SWMP hosted 35 group tours at county solid waste management facilities.
- SWMP works with the Northern Virginia Region Commission on the regional KnowToxics program, educating business owners on federal and state regulations requiring proper disposal or recycling of spent fluorescent lamps, rechargeable batteries, computers, and related electronics.
- SWMP collaborated with the industry-funded Rechargeable Battery Recycling Corporation Program to make battery collection boxes available at County Board of Supervisors' offices and county government buildings.
- SWMP annually creates and electronically distributes the Schools/County Recycling Action Partnership SCRAPBook, which is a compendium of resources dedicated to conducting environmental education in the schools.
- SWMP created SCRAPmail, an electronic resource available by e-mail subscription for teachers, students and school administrators to receive periodic news items, event announcements, and updates and reviews on environmental education resources available to county schools.

- SWMP works with the Metropolitan Washington Council of Governments on its annual Go Recycle radio campaign, which provides two weeks of intensive announcements on five major Washington DC radio stations to address recycling issues. Fairfax County is a major financial sponsor.
- SWMP provided financial and operational support for events where outreach and education on proper waste management and recycling were major goals, such as the 4-H Fair.

NVSWCD employees provided residents in the county with technical assistance and resources to help them better manage their land to address erosion and nutrient management issues.

- NVSWCD to provide advice on solving drainage and erosion problems to homeowners and HOAs during 117 site visits.
- NVSWCD's website is a source of information on managing land and protecting water quality, controlling stormwater, preventing erosion and encouraging native vegetation. One resource is the comprehensive *You and Your Land – a Homeowner's Guide for the Potomac Watershed*.
- The *Earth Friendly Suburban Horse Farming* publication was distributed to the horse-keeping community at events and online.
- Through a program for horse-keeping operations sponsored by NVSWCD, managers of 443 acres received information about nutrient management and composting. The 26 conservation plans included instructions for 2,250 linear feet of new vegetated buffer and 8,405 linear feet of replanted buffers. Two educational events were attended by 70 people.
- NVSWCD coordinated two "build-your-own" composter workshops through which 30 participants constructed 30 tumbler-style composters.

The use of low impact development practices to improve water quality continued to be promoted in the county.

- NVSWCD organized the June 2011 Watershed Friendly Garden Tour showcasing low impact development practices and inspiring visitors to adopt the practices at home and at area schools.
- NVSWCD provided education and training at three rain garden workshops attended by 78 county residents and industry professionals.
- NVSWCD and FCPA distributed the manual *Rain Garden Design and Construction: A Northern Virginia Homeowner's Guide*, containing the instructions and calculations needed for a homeowner to build a rain garden. The manual is available in hard copy and electronic formats.
- NVSWCD published in hard copy and electronic formats a *Residential LID Landscaping Guide* for homeowners, which has design and installation information as well as sources of supplies and plant materials.
- NVSWCD coordinated a Northern Virginia rain barrel initiative and held 11 build-your-own rain barrel workshops, 3 pre-made rain barrel sales, and 1 "train the trainer" event which in total attracted 422 participants (320 county residents) and resulted in distribution of 601 barrels.
- NVSWCD partnered in a new Artistic Rain Barrel program to renew interest in rain barrels and other best management practices. Twenty-five painted and decorated rain barrels were displayed at libraries, schools, businesses and community centers for two months, culminating in an artists' reception and auction.

a.12) Monitoring Programs

a.12 (a) Report on the Dry Weather Screening Program; (1) Number of outfalls inspected and test results; (2) Follow-up activities to investigate problematic areas and illicit dischargers.

The permittee shall continue ongoing efforts to detect the presence of illicit connections and improper discharges to the Municipal Separate Storm Sewer System. Representative outfalls of the entire Municipal Separate Storm Sewer System must be screened at least once during the permit term. Screening methodology may be modified based on experience gained during actual field screening activities and need not conform to the protocol at 40 CFR 122.26(d)(1)(iv)(D). Sample collection and analysis need not conform to the requirements of 40 CFR Part 136 (B.1.1.1).

In 2011 the county selected 101 MS4 outfalls for dry weather screening in accordance with the general protocol outlined in "Fairfax County Dry Weather Screening Program: Site Selection and Screening Plan" (July 2007). Physical parameters were recorded at each outfall. Water was found to be flowing at 48 of the outfalls, and was tested for a range of pollutants (conductivity, surfactants, fluoride, pH, phenol, copper, and temperature) using field test kits. Of the outfalls tested, 15 required follow-up investigations because they exceeded the allowable limit for at least one pollutant. Upon retesting these sites, 12 continued to exceed the screening criteria, and further testing was conducted in an attempt to track down the source. This track down procedure consisted of using the county's GIS mapping system. A map of the county's storm drainage system was printed from GIS and used to track the storm network upstream of each site. Staff recorded observations of flowing water and land use, and tested the water where flow was found. This procedure was followed up the network of storm sewer pipes until the source was found or there was no flowing water.

Two of the track downs had very minimal flow and the source could not be determined. Two of the track downs resulted in finding that restrooms were connected to the stormwater system instead of the sanitary system. One of these sites in Reston had a business office's restrooms linked to the stormwater network. Another site in Vienna had two separate office buildings with illicit connections to the same MS4 outfall. The first of these two buildings had an entire restaurant connected to the stormwater network and a washing machine from a drycleaners while the second building had a hair salon. SWPD is working closely with Fairfax County's Wastewater Division, Health Department, and Department of Code Compliance to resolve these connections. The sources of flow for the remaining eight sites are still under investigation. These sites mostly consist of outfalls with high levels of conductivity and/or fluoride levels and low flow levels with no solids. Plans to resolve these locations include using video cameras in the stormwater pipes and follow up visits in an attempt to locate the sources of the discharge and eliminate them as expeditiously as possible.

a.12 (b) Report on the Wet Weather Screening Program; (1) Number of outfalls inspected and test results; (2) Follow-up activities to investigate problematic areas and illicit dischargers.

The permittee shall investigate, and address known areas within their jurisdiction that are contributing excessive levels of pollutants to the Municipal Separate Storm Sewer System. The Permittee shall specify the sampling and nonsampling techniques to be used for initial screening and follow-up purposes. Sample collection and analysis need not conform to the requirements of 40 CFR Part 136 (B.1.1.2).

Wet Weather Screening/Monitoring was conducted during 2011 using the previously developed "Wet Weather Site Selection and Screening Plan" (2006). The current goal of the Wet Weather Screening Program is to field screen 20 sites and to monitor 10 sites over the course of one year starting in September 2011. Twelve sites have been selected using the plan and the county's

geographical information system (GIS) and have been field screened. These sites were identified in industrial, commercial and other high risk areas and ranked according to the county land use code and potential to contribute pollutants to the MS4. Two sites have been monitored for the analytes listed in Appendix A of the county's MS4 permit and for metals. The preliminary water quality analysis indicates that the runoff from the two sites is not a significant source of pollution to the MS4. These two sites will be monitored a second time to verify the results.

a.12 (c) Report on the Industrial and High Risk Runoff Monitoring Program

The permittee may include monitoring for pollutants in storm water discharges to the Municipal Separate Storm Sewer System which include: municipal landfills; other treatment, storage, or disposal facilities for municipal waste; hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313. Monitoring may also be required on other industrial or commercial discharges the permittee determines are contributing a substantial pollutant loading to the Municipal Separate Storm Sewer System. Permittee may require the industrial facility to conduct self-monitoring to satisfy this requirement (B.1.1.3).

This part of the permit is satisfied through the Wet Weather Screening Program described in the preceding section, a.12 (b).

a.12 (d) Report on the Watershed Monitoring Program; (1) Monitoring plan; (2) Summarize the implementation including, Storm Event Data, Station test results, Seasonal Loadings and Yearly Loadings.

The permittee shall develop a long-term monitoring plan and trend analysis to verify the effectiveness and adequacy of control measures in the County's Storm Water Management Plan and to identify water quality improvement or degradation. The permittee shall submit an approvable monitoring program to the Department of Environmental Quality no later than one year from the effective date of this permit. The program shall be implemented within two years of the effective date of the permit. Monitoring shall be conducted on representative stations to characterize the quality of storm water in at least two watersheds during the term of this permit (C.1).

In 2011 three rainfall events were monitored at each of the two water quality monitoring sites, Henderson Road in Occoquan (OQN) and Kingsley Avenue in Vienna (VNA) in accordance with Fairfax County's Watershed Water Quality Monitoring Program submitted on January 24, 2003. Samples were tested for concentrations of nine constituents of concern. Table 1 contains the median, high and low concentrations of each of the nine constituents during the seven-year period from 2005 to 2011.

In addition, statistical analyses using the Mann-Whitney 2-sample test were performed to determine if there were significant differences between constituent concentrations at the two stations. In 2011, as in 2010, the analysis found significant statistical differences for concentrations of all of the nine constituents measured at the two sites. In addition, seasonal and annual unit-area constituent loadings for 2011 were calculated and presented in Table 2.

Table 1: Results of statistical analysis to determine if there is a significant difference between observed constituent concentrations at Vienna and Occoquan Stations for 2005 through 2011

Constituent	Vienna Median	Vienna High	Vienna Low	Occoquan Median	Occoquan High	Occoquan Low	Differences Statistically Significant?
NH ₃ -N	0.18	0.73	0.00	0.01	0.27	0.00	YES
COD	53	292	22	26	122	0	YES
<i>E. Coli</i>	901	200000	0	583	38000	27	YES
Fecal Strep	4200	129000	100	925	51000	18	YES
NO ₃ +NO ₂ -N	0.78	1.64	0.16	0.43	0.73	0.10	YES
TDS	128	836	51	100	160	71	YES
TKN	1.65	11.30	0.48	0.58	2.41	0.00	YES
TP	0.30	1.61	0.06	0.06	0.80	0.00	YES
TSS	52.57	1207.00	4.90	15.75	485.00	1.40	YES

All constituent units are expressed in milligrams per liter, other than *E. coli* and Fecal Strep which are in colonies per 100 milliliters. Statistical significance was based on a Mann-Whitney 2-sample test at a 0.1 significance level.

Table 2: Computed seasonal and annual unit-area constituent loadings at monitored locations for 2011

Constituent	Vienna Winter	Occoquan Winter	Vienna Spring	Occoquan Spring	Vienna Summer	Occoquan Summer	Vienna Fall	Occoquan Fall	Vienna Annual	Occoquan Annual
NH ₃ -N	0.194	0.003	0.105	0.027	0.226	0.024	0.084	0.003	0.608	0.057
COD	51.208	6.185	36.269	15.348	64.339	10.199	77.177	8.587	228.993	40.318
<i>E. Coli</i>	0.704	0.391	6.299	23.078	105.132	13.304	26.633	7.367	268.541	34.326
Fecal Strep	0.945	1.671	22.072	19.974	78.881	38.664	76.379	7.140	275.330	62.148
NO ₃ +NO ₂ -N	0.558	0.122	0.413	0.117	1.018	0.263	0.403	0.110	2.393	0.612
TDS	141.438	31.649	75.620	26.061	114.808	67.123	94.909	33.126	426.776	157.959
TKN	1.237	0.124	1.792	0.356	2.012	0.434	0.954	0.194	5.995	1.107
TP	0.182	0.010	0.126	0.094	0.393	0.048	0.286	0.015	0.986	0.168
TSS	73.440	3.291	47.314	57.792	117.683	28.590	27.398	4.927	265.834	94.600

All loadings are expressed in pounds per acre, except for *E. coli* and Fecal Strep which are in billions of colonies per acre. To compute total loads in pounds or billions of colonies, unit-area loading was multiplied by the drainage area of the monitoring station in acres.

a.12 (e) Report on the Bioassessment Monitoring Program; (1) Monitoring plan; (2) Summarize test results.

The permittee can use and is encouraged to use a rapid bioassessment monitoring program to demonstrate the effectiveness of the stormwater management plan. The program will be implemented within one year of the effective date of the permit and an approvable program must be submitted within six months of the effective date of the permit (C.2).

A probability-based site selection sampling methodology was used to identify randomly-selected stream bioassessment locations throughout Fairfax County. These sites were stratified and proportionally distributed throughout the county based on Strahler stream order applied to all perennially flowing streams in Fairfax County. This methodology eliminates any site selection bias and is commonly used as a cost-effective way of obtaining a statistically defensible determination of

stream conditions at a countywide scale. A total of 53 sites were sampled in 2011: 40 sites randomly selected within Fairfax County as part of the annual probabilistic monitoring program; 11 Piedmont reference locations in Prince William National Forest Park; and two Coastal Plain reference sites in the Kane Creek watershed of Fairfax County. Results from the 40 randomly selected sites suggest that approximately 69 percent of the county's waterways are in "Fair" to "Very Poor" condition based on a decrease in biological integrity of streams. The monitoring program is part of the framework to evaluate future changes and trends in watershed conditions.

a.12. (f) Report on the Floatables Monitoring Program

The permittee shall conduct surveys of floatables. The intent of the survey is to document the effectiveness of the litter control programs for the Municipal Separate Storm Sewer System. Surveys shall be done in accordance with the following procedures: c) The above may be accomplished through the "Adopt a Stream" program referenced in Part I.B.1.k.2 (C.3.c).

In 2011 the multi-agency trash workgroup (consisting of representatives from the Stormwater Planning Division, Division of Solid Waste, Northern Virginia Soil and Water Conservation District and Clean Fairfax Council) began developing a Trash Assessment For Improved Environments (TAFIE) stream condition assessment form for Fairfax County. Similar to rapid assessment methods used to inventory the physical condition of stream habitats, the TAFIE approach can provide visual estimates of certain characteristics (such as amount of visible trash, threats to human health and wildlife, evidence of illegal dumping) and describe the overall condition of a particular location. The goal is to develop and make available a more rigorous method of evaluating the pre- and post-cleanup condition of a stream cleanup site that is easily understood by volunteers and to use the resulting information to guide future litter control and outreach efforts. The TAFIE worksheet and the accompanying guidance were field tested at several stream cleanup sites in 2011; feedback from these events was used to refine and clarify the worksheet and instructions for use. In 2012 the TAFIE form and guidance will be made available to schools, scout troops, and other stream cleanup groups.

The county continued to work with and support the following organizations that coordinate large and small-scale volunteer cleanups:

- Clean Fairfax Council
- The Alice Ferguson Foundation (Potomac River Watershed Cleanup)
- Clean Virginia Waterways (International Coastal Cleanup)

Clean Fairfax Council documented the following metrics regarding litter and clean-up activities that they organized:

- Report a Litterer reports (via anonymous fill-in form at Clean Fairfax website or the Report a Litterer hotline) – 102
- Total number of clean up events either planned or supported – 75
- Total number of volunteers at clean up events – 1,630
- Total number of volunteer hours – 8,050
- Cubic yards of garbage collected – 720

The county continued to provide support and staff for various stream and river cleanup events. In the spring of 2011 approximately 76 sites were established throughout the county for the Alice Ferguson Foundation's annual Potomac River Watershed Cleanup. Cleanups were conducted at numerous state, county and local parks, schools, the county wastewater treatment plant and other

locations. These cleanups were advertised in publications such as the Department of Solid Waste's SCRAPBook and the Fairfax County Park Authority's Parktakes Magazine, as well as on the internet. Staff from the Stormwater Planning Division, Division of Solid Waste, Wastewater Management Division, Fairfax County Park Authority and the Northern Virginia Soil and Water Conservation District participated in these cleanups. More than 1,734 volunteers removed approximately 1,713 bags of trash and litter, 200 tires, 1,883 cigarette butts, 8,559 plastic shopping bags and 31,750 plastic bottles from Fairfax County streams. All told, over 27.96 tons of trash were collected.

According to Clean Virginia Waterways, a total of 1,022 volunteers participated in the International Coastal Cleanup in Fairfax County during September and October 2011. More than 57.5 stream and shoreline miles were cleaned, and 19,478 pounds of trash and marine debris were removed. Food wrappers and containers, litter from recreational activities and fast food consumption (i.e. cups, plates, forks, etc.), and plastic bags were the most commonly collected trash items in the county.

The county continued to promote the "Adopt a Stream" program. The Stormwater Planning Division distributed copies of its Floatables Monitoring Program Brochure to various public offices and during educational activities and outreach events throughout the county. The brochure was also made available on the county Stream Litter website:

<http://www.fairfaxcounty.gov/dpwes/stormwater/streamlitter.htm>

Stream cleanup event organizers were encouraged to record their cleanup information on the Floatables Data Reporting Form (available in the brochure or on the county website) and return the completed form to the county. Cleanup data submitted to the county are entered in the Floatables database.

b) Proposed Changes to the Stormwater Management Program

Storm Water Management Program Review and Update (B.4).

In 2009 Fairfax County and Fairfax County Public Schools proposed to the Department of Conservation and Recreation that the two jurisdictions be covered by the county's Phase I MS4 permit. The arrangement would be contingent upon the two jurisdictions submitting formal documentation to DCR outlining the commitments of each jurisdiction and upon DCR issuing a new permit. In 2009 the county and Public Schools drafted a memorandum of understanding outlining the roles and responsibilities of each jurisdiction that pertain to specific requirements of the MS4 permit. In 2011 both parties continued to monitor changes in the county's draft permit requirements which may impact specific terms of the MOU.

In 2011 the county continued to implement the existing MS4 program per its current Phase I permit. Likewise, Fairfax County Public Schools continued to implement its existing Phase II permit (VAR040104). Public Schools completed and submitted its Annual Report to DCR in August 2011.

c) Assessments of controls and the fiscal analysis of the effectiveness of new controls established by the Stormwater Management Program

As the county approaches build-out conditions, it has become increasingly challenging to mitigate the impacts of impervious area and nonpoint source pollution on streams. Several efforts through the existing stormwater management program are helping to reduce or minimize water quality impacts. They include: the mandate of controls (BMPs) by the Chesapeake Bay Preservation Ordinance; development and implementation of Comprehensive Watershed Management Plans;

development of a retrofitting program for existing developed areas; and ongoing changes to stormwater management codes, policies, ordinance, and guidelines.

d) Annual Expenditures for the StormWater Management Program and Budget

The county has not tracked expenditures to meet permit requirements separately from its overall stormwater program administered by the Department of Public Works and Environmental Services, nor have other agencies tracked the resources they have expended on programs that contribute towards meeting MS4 permit conditions. For calendar year 2011, an analysis of expenditures is available only through October 31, 2011, because Fairfax County began implementing a new financial management system. The total expenditures in the Stormwater Management business unit from January 1, 2011, through October 31, 2011, were \$26.8 million.

In FY 2006, the Board of Supervisors had dedicated the value of one penny of the real estate tax, or approximately \$20 million annually to stormwater capital projects. As part of the FY 2010 Adopted Budget Plan, a new service district was created to support the stormwater management program, as authorized by Virginia Code Annotated Sections 15.2-2400. As part of the FY 2011 budget, the Board of Supervisors approved a stormwater service district levy to \$0.015 (one and a half cents) per \$100 of assessed real estate value to support both staff operating requirements and stormwater capital projects. The stormwater service district will generate approximately \$28 million in FY 2012 that will be dedicated to funding the entire stormwater management program.

e) Identification of water quality improvements or degradation

As the county approaches build-out, we will continue to implement best management practices to control stormwater pollutants, meet regulatory requirements, and take a holistic approach to watershed restoration and preservation. Efforts include enhanced infrastructure maintenance and inspections, implementation of watershed management plans, a continued construction inspection program, and ongoing outreach efforts to increase public awareness. It is anticipated that these efforts will have a positive long-range impact on the future health of county watersheds, will help to satisfy stream water quality standards and support the goals of restoring both local waterways and the Chesapeake Bay.

Attachment 1: Fairfax County's Watershed Management Plans

The following is a list of Fairfax County's thirteen watershed management plans. The date of plan adoption is specified as well as the watershed or watersheds that were included in the watershed planning group.

1. Little Hunting Creek Watershed Management Plan (adopted February 2005)
 - Included watershed: Little Hunting Creek
2. Popes Head Creek Watershed Management Plan (adopted January 2006)
 - Included watershed: Popes Head Creek
3. Cub Run and Bull Run Watershed Management Plan (adopted February 2007)
 - Included watersheds: Cub Run and Bull Run
4. Difficult Run Watershed Management Plan (adopted February 2007)
 - Included watershed: Difficult Run
5. Cameron Run Watershed Management Plan (adopted August 2007)
 - Included watershed: Cameron Run
6. Middle Potomac Watersheds Management Plan (adopted May 2008)
 - Included watersheds: Bull Neck Run, Dead Run, Pimmit Run, Scotts Run, and Turkey Run
7. Pohick Creek Watershed Management Plan (adopted December 2010)
 - Included watershed: Pohick Creek
8. Sugarland Run and Horsepen Creek Watershed Management Plan (adopted December 2010)
 - Included watersheds: Sugarland Run and Horsepen Creek
9. Belle Haven, Dogue Creek and Four Mile Run Watershed Management Plan (adopted January 2011)
 - Included watersheds: Belle Haven, Dogue Creek, and Four Mile Run
10. Lower Occoquan Watershed Management Plan (adopted January 2011)
 - Included watersheds: High Point, Kane Creek, Mill Branch, Occoquan, Old Mill Branch, Ryans Dam, Sandy Run, and Wolf Run
11. Nichol Run and Pond Branch Watershed Plan (adopted January 2011)
 - Included watersheds: Nichol Run and Pond Branch
12. Accotink Creek Watershed Management Plan (adopted February 2011)
 - Included watershed: Accotink Creek
13. Little Rocky Run and Johnny Moore Creek Watershed Plan (adopted February 2011)
 - Included watersheds: Little Rocky Run and Johnny Moore Creek

Print copies of final approved plans are available at the Stormwater Planning Division office, Fairfax County Public Libraries, and Board of Supervisors District offices. Digital copies are available upon request from the Stormwater Planning Division.

Attachment 2: Infrastructure Management Plan and Schedule Table

Table 3: Infrastructure Management Plan and Schedule

Year of Measurement	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Number of Tax Maps Field-verified During the Year	87	65	69	217	57	83	66	46	122	76
Number of Tax Maps Digitized During the Year	87	114	90	145	0	0	0	0	0	0
Total Number of Updated Tax Maps (Field-verified and Digitized)	174	179	159	362	134	176	156	118	283	268
Number of Tax Maps Remaining To Be Digitized	349	235	145	1	0	0	0	0	0	0
Number of Easements Completed (Tax Maps)	N.A.	N.A.	N.A.	15	60	91	230	40	0	0
Miles of Pipes Videoed (by CCTV)	N.A.	N.A.	N.A.	N.A.	43	50	N.A.	10.1	67	10.2
Miles of Pipes Photographed	N.A.	80	32	6.9						
Tax Maps Reviewed for Storm Structure Maintenance Needs	N.A.	88								

N.A means “not applicable.”

Board Agenda Item
March 6, 2012

12:40 p.m.

Matters Presented by Board Members

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Board Agenda Item
March 6, 2012

1:30 p.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Marilyn Orange v. Berkshire Property Advisors, LLC, et al.*, Case No. CL-2010-11571 (Fx. Co. Cir. Ct.)
 - 2. Application of XO Virginia, LLC., Case No. PST-2011-00031 (Va. State Corp. Comm'n) (Countywide)
 - 3. *Emmanuel Kwame Boateng v. Fairfax County Police Department*, No. 1:12-cv-55-TSE-TRJ (E.D. Va.)
 - 4. *Christopher Wills v. Charles P. Rosenberg, Donna Marie Stephenson, John Robert Stone, Cindy Lundberg, Michael Feightner, Nathaniel McFadden, Reginald A. Johnson, Maurice Simmons, James Black, Mr. Hamed, Mr. Asib, and Hellen Fayah*, Civil Action No. 1:09-cv-2558-RMU (D.D.C.)
 - 5. *Board of Supervisors of Fairfax County, Virginia v. D and J Real Estate, LLC, and L & M Body Shop, Inc.*, Case No. CL-2011-0016596 (Fx. Co. Cir. Ct.) (Lee District)
 - 6. *Paul A. Moreno and Asha D. Bhandari v. William L. Hampton, Barbara A. Hampton, and Fairfax County*, Case No. CL-2011-0006678 (Fx. Co. Cir. Ct.) (Lee District)

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7. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Adane G. Meles*, Case No. CL-2011-0015632 (Fx. Co. Cir. Ct.) (Dranesville District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Winfred Taylor and Jan A. Taylor*, Case No. CL-2011-0016422 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Philip W. Bradbury*, Case No. CL-2011-0009319 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. AM of Northern Virginia, LLC*, Case No. CL-2011-0015325 (Fx. Co. Cir. Ct.) (Mason District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Associated Acquisitions, LLC*, Case No. CL-2011-0015689 (Fx. Co. Cir. Ct.) (Dranesville District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Raheen Properties, LLC*, Case No. CL-2011-0015887 (Fx. Co. Cir. Ct.) (Mason District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tai Lai and Kent Lai*, Case No. CL-2011-0014968 (Fx. Co. Cir. Ct.) (Lee District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Samuel S. Gonzales and Terri Lynn Gonzales*, Case No. CL-2011-0017700 (Fx. Co. Cir. Ct.) (Braddock District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rosa E. Martinez*, Case No. CL-2010-0011285 (Fx. Co. Cir. Ct.) (Mason District)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tina M. Howard*, Case No. CL-2011-0017608 (Fx. Co. Cir. Ct.) (Providence District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Everth Quezada and Rosmery Vega*, Case No. CL-2011-0016598 (Fx. Co. Cir. Ct.) (Springfield District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Washington Gastroenterology, PLLC*, CL-2012-0001759 (Fx. Co. Cir. Ct.) (Mason District)

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19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Brian K. Fleck and Terri R. Fleck*, Case No. CL-2012-0001755 (Fx. Co. Cir. Ct.) (Providence District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Derek B. Vereen and Angelique H. Vereen*, Case No. CL-2012-0001757 (Fx. Co. Cir. Ct.) (Lee District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sharon U. Hoxie*, Case No. CL-2011-0002138 (Fx. Co. Cir. Ct.) (Lee District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alexander Canas and Roxana G. Barrera*, Case No. CL-2012-0002216 (Fx. Co. Cir. Ct.) (Lee District)
23. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Charles Yeh and Mary Yeh*, Case No. CL-2012-0002343 (Fx. Co. Cir. Ct.) (Dranesville District)
24. *Board of Supervisors v. Myra D. Miller and Western Surety Company*, Case No. CL-2011-0015901 (Fx. Co. Cir. Ct.) (Springfield District)

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Board Agenda Item
March 6, 2012

4:00 p.m.

Public Hearing on Proposed Comprehensive Plan Amendment S11-CW-4CP Regarding Revisions to the Comprehensive Plan to Update Information on Heritage Resources

ISSUE:

Plan Amendment S11-CW-4CP proposes amending the Area Plan volumes of the Comprehensive Plan to add new information on two new properties added to the County's Inventory of Historic Sites and to revise information on heritage resources in text and figures that is currently out of date. The proposed plan amendment would update information in the County's Inventory of Historic Sites tables and maps, revise text where new research has uncovered more accurate information on sites, and revise the language in the Heritage Resources sections of the Planning Districts and Dulles Suburban Center and Fairfax Center special planning areas to reflect language used in the Policy Plan regarding development review for heritage resources.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 9, 2012, the Planning Commission voted unanimously to recommend that the Board of Supervisors adopt Plan Amendment S11-CW-4CP as set forth in the Staff Report dated January 18, 2012.

RECOMMENDATION:

The County Executive recommends that the Board approve the Planning Commission recommendation for Plan Amendment S11-CW-4CP. The recommendation would update the Comprehensive Plan to provide the most accurate and current information on the County's heritage resources.

TIMING:

Planning Commission public hearing – February 9, 2012
Board of Supervisors public hearing – March 6, 2012

BACKGROUND:

On December 6, 2011, the Board of Supervisors authorized the proposed 2011 county-wide heritage resources plan amendment at the request of the History Commission. In the 2011 calendar year, two properties were added to the Inventory of Historic Sites, which is maintained by the History Commission. New research has uncovered more

Board Agenda Item
March 6, 2012

accurate information on other sites. Additionally, editorial changes are necessary to correct factual information.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I – Planning Commission Verbatim

Attachment II – Staff Report

STAFF:

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

Marianne Gardner, Director, Planning Division (PD), DPZ

Sterling R. Wheeler, Chief, Policy and Plan Development Branch, PD, DPZ

Linda Cornish Blank, Historic Preservation Planner, Policy and Plan Development Branch, PD, DPZ

Laurie Turkawski, Historian I, Policy and Plan Development Branch, PD, DPZ

Planning Commission Meeting
February 9, 2012
Verbatim Excerpt

S11-CW-4CP – COMPREHENSIVE PLAN AMENDMENT (HERITAGE RESOURCES PLAN)

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed and now I'll recognize Mr. Sargeant.

Commissioner Sargeant: I don't know, sir. I was on a roll before.

Chairman Murphy: I know you were.

Commissioner Sargeant: I'll give it another try here anyway. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT S11-CW-4CP, AS SET FORTH IN THE STAFF REPORT DATED JANUARY 12, 2012 [sic]. As indicated in the report, this Countywide Heritage Resource Plan Amendment will update information on the County's Inventory of Historic Sites, tables, and maps; reflect changes where new research has uncovered more accurate information on sites; and revise the language in the Heritage Resource Sections of the Planning Districts in the Dulles Suburban Center and Fairfax Center areas to reflect the language in the Heritage Resource Section of the Policy Plan.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt Out-of-Turn Plan Amendment S11-CW-4CP, say aye.

Commissioners: Aye.

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

//

(The motion carried unanimously.)

JLC



PROPOSED COMPREHENSIVE PLAN AMENDMENT

ITEM: S11-CW-4CP
January 18, 2012

GENERAL LOCATION: Countywide

SUPERVISOR DISTRICT: All

PLANNING AREA: All

PLANNING DISTRICT: All

SUB-DISTRICT DESIGNATION: All

PARCEL LOCATION: All

PLANNING COMMISSION PUBLIC HEARING:
Thursday, February 9, 2012 @ 8:15 P.M.

BOARD OF SUPERVISORS PUBLIC HEARING:
Tuesday, March 6, 2012 @ 4:00 P.M.

**PLANNING STAFF DOES RECOMMEND
THIS ITEM FOR PLAN AMENDMENT**

For additional information about this amendment call (703) 324-1100.



Reasonable accommodation is available upon
48 hours advance notice. For additional information
about accommodation call (703) 324-1334.

MAP NOT APPLICABLE

STAFF REPORT FOR PLAN AMENDMENT S11-CW-4CP

BACKGROUND

On December 6, 2011, the Board of Supervisors authorized a Plan Amendment for Heritage Resources, responding to a request from the History Commission. The purpose of this Plan Amendment is to update information pertaining to Heritage Resources in the Comprehensive Plan, primarily to incorporate current information relating to historic properties in Fairfax County. Heritage Resources information in the Area Plan volumes of the Comprehensive Plan was last updated in March 2010. Since that time two properties have been added to the Fairfax County Inventory of Historic Sites, which is maintained by the Fairfax County History Commission. New research has also uncovered more accurate information on other sites. Additionally, editorial changes are necessary to reflect current terminology.

The Fairfax County Inventory of Historic Sites was established in 1969. That same year, the Historical Landmarks Preservation Commission, which had been in operation since 1965, was renamed the History Commission. The History Commission undertook several tasks, one of which was to conduct thorough research to compose a survey list of important historical sites in the County. This survey list became the Fairfax County Inventory of Historic Sites.

The Inventory itself is a catalog of historically significant sites within Fairfax County. As of December 2011, there were three hundred and sixty sites in the Inventory as maintained by the History Commission. These historic sites range from the internationally-known Mount Vernon to lesser known churches, bridges, houses, burial grounds, structures and objects representing important aspects of Fairfax County's past. The official site names are based on formatting conventions used by the National Register of Historic Places and historical information. Therefore, those names may not reflect the current uses or commonly known names of those sites. Inclusion in the Inventory itself is an honorary designation, and does not impose restrictions as to what an owner can do with his property. However, there may be restrictions or limits imposed on these properties which are unrelated to the Inventory listing. The Fairfax County Comprehensive Plan recognizes these sites so the impact of the proposal on the historic site is taken into consideration in reviewing development applications or plan amendments involving inventory site properties. The Plan lists the inventory sites by area in the Heritage Resources sections of the Area plans. The Plan encourages their preservation when possible.

Anyone may nominate a property for listing in the Inventory of Historic Sites. To be considered for listing, a property must meet specific criteria. Nomination forms and the listing criteria are located on the County website at <http://www.fairfaxcounty.gov/dpz/historic/ihs/>. The nomination form is submitted with accompanying documentation to heritage resource planning staff at the Department of Planning and Zoning. The staff reviews the application and submits it to the History Commission for a decision.

The Heritage Resources section of the Policy Plan and the Heritage Resource Management Plan were approved by the Board of Supervisors in 2002 and 1988, respectively. The proposed plan amendment is consistent with the policies set forth in these plans.

ANALYSIS AND SUMMARY OF PROPOSED AMENDMENTS

The proposed changes are countywide and include text and figures at the Planning District and Planning Sector levels. Text revisions are limited to the Heritage Resources sections of the Plan.

An additional standard paragraph (below) taken from existing language in the LP4-Fort Belvoir Community Planning Sector is recommended to be inserted at the end of the Heritage Resources section of the Dulles Suburban Center and Fairfax Center Area Plans, as well as each Planning District:

“Prior to any zoning action, the Department of Planning and Zoning should be consulted as to what architectural surveys are necessary to document any on-site cultural resources. Staff from the Cultural Resource Management and Protection Section of the Park Authority should be consulted to develop a scope of work for any on-site archaeological surveys prior to any development or ground disturbing activity. Should architectural or archaeological resources be discovered that are potentially eligible for inclusion in the National Register, further survey and testing should occur to evaluate these resources as to their eligibility. If such resources are found to be eligible, mitigation measures should be developed that may include avoidance, documentation, data recovery excavation and interpretation.”

The above proposed text reiterates language in Appendix 9 of the Land Use Section of the Policy Plan, Number 8 Heritage Resources. Existing text states that when reviewing rezoning applications for properties containing heritage resources, research and documentation shall be considered to evaluate and protect the resources. The above proposed paragraph also clarifies which entities to contact to fulfill the Policy Plan requirements.

In the Heritage Resources sections of several community planning sectors, corrections to language describing the statuses of several historic sites and districts are proposed. Standard heritage resources language was added to the Van Dorn Transit Station Area of the Rose Hill Planning District, as previously approved for the Planning Sectors.

The Inventory of Historic Sites tables located in several Planning Districts were updated to correct site names, property statuses, addresses, parcel numbers, historic register statuses and dates of significance. Two newly listed sites, Great Falls Park Historic District and Clifton Elementary School, were added. The table headers were revised to reflect the year 2011, the calendar year of those revisions in the Fairfax County Inventory of Historic Sites. In addition, the heritage resource maps (Figure 5 in the Planning Districts) were revised to incorporate the changes described above.

RECOMMENDATION

Staff recommends the Comprehensive Plan be modified as shown in Appendix I of the staff report.

The Comprehensive Plan Map will be amended with an “H” to designate Great Falls Park Historic District and Clifton Elementary School as listed in the Inventory of Historic Sites.

APPENDIX I

Text proposed to be added is shown as underlined and text proposed to be deleted is shown with a ~~strike through~~. Modifications indicated as *, N, V, or H refer to a legend that appears in each table as follows:

- * indicates demolition: potential remains for archaeological site.
- N National Register of Historic Places
- V Virginia Landmarks Register
- H Historic Overlay District
- L National Historic Landmark

MODIFY: All four volumes of the Fairfax County Comprehensive Plan, 2011 Edition, Overview section of each Planning District, Heritage Resources:

“Heritage Resources

...

In those areas where significant heritage resources have been recorded, an effort should be made to preserve them for the benefit of present and future generations. If preservation is not feasible then the threatened resources should be thoroughly recorded and, in the case of archaeological resources, the data recovered in accordance with countywide policies.

Prior to any zoning action, the Department of Planning and Zoning should be consulted as to what architectural surveys are necessary to document any on-site cultural resources. Staff from the Cultural Resource Management and Protection Section of the Park Authority should be consulted to develop a scope of work for any on-site archaeological surveys prior to any development or ground disturbing activity. Should architectural or archaeological resources be discovered that are potentially eligible for inclusion in the National Register, further survey and testing should occur to evaluate these resources as to their eligibility. If such resources are found to be eligible, mitigation measures should be developed that may include avoidance, documentation, data recovery excavation and interpretation.”

MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area I, Annandale Planning District as amended through 7-27-2010; Overview, Figure 4, “Inventory of Historic Sites, Annandale Planning District,” page 9, as follows:

**FIGURE 4
INVENTORY OF HISTORIC SITES
ANNANDALE PLANNING DISTRICT
(Inventory as of ~~2009~~ 2011)**

REVISION OF HEADER ONLY – NO CHANGES WILL BE MADE TO THE ACTUAL TABLE

MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area I, Baileys Planning District as amended through 7-27-2010; Overview, Figure 4, “Inventory of Historic Sites, Baileys Planning District,” page 9, as follows:

**FIGURE 4
INVENTORY OF HISTORIC SITES
BAILEYS PLANNING DISTRICT
(Inventory as of ~~2009~~ 2011)**

Modify the below site in the table as follows:

Name	Address	Planning Sector	Parcel Number	Date
D.C. Boundary Stone E, S. W. Line #6 N, V	S. Jefferson Street Falls Church	B2	62-1 ((1))	1791; <u>moved</u> <u>1965</u>

MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area I, Jefferson Planning District as amended through 3-9-2010; Overview, Figure 4, “Inventory of Historic Sites, Jefferson Planning District,” page 8 & 9, as follows:

**FIGURE 4
INVENTORY OF HISTORIC SITES
JEFFERSON PLANNING DISTRICT
(Inventory as of ~~2009~~ 2011)**

REVISION OF HEADER ONLY – NO CHANGES WILL BE MADE TO THE ACTUAL TABLE

MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area I, Lincolnia Planning District as amended through 3-9-2010; Overview, Figure 4, “Inventory of Historic Sites, Lincolnia Planning District,” page 8, as follows:

**FIGURE 4
INVENTORY OF HISTORIC SITES
LINCOLNIA PLANNING DISTRICT
(Inventory as of ~~2009~~ 2011)**

REVISION OF HEADER ONLY – NO CHANGES WILL BE MADE TO THE ACTUAL TABLE

MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area II, Fairfax Planning District as amended through 3-9-2010; Overview, Figure 4, “Inventory of Historic Sites, Fairfax Planning District,” page 10, as follows:

**FIGURE 4
INVENTORY OF HISTORIC SITES
FAIRFAX PLANNING DISTRICT
(Inventory as of ~~2009~~ 2011)**

REVISION OF HEADER ONLY – NO CHANGES WILL BE MADE TO THE ACTUAL TABLE

MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area II, McLean Planning District as amended through 3-9-2010; Overview, Figure 4, “Inventory of Historic Sites, McLean Planning District,” pages 9-13, as follows:

**FIGURE 4
INVENTORY OF HISTORIC SITES
MCLEAN PLANNING DISTRICT
(Inventory as of ~~2009~~ 2011)**

Modify the below site in the table as follows:

Name	Address	Planning Sector	Parcel Number	Date
George Washington Memorial Parkway	From Arlington County border to Capital Beltway	M3, M5	N/A	1952 - 1970 <u>1962</u>

MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area II, Vienna Planning District as amended through 3-9-2010; Overview, Figure 4, “Inventory of Historic Sites, Vienna Planning District,” pages 9-11, as follows:

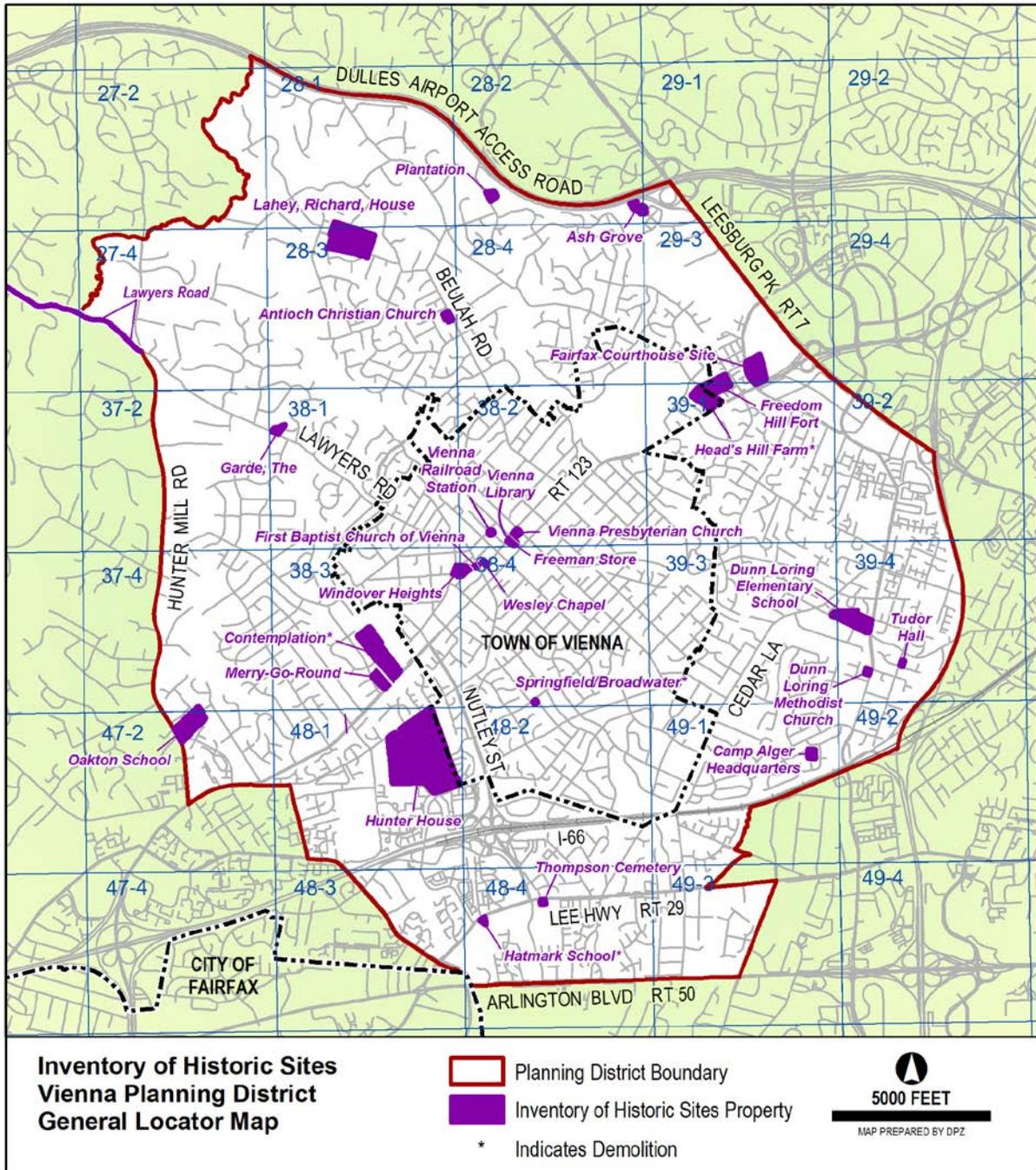
FIGURE 4
INVENTORY OF HISTORIC SITES
VIENNA PLANNING DISTRICT
(Inventory as of ~~2009~~ 2011)

Modify the below site in the table as follows:

Name	Address	Planning Sector	Parcel Number	Date
Freeman, Anderson, House <u>Store</u> <u>V</u>	131 Church Street, NE Vienna	V6	38-2 ((2)) 104	c. 1859

MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area II, Vienna Planning District as amended through 3-9-2010; Overview, Figure 5, "Inventory of Historic Sites, Vienna Planning District, General Locator Map," page 12, as follows:



MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area II, Vienna Planning District as amended through 3-9-2010; V4-Piney Branch Community Planning Sector, Recommendations, Heritage Resources, page 82:

“Heritage Resources

Several known and potentially significant heritage resources ~~exist~~ have been identified in this sector. Large open space areas and older neighborhoods exist in this sector. Any development or ground disturbance in this sector, both on private and public land, should be preceded by heritage resource studies, and alternatives should be explored for the avoidance, preservation or recovery of significant heritage resources that are found. In those areas where significant heritage resources have been recorded, an effort should be made to preserve them. If preservation is not feasible, then, in accordance with countywide objectives and policies as cited in the Heritage Resources section of the Policy Plan, the threatened resource should be thoroughly recorded and in the case of archaeological resources, the artifacts recovered.”

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area II, Vienna Planning District as amended through 3-9-2010; V5-Nutley Branch Community Planning Sector, Recommendations, Heritage Resources, page 87:

“Heritage Resources

Several known and potentially significant heritage resources ~~exist~~ have been identified in this sector. Large open space areas and older neighborhoods exist in this sector. Any development or ground disturbance in this sector, both on private and public land, should be preceded by heritage resource studies, and alternatives should be explored for the avoidance, preservation or recovery of significant heritage resources that are found. In those areas where significant heritage resources have been recorded, an effort should be made to preserve them. If preservation is not feasible, then, in accordance with countywide objectives and policies as cited in the Heritage Resources section of the Policy Plan, the threatened resource should be thoroughly recorded and in the case of archaeological resources, the artifacts recovered.”

MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area III, Bull Run Planning District as amended through 6-8-2010; Overview, Figure 4, “Inventory of Historic Sites, Bull Run Planning District,” pages 10-12, as follows:

FIGURE 4
INVENTORY OF HISTORIC SITES
BULL RUN PLANNING DISTRICT
(Inventory as of ~~2009~~ 2011)

Modify the below sites in the table as follows:

Name	Address	Planning Sector	Parcel Number	Date
Civil War Earthworks H	5714 Mt. Gilead Road Centreville	BR6	54-4 ((1)) 38A ₂ <u>54-4 ((16)) A1</u> <u>open space,</u> <u>54-4 ((24) B1</u> <u>open space</u>	1861
Stone Filling Station H	13940 Braddock Road Centreville	BR6	54-4 ((1)) 43	1937; <u>moved</u> <u>1987</u>

MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area III, Dulles Suburban Center as amended through 3-9-2010; Figure 7, “Inventory of Historic Sites, Dulles Suburban Center,” pages 39 & 40, as follows:

FIGURE 7
INVENTORY OF HISTORIC SITES
DULLES SUBURBAN CENTER
(Inventory as of ~~2009~~ 2011)

Modify the below site in the table as follows:

Name	Address	Planning Sector	Parcel Number	Date
Bowman Store* <u>N,V</u>	2628 Centreville Road Herndon	UP6	25-1 ((1)) 13	c. 1893
Keyes House*	2516 Squirrel Hill Road Herndon	UP7	15-4 ((1)) 28	1884/1885

MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area III, Fairfax Center Area as amended through 4-26-2011; Area-Wide Recommendations, Figure 11, “Inventory of Historic Sites, Fairfax Center Area,” page 37, as follows:

FIGURE 11
INVENTORY OF HISTORIC SITES
FAIRFAX CENTER AREA
(Inventory as of ~~2009~~ 2011)

REVISION OF HEADER ONLY – NO CHANGES WILL BE MADE TO THE ACTUAL TABLE

MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area III, Pohick Planning District as amended through 9-28-2010; Overview, Figure 4, “Inventory of Historic Sites, Pohick Planning District,” pages 11-13, as follows:

FIGURE 4
INVENTORY OF HISTORIC SITES
POHICK PLANNING DISTRICT
(Inventory as of ~~2009~~ 2011)

Add the below site to the table in alphabetical order:

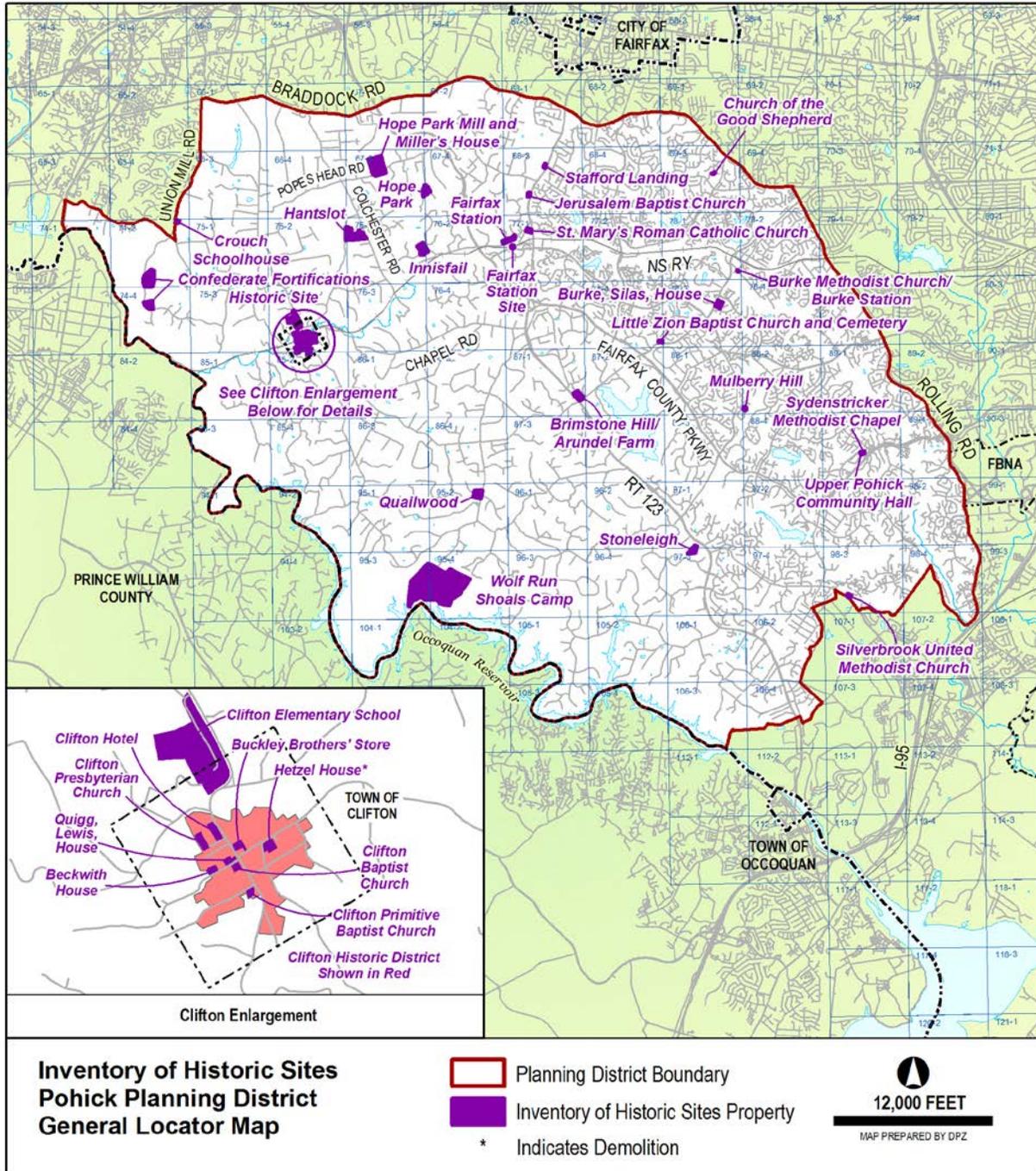
<u>Name</u>	<u>Address</u>	<u>Planning Sector</u>	<u>Parcel Number</u>	<u>Date</u>
<u>Clifton Elementary School</u>	<u>7010 Clifton Road</u> <u>Clifton</u>	<u>P3</u>	<u>75-4 ((1)) 24</u>	<u>1953</u>

Modify the below site in the table as follows:

<u>Name</u>	<u>Address</u>	<u>Planning Sector</u>	<u>Parcel Number</u>	<u>Date</u>
Crouch Schoolhouse	6904 <u>6801</u> Union Mill Road Clifton	P3	74-2 ((8)) 3 <u>74-2 ((1)) 23</u>	1874; <u>moved and</u> <u>rebuilt</u> <u>2011</u>

**MODIFY
FIGURE:**

Fairfax County Comprehensive Plan, 2011 Edition, Area III, Pohick Planning District as amended through 9-28-2010; Overview, Figure 5, "Inventory of Historic Sites, Pohick Planning District, General Locator Map," page 14, as follows:



MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area III, Pohick Planning District as amended through 9-28-2010; P2-Main Branch Community Planning Sector, Recommendations, Heritage Resources, page 42:

“Heritage Resources

...

The Braddock District was once crisscrossed with scenic rural roads. Very few are still remaining. The longest section is Twinbrook Road (between Braddock Road and Guinea Road), and Burke Road (between Guinea Road and Burke Lake Road). Roberts Road (between ~~Route 236 and the Southern Railroad right-of-way~~ the Fairfax City line and New Guinea Road) is another rural road of the Braddock District. These rural roads are an important reminder of our rural heritage and should be considered an important heritage resource. Any future development or redevelopment of the abutting properties should be sensitive to the rural character of ~~this~~ these corridors.

...”

MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area III, Upper Potomac Planning District as amended through 7-27-2010; Overview, Figure 4, Inventory of Historic Sites, pages 12-19:

**FIGURE 4
INVENTORY OF HISTORIC SITES
UPPER POTOMAC PLANNING DISTRICT
(Inventory as of 2009 2011)**

Add the below site to the table in alphabetical order:

Name	Address	Planning Sector	Parcel Number	Date
<u>Great Falls Park Historic District</u> <u>V</u>	<u>9200 Old Dominion Drive</u> <u>McLean</u>	<u>UP1</u>	<u>8-4 ((12)) 3A1,</u> <u>13-2 ((1)) 35</u>	<u>c. 6,000</u> <u>BC-1968</u>

Modify the below sites in the table as follows:

Name	Address	Planning Sector	Parcel Number	Date
Bowman Store* <u>N,V</u>	2628 Centreville Road Herndon	UP6	25-1 ((1)) 13	c. 1893
Cherok House* <u>N,V</u>	2633 Centreville Road Herndon	UP7	25-1 ((1)) 19	c. 1889

Name	Address	Planning Sector	Parcel Number	Date
Floris Historic District <u>N,V</u>	Bounded by Centreville Road, West Ox Road, Monroe Street, and Frying Pan Branch, Herndon	UP7	25-1 ((1)) 3A, 3L, 9-11, 16, 17, 20-21, 29-31; 25-1 ((14)) B, C, E-G, (6)A, (7)B	c. 1785-1960
Floris United Methodist Church <u>N,V</u>	2629 Centreville Road Herndon	UP7	25-1 ((1)) 17	c. 1895
Fox House <u>N,V</u>	2703 West Ox Road Herndon	UP7	25-1 ((1)) 20	1897/1898
Frying Pan Farm Park <u>N,V</u>	2709 West Ox Road Herndon	UP7	25-1 ((1)) 3A, 3L, 9-11, 29-31; 025-1 ((14)) B, C, E-G, (6)A, (7)B	c. 1920
Higgins, R., House <u>N,V</u>	2705 West Ox Road Herndon	UP7	25-1 ((1)) 21	1903/1904
Keyes House*	2516 Squirrel Hill Road Herndon	UP7	15-4 ((1)) 28	1884/1885
Lee, Edward, House <u>N,V</u>	2625 Centreville Road Herndon	UP7	25-1 ((1)) 16	c. 1891
Peck House *	3106 Centreville Road Herndon	UP6	24-4 ((1)) 6C2 6C4	c. 1853
Vale School/Vale Community House <u>N,V</u>	3124 Fox Mill Road Oakton	UP7	36-4 ((1)) 8	c. 1885

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area III, Upper Potomac Planning District as amended through 7-27-2010; Overview, Heritage Resources, page 22:

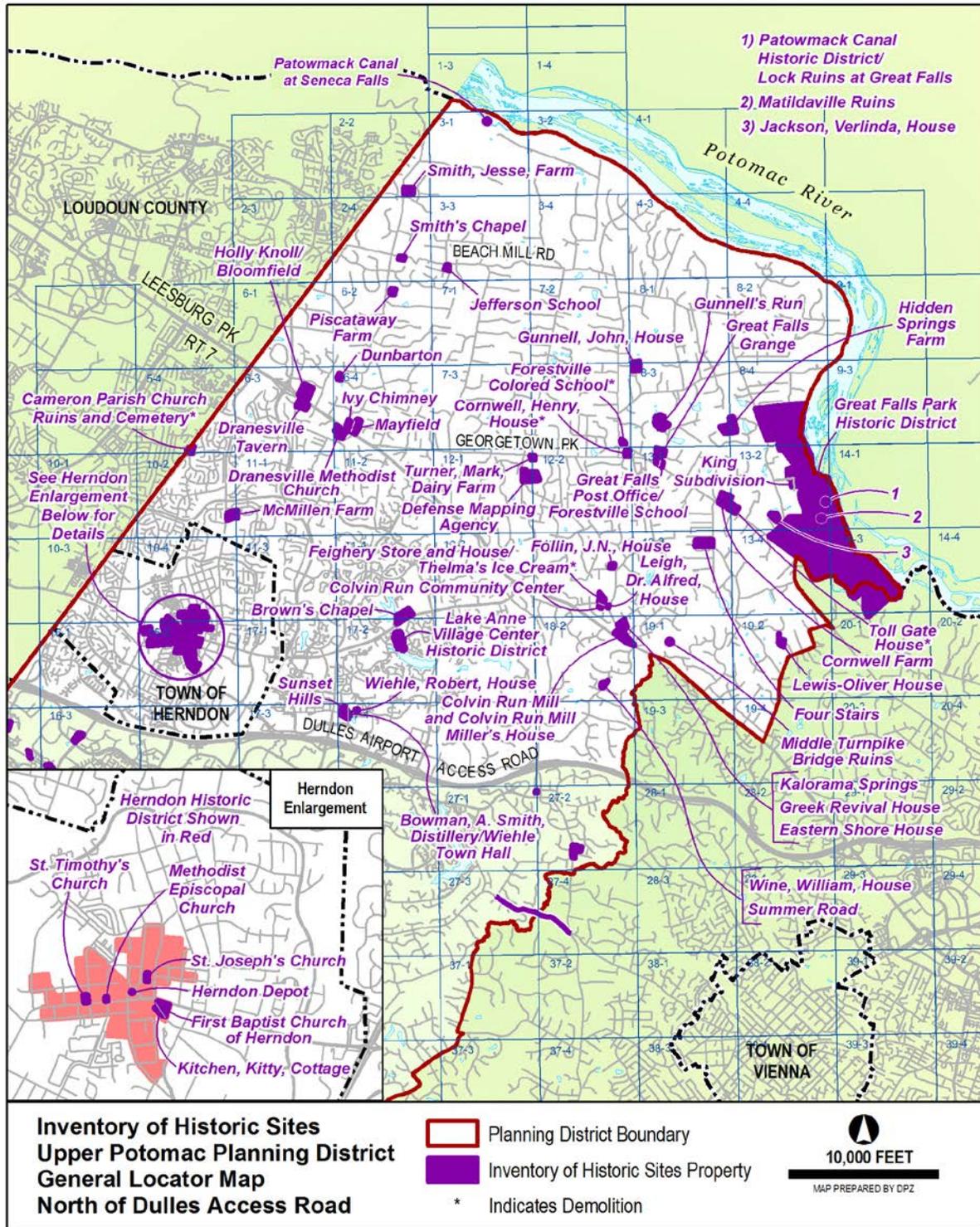
“Heritage Resources

...

Many of the sites outlined in the The Great Falls Survey Report of Historic Properties (conducted by the Heritage Resources staff of the Department of Planning and Zoning in the late 1980s and filed by site number in their site files) have been identified as historically significant sites which are now listed in the County Inventory of Historic Sites. Great Falls Grange is also listed in the Virginia Landmarks Register and National Register of Historic Places. Additional sites included in this survey are potentially significant heritage resources and should be further evaluated.”

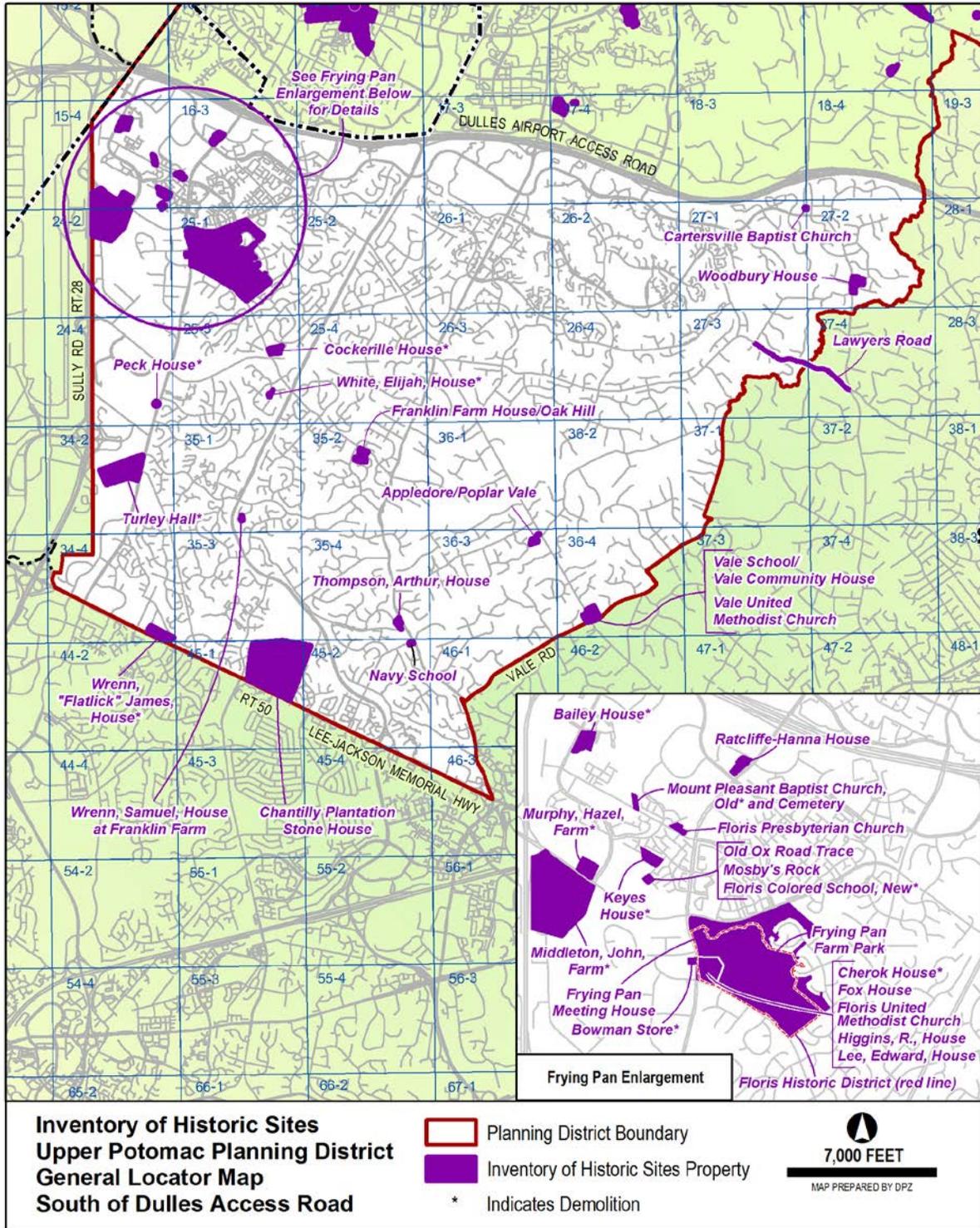
MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area III, Upper Potomac Planning District as amended through 7-27-2010; Overview, Figure 5, "Inventory of Historic Sites, Upper Potomac Planning District, General Locator Map, North of Dulles Access Road" page 20, as follows:



MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area III, Upper Potomac Planning District as amended through 7-27-2010; Overview, Figure 6, "Inventory of Historic Sites, Upper Potomac Planning District, General Locator Map, South of Dulles Access Road" page 20, as follows:



MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area III, Upper Potomac Planning District as amended through 7-27-2010; UP7-West Ox Community Planning Sector, Recommendations, Heritage Resources, page 191:

“Heritage Resources

...

~~An historic overlay district should be studied for the area around Frying Pan Meeting House, so that development in the immediate environs of the site will be subject to the review of the Architectural Review Board. The community of Floris has been designated a National Register Historic District. In any event, d~~Development should be sensitive to the numerous recorded and unrecorded heritage resources associated with the community of Floris.

...”

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area III, Dulles Suburban Center as amended through 3-9-2010, Area-Wide Recommendations, Heritage Resources, pages 38 and 41:

“HERITAGE RESOURCES

...

In those areas where significant heritage resources have been recorded, an effort should be made to preserve them for the benefit of present and future generations. If preservation is not feasible then the threatened resources should be thoroughly recorded and, in the case of archaeological resources, the data recovered in accordance with countywide policies.

Prior to any zoning action, the Department of Planning and Zoning should be consulted as to what architectural surveys are necessary to document any on-site cultural resources. Staff from the Cultural Resource Management and Protection Section of the Park Authority should be consulted to develop a scope of work for any on-site archaeological surveys prior to any development or ground disturbing activity. Should architectural or archaeological resources be discovered that are potentially eligible for inclusion in the National Register, further survey and testing should occur to evaluate these resources as to their eligibility. If such resources are found to be eligible, mitigation measures should be developed that may include avoidance, documentation, data recovery excavation and interpretation.”

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area III, Fairfax Center Area as amended through 4-6-2011, Area-Wide Recommendations, Heritage Resources, pages 36 and 38:

“HERITAGE RESOURCES

...

In those areas where significant heritage resources have been recorded, an effort should be made to preserve them for the benefit of present and future generations. If preservation is not feasible then the threatened resources should be thoroughly recorded and, in the case of archaeological resources, the data recovered in accordance with countywide policies.

Prior to any zoning action, the Department of Planning and Zoning should be consulted as to what architectural surveys are necessary to document any on-site cultural resources. Staff from the Cultural Resource Management and Protection Section of the Park Authority should be consulted to develop a scope of work for any on-site archaeological surveys prior to any development or ground disturbing activity. Should architectural or archaeological resources be discovered that are potentially eligible for inclusion in the National Register, further survey and testing should occur to evaluate these resources as to their eligibility. If such resources are found to be eligible, mitigation measures should be developed that may include avoidance, documentation, data recovery excavation and interpretation.”

MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Lower Potomac Planning District as amended through 9-13-2011; Overview, Figure 4, “Inventory of Historic Sites, Lower Potomac Planning District,” pages 12-14, as follows:

FIGURE 4
INVENTORY OF HISTORIC SITES
LOWER POTOMAC PLANNING DISTRICT
(Inventory as of ~~2009~~ 2011)

REVISION OF HEADER ONLY – NO CHANGES WILL BE MADE TO THE ACTUAL TABLE

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Lower Potomac Planning District as amended through 9-13-2011; LP1-Laurel Hill Community Planning Sector, Heritage Resources, pages 25 & 27:

“HERITAGE RESOURCES

...

The Memorandum of Agreement (MOA) identifies 136 buildings, structures, sites and objects as contributing to the significance of an eligible historic district and encourages Fairfax County to have the property designated as ~~an~~ a local historic overlay district. On December 7, 2005, the property was listed ~~on~~ in the Virginia Landmarks Register and ~~on~~ in February 2006, the property was listed ~~on~~ in the National Register of Historic Places. Figure 10 shows a map of the National Register historic district boundaries, ~~and heritage resources listed on the County’s Inventory of Historic Sites that are outside the district boundaries.~~

...

As noted above, the MOA identified 136 buildings, structures, sites and objects as contributing to the significance of a ~~proposed~~ an eligible historic district. While ~~194~~ almost 200 buildings, structures, sites and objects have been ~~identified for inclusion on~~ listed in the National Register ~~of Historic Places;~~ historic district, the terms of the MOA apply only to the 136 contributing structures and 106 non-contributing structures referenced in the MOA and described in the January 2000 *Final Historic Structures Determination of Eligibility Report*.

...”

MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Mount Vernon Planning District as amended through 6-21-2011; Overview, Figure 4, “Inventory of Historic Sites, Mount Vernon Planning District,” pages 13-15, as follows:

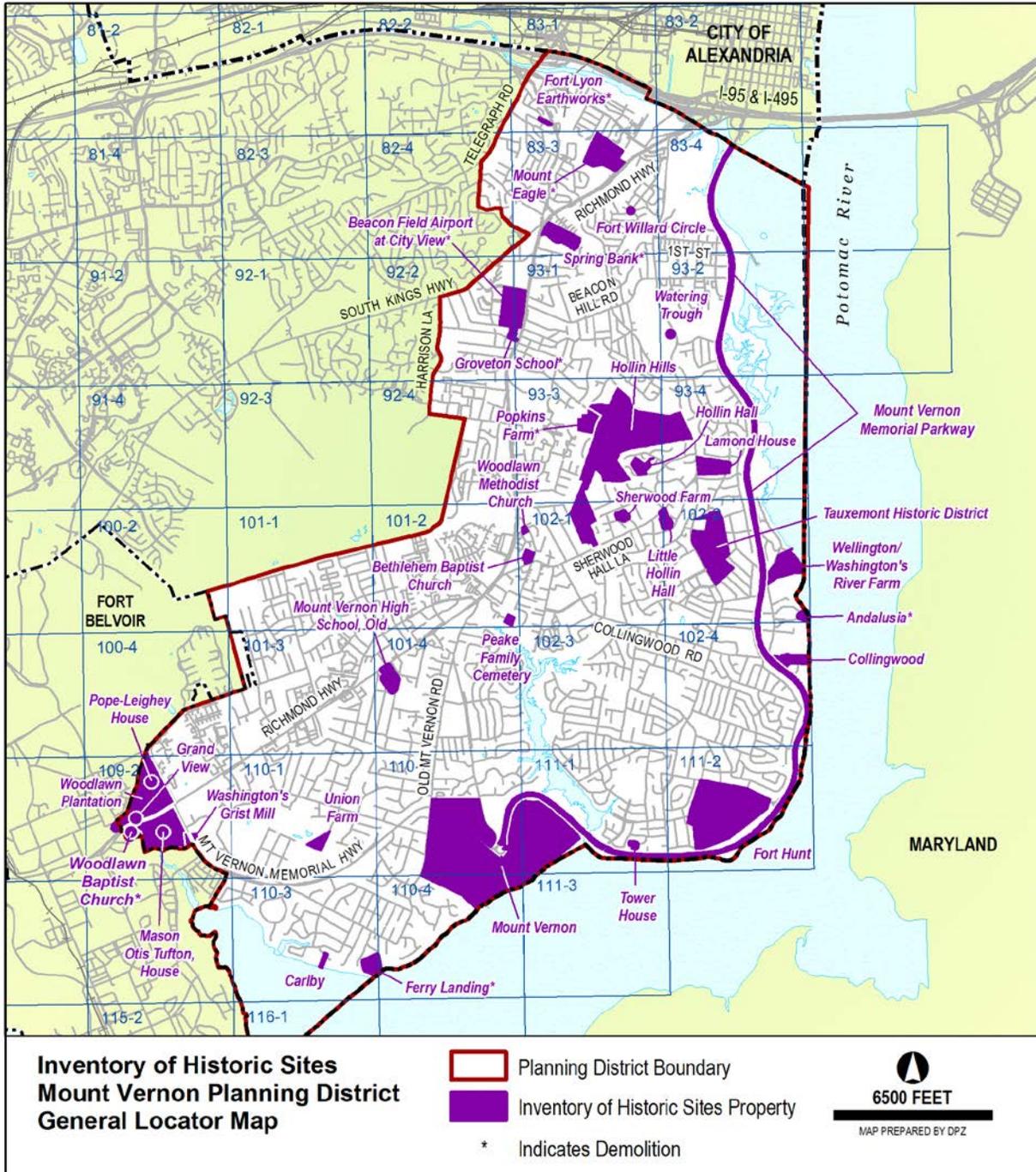
**FIGURE 4
MOUNT VERNON PLANNING DISTRICT
INVENTORY OF HISTORIC SITES
(Inventory as of ~~2009~~ 2011)**

Modify the below sites in the table as follows:

<u>Name</u>	<u>Address</u>	<u>Planning Sector</u>	<u>Parcel Number</u>	<u>Date</u>
Woodlawn Plantation N,V,H,L	9000 Richmond Highway Alexandria	MV8	109-2 ((1)) 3, 4, <u>115-2 ((1)) 1</u> pt	1805

MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Mount Vernon Planning District as amended through 6-21-2011; Overview, Figure 5, "Inventory of Historic Sites, Mount Vernon Planning District, General Locator Map," page 16, as follows:



MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Rose Hill Planning District as amended through 9-13-2011; Overview, Figure 4, “Inventory of Historic Sites, Rose Hill Planning District,” page 10, as follows:

FIGURE 4
INVENTORY OF HISTORIC SITES
ROSE HILL PLANNING DISTRICT
(Inventory as of ~~2009~~ 2011)

REVISION OF HEADER ONLY – NO CHANGES WILL BE MADE TO THE ACTUAL TABLE

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Rose Hill Planning District as amended through 9-13-2011; Van Dorn Transit Station Area, Recommendations, Heritage Resources, page 23:

“Heritage Resources

~~New heritage resources found in these land units should be preserved or recovered and recorded. Any development or ground disturbance in this sector, both on private and public land, should be preceded by heritage resource studies, and alternatives should be explored for the avoidance, preservation or recovery of significant heritage resources that are found. In those areas where significant heritage resources have been recorded, an effort should be made to preserve them. If preservation is not feasible, then, in accordance with countywide objectives and policies as cited in the Heritage Resources section of the Policy Plan, the threatened resource should be thoroughly recorded and in the case of archaeological resources, the artifacts recovered.”~~

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Rose Hill Planning District as amended through 9-13-2011; RH1-Franconia Community Planning Sector, Recommendations, Heritage Resources, page 33:

“Heritage Resources

The building located at 6124 Franconia Road and Tax Map 81-3((4))2A, was at one time a post office for Franconia. Research indicates it is may be eligible for listing in the County's Inventory of Historic Sites.

...”

MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Springfield Planning District as amended through 9-13-2011; Overview, Figure 4, “Springfield Planning District, Inventory of Historic Sites,” page 11, as follows:

FIGURE 4
SPRINGFIELD PLANNING DISTRICT
INVENTORY OF HISTORIC SITES
(Inventory as of ~~2009~~ 2011)

REVISION OF HEADER ONLY – NO CHANGES WILL BE MADE TO THE ACTUAL TABLE

NOTE: The Comprehensive Plan Map will be amended with an “H” to designate Great Falls Park Historic District and Clifton Elementary School as listed in the Inventory of Historic Sites.

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4:00 p.m.

Public Hearing on a Proposed Amendment to the Zoning Ordinance Re: Public Entertainment Establishments

ISSUE:

The proposed amendment revises the eating establishment definition and sets forth a new public entertainment establishment definition to allow for a distinction to be drawn between a use that functions primarily as an eating establishment and a use that primarily offers entertainment for adults.

PLANNING COMMISSION RECOMMENDATIONS:

On Thursday, March 1, 2012, the Planning Commission voted 8-2-1 (Commissioners Hall and Migliaccio opposed; Commissioner Hart abstaining; Commissioner Murphy absent from the meeting) to recommend to the Board of Supervisors that they defer their scheduled public hearing on this proposed amendment to allow additional time for review.

The Planning Commission also voted unanimously (Commissioner Murphy absent from the meeting) to recommend to the Board of Supervisors that this proposal be readvertised, with a broader scope, but that prior to reauthorization they direct staff to continue to work with the Commission, with a specific review and evaluation of the following issues, for outreach and/or workshops with the Commission, industry and the community:

- 1) Proximity of nightclub-type uses to residentially zoned property, and whether physical separation of uses can be included in the Ordinance, as an additional standard, that could be waived by the Board on a case-by-case basis, and how other jurisdictions with Zoning Ordinances requiring specific separations of similar special exception uses from other uses implement and enforce those restrictions;
- 2) Under what circumstances establishments with larger dance floors than 1/8 of the dining area could operate by-right, rather than requiring special exception approval, if located, for example, in industrial districts, and with sufficient parking;
- 3) Whether eating establishments with accessory dance floors, or nightclub-type uses, might be regulated differently depending on the size of the establishment, or other objective classifications;

- 4) Whether other jurisdictions employ other techniques or criteria to facilitate the management and enforcement of occupancy loads, fire code requirements, or other non-zoning regulations;
- 5) Whether separate licensing of nightclub uses, as is done in other jurisdictions, would assist with management of crowds and collateral issues impacting neighborhoods;
- 6) Whether the Ordinance should consider whether establishments with dance floors serve alcohol, or are only open certain days or hours;
- 7) Whether higher parking ratios are appropriate for public entertainment establishments or eating establishments with dancing, or under what circumstances;
- 8) Whether accessory uses such as dancing in eating establishments might be defined differently, considering the frequency of the activity, the occupancy load for the facility, or other criteria, rather than the size of the dance floor;
- 9) Such other factors and issues as staff deems appropriate for further evaluation of public entertainment establishments, or eating establishments with dancing; and
- 10) That the staff report back to the Board within 12 months with a recommendation for scope of advertising, including flexibility for the Planning Commission and Board to consider such changes, with input from the community.

RECOMMENDATION:

The County Executive will provide a recommendation at or before the March 6, 2012 Board of Supervisors' public hearing on this matter, pending a recommendation by the Planning Commission.

TIMING:

Board of Supervisors' authorization to advertise - January 24, 2012; Planning Commission public hearing on February 23, 2012 at 8:15 p.m.; and Board of Supervisors' (Board) public hearing on March 6, 2012 at 4:00 p.m.

BACKGROUND:

The proposed amendment is on the 2011 Zoning Ordinance Amendment Work Program and is in response to a request by the Board to address certain uses that are initially

approved as eating establishments, but function primarily as entertainment venues catering to adult customers without appropriate controls. Specifically, the amendment:

- (1) Revises the eating establishment definition to clarify that entertainment provided for the enjoyment of the patrons that is clearly accessory or incidental to the principal dining function may be permitted and sets forth specific limits on the size of an accessory dance floor and the number of accessory pool/billiard tables.
- (2) Requires the submission of a floor plan showing the number and location of seats, tables and counter/bar areas; the types and locations of accessory entertainment uses; and the location of kitchen, employee and other public areas prior to the issuance of a Non-Residential Use Permit (Non-RUP) for an eating establishment.
- (3) Adds a new public entertainment establishment use which is defined as an establishment which is open to the general public wherein the primary occupation is to provide entertainment to adult customers to include such activities as dancing, billiard/pool, karaoke, hookah, and other similar entertainment activities.
- (4) Allows public entertainment establishments in the C-6, C-7, C-8 and C-9 Districts by special exception approval, and in the PDC, PRC, PRM and PTC Districts when depicted on an approved development plan and otherwise by special exception approval.
- (5) Adds a new banquet/reception hall use to capture establishments such as the Waterford, that provide venues to be rented for private banquets, meetings and/or receptions and which are currently deemed to be eating establishments.
- (6) Allows banquet/reception halls in the same commercial retail districts and P districts as hotels, which include by right in the C-7, C-8 and C-9 Districts, by special exception approval in the C-6 District, and in the PDC, PRC, PRM and PTC Districts when depicted on an approved development plan and otherwise by special exception approval.
- (7) Adds a new hookah establishment definition and clarifies that a hookah establishment is deemed a public entertainment establishment.
- (8) Revises the theatre definition to clarify that live performances and/or the showing of motion pictures shall be provided in a building in which fixed audience seating is provided; and that a dinner theatre shall be deemed a public entertainment establishment rather than an eating establishment as currently regulated.

A summary of the proposed amendment was provided to the Virginia Hospitality and Travel Association on December 2, 2011, but as of the date of the publication of this Board Item, staff has not received any comments from the association. A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

REGULATORY IMPACT:

The proposed amendment clarifies the amount and type of entertainment that would be permitted as accessory in an eating establishment. Codifies the existing requirement to submit a floor plan for an eating establishment prior to the issuance of a Non-RUP for an eating establishment. Establishes a new public entertainment establishment use wherein adult entertainment is primarily provided. Such use would require special exception approval in the commercial retail districts. The proposed amendment requires that billiard/pool halls, dance halls, karaoke, hookah, and other similar forms of commercial recreation that function as a principal use that currently require special permit approval by the BZA receive special exception approval by the Board as a public entertainment establishment. In addition, the proposed amendment establishes a new banquet hall/reception use which had previously been deemed to be an eating establishment. Such banquet hall/reception use would be allowed by right in the C-7, C-8 and C-9 Districts, by special exception approval in the C-6 District where the use is currently permitted by right, and in certain P Districts.

FISCAL IMPACT:

The proposed amendment converts certain adult entertainment uses from a Group 5 commercial recreation special permit use to a new Category 5 public entertainment establishment special exception use. However, because the amendment converts a current special permit use to a special exception use and the application fee of \$16,375 is retained, the fiscal impact would be minimal.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

STAFF:

Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
Jack Reale, Senior Assistant to the Zoning Administrator, DPZ



FAIRFAX
COUNTY

STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

Public Entertainment Establishments

PUBLIC HEARING DATES

Planning Commission

February 23, 2012 at 8:15 p.m.

Board of Supervisors

March 6, 2012 at 4:00 p.m.

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

January 24, 2012

JER



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

STAFF COMMENT

The proposed amendment is on the 2011 Zoning Ordinance Amendment Work Program and is in response to a request by the Board of Supervisors (Board) to address certain uses that are initially approved as eating establishments, but function primarily as entertainment venues catering to adult customers without appropriate controls. The proposed amendment revises the definition of an eating establishment and provides a new definition of a public entertainment establishment that allows for a distinction to be drawn between a use that functions primarily as an eating establishment and a use that primarily offers entertainment for adults.

Current Zoning Ordinance Provisions

Under current Zoning Ordinance regulations, eating establishments are permitted by right in the C-5 through C-9 Districts; by Category 5 special exception approval in the C-2 through C-4 and in the I-2 through I-6 Districts; as an accessory service use in the I-I District; and in P districts when represented on an approved development plan.

Under the current eating establishment definition, entertainment which is provided for the enjoyment of patrons is allowed as an accessory component to an eating establishment, to include dancing, provided the space available for such dancing does not exceed one-eighth (1/8) of the floor area available for dining. Other forms of entertainment, such as billiard/pool tables, karaoke, and hookah, may be permitted as accessory to the principal eating establishment use; however, an accessory use, as defined in the Zoning Ordinance, must be subordinate in purpose, area or extent to the principal use served and must be clearly subordinate to, customarily found in association with, and serves a principal use.

Additionally, under the Zoning Ordinance definition of theatre, a dinner theatre is deemed to be an eating establishment and establishments such as the Waterford, that provide venues to be rented for private banquets and/or receptions, are currently deemed to be an eating establishment and may locate in the same zoning districts as eating establishments.

Dancing and other entertainment activities that function as a principal use are subject to approval of a Group 5 Commercial Recreation special permit by the Board of Zoning Appeals (BZA). Under the current Zoning Ordinance, billiard/pool halls, and dance halls are specifically designated as Group 5 special permit uses, but uses such as karaoke and hookah are not specifically designated but fall under the Group 5 heading of “indoor firing ranges, archery ranges, fencing and other similar indoor recreation uses”. From an enforcement standpoint this has caused some difficulty in trying to explain to the operator of a karaoke or hookah use that their use falls under the indoor firing range designation.

Background

Over the last few years, many businesses, approved as eating establishments, are operating primarily as entertainment establishments. Although such businesses must offer some food items to customers in order to meet Virginia Alcoholic Beverage Control regulations, it has often been observed that the entertainment activities such as dancing, billiards, hookah, and karaoke, either individually or some combination thereof, eclipse dining as the principal reason customers patronize these establishments.

It has become apparent that more and more businesses that have been issued permits to operate as eating establishments are conducting activities that go beyond what is permitted as accessory to an eating establishment. When an eating establishment increases its entertainment activities beyond a point of being accessory, such use must be recognized for the principal entertainment use that it is and regulated accordingly.

With regard to eating establishments with dancing, which has been particularly problematic from an enforcement standpoint over the last few years, it is noted that in 1975, the Zoning Ordinance eating establishment definition was amended to allow a dance floor as an accessory component, which could be up to 1/8 of the size of the dining area. At that time and until fairly recently, 1/8 of the dining area resulted in a small dance floor that was truly accessory to the eating establishment. However, over the past few years, the size of certain establishments have increased to the point where 1/8 of the dining area results in a dance floor of a size that can no longer be considered accessory or incidental to the principal use, but rather it becomes a principal use in and of itself. In the majority of these cases complaints were filed alleging that the use was really not functioning as an eating establishment, but rather as a night club or dance club and, therefore, not operating in accordance with the Zoning Ordinance. This has caused staff to take a closer look at the appropriateness of allowing a dance floor over a certain size in association with an eating establishment as it has become apparent that many of these uses were circumventing the need to obtain a special permit for a recreation/dance hall use by locating in fairly large spaces and obtaining an accessory dance permit in accordance with Chapter 27 of the County Code.

In accordance with the eating establishment definition, it is staff's position that the dance floor size of 1/8 of the dining area represents the upper most size limit rather than a size guarantee. Staff in prior years reviewed each dance floor request on a case by case basis, but only to ensure that the maximum 1/8 size limitation was not exceeded. However, over the last few years given the issues associated with larger dance floors, each dance permit request is evaluated with consideration given to the size of the establishment, layout and the type and size of other entertainment uses proposed. Staff had been imposing greater restrictions on the size of accessory dance floors and experience has proven that anything larger than a 150 square foot dance floor has resulted in the "eating establishment" functioning more similar to a recreation/dance hall use than an eating establishment. Based on staff research, the standard applied for sizing a dance floor is approximately 3 to 5 square feet per person, depending on the type of dance. Assuming that 3 to 4 square feet per person is the norm, than a 150 square foot dance floor could accommodate 38 to 50 patrons. It is staff's position that a dance floor of 150 square feet is the upper size limit which should be viewed as accessory. As a result, staff has imposed the standard of 150 square feet or 1/8 of the dining area, whichever results in a lesser area, to be the more appropriate limit to ensure that the dance component is truly accessory to the eating establishment. With regards to billiards, the standard size billiard/pool table requires approximately 250 square feet of space for the pool table and the area needed for players to move around the table. As a result, over the last six years it has been staff's position that no more than 2 billiard tables may be allowed as an accessory component to an eating establishment, based on the specifics of the particular use. Staff believes it appropriate to codify this practice by limiting the upper most number of billiard tables that may be permitted as accessory to no more than 2 tables.

There are a variety of impacts associated with businesses that provide entertainment activities for adults as a principal use that are not commonly found in association with eating establishments. Included among them is noise, site congestion, and loitering of patrons in parking lots and sidewalks

outside of buildings that are typically not screened from the view of adjacent properties. Neighboring properties can be impacted by increased vehicular traffic and by spill-over parking. Additionally, such establishments can require extensive outdoor lighting for parking and building security and for the safety and convenience of their customers and employees, but the additional lighting can also negatively impact adjacent properties. Staff has also observed that businesses that provide activities such as dancing, music performance, billiards or karaoke often attract crowds that surpass permitted occupancy limits. Such violations require increased involvement of both police and fire officials to ensure adequate safety for patrons and employees. Given the adverse impacts of entertainment/night club uses, it appears appropriate to require that such businesses receive additional review and scrutiny as a special exception use.

As noted above, under the definition for theatre, a dinner theatre is deemed an eating establishment. While staff is aware of only one dinner theatre operating in the County, this raises the question of whether it is appropriate for a use that combines entertainment and dining to be allowed by right in commercial districts that allow eating establishments by right. Staff believes that it would be impractical to differentiate between forms of theatrical or musical entertainment that might be combined with dining for the purpose of determining if a certain combination of dining and entertainment should be regulated as an eating establishment or as a public entertainment establishment. Therefore, staff believes that a dinner theatre should be a public entertainment establishment and subject to special exception approval. This approach is consistent with the approval processes required by Arlington County and the City of Alexandria for establishments that combine dining and entertainment. For example, the Birchmere in the City of Alexandria operates under a special use permit that is subject to use limitations. In Arlington County, IOTA, another business that combines dining and music entertainment, has been operating since 1993 under special exception approval.

Proposed Amendment

The proposed amendment revises the current eating establishment definition to clarify the amount and type of entertainment activity that may be permitted as accessory to an eating establishment use. The amendment establishes a new “public entertainment establishment” use subject to a Category 5 special exception approval to more appropriately classify a business that operates primarily as a place offering public entertainment, to include such activities as dancing, billiards, hookah and karaoke. The amendment provides a new banquet/reception use to provide a clear distinction between these facilities and an eating establishment and revises the theatre definition to further qualify that a theatre include fixed audience seating and to state that a dinner theatre shall be deemed a public entertainment establishment rather than an eating establishment. In addition, the amendment incorporates a new hookah establishment use which is defined as “a business consisting of on-premise smoking of tobacco or other legal substances through one or more pipes (commonly known as a hookah, waterpipe, shisha or narghile) designed with a tube passing through an urn of water that cools the smoke as it is drawn through it.” The definition has been added to define this activity which has recently become more prevalent in the County and to clarify that a hookah establishment is deemed to be a public entertainment establishment.

The eating establishment definition is revised to clarify that entertainment provided for the enjoyment of the patrons is only allowed if clearly accessory and incidental to the principal dining function. That the space made available for dancing shall not exceed the lesser of 150 square feet or

1/8 of that part of the area available for dining. That one billiard table may be considered accessory for any sized eating establishment, and that a maximum of 2 tables may only be considered if the dining area is 4000 square feet or greater in size. Additionally, it is recommended that given the amount of floor area needed to accommodate a dance floor and billiards, that in no event shall the combination of dancing and billiards be deemed accessory. Other forms of public entertainment, such as darts, karaoke and hookah, may be permitted if they are deemed accessory and incidental by the Zoning Administrator and as defined by the Zoning Ordinance. In order to facilitate this determination, the submission of a dimensioned floor plan is required prior to the issuance of a Non-Residential Use Permit (occupancy permit) for an eating establishment which shows the number and location of seats, tables and counter/bar areas; the types and locations of accessory entertainment uses; and the location of kitchen, employee and other public areas.

As mentioned above, staff is aware of two Waterford locations both in the C-7 District that provide facilities for wedding receptions and other similar private events and these uses have been permitted as eating establishments. This type of business is distinguishable from a public entertainment establishment in that the events held at such places are most similar to banquet and/or reception facilities associated with hotels. Given that the characteristics of this use are more aligned with a hotel's banquet/reception facilities rather than those of an eating establishment, staff believes that it would be appropriate to distinguish this use as a separate banquet/reception hall use and recommends permitting this use in the same commercial retail districts and P districts in which hotels/motels are currently allowed. In the commercial retail districts hotels/motels are permitted by right in the C-7, C-8 and C-9 Districts and in the C-6 District upon approval of a Category 5 special exception use; and in the PDC, PRC, PRM and PTC when shown on an approved development plan.

As a Category 5 special exception use a hotel is subject to an application fee of \$16,375. Staff recommends that the banquet/reception hall use be similarly regulated, and when permitted by special exception that it also be a Category 5 use with a \$16,375 fee.

The proposed public entertainment establishment definition identifies the use as an establishment that is open to the general public wherein the primary occupation is to provide entertainment, such as dancing, billiards/pool, karaoke, hookah and other similar entertainment to adult customers. As proposed, public entertainment establishments would be permitted in the C-6, C-7, C-8 and C-9 Districts as a Category 5 special exception upon approval by the Board. In addition, public entertainment establishments may be allowed in the PDC, PRC, PRM and PTC Districts when specifically depicted on an approved development plan and otherwise by special exception approval.

As previously noted, many entertainment uses that currently require the approval of a Group 5 commercial recreation special permit by the BZA would now become a Category 5 special exception use requiring approval by the Board. The current application fee for a Group 5 special permit is \$16,375 and all Category 5 special exception uses also have an application filing fee of \$16,375. The new Category 5 special exception public entertainment establishments would also have an application fee of \$16,375 and it is believed to be appropriate as it is consistent with other commercial recreation and Category 5 special exception uses.

All public entertainment establishments and those banquet/reception halls in the C-6 District would be subject to the general standards set forth in Sect. 9-006 of the Zoning Ordinance that apply to all special exceptions. Among others, the general standards require that the use be in harmony with the general purpose and intent of the applicable zoning district regulations; be harmonious with and not

adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan; and that the pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

Public entertainment establishments would also be subject to the additional standards contained in a new Sect. 9-534. The proposed additional standards are designed to protect adjacent properties from impacts due to noise, spill-over parking and other such neighborhood disturbances. Under these additional standards the Board may impose conditions and restrictions that it deems necessary to mitigate negative impacts, that may include but not limited to, hours of operation and other operational characteristics, site development or design standards, transitional screening and landscaping requirements, amount and location of parking, limitations on signs and outdoor lighting, noise mitigation and the amount and type of outdoor activity. In order to facilitate the review of a public entertainment establishment special exception application by staff, the Planning Commission and Board, a floor plan with dimensions must be submitted with the application which shows the type and location of the entertainment activity; the number and location of seats, tables and counter/bar areas; and the location of kitchen, employee and other public areas.

The proposed amendment also incorporates the new public entertainment establishment and banquet/reception hall uses in the Airport Noise Compatibility Table in Article 7, and sets forth the minimum parking requirements in Article 11 and the landscaping/screening requirements in the Transitional Screening and Barrier Matrix in Article 13. Public entertainment establishments located within a shopping center would be parked at the public entertainment establishment parking rate and not at the shopping center rate. This approach will help to ensure that adequate parking is provided when such uses are provided in shopping centers.

Summary

Staff believes that the proposed amendment effectively reduces the negative impacts associated with public entertainment establishments and provides a clear distinction between uses that are operated for different purposes. Therefore, staff recommends approval of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption.

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of January 24, 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.

Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, Definitions, by revising the eating establishment and theatre definitions, and adding the new public entertainment establishment, banquet/reception hall and hookah establishment definitions in their proper alphabetical sequence to read as follows:

BANQUET/RECEPTION HALL: Any establishment operated for profit wherein the facilities are leased on a temporary basis for private wedding receptions, meetings, banquets, and other similar events. Such establishments shall not be open to the general public and may include food preparation facilities and areas for dancing, dining and other entertainment activities customarily found in association with banquets or receptions.

Off-site catering services may be permitted as an accessory use.

EATING ESTABLISHMENT: Any establishment, which provides as a principal use, the sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment, and whose design and principal method of operation includes both of the following characteristics:

1. Customers are provided with an individual menu and are served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
2. The food, frozen desserts, or beverages are served on nondisposable plates or containers and nondisposable eating utensils are provided. Customers are not expected to clear their table or dispose of their trash.

Notwithstanding the above, a cafeteria where food, frozen desserts, or beverages are: (a) generally consumed within the establishment; and (b) served on nondisposable plates or containers, and nondisposable eating utensils are provided shall be deemed an eating establishment.

An eating establishment may provide carry-out service, provided that such carry-out service is clearly not the principal business of such establishment. For the purpose of this Ordinance, a fast food restaurant shall not be deemed an eating establishment. In addition, an eating establishment shall not be deemed to include a snack bar or refreshment stand at a public or non-private recreation facility which is operated solely by the agency or group operating the recreation facility for the convenience of the patrons of the facility.

Entertainment which is provided for the enjoyment of the patrons that is deemed by the Zoning Administrator as accessory and incidental to the principal dining function may be permitted. However, in no event shall the combination of dancing and billiard/pool tables be allowed, and if individually provided (a) the space made available for dancing shall not exceed the lesser of 150 square feet or one-eighth (1/8) of the floor area available for dining; or (b) one billiard/pool table may be permitted in a dining area containing up to 4000 square feet and up to 2 billiard/pool tables may be permitted for a dining area containing 4000 square feet or greater shall be considered accessory to an eating establishment, to include dancing by patrons, provided the space made available for such dancing shall not be more than one-eighth (1/8) of that part of the floor area available for dining. Provisions for dancing made available under this definition shall be subject to the licensing requirements of Chapter 27 of The Code.

PUBLIC ENTERTAINMENT ESTABLISHMENT: An establishment which is open to the general public wherein the occupation is to primarily provide entertainment to adult customers to include

such activities as dancing, billiards/pool, karaoke, hookah, and other similar entertainment activities. Provisions for dancing made available under this definition shall be subject to the licensing requirements of Chapter 27 of The Code. For the purpose of this Ordinance, a public entertainment establishment shall not be deemed to include an EATING ESTABLISHMENT, BANQUET/RECEPTION HALL, COMMERCIAL RECREATION RESTAURANT, COMMERCIAL NUDITY ESTABLISHMENT, COUNTRY CLUB, CULTURAL CENTER, PRIVATE CLUB/PUBLIC BENEFIT ASSOCIATION or THEATRE.

The sale of food, frozen desserts, or beverages in a state ready for consumption within the public entertainment establishment may be permitted as an accessory use.

HOOKAH ESTABLISHMENT: A business consisting of on-premise smoking of tobacco or other legal substances through one or more pipes (commonly known as a hookah, waterpipe, shisha or narghile) designed with a tube passing through an urn of water that cools the smoke as it is drawn through it. For purposes of this Ordinance, a hookah establishment shall be deemed a PUBLIC ENTERTAINMENT ESTABLISHMENT.

THEATRE: A building or structure designed for the enactment of ~~dramatic~~-live performances and/or showing of motion pictures in which fixed audience seating is provided. For the purpose of this Ordinance, a dinner theatre shall be deemed an PUBLIC ENTERTAINMENT ESTABLISHMENT ~~EATING ESTABLISHMENT~~, and a drive-in motion picture theatre and an adult mini motion picture theatre shall be deemed separate and distinct uses.

Amend Article 4, Commercial District Regulations, as follows:

- **Amend the C-5 Neighborhood Retail Commercial District, Sect. 4-503, Special Permit Uses, by deleting Par. 3A and relettering the subsequent paragraphs accordingly.**
 - 3. Group 5 – Commercial Recreation Uses, limited to:
 - ~~A. Billiard and pool halls~~
- **Amend the C-6 Community Retail Commercial District as follows:**
 - **Amend Sect. 4-603, Special Permit Uses, by deleting Paragraphs 3A and 3D, and relettering the subsequent paragraphs accordingly.**
 - 3. Group 5 – Commercial Recreation Uses, limited to:
 - ~~A. Billiard and pool halls~~
 - ~~D. Dance halls~~
 - **Amend Section 4-604, Special Exception Uses, by adding new Paragraphs 4B and 4P to read as follows and relettering the subsequent paragraphs accordingly.**
 - 4. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:

B. Banquet/Reception halls

P. Public entertainment establishments

- **Amend the C-7, C-8 and C-9 Districts as follows:**

- **Amend Sections 4-702, 4-802 and 4-902, Permitted Uses, by adding a new Par. 3 to read as follows, and renumbering the subsequent paragraphs accordingly.**

3. Banquet/Reception halls.

- **Amend Sections 4-703, 4-803 and 4-903, Special Permit Uses, by deleting Paragraphs 3A and 3D from Sections 4-703 and 4-803, deleting Paragraphs 3A and 3E from Sect. 4-903, and relettering the subsequent paragraphs accordingly.**

3. Group 5 – Commercial Recreation Uses, limited to:

~~A. Billiard and pool halls~~

~~D. or E. Dance halls~~

- **Amend Sections 4-704, 4-804 and 4-904, Special Exception Uses, by adding a new Par. 4P to Sections 4-704 and 4-804 and a new Par. 4L to Sect. 4-904 to read as follows, and relettering the subsequent paragraphs accordingly.**

4. Category 5 – Commercial and industrial Uses of Special Impact, limited to:

P. or L. Public entertainment establishments

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

- **Amend the PDH Planned Development Housing District, Sect. 6-103, Secondary Uses Permitted, by deleting Par. 5A and relettering the subsequent paragraphs accordingly.**

The following secondary uses shall be permitted only in a PDH District which contains one or more principal uses; only when such uses are presented on an approved final development plan prepared in accordance with the provisions of Article 16; and subject to the use limitations set forth in Sect. 106 below.

5. Commercial recreation uses (Group 5), limited to:

~~A. Billiard and pool halls~~

- **Amend the PDC Planned Development Commercial District, as follows:**

- **Amend Sect. 6-202, Principal Uses Permitted, by adding a new Par. 1 to read as follows and renumbering the subsequent paragraphs accordingly;**

The following principal uses shall be permitted subject to the approval of a final development plan prepared in accordance with the provisions of Article 16, and subject to the use limitations set forth in Sect. 206 below.

1. Banquet/Reception halls.

- **Amend Sect. 6-203, Secondary Uses Permitted, by adding a new Par. 4K to read as follows, deleting Par. 5A, and relettering the subsequent paragraphs accordingly.**

The following secondary uses shall be permitted only in a PDC District which contains one or more principal uses; only when such uses are presented on an approved final development plan prepared in accordance with the provisions of Article 16; and subject to the use limitations set forth in Sect. 206 below.

4. Commercial and industrial uses of special impact (Category 5), limited to:

K. Public entertainment establishments, limited by the provisions of Sect. 206 below

5. Commercial recreation uses (Group 5), limited to:

~~A. Billiard and pool halls~~

- **Amend Sect. 6-206, Use Limitations, by adding a new Par. 16 to read as follows:**

16. A public entertainment establishment shall only be permitted when specifically identified on an approved development plan and shall be subject to the provisions of Sect. 9-534.

- **Amend the PRC Planned Residential Community District, as follows:**

- **Amend Sect. 6-302, Permitted Uses, as follows:**

- **Amend Par. C (Village Center), by adding a new Par. C (3)(i) to read as follows, deleting Paragraphs C(4)(a) and C(4)(d), and relettering the subsequent paragraphs accordingly.**

C. The following uses are permitted in those locations approved for a Village Center which should be a central location for activity of retail, community and leisure uses on a scale serving a number of neighborhoods. A village center should be easily accessible to both vehicles and pedestrians. Within such a center, the primary emphasis should be on the pedestrian circulation system. A village center should contain uses such as professional offices, a supermarket, a hardware store, specialty shops and other uses as listed below.

(3) Commercial and industrial uses of special impact (Category 5), limited to:

(i) Public entertainment establishments, limited by the provisions of Sect. 305 below

(4) Commercial recreation uses (Group 5), limited to:

~~(a) Billiard and pool halls~~

~~(d) Dance halls~~

- **Amend Par. E (Convention/Conference Center), by adding a new Par. E (2) and a new Par. E(4)(f) to read as follows and relettering/renumbering the subsequent paragraphs accordingly.**

E. The following uses are permitted in those locations approved for a Convention/Conference Center, which should have the facilities to accommodate conventions or large meetings and retail or commercial establishments necessary to serve the people using such facilities and any residents of the Center.

(2) Banquet/Reception halls.

~~(34)~~ Commercial and industrial uses of special impact (Category 5), limited to:

(f) Public entertainment establishments, limited by the provisions of Sect. 305 below

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

14. A public entertainment establishment shall only be permitted when specifically identified on an approved development plan and shall be subject to the provisions of Sect. 9-534.

- **Amend the PRM Planned Residential Mixed Use District as follows:**

- **Amend Sect. 6-403, Secondary Uses Permitted, by adding new Paragraphs 4 and 6B, deleting Par. 7A and renumbering/relettering the subsequent paragraphs accordingly.**

The following secondary uses shall be permitted only in a PRM District which contains one or more principal uses; only when such uses are presented on an approved final development plan prepared in accordance with the provisions of Article 16; and subject to the use limitations set forth in Sect. 406 below.

4. Banquet/Reception halls.

~~5~~6. Commercial and industrial uses of special impact (Category 5), limited to:

B. Public entertainment establishments, limited by the provisions of Sect. 406 below

~~6~~7. Commercial recreation uses (Group 5), limited to:

A. ~~Billiard and pool halls~~

- **Amend Sect. 6-406, Use Limitations, by adding a new Par. 13 to read as follows:**

13. A public entertainment establishment shall only be permitted when specifically identified on an approved development plan and shall be subject to the provisions of Sect. 9-534.

- **Amend the PTC Planned Tysons Corner Urban District as follows:**

- **Amend Sect. 6-502, Permitted Uses, by revising the introductory paragraph and adding new Paragraphs 4 and 6J to read as follows, deleting Paragraphs 7A and 7D, and relettering/renumbering the subsequent paragraphs accordingly.**

The following uses shall be permitted subject to the approval of a final development plan prepared in accordance ~~and with~~ the provisions of Article 16, and subject to the use limitations set forth in Sect. 505 below.

4. Banquet/Reception halls.

~~5~~6. Commercial and industrial uses of special impact (Category 5), limited to:

J. Public entertainment establishments, limited by the provisions of Sect. 505 below

~~6~~7. Commercial recreation uses (Group 5), limited to:

A. ~~Billiard and pool halls~~

~~D. Dance halls~~

- **Amend Sect. 6-505, Use Limitations, by adding a new Par. 20 to read as follows:**

20. A public entertainment establishment shall only be permitted when specifically identified on an approved development plan and shall be subject to the provisions of Sect. 9-534.

Amend Article 7, Overlay District and Commercial Revitalization District Regulations, Part 4, Airport Noise Impact Overlay District, Noise Compatibility Table, by deleting the billiard and pool halls and dance halls entries and adding new banquet/reception halls and public entertainment establishments entries in their correct alphabetical sequence.

Uses	Noise Impact Areas (DNL dBA)		
	75+	70-75	65-70
Billiard and pool halls	P2	P3	P
Dance halls	NP	P3	P
<u>Banquet/Reception halls</u>	<u>P2</u>	<u>P3</u>	<u>P</u>
<u>Public entertainment establishments</u>	<u>P2</u>	<u>P3</u>	<u>P</u>

Amend Article 8, Special Permits, Part 5, Group 5 Commercial Recreation Uses, as follows:

- **Amend Sect. 8-501, Group 5 Special Permit Uses, by deleting Paragraphs 1 and 5**
 - ~~1. Billiard and pool halls.~~
 - ~~5. Dance halls.~~
- **Amend Sect. 8-502, Districts in Which Group 5 Uses May be Located, by revising the PDH, PDC, PRM and PTC entries in Par. 1 and by revising the C-3, C-4, C-5, C-6, C-7, C-8 and C-9 District entries in Par. 2 to read as follows:**
 - 1. Group 5 uses may be permitted by right in the following districts:
 - PDH District: Limited to uses ~~1~~, 2, 4, 6, 8 and 9 when represented on an approved development plan
 - PDC District: Limited to uses ~~1~~, 2, 4, 6, 7, 8, 9 and 10 when represented on an approved development plan
 - PRM District: Limited to uses ~~1~~, 4, 6, indoor archery ranges, fencing and other similar indoor recreational uses, 8, 9, and 10 when represented on an approved development plan

PTC District: Limited to uses ~~1~~, 2, 4, ~~5~~, 6, indoor archery ranges, fencing and other similar indoor recreational uses, 8, 9 and 10 when represented on an approved development plan

2. Group 5 uses may be allowed by special permit in the following districts:

C-3, C-4 Districts: Limited to uses 2, 4; (outdoor), archery ranges, fencing, and other similar indoor recreational uses, 8 (indoor) and 9 (indoor)

C-5 District: Limited to uses ~~1~~, 4; (outdoor), archery ranges, fencing, and other similar recreational uses, 8 (indoor) and 9 (indoor)

C-6 District: Limited to uses ~~1~~, 2, 4 (outdoor), ~~5~~, 7, 8 (outdoor) and 9 (indoor and outdoor)

C-7, C-8 Districts: Limited to uses ~~1~~, 3, 4 (outdoor), ~~5~~, indoor firing ranges, 8 (outdoor), 9 (outdoor) and 10

C-9 District: Limited to uses ~~1~~, 2, 3, 4, ~~5~~, 7, 8 and 9

Amend Article 9, Special Exceptions, Part 5, Category 5 Commercial and Industrial Uses of Special Impact, as follows:

- **Amend Sect. 9-501, Category 5 Special Exception Uses, by adding new Paragraphs 44 and 45 to read as follows:**

44. Banquet/Reception halls.

45. Public entertainment establishments.

- **Amend Sect. 9-502, Districts in Which Category 5 Uses May be Located, by revising the PDC, PRC, PRM, PTC, C-7, C-8 and C-9 District entries in Par. 1 and the C-6, C-7, C-8 and C-9 entries in Par. 2 to read as follows:**

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

PDC District: Limited to uses 1, 2, 3, 6, 9, 10, 11, 14, 15, 17, 18, 20, 21, 22, 23, 25, 32, 33, 36, 38, 39, kennels (indoor), ~~and 43, 44 and 45~~ when represented on an approved development plan

PRC District: Limited to uses 1, 2, 3, 6, 9, 11, 12, 14, 15, 17, 18, 20, 21, 22, 23, 25, 32, 33, 36, 37, 38, 39, kennels (indoor), 42, ~~and 43, 44 and 45~~ when represented on an approved development plan

PRM District: Limited to uses 9, 11, 14, 17, 20, 22, 25, ~~and 32, 44 and 45~~ when represented on an approved development plan

PTC District: Limited to uses 1, 3, 6, 9, 11, 12, 14, 16, 17, 18, 20, 21, 22, 23, 25, 29, 30, 33, 36, kennels (indoor), ~~and 43, 44 and 45~~ when represented on an approved development plan

- C-7 District: Limited to uses 1, 6, 9, 11, 12, 14, 17, 18, 20, 22, 23, 32, 36, kennels (indoor), ~~and 43 and 44~~
- C-8 District: Limited to uses 2, 6, 9, 11, 12, 14, 17, 18, 20, 22, 23, 26, 32, 36, kennels (indoor), ~~and 43 and 44~~
- C-9 District: Limited to uses 1, 6, 9, 11, 14, 17, 20, 22, 23, 32, 36, kennels (indoor), ~~and 43 and 44~~
2. Category 5 uses may be allowed by special exception in the following districts:

- C-6 District: Limited to uses 2, 3, 4, 6, 11, 14, 15, 17, 20, 21, 23, 25, 27, 30, 33, 34, 36, 37, 38, 39, ~~and 43, 44 and 45~~
- C-7 District: Limited to uses 2, 3, 4, 6, 7, 8, 10, 11, 15, 17, 20, 21, 23, 25, 26, 27, 30, 33, 34, 36, 37, 38, 39, ~~and 43 and 45~~
- C-8 District: Limited to uses 2, 3, 4, 6, 7, 10, 11, 15, 16, 17, 20, 21, 23, 24, 25, 27, 30, 33, 34, 36, 37, 38, 39, ~~and 43 and 45~~
- C-9 District: Limited to uses 2, 3, 4, 6, 10, 11, 17, 18, 20, 21, 23, 25, 26, 27, 33, 36, 37, ~~and 43 and 45~~

- **Add a new Sect. 9-534 to read as follows:**

9-534 Additional Standards for Public Entertainment Establishments

1. In the C-6, C-7, C-8, C-9, PDC, PRC, PRM, and PTC Districts, the Board may approve a special exception to allow a public entertainment establishment provided that the Board determines that a public entertainment establishment shall be compatible with and not adversely impact adjacent properties and the neighboring community. In order to ensure such compatibility and to mitigate adverse impacts, the Board may impose conditions and restrictions as deemed necessary that may include, but not limited to, the following:
 - A. Hours of operation and other operational restrictions;
 - B. Site development or design standards;
 - C. Transitional screening and landscaping requirements;
 - D. Amount and location of parking;
 - E. Limitations on signage;
 - F. Limitations on outdoor lighting;
 - G. Ensuring that the building is adequately soundproofed and constructed so that there will be appropriate noise attenuation; and
 - H. Amount and type of outdoor activity.

2. A floor plan with dimensions shall be submitted with the application which shows the type and location of the entertainment activity; the number and location of seats, tables and counter/bar areas; and the location of kitchen, employee and other public areas.

Amend Article 11, Off-Street Parking and Loading, Private Streets, Part 1, Off-Street Parking, Sect. 11-104, Minimum Required Spaces for Commercial and Related Uses, by revising Par. 23 and adding new Paragraphs 1 and 18 to read as follows, and renumbering the subsequent paragraphs accordingly.

Minimum off-street parking spaces accessory to the uses hereinafter designated shall be provided as follows:

1. Banquet/Reception Hall:

One (1) space per two (2) persons based on maximum occupancy load, plus one (1) space per employee on the major shift, plus one (1) space per company vehicle

18. Public Entertainment Establishment:

One (1) space per two (2) persons based on maximum occupancy load, plus one (1) space per employee on the major shift

2325. Shopping Center:

- A. 100,000 square feet of gross floor area or less: Four and three-tenths (4.3) spaces per 1000 square feet of gross floor area
- B. Greater than 100,000 but equal to or less than 400,000 square feet of gross floor area: Four (4) spaces per 1000 square feet of gross floor area
- C. Greater than 400,000 but less than 1,000,000 square feet of gross floor area: Four and eight tenths (4.8) spaces per 1000 square feet of gross floor area
- D. 1,000,000 square feet of gross floor area or more: Four (4) spaces per 1000 square feet of gross floor area

For purposes of determining whether Par. A, B, C or D above is applicable, the size of the shopping center shall be based on the definition of gross floor area as set forth in Article 20, and shall be inclusive of any gross floor area devoted to offices, eating establishments, ~~and~~ hotels, banquet/reception halls and public entertainment establishments. The gross floor area calculation as qualified in Sect. 102 above shall then be used to determine the required number of parking spaces.

The off-street parking requirement set forth above shall be applicable to all uses in a shopping center, except that the area occupied by offices, eating establishments, ~~and~~ hotels, banquet/reception halls and public entertainment establishments shall be parked in

accordance with the applicable standards for such uses as set forth in this Section. For shopping centers subject to Par. A, B or C above, the area occupied by theaters shall be parked in accordance with the applicable shopping center requirement, provided that for theaters with more than 2000 seats, an additional three-tenths (0.3) space shall be provided for each seat above 2000 seats. For shopping centers subject to Par. D above, the area occupied by theaters shall be parked in accordance with the applicable shopping center requirement, provided that for theaters with more than 750 seats, an additional six (6) spaces shall be provided for each 100 seats above 750 seats.

In addition, for all shopping centers, stacking spaces as required by this Part shall be provided for those uses which have drive-in facilities.

Amend Article 13, Landscaping and Screening, by revising the Transitional Screening and Barrier Matrix by adding banquet/reception halls and public entertainment establishments entries to Par. 9 in their proper alphabetical sequence.

9. Banquet/Reception halls

Public entertainment establishments

Amend Article 18, Administration, Amendments, Violations and Penalties, Part 7, Residential and Non-Residential Use Permits, Sect. 18-704, Minimum Requirements, by adding a new Par. 14 to read as follows:

The following minimum requirements shall be met prior to the issuance of a Residential or Non-Residential Use Permit:

14. For eating establishments, a dimensioned floor plan showing the number and location of seats, tables and counter/bar areas; the types and locations of accessory entertainment uses; and the location of kitchen, employee and other public areas.