

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 26, 2013**

AGENDA

8:30	Held	Reception for Intellectual and Developmental Disabilities Inclusion Month – Reception Area of the Conference Center
9:30	Done	Presentations
10:30	Adopted	Report on General Assembly Activities
10:40	Presented	County Executive Presentation of the Proposed FY 2014 Budget
11:40	Done	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
11:50	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Approval of a Resolution to Allow All American Ambulance and Transport to Operate Transport Services for Hospitals and Nursing Homes within Fairfax County
2	Approved	Authorization to Advertise a Public Hearing to Convey Board-Owned Property to Eastwood Properties, Inc. (Lee District)
3	Approved	Streets into the Secondary System (Braddock, Hunter Mill, Providence, and Sully Districts)
4	Approved	Designation of Plans Examiner Status under the Expedited Land Development Review Program
5	Approved	Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Civil Penalties
6	Approved	Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance to Establish the Pine Spring Residential Permit Parking District, District 45 (Providence District)
7	Approved	Authorization to Advertise a Public Hearing on the Proposed Consolidated Plan One-Year Action Plan for FY 2014
8	Approved	Authorization to Advertise Public Hearings on Proposed Amendments to the Public Facilities Manual and Chapters 101 (Subdivision Ordinance) and 112 (Zoning Ordinance) of the Code of the County of Fairfax, Virginia Re: Editorial Changes to the Fire Regulations, Manhole Plate References and Vertical Datum Requirements

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 26, 2013**

**ADMINISTRATIVE
ITEMS
(Continued)**

- | | | |
|----|-----------------|--|
| 9 | Approved | Authorization to Advertise Public Hearings on a Proposed Amendment to the Public Facilities Manual Re: Tysons Corner Urban Center |
| 10 | Approved | Authorization to Advertise a Public Hearing for a Sewer Ordinance Amendment to Increase the Base Charge, and Maintain the Sewer Service Charges, Connection Charges, and Availability Charges, and Clarify the Meter Reading Date on Which the Base Charges Will Take Effect |
| 11 | Approved | Authorization to Advertise a Public Hearing to Consider an Ordinance Amending County Code Chapter 7 Relating to Election Precincts and Polling Places (Braddock and Sully Districts) |

ACTION ITEMS

- | | | |
|-------|--|--|
| 1 | Approved | Approval of the Management Agreement Contract (MAC) with the Volunteer Fire Departments |
| 2 | Approved Hunter Mill Projects; Deferred Providence Projects | Endorsement of Applications for Safe Routes to School Grant (Hunter Mill and Providence Districts) |
| 3 | Approved | Lease Agreement for Commuter Parking at American Legion, Post 176 (Lee District) |
| 12:00 | Done | Matters Presented by Board Members |
| 12:50 | Done | Closed Session |

PUBLIC HEARINGS

- | | | |
|------|-----------------|--|
| 3:30 | Approved | Public Hearing on RZ 2012-MV-004 (8921 Properties, LLC) to Rezone from R-1 to I-4 to Permit a Contractor's Office and Shop (Mount Vernon District) |
| 4:00 | Approved | Public Hearing on Proposed Area Plans Review (APR) Items 09-IV-2MV and 09-IV-27MV, Located South of Huntington Avenue, East of North Kings Highway, and West of the Huntington Metrorail Station (Mount Vernon District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 26, 2013**

**PUBLIC HEARINGS
(Continued)**

4:00	Approved	Public Hearing to Establish the Bonnie Brae Community Parking District (Braddock District)
4:00	Approved	Public Hearing on a Proposed Agreement with the Commissioner of Highways of the Commonwealth of Virginia (Commissioner) Re: Sign Removal in the Public Right-of-Way
4:30	Done	Public Comment

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Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
February 26, 2013

9:30 a.m.

PRESENTATIONS

RECOGNITIONS

- RESOLUTION – To recognize Harold Pyon for his years of service to Virginia, Fairfax County and the Springfield District. Requested by Supervisor Herrity.
- RESOLUTION – To recognize Rick Taube for his years of service to Fairfax County and the region. Requested by Supervisor McKay.
- RESOLUTION – To recognize Roy Lounsbury for his years of service to Fairfax County. Requested by Supervisor Gross.
- CERTIFICATE – To recognize the Department of Public Works and Environmental Services, the Department of Code Compliance, the Police Department, the Office of the Sheriff and the Office of the County Attorney for their combined effort to clear a property of excessive junk and vehicles in disrepair. Requested by Supervisor McKay.

DESIGNATIONS

- PROCLAMATION – To designate March 2013 as Intellectual and Developmental Disabilities Inclusion Month in Fairfax County. Requested by Chairman Bulova.

— more —

Board Agenda Item
February 26, 2013

- PROCLAMATION – To designate March 2013 as Tuberculosis Awareness Month in Fairfax County. Requested by Chairman Bulova.

STAFF:

Merni Fitzgerald, Director, Office of Public Affairs

Bill Miller, Office of Public Affairs

Board Agenda Item
February 26, 2013

10:30 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on February 26, 2013

PRESENTED BY:

Supervisor Jeff McKay, Chairman, Board of Supervisors' Legislative Committee
Edward L. Long Jr., County Executive

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Board Agenda Item
February 26, 2013

10:40 a.m.

County Executive Presentation of the Proposed FY 2014 Budget

ENCLOSED DOCUMENTS:

None. Materials to be distributed on February 26, 2013.

PRESENTED BY:

Edward L. Long Jr., County Executive

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Board Agenda Item
February 26, 2013

11:40 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard February 26, 2013
(A final list will be distributed at the Board meeting.)

STAFF:

Catherine A. Chianese, Assitant County Executive and Clerk to the Board of Supervisors

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

APPOINTMENTS TO BE HEARD FEBRUARY 26, 2013
(ENCOMPASSING VACANCIES PROJECTED THROUGH FEBRUARY 28, 2013)
 (Unless otherwise noted, members are eligible for reappointment)

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Clifford L. Fields (Appointed 1/96-1/03 by Hanley; 1/04-1/08 by Connolly, 2/09- 1/12 by Bulova) Term exp. 1/13	At-Large Chairman's Representative	Clifford L. Fields	Bulova	At Large Chairman's
VACANT (Formerly held by John Byers; appointed 2/09-1/12 by Hyland) Term exp. 1/13 <i>Deceased</i>	Mount Vernon District Representative	Charles Thomas Coyle, III	Hyland	Mount Vernon

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Marcus B. Simon; appointed 3/04-9/08 by Connolly) Term exp. 9/12 <i>Not eligible for reappointment</i> <i>Resigned</i>	At-Large Chairman’s Representative	Meg Keadle Rayford	Bulova	At-Large Chairman’s
VACANT (Formerly held by Narayani Siva; appointed 6/09 by Hudgins) Term exp. 9/13 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
VACANT (Formerly held by Gretchen Johnson; appointed 3/08 by Hyland) Term exp. 9/12 <i>Resigned</i>	Mount Vernon District Representative	Edwina Louise Dorch	Hyland	Mount Vernon
VACANT (Formerly held by Sosthenes Klu; Appointed 12/05-9/08 by Frey) Term exp. 9/12 <i>Resigned</i>	Sully District Representative		Frey	Sully

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)

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

AIRPORTS ADVISORY COMMITTEE (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robert Devery (Appointed 9/09-1/10 by Cook) Term exp. 1/13	Braddock District Representative		Cook	Braddock
VACANT (Formerly held by Barbara Kreykenbohm; appointed 1/09 by Gross) Term exp. 1/11 <i>Resigned</i>	Mason District Representative		Gross	Mason

ATHLETIC COUNCIL (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Michael Champness (Appointed 2/05&3/07 by DuBois; 3/09 by Foust) Term exp. 3/11	Dranesville District Principal Representative		Foust	Dranesville
Christy Winters Scott (Appointed 6/08-7/10 by Hudgins) Term exp. 6/12	Women's Sports Alternate Representative		By Any Supervisor	At-Large

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Regina Jordan; appointed 6/04&6/09 by Hudgins) Term exp. 6/10 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
Rachel Rifkind (Appointed 5/09-6/09 by Gross) Term exp. 6/11	Mason District Representative		Gross	Mason

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by John Byers; appointed 6/09-1/12 by Hyland) Term exp. 6/12 <i>Deceased</i>	Mount Vernon District Representative		Hyland	Mount Vernon
VACANT (Formerly held by Robert McDaniel; appointed 9/10 by Herrity) Term exp. 6/11 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

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

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Paul Kraucunas (Appointed 9/98-2/09 by Bulova) Term exp. 2/13	Design Professional #1 Representative		By Any Supervisor	At-Large
David Anthony Beale (Appointed 1/10 by Bulova) Term exp. 2/13	Design Professional #3 Representative		By Any Supervisor	At-Large
Thomas Schroeder (Appointed 3/09 by Bulova) Term exp. 2/13	Alternate #1 Representative		By Any Supervisor	At-Large
Wayne Bryan (Appointed 1/10 by Bulova) Term exp. 2/13	Alternate #2 Representative		By Any Supervisor	At-Large

**BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)
(2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Patricia Flavin(Rehill) (Appointed 12/10 by Hyland) Term exp. 12/12	Professional #6 Representative		By Any Supervisor	At-Large

CHILD CARE ADVISORY COUNCIL (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Tammy K. Derenak; appointed 7/02-9/05 by Kauffman; 2/08-9/11 by McKay) Term exp. 9/13 <i>Resigned</i>	Lee District Representative		McKay	Lee
VACANT (Formerly held by Karen Hecker; appointed 10/03-9/09 by Hyland) Term exp. 9/11 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mt. Vernon
VACANT (Formerly held by Joan C. Holtz; appointed 5/09 by Smyth) Term exp. 9/11 <i>Resigned</i>	Providence District Representative		Smyth	Providence
Gita D’Souza Kumar (Appointed 7/12 by Frey) Term exp. 2/13	Sully District Representative		Frey	Sully

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jean Zettler (appointed 11/08-5/10 by Smyth) Term exp. 5/12	Providence District Representative		Smyth	Providence

COMMISSION FOR WOMEN (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Catherine A. Baum; appointed 11/10 & 10/12 by Hudgins) Term exp. 10/15 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
VACANT (Formerly held by Kari Wright Warren; Appointed 9/10 by Hyland) Term exp. 10/13 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mount Vernon

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Benjamin Gibson; appointed 4/11 by McKay) Term exp. 1/15 <i>Resigned</i>	Lee District Representative		McKay	Lee
VACANT (Formerly held by Carrie Lord Maglich; appointed 12/10-1/11 by Hyland) Term exp. 1/15 <i>Resigned</i>	Mount Vernon District Representative	Carmen Ana Cintron	Hyland	Mount Vernon
David Hess-Linkous (Appointed 7/11 by Smyth) Term exp. 1/13	Providence District Representative		Smyth	Providence
Rosaline Gold (Appointed 12/05 by Gross; 1/10 by Hudgins) Term exp. 1/13	Religious Community Representative		By Any Supervisor	At-Large

**COMMUNITY ACTION ADVISORY BOARD (CAAB)
(3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Gregory Packer (Appointed 9/10 by Hyland) Term exp. 2/13	Mount Vernon District Representative	Gregory Packer	Hyland	Mount Vernon
Linda W. Thomas (Appointed 7/12 by Smyth) Term exp. 2/13	Providence District Representative	Linda W. Thomas	Smyth	Providence
Jay Hilbert (Appointed 7/12 by Frey) Term exp. 2/13	Sully District Representative		Frey	Sully

CONSUMER PROTECTION COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by George Bounacos; appointed 8/09 by Frey) Term exp. 7/12 <i>Resigned</i>	Fairfax County Resident #7 Representative	Jason Chung (Frey)	By Any Supervisor	At-Large

CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly Held by Theo L. Vaughan; appointed 12/09 by Cook) Term exp. 11/12 <i>Resigned</i>	Braddock District Representative		Cook	Braddock
Richard Nagel (Appointed 1/10 by Foust) Term exp. 11/12	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Rose Miles Robinson; appointed 7/06-2/09 by Hudgins) Term exp. 2/12 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
Andrew Hunter (Appointed 4/04-2/09 by Gross) Term exp. 2/12	Mason District Representative		Gross	Mason
Glen Robinson (Appointed 11/09 by Smyth) Term exp. 8/12	Providence District Representative		Smyth	Providence
VACANT (Formerly held by Michael Birch; appointed 1/08-4/10 by Frey) Term exp. 4/13 <i>Resigned</i>	Sully District Representative		Frey	Sully

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Stella Koch (Appointed 10/96-12/00 by Hanley; 1/04 by Connolly; 1/07-1/10 by Bulova) Term exp. 1/13	At-Large Chairman's Representative	Stella Koch	Bulova	At-Large Chairman's
Linda Burchfiel (Appointed 6/08 by Connolly; 1/10 by Bulova) Term exp. 1/13	At-Large #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Marie Flanagan; appointed 1/10 by Smyth) Term exp. 1/13 <i>Resigned</i>	Providence District Representative		Smyth	Providence

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Barbara Lawrence (Appointed 2/09-11/09 by McKay) Term exp. 11/12	Lee District Representative		McKay	Lee
Ann Pimley (Appointed 9/03&11/06 by Frey) Term exp. 11/09 <i>Not eligible for reappointment (need 3 year lapse)</i>	Sully District Representative		Frey	Sully

**FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION
BOARD OF DIRECTORS (3 years)**

CONFIRMATIONS NEEDED:

- Mr. Brian Kelleher as the Chamber of Commerce Representative
- Mr. Michael Session as the Northern Virginia Hospitality #1 Representative
- Mr. Sami Zeitoun as the Northern Virginia Hospitality #3 Representative
- Mr. Ben Hiatt as the Northern Virginia Hospitality Council #6 Representative
- Mr. Claude Andersen as the Northern Virginia Hospitality Council #9 Representative

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Karen Margensey; appointed 10/11 by Bulova) Term exp. 6/14 <i>Resigned</i>	At-Large #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Mattie Palmore; appointed 1/06-6/10 by Hyland) Term exp. 6/13 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mount Vernon

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FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD
(3 years – limited to 3 full terms)

continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Lisa Lynne Kania; appointed 10/11 by Frey) Term exp. 6/13 <i>Resigned</i>	Sully District Representative		Frey	Sully

GEOTECHNICAL REVIEW BOARD (3 years)

CONFIRMATION NEEDED:

- Mr. Christopher Giese as the Alternate #2 Representative

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by David Braun; appointed 10/06-6/09 by Smyth) Term exp. 6/12 <i>Resigned</i>	Consumer #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Carol Ann Coryell; appointed 6/05-6/08 by Frey) Term exp. 6/11 <i>Resigned</i>	Consumer #6 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Samuel Jones; appointed 12/09 by Gross) Term exp. 6/12 <i>Resigned</i>	Provider #1 Representative		By Any Supervisor	At-Large

HUMAN RIGHTS COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Victor Dunbar (Appointed 9/91 by Richards; 9/94 by Davis; 7/97-9/03 by Hanley; 9/06 by Connolly; 9/09 by Bulova) Term exp. 9/12	At-Large #3 Representative	Janice Brangman (Herrity)	By Any Supervisor	At-Large

HUMAN SERVICES COUNCIL (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by John Byers; appointed 6/07-7/08 by Hyland) Term exp. 7/12 <i>Deceased</i>	Mount Vernon District #1 Representative	Jack Dobbyn	Hyland	Mount Vernon

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Michael McClanahan (Appointed 12/05-1/07 by Connolly; 2/09-5/11 by Bulova) Term exp. 1/13	At-Large Chairman's Representative		Bulova	At-Large Chairman's
Patricia Smith-Solan (Appointed 1/08-1/11 by Hudgins) Term exp. 1/13	Hunter Mill District Representative		Hudgins	Hunter Mill
Joleane Dutzman (Appointed 1/10-1/11 by Hyland) Term exp. 1/13	Mount Vernon District Representative		Hyland	Mount Vernon

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Adam Parnes; appointed 9/03-6/12 by Hudgins) Term exp. 6/15 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Braddock
VACANT (Formerly held by Ronald Miner; appointed 8/02-6/11 by Frey) Term exp. 6/14 <i>Resigned</i>	Sully District Representative		Frey	Sully

PARK AUTHORITY (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Janyce Hedetniemi; appointed 1/12-12/12 by Bulova) Term exp. 12/16 <i>Resigned</i>	At-Large Chairman's Representative	Faisal Khan	Bulova	At-Large Chairman's
VACANT (Formerly held by Marie Reinsdorf; appointed 4/08 by Connolly; 12/11 by Bulova) Term exp. 12/15 <i>Resigned</i>	At-Large #1 Representative		By Any Supervisor	At-Large

ROAD VIEWERS BOARD (1 year)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Stephen E. Still; appointed 6/06-12/11 by Smyth) Term exp. 12/12 <i>Resigned</i>	At-Large #4 Representative		By Any Supervisor	At-Large

TENANT LANDLORD COMMISSION (3 years)

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Kevin Denton; appointed 4/10&1/11 by Smyth) Term exp. 1/14 <i>Resigned</i>	Tenant Member #3 Representative		By Any Supervisor	At-Large

TREE COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Marie Flanagan; appointed 12/09 by Smyth) Term exp. 10/11 <i>Resigned</i>	Providence District Representative		Smyth	Providence

TRESPASS TOWING ADVISORY BOARD (3 years)

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

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Ronald P. Miner; appointed 6/06 by Connolly; 9/09 by Bulova) Term exp. 9/12 <i>Resigned</i>	Citizen Alternate Representative		By Any Supervisor	At-Large

Board Agenda Item
February 26, 2013

11:50 a.m.

Items Presented by the County Executive

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Board Agenda Item
February 26, 2013

ADMINISTRATIVE - 1

Approval of a Resolution to Allow All American Ambulance and Transport to Operate Transport Services for Hospitals and Nursing Homes within Fairfax County

ISSUE:

All American Ambulance and Transport (AAA) is a commercial Emergency Medical Service (EMS) provider based in Anne Arundel County, Maryland. AAA is requesting permission to operate transport services for hospitals and nursing homes within Fairfax County.

EMS providers in Virginia are regulated by the Virginia Department of Health, Office of Emergency Medical Services (OEMS) and require a resolution from the governing body of each locality where the provider maintains an office, stations an EMS vehicle for response, or is a designated emergency response agency.

RECOMMENDATION:

The County Executive recommends the Board approve the resolution allowing AAA to operate transport services for hospitals and nursing homes within Fairfax County.

TIMING:

Board action is requested on February 26, 2013.

BACKGROUND:

The Commonwealth of Virginia requires all ambulance companies to be licensed by the Virginia Department of Health, Office of Emergency Medical Services. AAA is licensed for Ambulance and other transportation in the Commonwealth of Virginia. Fairfax County Fire and Rescue Department has sole responsibility for emergency ambulance service within Fairfax County and agrees that AAA be authorized to provide non-emergency transport of ill and injured persons between medical facilities.

FISCAL IMPACT:

None

Board Agenda Item
February 26, 2013

ENCLOSED DOCUMENTS:

Attachment 1: Resolution

Attachment 2: Memorandum dated 1/18/13 to the County Executive from Fire Chief
Ronald L. Mastin

Attachment 3: Letter dated 1/11/2012

STAFF:

David M. Rohrer, Deputy County Executive

Chief Ronald L. Mastin, Fire and Rescue Department

Assistant Chief John J. Caussin, Jr., Fire and Rescue Department

Assistant Chief John A. Burke, Fire and Rescue Department

Assistant Chief Garrett L. Dyer, Fire and Rescue Department

Attachment 1

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia on Tuesday, February 26, 2013, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, All American Ambulance and Transport, a private ambulance company located in Anne Arundel County, Maryland, has licensure in the Commonwealth of Virginia, and intends to operate within Fairfax County; and,

WHEREAS, the Commonwealth of Virginia requires all ambulance companies to be licensed by the State Health Department Office of Emergency Medical Services; and,

WHEREAS, the Code of Virginia requires approval of the Governing Body of the jurisdiction in which any licensed EMS agency is located; and,

WHEREAS, private ambulance companies provide the important service of non-emergency transport of ill and injured persons between medical facilities;

NOW THEREFORE BE IT RESOLVED, the Board of Supervisors authorizes All American Ambulance and Transport to operate as a licensed EMS Agency in Fairfax County, Virginia, according to the Virginia Department of Health EMS Regulations and Fairfax County Code.

A Copy Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors



County of Fairfax, Virginia

MEMORANDUM

DATE: January 18, 2013

TO: David M. Rohrer
Deputy County Executive

FROM: Ronald L. Mastin
Fire and Rescue Department

SUBJECT: Commercial Agency EMS Licensure Application

The Fire and Rescue Department has been notified that All American Ambulance and Transport (AAA), a commercial EMS provider based in Anne Arundel County, Maryland, has received EMS agency licensure in the Commonwealth of Virginia. EMS agencies in Virginia are regulated by the Office of EMS (OEMS) and applications for licensure are processed by the regional OEMS Program Representative. Pursuant to EMS Rules and Regulations, 12 VAC 5-31-420, an application for EMS agency licensure requires:

An ordinance or resolution from the governing body of each locality where the agency maintains an office, stations an EMS vehicle for response within a locality or is a Designated Emergency Response Agency as required by § [15.2-955](#) of the Code of Virginia confirming approval. This ordinance or resolution must specify the geographic boundaries of the agency's primary service area within the locality.

AAA has represented that it intends to operate transport services for hospitals and nursing homes in Fairfax County and therefore requires such a resolution from the County.

Fire and Rescue Department Operations staff has taken the following actions in this matter:

1. Contacted the OEMS Program Representative Adam Harrell to obtain background information about this organization and the application.
2. Contacted Timothy Jackson, AAA's Vice President of Marketing, to discuss AAA's application and its intended level of operation, and confirmed that AAA understands the Fairfax County Fire and Rescue Department has sole responsibility for emergency ambulance services within Fairfax County.
3. Contacted the Maryland State Office of Commercial Ambulance Licensing and Regulation (SOCALR) and requested all pertinent public records about the organization (i.e., complaints, dates of licensure, regulatory violations, or other information).



Below is a summary of the information obtained by Fire and Rescue staff:

- Mr. Harrell stated AAA has had a handful of violations over the last ten years but has had a spotless record over the last three years in Washington, D.C.
- Mr. Jackson confirmed the company's intention to operate transport services within Fairfax County. He stated that, as their business develops in Virginia, they intend to open several offices in the future. Mr. Jackson understands that emergency response service in Fairfax County is the sole responsibility of the Fire and Rescue Department and that all calls for emergency response are dispatched by the County Department of Public Safety Communications center. He stated their intention is only inter-facility transports.
- Bill J. Adams, Jr., Acting Director of Maryland SOCALR, provided a written report, which is attached, stating that All American Ambulance and Transport has been licensed continuously in Maryland since 1992. There were records of nine complaints and/or compliance violations, only two have occurred within the past five years.

Based upon this information, Fire and Rescue staff has found no reason to oppose All American Ambulance and Transport's request to operate in Fairfax County. Agency recommendation is that the Board of Supervisors adopt a resolution confirming approval of All American Ambulance and Transport's request, which will allow its operation in Fairfax County. All American Ambulance and Transport will be the fourth nongovernmental EMS agency operating in the County.

Attachments:

All American Ambulance and Transport Fairfax County Resolution Request
Maryland SOCALR Response for Information



State of Maryland
Maryland
Institute for
Emergency Medical
Services Systems

653 West Pratt Street
Baltimore, Maryland
21201-1536

Martin O'Malley
Governor

Donald L. DeVries, Jr., Esq.
Chairman
Emergency Medical
Services Board

Robert R. Bass, MD
Executive Director
410-706-5074
FAX 410-706-4768

State Office of Commercial Ambulance
Licensing and Regulation
653 West Pratt Street, Room 313
Baltimore, Maryland 21201-1536
O: (410) 706-8511
Fax: (410) 706-8552

Monday January 30, 2012

Mr. Harrell, please see the information you requested regarding All American Ambulance & Transport, should you have further questions, please do not hesitate to contact me.

Initial dates of licensure;

- Licensed BLS on 11/28/92
- Licensed ALS on 2/20/93
- Licensed SCT on 8/22/07
- Licensed NEO on 7/20/07

Lapse in licensure

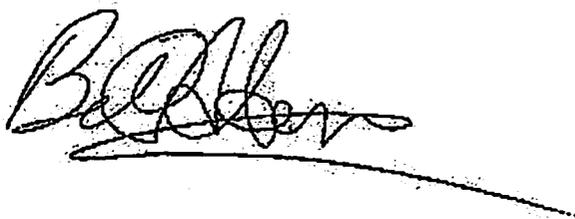
- Specialty care licensure lapse 6/7/10-7/9/10 due to malfunctioning portable suction device

Regulatory and or compliance issues

- October 22, 1995 – compliant – accepting a call with failure to provide a unit within a reasonable amount of time – COMAR 14.22.01.10(B)
- December 14, 1995 – non compliance notice – providing ALS care with a nurse in a BLS licensed unit
- March 23, 1998 – non compliance notice – non licensed provider functioning on a BLS unit as the driver
- January 13, 2000 – non compliance notice – emergency communications device not complaint with COMAR 30.09.14 C, reference inspection and installation
- August 8, 2003 – complaint – unit not available for a scheduled transport, poor care (from patient family member) investigated by our office. AAA held responsible
- November 3, 2003 – non compliance notice – transporting a corpse
- February 4, 2004 – Remedial measures given to avoid disciplinary actions from SOCALR – inappropriate staffing levels, performing poorly on annual inspections, inappropriate dispatch guidelines for optional protocols
- May 4, 2009 – compliant – faulty equipment, stretcher/mounts and vehicle failures (FROM Disgruntled Terminated employee) Employee was terminated for failing drug test.

- March 1, 2010 – complaint – extended wait time for a scheduled transport, stretcher in poor condition, exhaust fumes in patient compartment area, patient discomfort from stretcher and as a result bruising resulted (from patient) COMPLAINT found to be frivolous by company. Investigation handled by them.

Thank you,

A handwritten signature in black ink, appearing to read "Bill Adams", with a long horizontal flourish extending to the right.

Bill Adams,
Acting Director SOCALR

Cc
Sarah Sette,
Assistant Attorney General



COMMONWEALTH of VIRGINIA

Department of Health

Office of Emergency Medical Services

1041 Technology Park Drive
Glen Allen, VA 23059-4500

1-800-523-6019 (VA only)
804-888-9100
FAX: 804-371-3108

Karen Remley, MD, MBA, FAAP
State Health Commissioner

Gary R. Brown
Director

P. Scott Winston
Assistant Director

Adam L. Harrell, NREMT-P, CCEMT-P

EMS Program Representative
PO Box 2621
Fairfax, VA 22031

Office: (703)268-5559 Fax: (703)268-5580
Adam.Harrell@vdh.virginia.gov

TO: Bill Adams, Maryland Institute for Emergency Medical Services System
DATE: January 11, 2012
SUBJECT: Request for Information on All American Ambulance (AAA) Transport EMS Agency

All American Ambulance (AAA) Transport is seeking EMS agency licensure in the Commonwealth of Virginia. Pursuant to the EMS Rules and Regulations:

12VAC5-31-420. Application for EMS agency licensure.

B. The Office of EMS may use whatever means of investigation necessary to verify any or all information contained in the application

D. The Office of EMS will determine whether an applicant or licensee is qualified for licensure based upon the following:

- 3. An applicant or licensee must provide information on any previous record of performance in the provision of emergency medical service or any other related licensure, registration, certification or endorsement within or outside Virginia.

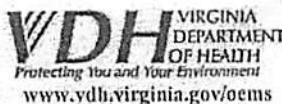
we request information in reference to their agency's operations in Maryland to include: initial date of agency licensure, any lapse in licensure, any complaints filed against the agency, any regulatory or compliance violations, and any other pertinent information regarding this agency.

Please forward this information to my email address (adam.harrell@vdh.virginia.gov), fax (703-268-5580), or mail (PO Box 2621, Fairfax, VA 22031). If you have any questions please feel free to contact me.

Sincerely,

Adam L. Harrell NREMT-P/CCEMT-P

Cc: Michael Berg, Manager Regulation and Compliance, Virginia Office of Emergency Medical Services



Board Agenda Item
February 26, 2013

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing to Convey Board-Owned Property to Eastwood Properties, Inc. (Lee District)

ISSUE:

Authorization from the Board of Supervisors is requested to advertise a public hearing to convey Board-owned property to Eastwood Properties, Inc. (Eastwood).

RECOMMENDATION:

The County Executive recommends that the Board authorize a public hearing to convey Board-owned property to Eastwood.

TIMING:

Board action is requested on February 26, 2013 to provide sufficient time to advertise the proposed public hearing on April 9, 2013, at 4:00 PM.

BACKGROUND:

The Board of Supervisors owns a 0.31 acre parcel located at 6312 Alforth Avenue and identified as Tax Map No. 91-1 ((1)) 20. The parcel of land is a remnant of the right-of-way acquisition undertaken for the Franconia-Springfield Parkway (Parkway). This property is surrounded by single-family residences to the west and south, the Devonshire Townhomes Association (Devonshire) to the east, and the Parkway to the north. There are no improvements on the parcel.

In December 1992, the Board and Devonshire entered into an agreement to permit the Devonshire residents to use the property for open space and overflow parking. The term of the agreement was five years, with four 5-year automatic renewals. The agreement will expire in December 2017.

Eastwood is the contract purchaser of the properties to the west of the parcel, identified by Tax Map Nos. 91-1 ((1)) 18 and 19. Eastwood would like to include the County-owned property in an assemblage of properties that will be the subject of a rezoning application to develop a 14-unit townhouse community. Devonshire has agreed to support the rezoning application.

Because the parcel is no longer needed for right-of-way purposes, and since the small size of the parcel and its isolation from other public land make it unsuitable for any other public use, the County will serve the greater public benefit by conveying the parcel to Eastwood Properties for redevelopment for the parcel's fair market value. If the conveyance is approved, staff will obtain an appraisal to determine this fair market value. Eastwood Properties will pay for the cost of this appraisal.

Board Agenda Item
February 26, 2013

In accordance with Board Policy and section 15.2-1800 of the Code of Virginia, a public hearing is required prior to the disposition of Board-owned property.

FISCAL IMPACT:

The proceeds from the sale will be deposited in the general fund.

ENCLOSED DOCUMENTS:

Attachment 1- Location Map 91-1

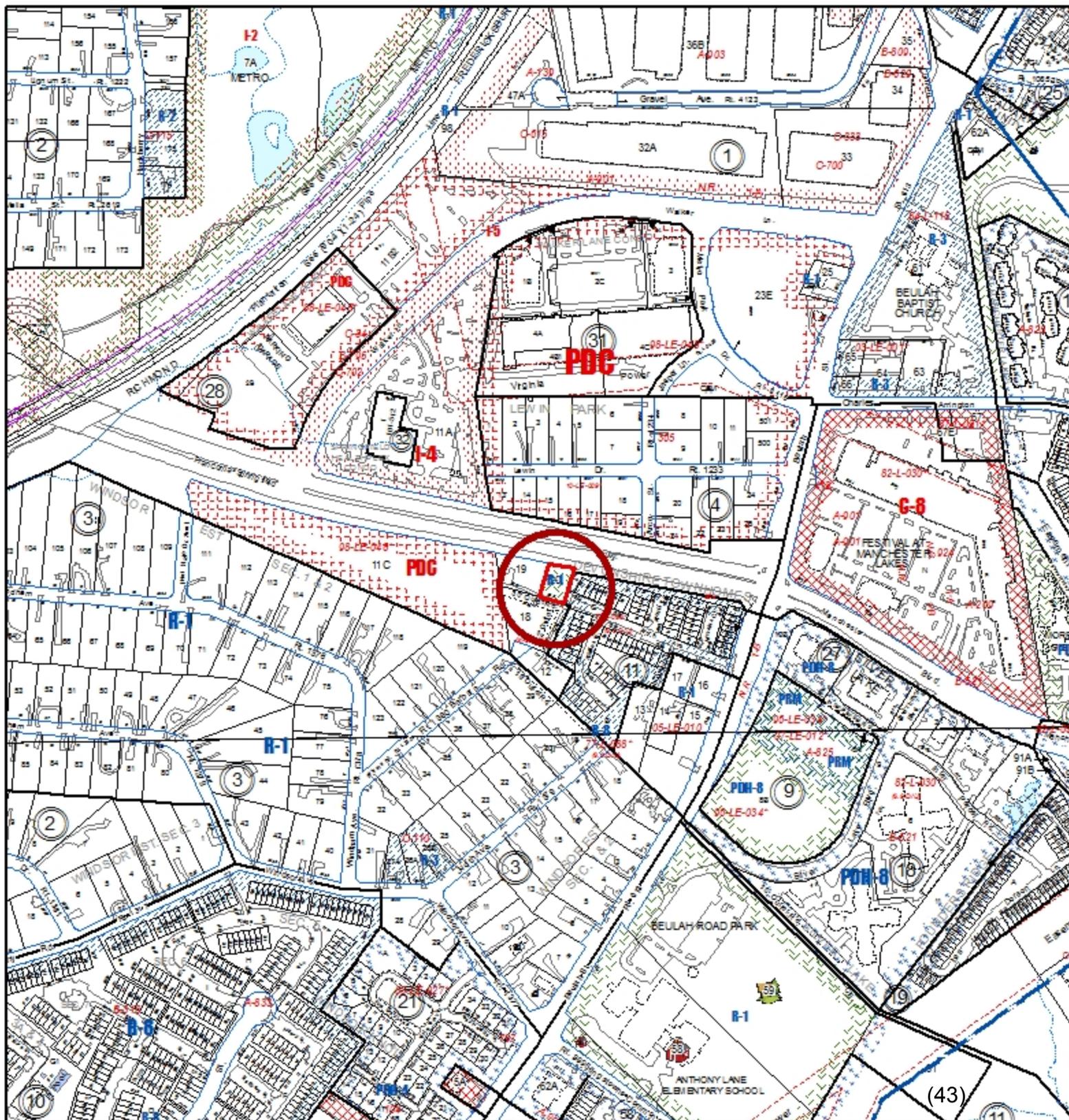
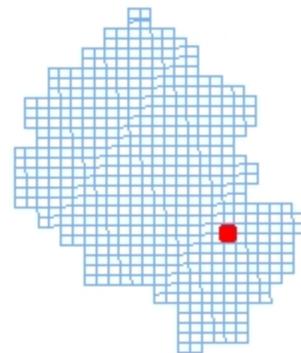
STAFF:

David J. Molchany, Deputy County Executive

Jose A. Comayagua, Jr., Director, Facilities Management Department

Subject Property: Tax Map No. 91-1 ((1)) 20

0 125 250 500 Feet



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Board Agenda Item
February 26, 2013

ADMINISTRATIVE – 3

Streets into the Secondary System (Braddock, Hunter Mill, Providence, and Sully Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Fair Oaks Plaza (Random Hills Road Public Improvement)	Braddock	Waples Mill Road (Route 665) (Additional Right-of-Way (ROW) Only)
		Random Hills Road (Route 7230) (North Side) (Additional ROW Only)
		Random Hills Road (Route 7230) (South Side) (Additional ROW Only)
Sunrise Valley Drive (Reston Square)	Hunter Mill	Sunrise Valley Drive (Route 5320) (Additional ROW Only)
Acredale Lot 18	Providence	Babcock Road (Route 3890)
Murray Farms Lots 31-35 (Kensington Parc Rugby Road PI Plan)	Sully	Rugby Road (Route 750) (Additional ROW Only)

TIMING:

Routine.

Board Agenda Item
February 26, 2013

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**

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.

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

BY: *Nadia Alphonse*

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

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

PLAN NUMBER: 5646-PI-01

SUBDIVISION PLAT NAME: Acredale Lot 18

COUNTY MAGISTERIAL DISTRICT: Providence

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 12/05/2012

STREET NAME	LOCATION		MILE LENGTH
	FROM	TO	
Babcock Road (Route 3890)	Existing Babcock Road (Route 3890) - 2,710' NW CL Chain Bridge Road (Route 123)	82' NW to the Beginning of Temporary Turnaround Easement	0.02
NOTES:			TOTALS: 0.02

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</p> <p>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</p> <p>ENGINEERING MANAGER: Terry L. Yates, P.E. BY: <i>Nadia A. [Signature]</i></p>	<p>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p>PLAN NUMBER: 5605-PI-001</p> <p>SUBDIVISION PLAT NAME: Murray Farms Lots 31-35 (Kensington Parc Rugby Road PI Plan)</p> <p>COUNTY MAGISTERIAL DISTRICT: Sully</p> <p style="text-align: center;">FOR OFFICIAL USE ONLY</p> <p>DATE OF VDOT INSPECTION APPROVAL: 12/04/2012</p>	
STREET NAME	LOCATION	LENGTH MILE
FROM	TO	
Rugby Road (Route 750) (Additional Right-of-Way Only)	438' SW CL Burning Bush Drive (Route 7200) 197' SW to Section Line	0.0
NOTES:		TOTALS:
5' Concrete Sidewalk on South Side to be maintained by VDOT.		0.0

ADMINISTRATIVE – 4

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

ISSUE:

Board of Supervisors' action to designate individuals as Plans Examiners to participate in the Expedited Land Development Review Program.

RECOMMENDATION:

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

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

Jason M. Sereno	298
Grid Gremi, P.E.	299
Daniela G. Medek	300

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 Advisory Plans Examiner Board (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.

Board Agenda Item
February 26, 2013

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 review of their applications and credentials, the APEB has found that the candidates listed above satisfy these requirements. This finding was documented in a letter dated January 15, 2013, from the Chairman of the APEB, James H. Scanlon, P.E., L.S., to Chairman Bulova.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I – Letter dated January 15, 2013, 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, Deputy Director, DPWES, Land Development Services



County of Fairfax, Virginia

MEMORANDUM

DATE: January 25, 2013

TO: Sharon Bulova, Chairman
Board of Supervisors

FROM: Michelle Brickner, Director
Land Development Services
Department of Public Works and Environmental Services

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

Attached is a letter from James H. Scanlon, Chairman of the Advisory Plans Examiner Board (APEB). In this letter Mr. Scanlon details the recommendations of the APEB that the Board of Supervisors designate three individuals as Designated Plans Examiners.

The Department of Public Works and Environmental Services plans to forward an Administrative Item to the Board of Supervisors for the February 26, 2013, meeting.

Attachment: Letter from James H. Scanlon, Chairman of the APEB

Cc: Edward L. Long Jr., County Executive
Rob Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services





BOARD OF DIRECTORS

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Carson, Ashley & Associates
- Vice Chairman**
Dennis M. Thomas, P.E.
Burgess & Niple, Inc.
- Treasurer**
Jeffrey J. Stuebel, P.E. L.S.
Walter L. Phillips, Inc.
- Secretary**
Bruce G. Nassimbeni
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- Directors**
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Town of Leesburg, DPW
- Emily A. Baker, P.E.
City of Alexandria, T&ES
- Gary R. Clare, P.E.
Loudoun County, B&D
- Phillip DeLeon, P.E.
VA Dept Rail & Public Transportation
- David S. Dvornik
Rinker Design & Associates, P.C.
- William E. Fissel, P.E.
Dewberry
- Kimberly P. Fogle, AICP
Fauquier County
- Jamie Bain Hedges, P.E.
Fairfax Water
- Paul B. Johnson, P.E.
Charles P. Johnson & Associates, Inc.
- Paul J. Kraucunas, P.E.
Virginia Department of
Transportation
- R.J. Keller L.S.
R.C. Fields & Associates, P.C.
- Peter J. Rigby, Jr., P.E.
Paciulli, Simmons & Associates, Ltd.
- J. Keith Sinclair, Jr., P.E.
A. Morton Thomas & Associates, Inc.
- Blake A. Smith, P.E.
Smith Engineering
- Adam J. Volanth, P.E.
Bohler Engineering, P.C.
- Susan S. Wolford, CLA, AICP
Patton, Harris, Rust & Associates, P.C.

Past Chairmen

- Sidney O. Dewberry, P.E., L.S.
William H. Gordon, P.E.
John T. DeBell, P.E., L.S.
James H. Scanlon, P.E., L.S.
J. Keith Sinclair, Jr., P.E.
John F. Amatetti, P.E.
Reid M. Dudley, P.E.
Joseph G. Paciulli, L.S.
Lester O. Nyce, P.E.
Eric S. Siegel, P.E.
Martin E. Crahan, AICP
John S. Groupe, IV, P.E.
Gary P. Bowman, P.E.
William R. Zink, P.E.
Theodore D. Britt, P.E.
Timothy S. Doody, P.E. L.S.
Edward B. Snider, Jr. P.E.
Adam J. Volanth, P.E.
Phillip DeLeon, P.E.
Blake A. Smith, P.E.
Susan S. Wolford, CLA, AICP

Current Past Chairman

- John S. Matusik, P.E.
Independent

EXECUTIVE DIRECTOR

- Terrance C. Ryan, Ph.D., P.E.

January 15, 2013

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

Dear Chairman Bulova:

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

Name	Reg. No.
Jason M. Sereno	#298
Grid Gremi, P.E.	#299
Daniela G. Medek	#300

They have 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

RECEIVED

JAN 25 2013

Land Development Services
Directors Office

ADMINISTRATIVE - 5

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance
Amendment Re: Civil Penalties

ISSUE:

The proposed Zoning Ordinance amendment would expand the use of civil penalties as an enforcement tool for zoning violations and would grant the Zoning Administrator the authority to seek issuance of an inspection warrant related to enforcement of the Zoning Ordinance.

RECOMMENDATION:

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

TIMING:

Board action is requested on February 26, 2013 to provide sufficient time to advertise the proposed Planning Commission public hearing on April 4, 2013 at 8:15 p.m. and proposed Board of Supervisors' public hearing on May 14, 2013 at 4:00 p.m.

BACKGROUND:

Pursuant to Va. Code Ann. § 15.2-2209 (2012) and Article 18 of the Zoning Ordinance, the County is authorized to enforce certain provisions of the Zoning Ordinance through a civil penalty process in the General Court, in addition to obtaining injunctions in Circuit Court. The civil penalty process allows violators to prepay fines and admit liability and is typically a more expeditious method of obtaining compliance with the Zoning Ordinance than is available in the Circuit Court. At present, however, only certain violations can be prosecuted via the civil penalty process. This amendment seeks to maximize the enabling authority that has been delegated to the County by the General Assembly.

The Department of Code Compliance (DCC) has recently increased its use of the civil penalty process for prosecuting minor offenses of the Zoning Ordinance and the Virginia Maintenance Code. The civil penalty process is effective in addressing minor, one-time offenses. Typical violations which are being prosecuted under the civil penalty process include sheds and other accessory structures located too close to the property line, illegal commercial vehicles, outdoor storage and fences that are too tall. Given the apparent promise of the more streamlined civil penalty approach for litigating minor Zoning Ordinance violations, staff, in coordination with the County Attorney's Office, recommends that the Board amend Article 18 of the Zoning Ordinance to maximize the

zoning violations that can be prosecuted via this civil penalty process. Pursuant to Va. Code Ann. § 15.2-2209, violations relating to the posting of signs on public property or public rights-of-way are excluded from the civil penalty process. It is noted that this amendment will not preclude the County from obtaining injunctive relief in Circuit Court for any violation if necessary. In addition, the proposed amendment would also specifically authorize the Zoning Administrator to seek issuance of an inspection warrant related to enforcement of the Zoning Ordinance, as provided by Par. 15 of Va. Code Ann. § 15.2-2286 (2012). While this statute clearly provides for this authority, the Zoning Ordinance contains no specific language acknowledging this enabling authority.

A more detailed discussion of the proposed amendment is set forth in the attached Staff Report.

REGULATORY IMPACT:

Currently the preparation and filing of a civil action in the Circuit Court through resolution typically takes between four to twelve months. Based on DCC's experiences with the civil penalty process for minor zoning violations, this method of enforcement can typically be accomplished within two to three months.

FISCAL IMPACT:

If adopted, it is anticipated that the proposed amendment establishing a schedule of civil penalties will yield additional revenue of approximately \$5,000 annually starting in Fiscal Year 2013. The projected additional revenue will be collected by the Department of Finance and will be added to the general fund.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution
Attachment 2 – Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive
Fred Selden, Director, Department of Planning and Zoning (DPZ)
Leslie B. Johnson, Zoning Administrator
Jeffrey Blackford, Director, Department of Code Compliance (DCC)
Cynthia A. Bailey, Senior Assistant County Attorney
Michael Congleton, DCC

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center Building, Fairfax, Virginia, on February 26, 2013, at which meeting a quorum was present and the following resolution was adopted:

WHEREAS, Va. Code Ann. § 15.2-2286 (2012) allows a zoning administrator to seek an inspection warrant and Va. Code Ann. § 15.2-2209 allows the establishment of a uniform schedule of civil penalties for zoning ordinance violations to facilitate enforcement of the Zoning Ordinance provisions; and

WHEREAS, it may be appropriate to allow all zoning violations, except for the posting of signs on public property or public rights-of-way, to be remedied by a uniform schedule of civil penalties instead of only those violations that are currently identified and to allow for the use of inspection warrants as an additional tool in the enforcement of the Zoning Ordinance; and

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

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

A Copy Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors



**FAIRFAX
COUNTY**

STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

Civil Penalties

PUBLIC HEARING DATES

Planning Commission April 4, 2013 at 8:15 p.m.

Board of Supervisors May 14, 2013 at 4:00 p.m.

**PREPARED BY
DEPARTMENT OF CODE COMPLIANCE
703-324-1300
ZONING ADMINISTRATION DIVISION
DEPARTMENT OF PLANNING AND ZONING
703-324-1314**

February 26, 2013

MRC



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

STAFF COMMENT

The proposed Zoning Ordinance amendment would expand the use of civil penalties as an enforcement tool for zoning violations and would grant the Zoning Administrator the authority to seek an inspection warrant to enforce the Zoning Ordinance. The current Zoning Ordinance only permits specifically identified zoning violations to be pursued by civil penalty. This amendment would provide county staff with greater choice and flexibility in remedying zoning violations by instituting a uniform schedule of civil penalties and allowing most violations of the Zoning Ordinance to be remedied in this manner.

Pursuant to Va. Code Ann. § 15.2-2209 (2012) and Part 9 of Article 18 of the Zoning Ordinance, the County is authorized to enforce certain provisions of the Zoning Ordinance by obtaining an injunction in the Circuit Court, as criminal misdemeanors in the General District Court, or through civil penalties, also in the General District Court.¹

The Department of Code Compliance (DCC) has increasingly relied upon the civil penalty process for successfully prosecuting minor offenses of the Zoning Ordinance and the Virginia Maintenance Code, as it is another option in achieving compliance with the Zoning Ordinance provisions. The civil penalty process allows violators to prepay fines and admit liability, and it is typically more expeditious than obtaining injunctive relief through Circuit Court. Currently, however, only violations enumerated in Par. 1 of Sect. 18-903 of the Zoning Ordinance can be pursued via the civil penalty process. Such violations include sheds and other accessory structures located too close to a property line, illegal commercial vehicles, outdoor storage and fences that are too tall. The current list, however, excludes related violations, which means that these violations cannot be prosecuted using the same method. For example, although a violation for multiple occupancy can be prosecuted via civil penalties, a violation for establishing more than one dwelling unit in a single-family structure can only be prosecuted in the Circuit Court, in accordance with Par. 4 of Sect. 18-901 of the Zoning Ordinance.

DCC staff, in coordination with the County Attorney's Office, recommends that the Board amend Article 18 of the Zoning Ordinance to establish a uniform schedule of civil penalties for all zoning violations, except for violations relating to the posting of signs on public property or public rights-of-way.² Enacting such civil penalty provisions will enhance enforcement efforts and provide a streamlined approach for litigating these violations.

This amendment will not preclude the County from obtaining injunctive relief in Circuit Court for any zoning violation if necessary, but it maximizes the existing authority delegated to counties from the General Assembly. If adopted, it is anticipated that the proposed amendment establishing a schedule of civil penalties for all zoning violations, except those sign related violations expressly excluded from Va. Code Ann. § 15.2-2209, will yield additional revenue of approximately \$5,000 annually starting in FY 2013. The projected additional revenue will be collected by the Department of Finance and added to the general fund.

1 It should be noted that the County has not sought prosecution of a violation of the Zoning Ordinance as a misdemeanor since the mid 1980s.

2 These sign-related violation are expressly excluded from Va. Code Ann. § 15.2-2209.

The proposed amendment would also specifically authorize the Zoning Administrator to seek issuance of an inspection warrant related to enforcement of the Zoning Ordinance, as provided by Par. 15 of Va. Code Ann. § 15.2-2286 (2012). Although this statute clearly provides for this authority, the Zoning Ordinance has no specific language acknowledging this enabling authority. The use of inspection warrants on a limited basis has shown to be an effective tool in the administration and enforcement of the Virginia Maintenance Code and the Building Code.

Staff believes that allowing for the expanded use of civil penalties and the use of inspection warrants is appropriate and recommends approval of the proposed amendment with an effective date of 12:01 a.m. on the day following the adoption.

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of February 26, 2013 and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

1 **Amend Article 18, Administration, Amendments, Violations and Penalties, Part 9, Violations,**
 2 **Infractions, and Penalties, as follows:**

3
 4 - **Amend Sect. 18-901, General Provisions, by revising Par. 4 to read as follows:**

- 5
 6 4. In addition to the remedies provided in Par. 3 above, the Zoning Administrator may seek
 7 the issuance of an inspection warrant, initiate injunction, mandamus, or any other
 8 appropriate action to prevent, enjoin, abate or remove such erection or use in violation of
 9 any provision of this Ordinance. Such action may also be instituted by any citizen who
 10 may be aggrieved or particularly damaged by any violation of any provisions of this
 11 Ordinance.

12
 13 - **Amend Sect. 18-902, Criminal Violations and Penalties, by revising Par. 1 to read as**
 14 **follows:**

- 15
 16 1. Except as otherwise provided by law, Any violation of the provisions of this Ordinance,
 17 ~~other than those set forth in Sect. 903 below,~~ shall be deemed a misdemeanor and, upon
 18 conviction thereof, shall be punishable by a fine of not less than \$10 and not more than
 19 \$1000. Failure to remove or abate a zoning violation within the time period established
 20 by the Court shall constitute a separate misdemeanor offense punishable by a fine of not
 21 less than \$10 nor more than \$1000, and any such failure during any succeeding ten day
 22 period shall constitute a separate misdemeanor offense for each ten day period punishable
 23 by a fine of not less than \$100 nor more than \$1500.

24
 25 - **Amend of Sect. 18-903, Infractions and Civil Penalties, by revising Paragraphs 1, 2 and**
 26 **4 to read as follows:**

- 27
 28 1. A violation of the ~~following~~ provisions of this Ordinance, except for the posting of signs
 29 on public property or public rights-of-way, shall be deemed an infraction and shall be
 30 punishable by a civil penalty of \$200 for the first violation; and subsequent violations
 31 arising from the same set of operative facts shall be punishable by a civil penalty of \$500
 32 for each separate offense;
 33

- 1 A. ~~Conduct of a use, accessory use, and/or home occupation in violation of Paragraphs 5,~~
- 2 ~~6, or 8 of Sect. 2-302.~~
- 3 B. ~~Occupancy of a dwelling unit in violation of Sect. 2-502.~~
- 4 C. ~~Obstruction of sight distance on corner lots in violation of Sect. 2-505.~~
- 5 D. ~~Keeping of animals in violation of Sect. 2-512.~~
- 6 E. ~~Conducting an accessory use in violation of Paragraphs 9 or 24 of Sect. 10-102.~~
- 7 F. ~~Parking a commercial vehicle in an R-district in violation of Par. 16 of Sect. 10-102.~~
- 8 G. ~~Location of basketball standard in a front yard in violation of Par. 12C of Sect. 10-~~
- 9 ~~104.~~
- 10 H. ~~Erection of prohibited signs on private property in violation of Paragraphs 1, 4, 5, 6, 7,~~
- 11 ~~11, 12, 13 or 14 of Sect. 12-104.~~
- 12 I. ~~Erection, alteration, refacing or relocation of a sign on private property in violation of~~
- 13 ~~Sect. 12-301.~~
- 14 J. ~~Occupancy or use of structure without approval of a Residential or Non-Residential~~
- 15 ~~Use Permit in violation of Sect. 18-701.~~

16

17 2. Each day during which any violation of the provisions ~~enumerated in~~ under Par. 1 above

18 is found to have existed shall constitute a separate offense. However, in no event shall

19 any such violation arising from the same set of operative facts be charged more

20 frequently than once in any ten (10) day period, nor shall a series of such violations

21 arising from the same set of operative facts result in civil penalties which exceed a total

22 of \$5000.

23

24 4. After having served a notice of violation on any person committing or permitting a

25 violation of the Zoning Ordinance provisions ~~enumerated in~~ under Par. 1 above and if

26 such violation has not ceased within such reasonable time as is specified in such notice,

27 then, upon the approval of the County Attorney, the Zoning Administrator shall cause

28 two (2) copies of a summons to be served upon such person.

29

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ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance to Establish the Pine Spring Residential Permit Parking District, District 45 (Providence District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to establish the Pine Spring Residential Permit Parking District (RPPD), District 45.

RECOMMENDATION:

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

TIMING:

The Board should take action on February 26, 2013, to advertise a public hearing for March 19, 2013, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(b) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per petitioning address is required for the establishment or expansion of an RPPD.

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Fairfax County Code Section 82-5A-4(b)(1), requires that a proposed RPPD have a minimum number of on-street parking spaces available when establishing a district. Section 82-5A-4(c) allows for the Board of Supervisors to waive this requirement if the proposed district meets the purpose and intent of the program. On September 25, 2012, the Board waived this requirement for the Pine Spring community.

A peak parking demand survey was conducted for the proposed district and this survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioning blocks were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning blocks. All other requirements to expand the RPPD have been met.

FISCAL IMPACT:

The cost of sign installation is estimated at \$2,000 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *The Code of the County of Fairfax, Virginia*
Attachment II: Map Depicting Proposed Limits of RPPD Establishment

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Karyn Moreland, Acting Chief, Capital Projects and Operations Division, FCDOT
Selby Thannikary, Chief, Traffic Operations Section, FCDOT
Maria Turner, Sr. Transportation Planner, FCDOT
Hamid Majdi, Transportation Planner, FCDOT

Appendix G

G-45 Pine Spring Residential Permit Parking District.

(a) *Purpose and Intent.* The Pine Spring Residential Permit Parking District is established to protect this residential area from polluted air, excessive noise, and other adverse impacts of automobile commuting; to protect the residents of these areas from unreasonable burdens in gaining access to their property; and to preserve the residential character of the area and the property values therein.

(b) *District Designation.*

(1) The Pine Spring Residential Permit Parking District is designated as Residential Permit Parking District 45, for the purposes of signing and vehicle decal identification.

(2) Blocks included in the Pine Spring Residential Permit Parking District are shown on the Official Residential Permit Parking District map and are described below:

Arlington Boulevard (service road):

From Fairmont Street to Cedar Hill Road, north side only.

Cedar Hill Road (Route 2921):

East side, from Arlington Boulevard service road to the eastern intersection with Woodberry Lane.

West side, from Arlington Boulevard service road to the western intersection with Woodberry Lane.

(c) *District Provisions.*

(1) This District is established in accordance with and is subject to the provisions set forth in Article 5A, of Chapter 82.

(2) Within the Pine Spring Residential Permit Parking District, parking is prohibited from 8:00 a.m. to 5:00 p.m., Monday through Friday, except as permitted by the provisions of Article 5A, of Chapter 82.

(3) One (1) free transferable visitor pass per address shall be issued in the name of a bona fide resident of said address. However, visitor passes shall not be issued to multifamily or townhouse addresses, which have off-street parking lots provided.

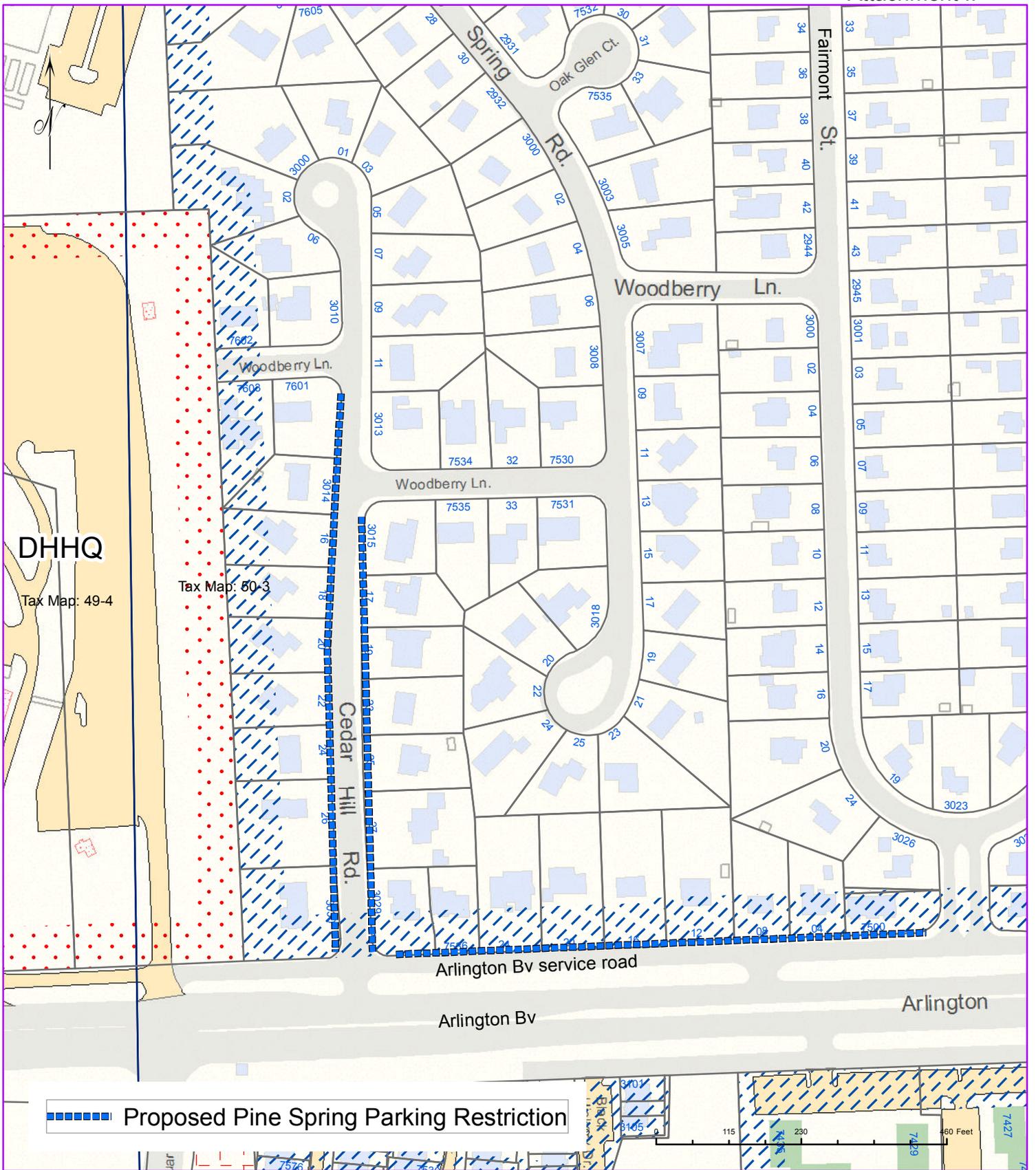
(4) Owners of property in the District who are not bona fide residents of said District may obtain a temporary visitor parking pass for a period not to exceed two (2) weeks.

(5) All permits and visitor passes for the Pine Spring Residential

Permit Parking District shall expire on November 30, 2013. Thereafter, all permits and visitor passes may be renewed in accordance with Article 5A, of Chapter 82 and the renewal procedures established by Fairfax County Department of Transportation.

(d) *Signs.* Signs delineating Pine Spring Residential Permit Parking District shall indicate the following:

NO PARKING
8:00 a.m. - 5:00 p.m.
Except by Permit
District 45



Fairfax County Department of Transportation
 Traffic Operations Section
 RESIDENTIAL PERMIT PARKING DISTRICT (RPPD)
PINE SPRING #45
8:00AM - 5:00PM MON - FRI



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ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing on the Proposed Consolidated Plan One-Year Action Plan for FY 2014

ISSUE:

Board of Supervisors' authorization to advertise a public hearing on the *Proposed Consolidated Plan One-Year Action Plan for FY 2014* as forwarded by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on the *Proposed Consolidated Plan One-Year Action Plan for FY 2014* to be held at 4:00 p.m. on Tuesday, March 19, 2013. The public will have an opportunity to comment on the proposed use of funds as described in the *Proposed One-Year Action Plan for FY 2014* in accordance with United States Department of Housing and Urban Development (HUD) regulations and guidelines. The public may also comment on housing and community service needs in Fairfax County as well as provide information concerning changes in housing and community service trends since the last Board public hearing on the Consolidated Plan in 2012.

TIMING:

Board authorization on February 26, 2013 to advertise the public hearing is requested in order to proceed in a timely manner with required public notification and to maintain the schedule for the Consolidated Plan process.

BACKGROUND:

The *Proposed One-Year Action Plan for FY 2014* (Attachment 1) presents the proposed uses of funding for programs to be implemented in the fourth year of the Five-Year Consolidated Plan for FY 2011 - 2015. An annual action plan is required by HUD. These programs include: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). The *Proposed Consolidated Plan One-Year Action Plan for FY 2014* includes the second year of the two-year (FY 2013-2014) funding cycle for the Consolidated Community Funding Pool (CCFP). Although the CCFP FY 2014 funding awards will be made by the Board in late April 2013, the awards are subject to annual appropriations, and approval of the annual Action Plan which is required by HUD.

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Funding allocations under the *Proposed Consolidated Plan One-Year Action Plan for FY 2014* have been reviewed by the Fairfax County Redevelopment and Housing Authority (FCRHA) and the CCFAC-FCRHA Working Advisory Group (WAG). The WAG is a group established to strengthen coordination between the FCRHA and the CCFAC in the proposed use of funds and was composed of seven members: three appointed by the FCRHA Chairman, three appointed by the CCFAC Chairman, and one who serves on both the FCRHA and the CCFAC. Recommendations from the WAG were forwarded to the CCFAC as were supportive recommendations from the FCRHA. The final recommendations contained in the *Proposed Consolidated Plan One-Year Action Plan for FY 2014* are consistent with what the WAG, the FCRHA and, subsequently, the CCFAC recommended.

Estimated allocations for FY 2014 are based on the current funding levels. The County's FY 2013 CDBG entitlement grant is currently \$4,414,224. The HOME entitlement grant is currently \$1,418,376 (corrected by HUD subsequent to the preparation of the HCD/FCRHA FY2014 Budget). The Emergency Solutions Grant (ESG) is currently \$469,222. The WAG notes that while it is important for the FCRHA and the Board to utilize FY 2013 balances, using such balances to cover substantial federal funding reductions as a practice is unsustainable. With the approval of this item, anticipated FY 2013 balances that total \$2,330,356 from CDBG (\$1,619,194) and HOME (\$711,162) funds will be carried forward.

It should be noted that the anticipated HOME and CDBG allocations may be subject to reductions depending on the continuing negotiations regarding the Federal budget. In January 2013, Congress enacted the American Taxpayer Relief Act of 2012 to mitigate the effects of "fiscal cliff" created by the Budget Control Act of 2011. As a part of this action, the cuts to discretionary funding in Federal Fiscal Year 2013 provided for in the Budget Control Act – "sequestration" – were delayed. Based on available information, it is anticipated that Fairfax County's federally-funded affordable housing programs - including CDBG and HOME - would experience significant reductions should sequestration take place. Such reductions would be in addition to the deep cuts enacted in recent years. Last year, the WAG recommended that the Board consider funding the gap for federal reductions in future fiscal years to the greatest extent possible. Alternatively, benefits provided by the funds in the County would have to be reduced. If federal reductions to these programs result in cuts over ten percent of the current funding levels, the WAG agreed that revised allocations will need to be reviewed, and approved by both the FCRHA and the CCFAC.

The *Proposed Consolidated Plan One-Year Action Plan for FY 2014* was released by the CCFAC to allow for a 30-day public comment period, and will also be the subject of the public hearing by the Board on March 19, 2013, as authorized by this item. Following the public hearing and the conclusion of the public comment period, the CCFAC will make any necessary revisions and forward the Plan to the Board for approval in April 2013. The *One-Year Action Plan for FY 2014* will include the second

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year of the two-year (FY 2013-2014) funding cycle for the CCFP. The CCFP awards are based on the recommendations from the Selection Advisory Committee appointed to review the proposals received through the CCFP Request for Proposal process for FY 2013-2014.

The Fairfax County Citizen Participation Plan and HUD regulations require advertisement of the public hearing (Attachment 2) prior to the date of the Board meeting. The notice will include sufficient information about the purpose of the public hearing to permit informed comment from the public. Upon authorization by the Board, a public hearing on the *Proposed Consolidated Plan One-Year Action Plan for FY 2014* will be scheduled for Tuesday, March 19, 2013 at 4:00 p.m. An advertisement will appear in a newspaper(s) of general circulation and at least one minority and non-English speaking publication at least 15 days prior to the date of the public hearing, and will be included in the Weekly Agenda, as well as in information released by the Fairfax County Office of Public Affairs.

FISCAL IMPACT:

Funds identified in the *Proposed Consolidated Plan One-Year Action Plan for FY 2014* include CDBG (\$4,414,224), HOME (\$1,418,376), ESG (\$469,222), and HOPWA (\$438,386) funds. In addition, a total of \$2,330,356 in CDBG and HOME funds is recommended to be carried forward at this time (\$1,619,194 CDBG and \$711,162 HOME). Total estimated CDBG program income of \$350,000 and HOME program income of \$281,456 will also be programmed through this item.

ENCLOSED DOCUMENTS:

Attachment 1: *Proposed Consolidated Plan One-Year Action Plan for FY 2014*

Is available on line at: <http://www.fairfaxcounty.gov/rha> (Copy to Board delivered under separate cover)

Attachment 2: Public Hearing Advertisement

STAFF:

Patricia D. Harrison, Deputy County Executive

Paula C. Sampson, Director, Department of Housing and Community Development (HCD)

John Payne, Deputy Director, Real Estate, HCD

Aseem K. Nigam, Director, REF&GM Division, HCD

Robert C. Fields, Interim Associate Director, Grants Management, HCD

David P. Jones, Senior Program Manager, Grants Management, HCD

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**PUBLIC HEARING ON
PROPOSED CONSOLIDATED PLAN
ONE-YEAR ACTION PLAN FOR FY 2014**

The Fairfax County Board of Supervisors will hold a public hearing on Tuesday, March 19, 2013 at 4:00 p.m. in the Board Room of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on the Proposed Consolidated Plan One-Year Action Plan for FY 2014.

The Consolidated Community Funding Advisory Committee (CCFAC) is the citizen advisory group that oversees the preparation of the Proposed One-Year Action Plan for FY 2014 and the Five-Year Consolidated Plan. The FY 2014 Action Plan covers the fourth year of the County's Five-Year Consolidated Plan for Fiscal Years 2011-2015.

The Proposed One-Year Action Plan for FY 2014 identifies the proposed use of funds for the four federal programs with an estimated amount of \$6.7 million: Community Development Block Grant (CDBG - \$4,414,224), HOME Investment Partnerships Program (HOME - \$1,418,376), Emergency Solutions Grant (ESG - \$469,222), and Housing Opportunities for Persons with AIDS (HOPWA - \$438,386). The funding levels used for CDBG, HOME, and ESG are based on funding levels of FY 2013 until formal notification from HUD of actual grant levels. Funding for the HOPWA program is estimated at the FY 2012 expenditure level and actual funding will depend on the final allocation made available to Northern Virginia jurisdictions through the Northern Virginia Regional Commission and the District of Columbia, recipient of the funds. It is estimated that there will be approximately \$350,000 in CDBG program income and HOME program income of \$281,456.

The Proposed One-Year Action Plan for FY 2014 also includes the second year of the two-year funding cycle for the Consolidated Community Funding Pool (CCFP) for FY 2013-2014. It identifies funding (an estimated \$11.6 million in federal, state, and local funds, which includes \$1.8 million of CDBG funds) to be made available to nonprofit organizations for community-based programs that are recommended for awards. The awards are based on the recommendations from the Selection Advisory Committee appointed to review the proposals received through the competitive CCFP solicitation process for FY 2013-2014. However, final awards for FY 2014 are subject to appropriations by the Fairfax County Board of Supervisors, to be decided through the County budget approval process in April 2013.

In addition, the Proposed Consolidated Plan One-Year Action Plan for FY 2014 identifies: (1) various public and private resources available for housing and community development activities; (2) the goals and objectives for the Five-Year Consolidated Plan; and (3) the FY 2013-2014 CCFP funding priorities.

Citizens are also invited to express their views on housing, community development, fair housing, homelessness and community service needs in Fairfax County, as well as comment on Fairfax County's community development performance. The public is encouraged to provide information concerning changes in housing and community service trends since the last Board public hearing on the Consolidated Plan in March 2012.

To Obtain Copies of the Proposed Consolidated Plan One-Year Action Plan for FY 2014:

Copies of the Proposed Consolidated Plan One-Year Action Plan for FY 2014 are available for review on line at <http://www.fairfaxcounty.gov/rha>, at the Citizen Information Desk located on the lobby level of the Government Center, and at the information desk of all branches of the Fairfax County Public Library system. Copies may be obtained at the Fairfax County Department of Housing and Community Development, 3700 Pender Drive, Suite 300, Fairfax, Virginia 22030. All of the above mentioned locations are accessible to persons with disabilities.

To Testify at the Public Hearing:

Citizens wishing to comment on the Proposed Consolidated Plan One-Year Action Plan for FY 2014 may do so by testifying in person at the Public Hearing on Tuesday, March 19, 2013. All persons wishing to testify may register in advance by calling the Clerk to the Board of Supervisors at 703-324-3151 (TDD 703-324-3903).

To Submit Written Comments:

Citizens wishing to comment on the Proposed Consolidated Plan One-Year Action Plan for FY 2014 may also do so by writing to the attention of David Jones, Senior Program Manager, at the Department of Housing and Community Development, 3700 Pender Drive, Fairfax, Virginia 22030 or by email at david.jones@fairfaxcounty.gov. The deadline for receipt of written comments on the Proposed One-Year Action Plan for FY 2014 will be 4:00 p.m. on Monday, March 18, 2013.

For additional information on the Proposed Consolidated Plan One-Year Action Plan for FY 2014, contact the Department of Housing and Community Development at 703-246-5170, TTY: 703-385-3578.



Fairfax County is committed to a policy of nondiscrimination in all County programs, services and activities and will provide reasonable accommodations upon request. To request special accommodations call 703-246-5101 or TTY 703-385-3578. Please allow 48 hours in advance of the event in order to make the necessary arrangements

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ADMINISTRATIVE - 8

Authorization to Advertise Public Hearings on Proposed Amendments to the Public Facilities Manual and Chapters 101 (Subdivision Ordinance) and 112 (Zoning Ordinance) of the Code of the County of Fairfax, Virginia Re: Editorial Changes to the Fire Regulations, Manhole Plate References and Vertical Datum Requirements

ISSUE:

Board authorization to advertise public hearings on proposed amendments to the Public Facilities Manual (PFM) and Chapters 101 (Subdivision Ordinance) and 112 (Zoning Ordinance) of the *Code of the County of Fairfax, Virginia* (County Code). The amendments include editorial changes to the fire regulations, manhole plate references and vertical datum requirements.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendments as set forth in the Staff Report dated February 26, 2013.

The proposed amendments have been prepared by the Department of Public Works and Environmental Services (DPWES) and coordinated with the Office of the County Attorney. The PFM amendment related to the fire regulations has also been reviewed by the Fairfax County Fire & Rescue Department, Fire Prevention Division. The vertical datum amendment has been coordinated with the County Surveyor. All of the PFM amendments have also been recommended for approval by the Engineering Standards Review Committee.

TIMING:

Board action is requested on February 26, 2013, to provide sufficient time to advertise a public hearing on April 4, 2013, before the Planning Commission and on April 30, 2013 at 4:00 p.m. before the Board. The proposed amendments will become effective at 12:01 a.m. on the day following adoption.

BACKGROUND:

The proposed editorial amendments are related to the fire regulations, manhole plate references, and the vertical datum requirements of the Site Plan and Subdivision Ordinances, and the PFM. Background information on each amendment is provided below.

Fire Regulations

On January 10, 2012, the Board adopted amendments to the County's Fire Protection Code, Chapter 62 of the County Code, related to Fire Department access and fire protection. The adopted County Code amendments were necessitated by amendments to the 2009 Statewide Fire Prevention Code (SFPC) adopted during the 2011 Virginia General Assembly. The proposed PFM amendment updates the PFM to align with the adopted changes to the Statewide and County Fire Prevention Codes.

Manhole Plate References

The details (Plates) in the PFM specify material and construction specifications from ASTM, AASHTO, and other recognized organizations. From time to time, the referenced specifications become outdated or obsolete. The proposed amendment updates the concrete pipe and manhole joint specification numbers in Plates #3-10, #4-10 and #5-10 of the PFM.

Vertical Datum Requirements

A vertical datum is a reference point against which measurements are made. In engineering and survey applications, a vertical datum is used to measure elevations, which are heights above and depths below a reference point. Assurance that elevations are accurate is based on, among other things, whether the surveyor's reference to the fixed datum is accurate and complies with the County's vertical datum requirement. The vertical datum requirement was first established on December 11, 1963, upon the Board of Supervisors' adoption of the booklet entitled "Policies and Guidelines for the Preparation of Subdivision Plans and Site Development Plans" - the precursor to the PFM. The requirement has not changed over time. It has been replicated in the PFM and Site Plan and Subdivision Ordinances and states that "all elevations shall be correlated to the U.S. Geological Survey" (USGS). Although unspecified in the regulations, it is intended that all elevations be referenced to the National Geodetic Vertical Datum of 1929 (NGVD 29); the U.S. Geological survey's vertical datum at the time.

NGVD 1929 was superseded by the creation of the North American Vertical Datum of 1988 (NAVD 88). The difference between the two datums varies from location to location. In Fairfax County, the average offset (the difference between NAVD 88 and NGVD 29) is about eight inches. The proposed amendment addresses the County's concern that developers, and their engineers and surveyors, are unable to distinguish the small offset, and thus, recognize that the wrong datum is being used. The proposed amendment revises the PFM to clarify that all plans submitted to Fairfax County must use the NGVD 1929 datum.

PROPOSED AMENDMENTS

Fire Regulations

The proposed amendment updates § 9-0202 (Fire Marshal Requirements) of the PFM to align with the County and Statewide Fire Protection Codes. Specifically, the PFM is being revised to:

- 1) Clarify the process for modifying the fire protection provisions set forth in § 9-0202.2I of the PFM; and
- 2) Update the fire department access provisions set forth in § 9-0202.2J and related note in Tables 7.6 and 7.7 (Parking Geometrics).
- 3) Amend Plate # 6-9 (Fire Lanes) to incorporate the parking and curb designation requirements for fire lanes.

A copy of the proposed amendments is included as Attachment A of the Staff Report.

Manhole Plate References

The proposed amendment updates PFM Plates #3-10, #4-10, and #5-10 to reflect the correct ASTM specification number for joints for concrete pipe and manholes, using rubber gaskets. The revised Plates are included as Attachment B of the Staff Report.

Vertical Datum Requirements

To combine or compare elevations from different sources, the elevations must be referenced to the same vertical datum. Using inconsistent datums in the County is problematic. Although it does not change the elevation of a fixed point related to another nearby point, it does create gaps and inconsistencies in computed elevations which can impact site flow, particularly on flat areas of a site. In addition, the use of inconsistent datums can cause inaccuracies and uncertainties with the transfer of data between developers and among engineering and surveying firms. It is useful at this time to revise the regulations to eliminate the confusion and inaccuracies caused by the creation of the newer datum.

Specifically, the proposed amendment revises PFM § 2-0107 (Topography), § 17-106 (Required Information on Plans) of the Zoning Ordinance, and § 101-2-5 (Final Subdivision Plat Preparation) of the Subdivision Ordinance to strike out the reference to USGS, and replace it with NGVD 1929, the intended datum. This would be consistent with the FEMA published Base Flood Elevations (BFE), shown on the Fairfax County DFIRM maps and flood profiles in the flood insurance studies, which are referenced to

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NGVD 1929. In addition, to address a valid concern from industry surveyors, the proposed amendment strikes incorrect text related to GIS survey monuments and adds text allowing the use of GPS, a modern technology. A copy of the proposed amendment is included as Attachment C of the Staff Report.

REGULATORY IMPACT:

The proposed amendments are miscellaneous, editorial amendments related to the fire regulations, the references made in some PFM plates, and the vertical datum requirement for all plan submissions to Fairfax County.

The proposed Fire Marshal amendment updates § 9-0202, Tables 7.6 and 7.7, and Plate #6-9 of the PFM to align the Countywide and Statewide Fire Protection Codes. The PFM Plates #3-10, #4-10, and #5-10 are being revised to update the ASTM specification related to joints for concrete pipes, and manholes, using rubber gaskets. Lastly, the vertical datum provision in the PFM, and replicated in the Zoning and Subdivision Ordinances, are being revised to clarify that all elevations shall be based on NGVD 1929.

FISCAL IMPACT:

The proposed amendments have no anticipated fiscal impact on industry or on County staff or budget.

ENCLOSED DOCUMENTS:

Attachment I - Staff Report
Attachment II - Resolution

STAFF:

Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, DPWES
Michelle Brickner, Deputy Director, DPWES
Deputy Chief Michael T. Reilly, Fairfax County Fire and Rescue Department, Fire Prevention Division
Vickie McEntire, County Surveyor

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

STAFF REPORT

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

Proposed Amendments to the Public Facilities Manual and Chapters 101 (Subdivision Ordinance) and 112 (Zoning Ordinance) of the *Code of the County of Fairfax, Virginia* Re: Editorial Changes to the Fire Regulations, Manhole Plate References and Vertical Datum Requirements.

Authorization to Advertise	<u>February 26, 2013</u>
Planning Commission Hearing	<u>April 4, 2013</u>
Board of Supervisors Hearing	<u>April 30, 2013</u>
Prepared by:	<u>Jan Leavitt, P.E.</u> Site Code Research and Development

February 26, 2013

STAFF REPORT

A. Issue:

Proposed amendments to the Public Facilities Manual (PFM) and Chapters 101 (Subdivision Ordinance) and 112 (Zoning Ordinance) of the *Code of the County of Fairfax, Virginia* (County Code). The amendments include editorial changes to the fire regulations, manhole plate references and vertical datum requirements.

B. Recommended Action:

Staff recommends that the Board of Supervisors adopt the proposed amendments and that the amendments become effective the day following adoption.

C. Timing:

Board of Supervisors' Authorization to Advertise – February 26, 2013
Planning Commission Public Hearing – April 4, 2013
Board of Supervisors Public Hearing – April 30, 2013

D. Source:

Department of Public Works and Environmental Services (DPWES)

E. Coordination:

The proposed amendments have been prepared by the Department of Public Works and Environmental Services (DPWES) and coordinated with the Office of the County Attorney. The PFM amendment related to the fire regulations has also been reviewed by the Fairfax County Fire & Rescue Department, Fire Prevention Division. The vertical datum amendment has been coordinated with the County Surveyor. All of the PFM amendments have also been recommended for approval by the Engineering Standards Review Committee.

F. Background:

The proposed editorial amendments are related to the fire regulations, manhole plate references, and the vertical datum requirements of the Site Plan and Subdivision Ordinances, and the PFM. Background information on each amendment is provided below.

Fire Regulations

On January 10, 2012, the Board adopted amendments to the County's Fire Protection Code, Chapter 62 of the County Code, related to Fire Department

access and fire protection. The adopted County Code amendments were necessitated by amendments to the 2009 Statewide Fire Prevention Code (SFPC) adopted during the 2011 Virginia General Assembly. The proposed PFM amendment updates the PFM to align with the adopted changes to the Statewide and County Fire Prevention Codes.

Manhole Plate References

The details (Plates) in the PFM specify material and construction specifications from ASTM, AASHTO, and other recognized organizations. From time to time, the referenced specifications become outdated or obsolete. The proposed amendment updates the concrete pipe and manhole joint specification numbers in Plates #3-10, #4-10 and #5-10 of the PFM.

Vertical Datum Requirements

A vertical datum is a reference point against which measurements are made. In engineering and survey applications, a vertical datum is used to measure elevations, which are heights above and depths below a reference point. Assurance that elevations are accurate is based on, among other things, whether the surveyor's reference to the fixed datum is accurate and complies with the County's vertical datum requirement. The vertical datum requirement was first established on December 11, 1963, upon the Board of Supervisors' adoption of the booklet entitled "Policies and Guidelines for the Preparation of Subdivision Plans and Site Development Plans" - the precursor to the PFM. The requirement has not changed over time. It has been replicated in the PFM and Site Plan and Subdivision Ordinances and states that "all elevations shall be correlated to the U.S. Geological Survey" (USGS). Although unspecified in the regulations, it is intended that all elevations be referenced to the National Geodetic Vertical Datum of 1929 (NGVD 29); the U.S. Geological survey's vertical datum at the time.

NGVD 1929 was superseded by the creation of the North American Vertical Datum of 1988 (NAVD 88). The difference between the two datums varies from location to location. In Fairfax County, the average offset (the difference between NAVD 88 and NGVD 29) is about eight inches. The proposed amendment addresses the County's concern that developers, and their engineers and surveyors, are unable to distinguish the small offset and thus, recognize that the wrong datum is being used. The proposed amendment revises the PFM to clarify that all plans submitted to Fairfax County must use the NGVD 1929 datum.

G. Proposed Amendments:

Fire Regulations

The proposed amendment updates § 9-0202 (Fire Marshal Requirements) of the PFM to align with the County and Statewide Fire Protection Codes. Specifically, the PFM is being revised to:

- 1) Clarify the process for modifying the fire protection provisions set forth in § 9-0202.2I of the PFM; and
- 2) Update the fire department access provisions set forth in § 9-0202.2J and related note in Tables 7.6 and 7.7 (Parking Geometrics).
- 3) Amend Plate # 6-9 (Fire Lanes) to incorporate the parking and curb designation requirements for fire lanes.

A copy of the proposed amendments is included as Attachment A.

Manhole Plate References

The proposed amendment updates PFM Plates #3-10, #4-10, and #5-10 to reflect the correct ASTM specification number for joints for concrete pipe and manholes, using rubber gaskets. The revised Plates are included as Attachment B.

Vertical Datum Requirements

To combine or compare elevations from different sources, the elevations must be referenced to the same vertical datum. Using inconsistent datums in the County is problematic. Although it does not change the elevation of a fixed point related to another nearby point, it does create gaps and inconsistencies in computed elevations which can impact site flow, particularly on flat areas of a site. In addition, the use of inconsistent datums can cause inaccuracies and uncertainties with the transfer of data between developers and among engineering and surveying firms. It is useful at this time to revise the regulations to eliminate the confusion and inaccuracies caused by the creation of the newer datum.

Specifically, the proposed amendment revises PFM § 2-0107 (Topography), § 17-106 (Required Information on Plans) of the Zoning Ordinance, and § 101-2-5 (Final Subdivision Plat Preparation) of the Subdivision Ordinance to strike out the reference to USGS, and replace it with NGVD 1929, the intended datum. This would be consistent with the FEMA published Base Flood Elevations (BFE), shown on the Fairfax County DFIRM maps and flood profiles in the flood insurance studies, which are referenced to NGVD 1929. In addition, to address a valid concern from industry surveyors, the proposed amendment strikes incorrect text related to GIS survey monuments and adds text allowing the use of GPS static data. A copy of the proposed amendment is included as Attachment C.

H. Regulatory Impact:

The proposed amendments are miscellaneous, editorial amendments related to the fire regulations, the references made in some PFM plates, and the vertical datum requirement for all plan submissions to Fairfax County.

The proposed Fire Marshal amendment updates § 9-0202, Tables 7.6 and 7.7 and Plate #6-9 of the PFM to align the Countywide and Statewide Fire Protection Codes. The PFM Plates #3-10, #4-10, and #5-10 are being revised to update the ASTM specification related to joints for concrete pipes, and manholes, using rubber gaskets. Lastly, the vertical datum provision in the PFM, and replicated in the Zoning and Subdivision Ordinances, are being revised to clarify that all elevations shall be based on NGVD 1929.

I. Attachments:

- Attachment A: Proposed Amendment related to Fire Regulations
- Attachment B: Proposed Amendment related to Manhole Plate
References
- Attachment C: Proposed Amendment related to Vertical Datums

**Proposed Amendment
to the Public Facilities Manual**

Amend the Public Facilities Manual (PFM), by revising Chapter 9 (Water and Fire Regulations), Section 9-0200 (Fire Marshal Requirements), Subsection 9-0202.2I (Fire Protection Waiver Procedures), to read as follows:

9-0202.2I Fire Protection ~~Waiver~~Modification Procedures

9-0202.2I(1) The following information is to be provided when requesting a modification or waiver of any fire protection requirement of the PFM.

9-0202.2I(2) All requests must be submitted and addressed to the Fairfax County Fire Marshal Site Development and Inspections Division, DPWES, and include the following:

9-0202.2I(2)(a) A plan or sketch showing the proposed location of all improvements on the site and the type of construction involved.

9-0202.2I(2)(b) The address, tax map reference number, and the proposed use of the property.

9-0202.2I(2)(c) The current zoning classification of the property and if recently rezoned, the rezoning number and the date of approval by the Board.

9-0202.2I(2)(d) Copies of any required special exception or special permit with date of approval.

9-0202.2I(2)(e) ~~The S~~specific item requested to be waived or modified.

9-0202.2I(2)(f) ~~The L~~length of time for which the modification~~waiver~~ is requested.

9-0202.2I(2)(g) Any proposed alternate form of fire protection.

9-0202.2I(2)(h) The name, address, and telephone number of the person making the request.

9-0202.2I(2)(i) The County assigned number for site and subdivision plans and waiver requests associated with the property.

Amend the Public Facilities Manual (PFM), by revising Chapter 9 (Water and Fire Regulations), Section 9-0200 (Fire Marshal Requirements), Subsection 9-0202.2J (Fire Department Access), to read as follows:

9-0202.2J Fire Department Access

Regulations governing fire department access established under the Virginia Statewide Fire Prevention Code (SFPC) and Fairfax County Fire Prevention Code (Chapter 62 of the County Code) are set forth below. When requesting a code modification of any fire department access requirement, refer to the procedure set forth in Chapter 1 of the SFPC.

9-0202.2J(1) (51-96-PFM) Access for emergency vehicles shall be provided to within 100 feet of the main or principal entrance of every building. The fire department vehicular access may be provided by a public or private street, parking lot, and/or fire lanes.

9-0202.2J(2) When buildings are more than five stories or 50 feet in height, ladder truck access shall be provided to both the front and rear of the building.

9-0202.2J(3) The access to the rear may be provided by either a street, parking lot, or fire lane.

9-0202.2J(4) The inner surface of the ladder truck access way shall be no less than 15 feet and no more than 30 feet from the exterior building wall.

9-0202.2J(5) (51-96-PFM) When fire lanes are required, they shall have an unobstructed width of not less than 20 feet, exclusive of shoulders ~~minimum width of 18 feet.~~ Fire lanes shall have parking, curb painting, and signage as further described on Plate 6-9.

9-0202.2J(6) (51-96-PFM) ~~Required fire department vehicular access ways which are over 100 feet in length and which do not accommodate through traffic shall provide adequate space for turning apparatus around. Dead-end fire apparatus access roads in excess of 100 feet in length shall be provided with an approved area for turning around fire apparatus. (Due to the size of the ladder truck, it is suggested that guidance be obtained from the Fire Prevention Division to determine adequate turnaround dimensions.)~~

9-0202.2J(7) A 12-foot wide access lane to within 50 feet of the edge of swimming pools, with an 8-foot personnel gate in the fence at the point of access is required except for individually owned pools located on single family lots.

9-0202.2J(8) (51-96-PFM) A minimum height clearance of 15 feet is required for overheads, canopies, and other obstructions which are located over emergency access ways.

9-0202.2J(9) (51-96-PFM) For ladder truck access on parking garages where a parking garage is attached to a building structure in such a manner that such garage constitutes a portion of the fire department vehicular access way, design calculations shall be provided by a PE licensed in Virginia which show that the deck of such garage is designed to support an 62,000-80,000 pound

vehicle and all outrigger (pad) point loads or that such garage is designed for a nominal 450 lb/sf uniform live load.

Amend the Public Facilities Manual (PFM), by revising Chapter 7 (Streets, Parking and Driveways), § 7-0800 (Parking Geometrics and Standards), § 7-0802 (Geometrics and Standards), Tables 7.6 and 7.7, to read as follows:

7-0802 Geometrics and Standards. (25-88-PFM) The following tables shall represent the minimum size requirements for required automobile parking spaces (see Article 11 of the Zoning Ordinance for required number of parking spaces per use):

7-0802.1 Parallel Parking Spaces (63-98-PFM, 25-88-PFM)

Direction of Parking	Stall Width ft.	Depth of Stalls ft.	Aisle Width ft.*
One-way aisle (one-side parking)	8	22	12 16
One-way aisle (two-side parking)	8 (16 feet total)	22	15 20
Two-way aisle (two-side parking)	8 (16 feet total)	22	20

* Where required, fire lanes shall have a minimum width of 18 ft. Seebe in accordance with § 9-0202.2J(5).

7-0802.2 Universal Size Car Spaces (63-98-PFM, 25-88-PFM)

Parking Angle	Stall Width ft.	Depth of Stalls Perpendicular to Aisle ft.	One-Way Aisle ft.	Two-Way Aisle ft. *
45°	8.5	19.0	15.5	18.0
60°	8.5	20.0	17.0	19.0
90°	8.5	18.0**	23.0	23.0

* Where required, fire lanes shall have a minimum width of 18 ft. Seebe in accordance with § 9-0202.2J(5).

** This dimension may be reduced by up to 1.5 ft. where the Director determines that adequate "head-in" overhang exists exclusive of required planting or screening requirements, and sidewalks.

Amend the Public Facilities Manual (PFM), by revising PFM Plate #6-9, to read as follows:

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL

FIRE LANE DESIGNATIONS

Under Section 503.1.1 of the Fairfax County Fire Prevention Code, the Office of the Fire Marshal is authorized to designate fire lanes on public streets and on private property where necessary. This is to prevent parking in front of, or adjacent to, fire hydrants and to provide access for fire fighting equipment. Markings and signs are to be provided by the owner or agent of the property involved. Parking or otherwise obstructing such areas is prohibited.

I. HYDRANTS

- A. Parking is prohibited within 15' of a fire hydrant located along the curb line or edge of any public or private roadway. No special curb marking is required for enforcement.
- B. Fire hydrants installed in parking lots are to be located within a fire lane. Curb and/or roadway marking is required in accordance with Sections III and IV below.

SIGN TYPE "A"



Standard wording with an arrow at bottom pointing to the right. One sign mounted parallel to the line of curbing or pavement edge at end of painted area.

II. FIRE LANES

- A. Fire lanes shall be installed where required by the Office of the Fire Marshal. Fire lanes shall be marked with both sign and curb delineation per Section III and IV below. Parking and traffic flow patterns shall be required as follows:

STANDARD REQUIREMENTS

Street Width Curb to Curb	One-Way Traffic	Two-Way Traffic
Less than 24'	No parking on either side of street	No parking on either side of street
24' to 29'	Parallel parking on one side as decided by Fairfax County Office of the Fire Marshal	No parallel parking on either side of street
30' to 35'	Parallel parking allowed on both sides of street	Parallel parking on one side as decided by Fairfax County Office of the Fire Marshal
36' or greater	Parallel parking allowed on both sides of street	Parallel parking allowed on both sides of street

SIGN TYPE "C"



Standard wording with an arrow at bottom pointing to the left. One sign mounted parallel to the line of curbing or pavement edge at end of painted area.

SIGN TYPE "D"



Standard wording with no arrow. Two signs, back to back, mounted perpendicular to line of curbing or pavement edge.

III. SIGN SPECIFICATIONS

- A. Metal construction, 12" X 18"
- B. Red letters on reflective white background with 3/8" red trim strip around entire outer edge of sign.
- C. Lettering on sign to be: "NO PARKING OR STANDING FIRE LANE".
- D. Lettering size to be as follows: "NO PARKING" and "STANDING" is 2", "OR" is 1" "FIRE LANE" is 2 1/2" and the arrow with the solid shaft is 1" x 6" with the solid head 1 1/2" wide and 2" deep.
- E. Signs are to be mounted 7' from the ground to the bottom of the sign unless otherwise directed by the Office of the Fire Marshal.
- F. Post for signs, when required, shall be metal and securely mounted, unless written permission for alternatives is obtained prior to installation from the Office of the Fire Marshal. Signs shall be spaced as shown on approved plans. In long stretches, the maximum distance between signs is 70'.
- G. Other special signs may be approved by the Office of the Fire Marshal.

IV. CURB DESIGNATION

- A. All curbs or paved spaces designated as fire lanes shall be indicated by yellow paint as approved by the Office of the Fire Marshal. In areas without curbing, a 6" wide yellow stripe shall be applied to the edge of the pavement. Paint shall be highway traffic grade.

NOTE: Fire lane markings, types of signs, locations, etc. shall be subject to the approval by Office of the Fire Marshal.

Ref. Sec. 9-0202.2J(5)	<h2 style="font-size: 2em;">FIRE LANES</h2>	PLATE NO.	STD. NO.
		6-9	FH-7

Rev. 1-00, 2-07, 2011
 Reprint

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL

FIRE LANE DESIGNATIONS

Under Section 503 of the Fairfax County Fire Prevention Code, the Office of the Fire Marshal is authorized to designate fire lanes on public streets and on private property where necessary. This is to prevent parking in front of, or adjacent to, fire hydrants and to provide access for fire fighting equipment. Markings and signs are to be provided by the owner or agent of the property involved. Parking or otherwise obstructing such areas is prohibited.

I. HYDRANTS

- A. Parking is prohibited within 15' of a fire hydrant located along the curb line or edge of any public or private roadway. No special curb marking is required for enforcement.
- B. Fire hydrants installed in parking lots are to be located within a fire lane. Curb and/or roadway marking is required in accordance with Sections III and IV below.

II. FIRE LANES

- A. Fire lanes shall be installed where required by the Office of the Fire Marshal. Fire lanes shall be marked with both sign and curb delineation per Section III and IV below. Parking and fire lane markings shall be required as follows.

Street Width Curb to Curb or Paved Surface	Parking	Fire Lane Markings
Up to 28 feet	No parking allowed on either side	Both sides marked as fire lanes
28 feet up to 36 feet	Parallel parking allowed on one side as determined by the fire code official	One side marked as a fire lane
36 feet and over	Parallel parking allowed on both sides	No fire lane markings required Exception: Required access to pools, fire department apparatus access roads and similar areas shall be marked as fire lanes

SIGN TYPE "A"



Standard wording with an arrow at bottom pointing to the right. One sign mounted parallel to the line of curbing or pavement edge at end of painted area.

SIGN TYPE "C"



Standard wording with an arrow at bottom pointing to the left. One sign mounted parallel to the line of curbing or pavement edge at end of painted area.

SIGN TYPE "D"



Standard wording with no arrow. Two signs, back to back, mounted perpendicular to line of curbing or pavement edge.

III. SIGN SPECIFICATIONS

- A. Metal construction, 12" X 18"
- B. Red letters on reflective white background with 3/8" red trim strip around entire outer edge of sign.
- C. Lettering on sign to be: "NO PARKING OR STANDING FIRE LANE".
- D. Lettering size to be as follows: "NO PARKING" and "STANDING" is 2", "OR" is 1" "FIRE LANE" is 2 1/2" and the arrow with the solid shaft is 1" x 6" with the solid head 1 1/2" wide and 2" deep.
- E. Signs are to be mounted 7' from the ground to the bottom of the sign unless otherwise directed by the Office of the Fire Marshal.
- F. Post for signs, when required, shall be metal and securely mounted, unless written permission for alternatives is obtained prior to installation from the Office of the Fire Marshal. Signs should be spaced as shown on approved plans. In long stretches, the maximum distance between signs is 100'.
- G. Other special signs may be approved by the Office of the Fire Marshal.

IV. CURB DESIGNATION

- A. All curbs or paved spaces designated as fire lanes shall be indicated by yellow paint as approved by the Office of the Fire Marshal. In areas without curbing, a 6" wide yellow stripe shall be applied to the edge of the pavement. Paint shall be highway traffic grade.

NOTE: Fire lane markings, types of signs, locations, etc. shall be subject to the approval by Office of the Fire Marshal.

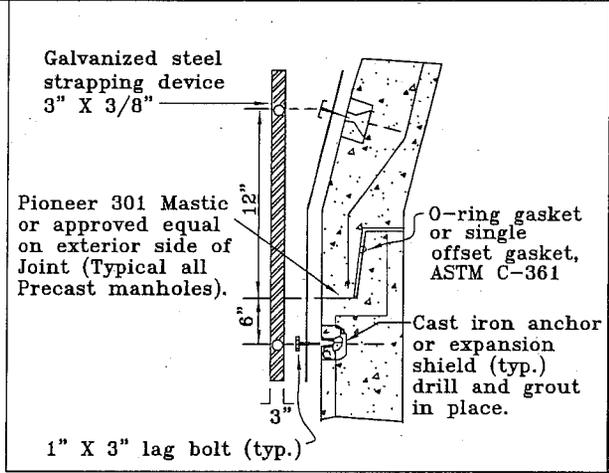
Ref. Sec. 9-0202.2J(5)	<h1 style="font-size: 2em;">FIRE LANES</h1>	PLATE NO.	STD. NO.
		6-9	FH-7

Rev. 1-00, 2-07, 2011
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FAIRFAX COUNTY PUBLIC FACILITIES MANUAL

NOTES:

1. Manhole to meet current requirements of ASTM Spec. C-478.
2. All reinforcing steel to meet current requirements of ASTM Spec. A-615.
3. Concrete to be Class A-4.
4. Tapered joint with O-ring gasket, or single offset joint with rubber gasket, to meet current requirements of ASTM Spec. C-443.
5. Pioneer 301 Mastic or approved equal shall be used in addition to the joint specified.
6. Grout inverts shall consist of a Portland Cement concrete mix to VDOT Spec. for Class B-2 or containing 1 part cement, 2 parts mortar sand and 3 1/2 parts aggregate. The surface shall be hand troweled smooth with no coarse aggregate exposed and the benches are to have a light broom finish.
7. Flexible joint required on all pipe connections to manholes. Flexible Joint pipe to manhole sleeve may be Kor-N-Seal, Interspace, Presswedge or approved equal. Installation shall be in accordance with manufacturer's instructions. Where field conditions will not permit the use of a sleeve, a maximum 24" stub may be used. (See Section 10.0102.5G.)
8. Joint configuration may be cast bell-up or spigot-up.
9. Manufacturer's name to be cast in steps or on inside face of cone and is to be clearly visible without entering the structure.

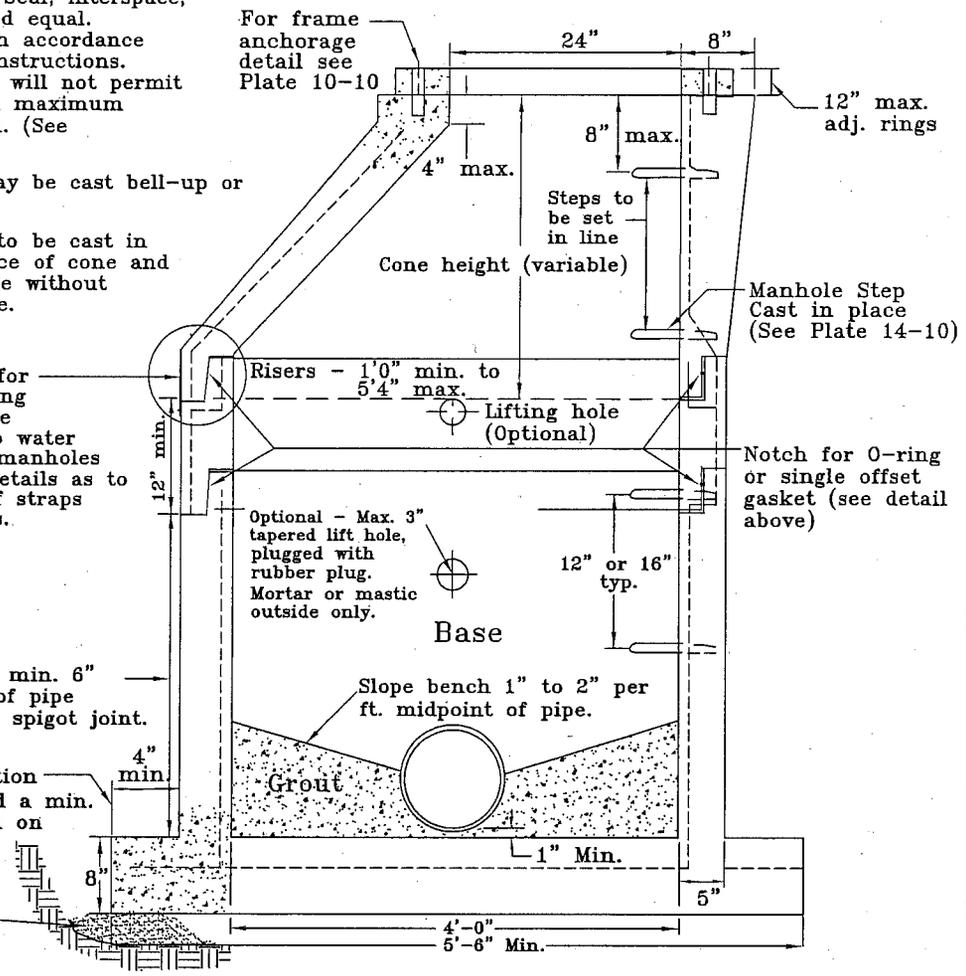


See detail this plate for installation of strapping device as shown where manhole is subject to water velocities. Individual manholes to be strapped and details as to number & location of straps to be shown on plans.

Base section to provide min. 6" clearance between top of pipe and bottom of bell and spigot joint.

In fill areas, base section footing must be spread a min. 8" or more as detailed on the plans.

Min. 4" compacted gravel



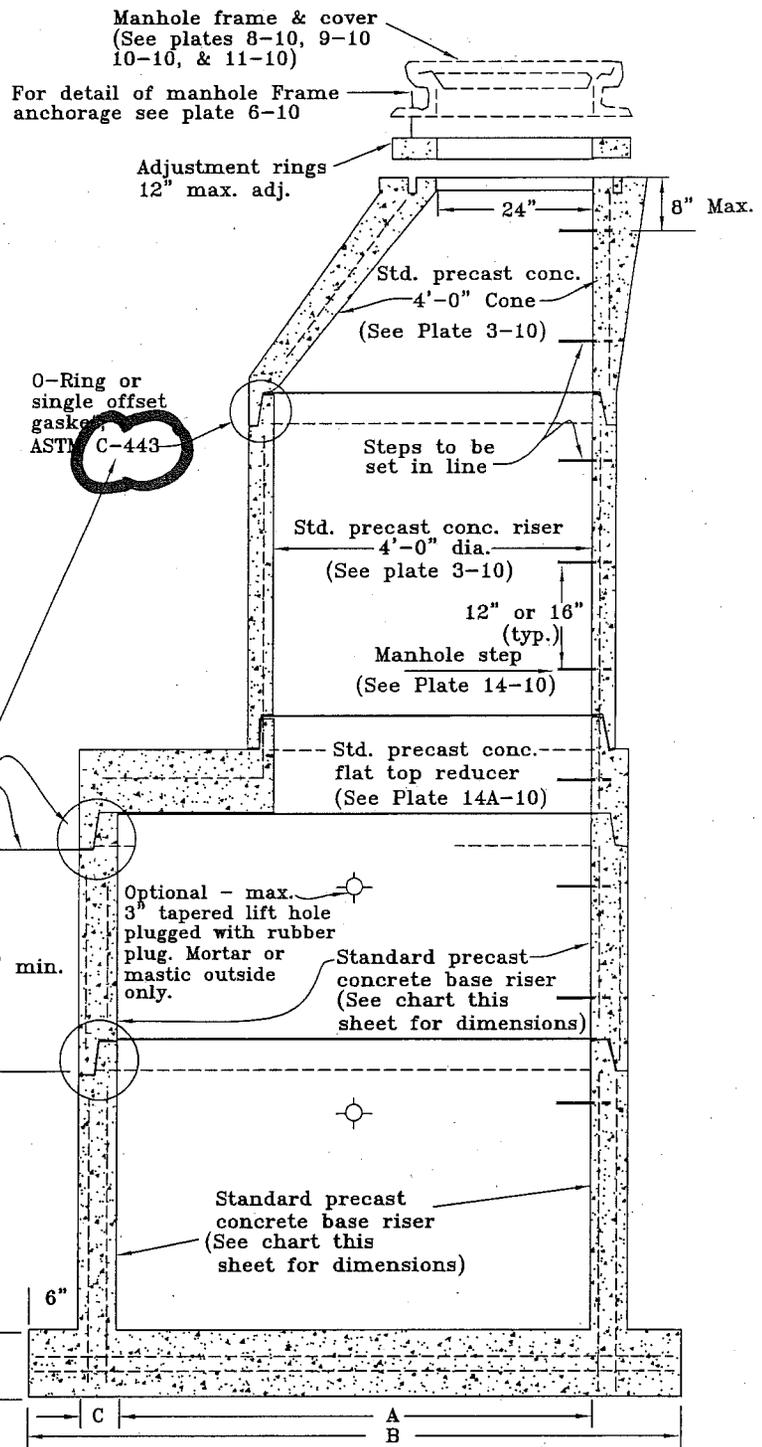
Ref. Sec. 10-0102.5D(7), Plate 4-10 Rev. 1-00, 2011 Reprint, 4-13	<h2 style="margin: 0;">TYPICAL 4'-0" ID PRECAST CONCRETE MANHOLE</h2>	PLATE NO. 3-10	STD. NO. DPW-15
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FAIRFAX COUNTY PUBLIC FACILITIES MANUAL

MH DIMENSIONS		MH DIA. IN FT.	
		5'0"	6'0"
DIMENSIONS	A	60"	72"
	B	84"	98"
	C	6"	7"
	D	8"	8"
		min.	min.

NOTES:

1. Concrete to be Class A-4.
2. Pipe connections to conform to Note 7, Plate 3-10.
3. All reinforcing steel to meet current requirements of ASTM Spec. A-615.
4. Manufacturer's name to be cast in steps or on inside face of cone and is to be clearly visible without entering the structure.
5. Manhole to meet current requirements of ASTM Spec. C-478.
6. Compacted gravel under base sections shall conform to Plate 3-10.
7. Joint configuration may be cast bell-up or spigot-up.
8. Pioneer 301 Mastic or approved equal shall be used in addition to the joint specified. (See Plate 3-10)



Base section to provide min. 6" clearance between top of pipe opening and bottom of bell and spigot joint.

Ref. Sec. 10-0102.5D(7),
Plates 3-10, 9-10,
10-10, 14-10, 14A-10

Rev. 1-00, 2011 Reprint,
4-13

TYPICAL 5'-0" & 6'-0"
DIAMETER PRECAST CONCRETE
MANHOLE WITH 4'-0" STACK

PLATE NO.	STD. NO.
4-10	DPW-16

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL

NOTES:

1. Concrete to be Class A-4.
2. All reinforcing steel to meet the current requirements of ASTM Spec. A-615.
3. Manhole sections to meet the current requirements of ASTM Spec. C-478.
4. Tapered joint with O-Ring Gasket, or single offset joint with rubber gasket to meet current requirements of ASTM Spec. C-443.
5. Doghouse opening may only be used when placing a new MH over an existing line; otherwise, the opening must be cast. Size, location & angle of entry shall be as required by the plans.
6. MH section to be cast in the base a min. of 2".
7. Joint configuration may be cast bell-up or spigot-up.

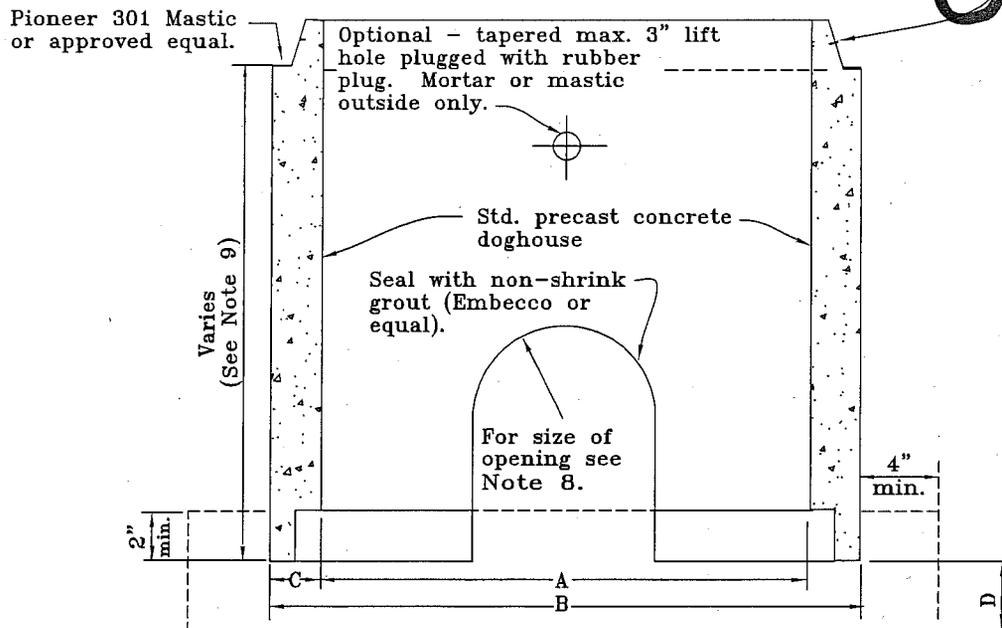
CHART "A"

MIN. DIMENSIONS (in.)			
MH	4'-0"	5'-0"	6'-0"
A	48"	60"	72"
B	58"	72"	86"
C	5"	6"	7"
D	6"	8"	10"

Dimensions of D shall be taken from bottom of key (see drawing below)

8. Holes in precast units are to be 4" min. 8" max. larger than the outside dia. of the proposed pipe.
9. Base section to provide min. 6" clearance between top of pipe opening and bottom of bell and spigot joint.

Notch for O-Ring or single offset gasket, ASTM C-443



Ref. Sec. 10-0102.5D(7)

PRECAST CONCRETE MANHOLE DOGHOUSE BASE

PLATE NO.

STD. NO.

5-10

DPW-17

Rev. 1-00, 4-13

**Proposed Amendment
to Public Facilities Manual**

Amend Chapter 2 (General Subdivision and Site Plan Information), Section 2-0107 (Topography), Paragraph 1B of the Public Facilities Manual, to read as follows:

2-0107.1B All topography shall be correlated to the USGS NGVD 1929 datum.

Amend Chapter 2 (General Subdivision and Site Plan Information), Section 2-0212 (General Required Information on Plans and Profiles), Paragraph 11 of the Public Facilities Manual, to read as follows:

2-0212.11 Datum reference for elevations used shall be shown and correlated to USGS NGVD 1929 datum. In addition, all subdivisions and site plans shall show the location, elevation, and description of two ~~bench marks~~ benchmarks which are properly correlated to the plan elevations.

**Proposed Amendment to
Chapter 101 (Subdivision Provisions)**

Amend Article 2 (Subdivision Application Procedures and Approval Process), Section 101-2-5 (Final Subdivision Plat), Paragraph (c) (Preparation), subparagraph (3), to read as follows.

(3) A boundary survey of the site, with a maximum permissible error of closure within the limit of one (1) in twenty thousand (20,000), related to the Virginia Coordinate System of 1983 (VCS 83) North Zone. Two (2) adjacent corners or two points on every plan sheet shall be referenced to the VCS 83 with coordinate values shown in feet. If a conversion from meters to feet is necessary, the foot definition used for conversion is the U.S. Survey Foot of 1 ft. = 1200/3937 E+00 meters. Plats may be related to true north or meridian of record for properties located more than 1.24 miles (2.0 kilometers) from one or both of the two (2) nearest VCS 83 monuments, with distance measured along a straight line from each monument to the closest point on the property boundary. Plats for subdivisions creating no more than two (2) lots may be related to true north or meridian of record. Plats referenced to VCS 83 shall be annotated as follows: “The plat of the property shown hereon is referenced to the Virginia Coordinate System of 1983 as computed from a field run boundary and horizontal control survey ~~which~~ that ties this boundary to the Fairfax County ~~Geographic Information System~~ Survey Monument (insert number and name of monument and show combined grid and elevation factor) or NOAA/NGS Survey Monument (insert PID number and designation with the combined scale factor).” It is the surveyor’s responsibility to ascertain the existence of VCS 83 control monuments to be utilized in their surveys. Assistance will be provided by the Land Survey Branch, Construction Management Division, DPWES to the extent of granting access to their records on VCS 83 control data. If using a GPS Static, or Virtual Reference System for deriving horizontal and/or vertical control, coordinates must be stated in VCS 83, North Zone, U.S. Survey Foot units, with NGVD 1929 vertical datum and so stated in the above format.

**Proposed Amendment to
Chapter 112 (Zoning Ordinance)**

Amend Article 17 (Site Plans), Part 1 (General Requirements), Section 17-106 (Required Information on Plans), Paragraph 5, to read as follows.

5. A boundary survey of the site, with a maximum permissible error of closure within the limit of one (1) in twenty thousand (20,000), related to the Virginia Coordinate System of 1983 (VCS 83 (with appropriate reference frame(s) and necessary velocities)) North Zone. Two (2) adjacent corners or two points on every plan sheet shall be referenced to the VCS 83 with coordinate values shown in feet. If a conversion from meters to feet is necessary, the foot definition used for conversion is the U.S. Survey Foot of 1 ft. = 1200/3937 E+00 meters. Plans may be related to true north or meridian of record for properties located more than 1.24 miles (2.0 kilometers) from one or both of the two (2) nearest VCS 83 monuments, with distance measured along a straight line from each monument to the closest point on the property boundary. Plans referenced to VCS 83 shall be annotated as follows: “The site shown hereon is referenced to the Virginia Coordinate System of 1983 as computed from a field run boundary, and horizontal and vertical control survey which that ties this boundary to the Fairfax County Geographic Information System Survey Monument (insert number and name of monument and show the combined scale (grid factor multiplied by the and elevation factor) or NOAA/NGS Survey Monument (insert PID number and designation) with the combined scale factor (grid factor multiplied by the elevation factor).” If using a GPS Static, Virtual, or Continuously Operating Reference System for deriving horizontal and/or vertical control, coordinates must be stated in VCS 83 (with appropriate reference frame(s) and necessary velocities), North Zone, U.S. Survey Foot units, with NGVD 1929 vertical datum and so stated in the above format.

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia on February 26, 2013, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, in engineering and surveying applications, elevations obtained from different sources must be referenced to the same vertical datum. Any inconsistent use of vertical datums can cause inconsistencies or mismatches in the transfer of data between developers and among engineering and surveying firms. In addition, newer technologies using Global Positioning System are available for deriving horizontal and vertical controls for construction projects; and

WHEREAS, it may be appropriate to clarify the vertical datum requirement to attain consistency in the use of vertical datums, and to recognize and use new and available technologies including stating how coordinates are derived related to horizontal and vertical controls; and

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

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

A Copy Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

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February 26, 2013

ADMINISTRATIVE - 9

Authorization to Advertise Public Hearings on a Proposed Amendment to the Public Facilities Manual Re: Tysons Corner Urban Center

ISSUE:

Board authorization to advertise public hearings on a proposed amendment to the Public Facilities Manual (PFM). The amendment enhances the flexibility in the PFM regulations to facilitate implementation of the recommendations set forth in the Comprehensive Plan for the Tysons Corner Urban Center.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendment to the PFM as set forth in the Staff Report dated February 26, 2013.

The proposed amendment has been prepared by the Department of Public Works and Environmental Services (DPWES) and coordinated with the Office of the County Attorney, the Department of Planning and Zoning (DPZ), and the Office of Community Revitalization (OCR). The proposed amendment has also been recommended for approval by the Engineering Standards Review Committee.

TIMING:

Board action is requested on February 26, 2013, to provide sufficient time to advertise a public hearing on April 4, 2013, before the Planning Commission and on April 30, 2013, at 4:00 p.m. before the Board. The proposed amendment will become effective at 12:01 a.m. on the day following adoption.

BACKGROUND:

Tysons Comprehensive Plan Amendment (Adopted June 22, 2010)

On June 22, 2010, the Fairfax County Board of Supervisors adopted a new Comprehensive Plan (Plan) for Tysons. At the same time, the Board adopted 20 follow-on motions, directing County staff on elements of Plan implementation. The Tysons Plan creates a new vision for future development in Tysons that takes advantage of the four new metro stations now under construction and expected to become operational in December, 2013. The Plan designates the Tysons Corner Urban Center as the

Board Agenda Item
February 26, 2013

County's new urban center. Much of what exists today in the Tysons area is expected to redevelop in support of this vision for Tysons.

The new Tysons will create a living environment less dependent on the automobile. Density will be highest near the Metro and will be characterized by a more intense mix of housing, shopping, and employment and new types of housing will be designed to meet the needs of a variety of household types. In addition, streets will be transformed by implementing design standards that encourage walking, biking and transit; and parks and open space will be preserved and stream valleys will be restored. Green architecture and site design will lessen the impact of development on the environment. Stormwater measures will be provided that are more extensive than the minimum requirements with the focus on the use of low impact development techniques that evaporate, filter and return water into the ground or reuse it.

Zoning Ordinance Amendment (Adopted June 22, 2010)

On June 22, 2010, the Board also adopted an amendment to the Zoning Ordinance creating the Planned Tysons Center (PTC) zoning district. The PTC District regulations are designed to provide the necessary flexibility to transform Tysons Corner Urban Center area from a suburban office park and activity center into an urban, mixed-use, transit, bicycle and pedestrian oriented community. To be granted this zoning district, the applicant must demonstrate the development furthers the vision of the Tysons Plan by meeting, among other things, design objectives outlined in the Ordinance such as furthering the urban grid of streets and prescribed street hierarchy for Tysons, applying specified streetscape and urban design guidelines, and incorporating low impact development strategies as further described below.

Transportation Design Standards and Memorandum of Agreement (Executed September 13, 2011)

The Transportation Design Standards (Tysons Standards), developed by the Fairfax County Department of Transportation (DOT) and other county agencies, in partnership with the Virginia Department of Transportation (VDOT), sets forth adopted standards for streets within the Tysons Corner Urban Center. The standards are based on context sensitive design parameters that accommodate low speed urban roadway, pedestrian, bicycle, and transit design. The associated Memorandum of Agreement (MOA) implements the Tysons Standards and establishes a framework for allowing private maintenance of enhanced infrastructure and snow removal. The Tysons Standards are included as Attachment D of the MOA.

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PFM Amendment #109-11-PFM (Adopted July 12, 2011)

On July 12, 2011, the Board of Supervisors adopted an amendment to the PFM to implement the Tysons Plan with respect to street standards. Specifically, the amendment revised the PFM to allow deviations from the current street standards in the PFM in accordance with the adopted Tysons Standards, for acceptance by VDOT.

Tysons Corner Urban Design Guidelines (Endorsed by BOS on January 15, 2012)

The Comprehensive Plan recommends that detailed urban design guidelines and standards be developed for Tysons that elaborate on the Plan's recommendations. This task was also included as follow-on motion #18. In response to the motion, the "Tysons Corner Urban Design Guidelines" (Guidelines) were developed by OCR, working with staff from various departments including DPWES, DPZ, and Transportation; VDOT; and the Tysons Corner Urban Design Guidelines Advisory Group, a nine member group consisting of urban planners, landscape architects, architects and developers. In addition, the Tysons Partnership, a private group of landowners, community members and others, was actively involved in the preparation of the Guidelines.

The Guidelines offer general direction and principles on how Tysons should look and feel, and contain detailed recommendations on how the public space should be accomplished. Because there is little historic architectural precedent to draw from for the new Tysons, it's expected that Tysons' identity will emerge over time. For this reason, the Guidelines do not regulate or dictate urban design or a particular architectural style. Rather, the Guidelines recognize that a wide variety of conditions exist in Tysons and flexibility is necessary, as long as the outcome furthers the vision set forth in the Plan.

Plan Implementation

Implementation of the vision to transform Tysons has begun. Regulations are in place to implement the key land use and transportation elements of the Plan. Specified urban design guidelines have been approved to augment the guidelines provided in the Plan. As of February 5, 2013, fifteen zoning applications have been submitted to rezone almost 230 acres within Tysons to the newly established PTC zoning district. The following applications have been approved by the Board on these dates: MITRE 4 on June 7, 2011; Spring Hill Station (A and B) on September 27, 2011; Capital One on September 25, 2012; Arbor Row on November 20, 2012; and Spring Hill Station (D and E) on February 12, 2013, with the remaining applications currently under review. It's anticipated that a majority of these applications will be acted upon by the Planning Commission and Board of Supervisors throughout 2013. Additional information on the individual zoning cases approved or currently under review can be found in the "Report

to the Board of Supervisors on Tysons Corner”, which is available on the County website at <http://www.fairfaxcounty.gov/tysons>.

DPWES has been actively involved in reviewing rezoning applications to the PTC district and several site plans submitted for construction approval. This involvement has provided staff a clearer understanding of the issues faced by architects and engineers in designing the urban infrastructure. One of the major issues discussed during implementation is that the PFM regulations should not be an impediment to achieving the vision planned for Tysons.

Achieving the vision will require flexibility in the implementing regulations of the PFM. Flexibility is needed in circumstances where strict application of the PFM standards is difficult to achieve for a particular site or redevelopment in Tysons, and in circumstances where new or creative designs warrant some degree of flexibility in determining compliance with the PFM. Without flexibility in the regulations, development projects will be forced to be approved with variances which can cause processing delays and uncertainties in the regulatory approval process. The proposed amendment enhances the flexibility in the PFM regulations as further discussed below.

PROPOSED AMENDMENT:

To implement the Tysons Plan, designers will need the flexibility to use urban design guidelines and streetscape standards that are not consistent with or addressed in the current PFM. If approved by the Board, the proposed amendment would permit the Director to approve alternative standards, including but not limited to street lights, landscaping, utilities, drainage and stormwater management, that differ from the requirements set forth in the PFM based upon the unique characteristics of the urban environment. Alternatives may be considered by the Director in circumstances where strict application of the PFM standard can not be met for a particular site and where new or creative urban designs are proposed. Alternatives, when approved by the Director, shall be subject to the following criteria:

- Alternatives shall be in substantial conformance with the development plans and associated proffers and conditions; or approved Special Exception or approved Special Permit Plat; and
- Alternatives shall be consistent with any specific urban design guidelines and streetscape plans for the area; and
- Full details and supporting data shall be provided on the plan including design computations, material specifications, technical details, structural calculations, procedures for installation, inspection and/or testing, and procedures for operation and maintenance; and

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- A detailed description shall be provided of the applicable provisions of the PFM and why they cannot be met; and
- Any decision to approve an alternative shall take into consideration possible impacts on public safety, the environment, aesthetics and the burden placed on prospective owners for maintenance of any facility; and
- Reasonable and appropriate conditions may be imposed as deemed appropriate by the Director; and
- Any alternative shall comply with specific requirements set forth in the United States Code, Virginia Code, and County Code, and all other applicable regulations, resolutions and policies, as well as specific standards of VDOT and requirements of other reviewing agencies, such as the water utilities, from which variances may not be granted at the local level; and
- Notwithstanding the foregoing, where a PFM provision requires Board of Supervisors' approval of a waiver or modification of its terms, the Director shall have no authority to approve an alternative absent Board approval.

Examples of urban standards and guidelines that differ from the PFM standards and may be considered by the Director as an alternative under the proposed amendment include:

- Pavers for sidewalks
- Reduced utility clearances
- Utilities located under sidewalks
- Sanitary sewer lines
- Trash and recycling location
- Reduction of minimum planting areas
- Minimal soil mixture and volume for street tree box filters
- Street trees counting toward the tree cover requirement
- Modified access to underground detention vaults
- Innovative LID techniques
- Use of infiltration rate less than 0.52 in/hr.
- Location of infiltration practices on in-situ fill, provided the rate is acceptable
- Connection of smaller bmp and bioretention facilities without a manhole
- Use of in-line stormwater systems in the event that off-line cannot fit

Examples of existing PFM provisions that require Board of Supervisors' approval of a waiver or modification of its terms are listed below. Under the proposed amendment,

the Director shall have no authority to approve alternatives of these standards absent Board approval.

- Locating private sanitary pump facilities in an unapproved sewer area
- Use of a nonstandard street light system
- Locating underground detention facilities in a residential development
- Locating pervious pavement in single family attached or single family detached residential areas

In addition, listed below for clarity are some site requirements that are not PFM provisions and shall not be considered by the Director to be eligible as an alternative under the proposed amendment:

- Maximum private street length
- Transitional screening and barrier
- Interior parking lot landscaping
- Location and size of loading dock
- Minimum standards of the Statewide Fire Prevention Code

Project submissions are moving forward and DPWES is committed to keeping the lines of communication open to make sure that the flexibility provided under the proposed amendment continues to meet stakeholder needs. DPWES will continue to be involved with the individual rezoning cases giving staff the opportunity to collaborate with the designers and developers early in the process to identify and work out the challenges of redeveloping Tysons. Individual amendments to the PFM and County Code may be necessary aimed at streamlining the waiver and modification process further. Staff intends to collaborate on this issue and be judicious in making any future changes to the PFM.

REGULATORY IMPACT:

The ability to achieve the vision for Tysons will require consistency between the adopted vision for the Tysons Corner Urban Center and the implementing regulations. Due to the flexibility provided in the Tysons Plan and the PTC District regulations, the PFM is being revised accordingly. If approved by the Board, the proposed amendment will:

1. Provide Flexibility in the PFM Regulations to Align with the Tysons Plan

One way to support the vision for Tysons is to provide flexibility in the regulations to be able to design and build the planned urban environment. The proposed amendment enhances flexibility in the PFM regulations by permitting the use of alternative standards

that differ from the regulations in the current PFM. A copy of the proposed amendment is included as Attachment A of the Staff Report.

2. Make it Easier to Use Innovative, Alternative Standards to Achieve the Vision

Pursuant to PFM §1-0601, designers are able to vary from the PFM standards as his own judgment and knowledge of a specific problem dictates. The current process for requesting a variance of the PFM places the onus on the developer to submit a separate request letter and justification of why the standard contained in the PFM is not appropriate. Generally, variance requests are considered by the Director on a case by case basis.

The proposed amendment acknowledges that the use of alternative standards that are not covered in the PFM are warranted, or even beneficial, in Tysons. The proposed amendment makes it easier to use alternative standards by allowing designers to propose alternative designs directly on the plan without the requirement to obtain upfront and separate approval from the Director.

It's anticipated that proposed alternatives will require different levels of review and evaluation. Minor alternatives, such as the use of pavers for sidewalks, would have little or no impact upon the environment or public safety. Other alternatives would be more complex and may require staff to perform an engineering analysis to understand the impacts of the proposed design changes. Staff is in the process of considering how to process the different types of alternatives effectively.

3. Promote Environmental Stewardship and Use of Low Impact Development Strategies

The Tysons Plan sets high standards for environmental stewardship. It lays out a vision for protecting the natural environment by establishing, among other things, stormwater goals expected of all applicants. To be granted rezoning to a PTC district, applicants must demonstrate that the development furthers the vision of the Tysons Plan by incorporating low impact development (LID) strategies throughout a site. LID is an innovative stormwater management approach with a basic principle that is modeled after nature: manage rainfall at the source using distributed micro-scale controls to reduce runoff from a site. Runoff reduction is the primary stormwater design objective of the Tysons Plan and it's expected that all rezoning applications reduce runoff by retaining at least the first inch of rainfall on-site through infiltration, evapotranspiration, and/or reuse.

Almost all components of the urban environment can be modified to serve as a LID control. This includes not only open space, but also rooftops, streetscapes, parking lots and sidewalks. The more LID techniques that are applied onsite, the closer to the natural hydrologic function one gets. The proposed amendment enhances the flexibility

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in the PFM to promote the use of LID's. In this way, designers have the opportunity to choose from a full spectrum of available techniques to create a customized site design for managing runoff from a site. Using a three-tier approach, designers can be effective in selecting stormwater controls that can be used to meet the 1-inch stormwater goal expected of all applicants in Tysons. Discussion on the three-tier approach is provided in the attached Staff Report.

The proposed amendment applies to properties lying within the Tysons Corner Urban Center. This includes applications seeking the redevelopment option to the PTC zoning district; applications for properties which are located within the Tysons Corner Urban Center but not rezoned to the PTC district; and approved special exception and approved special permit plats. Application of the proposed amendment to by-right development proposals lying within the Tysons Corner Urban Center is necessary for any by-right project that is required to provide street frontage improvements, in accordance with the adopted street standards for Tysons, and any project seeking to fit in better with the surrounding properties being developed in accordance with the Tysons Plan.

FISCAL IMPACT:

The proposed amendment facilitates the plan review and approval process thereby assisting all stakeholders in the implementation of the recommendations set forth in the Comprehensive Plan for the Tysons Corner Urban Center. New internal processes must be developed to implement the proposed amendment. This additional effort will be accomplished by staff resources previously approved in the budget and dedicated to Tysons.

ENCLOSED DOCUMENTS:

Attachment I - Staff Report

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
Barbara Byron, Director, Office of Community Revitalization

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

STAFF REPORT

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

Authorization to Advertise Public Hearings on a Proposed Amendment to the Public Facilities Manual Re: Tysons Corner Urban Center

Authorization to Advertise	<u>February 26, 2013</u>
Planning Commission Hearing	<u>April 4, 2013</u>
Board of Supervisors Hearing	<u>April 30, 2013</u>
Prepared by:	<u>Jan Leavitt, P.E.</u> Code Development and Compliance, DPWES (703) 324-1733 February 26, 2013

STAFF REPORT

A. Issue:

Board authorization to advertise public hearings on a proposed amendment to the Public Facilities Manual (PFM). The amendment enhances the flexibility in the PFM regulations to facilitate implementation of the recommendations set forth in the Comprehensive Plan for the Tysons Corner Urban Center.

B. Recommended Action:

Staff recommends that the Board of Supervisors authorize the advertisement of public hearings on a proposed amendment to the PFM.

C. Timing:

Board of Supervisors authorization to advertise – February 26, 2013

Planning Commission Public Hearing – April 4, 2013

Board of Supervisors Public Hearing – April 30, 2013 at 4:00 p.m.

Effective Date – May 1, 2013 at 12:01 a.m.

D. Source:

Department of Public Works and Environmental Services (DPWES)

E. Coordination:

The proposed amendment has been prepared by the Department of Public Works and Environmental Services (DPWES) and coordinated with the Office of the County Attorney, the Department of Planning and Zoning (DPZ), and the Office of Community Revitalization (OCR). It has also been recommended for approval by the Engineering Standards Review Committee.

F. Background:

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Achieving the vision will require flexibility in the implementing regulations of the PFM. Flexibility is needed in circumstances where strict application of the PFM standards is difficult to achieve for a particular site or redevelopment in Tysons, and in circumstances where new or creative designs warrant some degree of flexibility in determining compliance with the PFM. Without flexibility in the regulations, development projects will be forced to be approved with variances which can cause processing delays and uncertainties in the regulatory approval process. The proposed amendment enhances the flexibility in the PFM regulations as further discussed below.

G. Proposed Amendment:

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- Alternatives shall be in substantial conformance with the development plans and associated proffers and conditions; or approved Special Exception or approved Special Permit Plat; and
- Alternatives shall be consistent with any specific urban design guidelines and streetscape plans for the area; and
- Full details and supporting data shall be provided on the plan including design computations, material specifications, technical details, structural calculations, procedures for installation, inspection and/or testing, and procedures for operation and maintenance; and
- A detailed description shall be provided of the applicable provisions of the PFM and why they cannot be met; and
- Any decision to approve an alternative shall take into consideration possible impacts on public safety, the environment, aesthetics and the burden placed on prospective owners for maintenance of any facility; and
- Reasonable and appropriate conditions may be imposed as deemed appropriate by the Director; and
- Any alternative shall comply with specific requirements set forth in the United States Code, Virginia Code, and County Code, and all other applicable regulations, resolutions and policies, as well as specific standards of VDOT and

requirements of other reviewing agencies, such as the water utilities, from which variances may not be granted at the local level; and

- Notwithstanding the foregoing, where a PFM provision requires Board of Supervisors' approval of a waiver or modification of its terms, the Director shall have no authority to approve an alternative absent Board approval.

Examples of urban standards and guidelines that differ from the PFM standards and may be considered by the Director as an alternative under the proposed amendment include:

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H. REGULATORY IMPACT:

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3. Promote Environmental Stewardship and Use of Low Impact Development Strategies

The Tysons Plan sets high standards for environmental stewardship. It lays out a vision for protecting the natural environment by establishing, among other things, stormwater goals expected of all applicants. To be granted rezoning to a PTC district, applicants must demonstrate that the development furthers the vision of the Tysons Plan by incorporating low impact development (LID) strategies throughout a site. LID is an innovative stormwater management approach with a basic principle that is modeled after nature: manage rainfall at the source using distributed micro-scale controls to reduce runoff from a site. Runoff reduction is the primary stormwater design objective of the Tysons Plan and it's expected that all rezoning applications reduce runoff by retaining at least the first inch of rainfall on-site through infiltration, evapotranspiration, and/or reuse.

Almost all components of the urban environment can be modified to serve as a LID control. This includes not only open space, but also rooftops, streetscapes, parking lots and sidewalks. The more LID techniques that are applied onsite, the closer to the natural hydrologic function one gets. The proposed amendment enhances the flexibility in the PFM to promote the use of LID's. In this way, designers have the opportunity to choose from a full spectrum of available techniques to create a customized site design for managing runoff from a site. Using a three-tier approach, designers can be effective in selecting stormwater controls that can be used to meet the 1-inch stormwater goal expected of all applicants in Tysons. Discussion on the three-tier approach is provided below.

TOP TIER: Traditional non-proprietary LID practices, such as infiltration devices and bioretention, and newer practices, such as downspout disconnection, that are either included in the PFM or have already been approved by the State for use in Virginia.

The PFM includes detailed provisions for six stormwater practices: percolation trench, pervious pavement, green roof, vegetated swale, tree box filter and reforestation pursuant to § 6-1300. In addition, the State provides technical guidance on a variety of stormwater practices approved by the Department of Conservation and Recreation (DCR) for use in Virginia for complying with the Virginia Stormwater Management Regulations. Technical design standards and specifications for top-tier stormwater techniques can be found on the County's website at <http://www.fairfaxcounty.gov/dpwes/publications/pfm/chapter6.pdf> and on the Virginia Stormwater Management BMP Clearinghouse's website at: <http://vwrrc.vt.edu/SWC/NonProprietaryBMPs.html>.

SECOND TIER: Other LID's that have successfully been used across the country and have design standards and specifications including assigned runoff reduction percentages are included in this tier. Second-tier stormwater techniques may be permitted under the proposed amendment upon verification by the Director.

THIRD TIER: Other new and evolving stormwater techniques, and modifications to approved standards and specifications and assigned efficiencies, may be permitted by

the Director. Requests for use of innovative techniques will be reviewed on a case by case basis and be approved by the Director as appropriate.

The proposed amendment applies to properties lying within the Tysons Corner Urban Center. This includes applications seeking the redevelopment option to the PTC zoning district; applications for properties which are located within the Tysons Corner Urban Center but not rezoned to the PTC district; and approved special exception and approved special permit plats. Application of the proposed amendment to by-right development proposals lying within the Tysons Corner Urban Center is necessary for any by-right project that is required to provide street frontage improvements, in accordance with the adopted street standards for Tysons, and any project seeking to fit in better with the surrounding properties being developed in accordance with the Tysons Plan.

I. Attachment:

Attachment A: Proposed PFM Amendment

Proposed Amendment to Public Facilities Manual

Amend the Public Facilities Manual (PFM), by revising Chapter 2 (General Subdivision and Site Plan Information), by adding § 1200 (Tysons Corner Urban Center), to read as follows:

2-1200 TYSONS CORNER URBAN CENTER

2-1200.1 Urban design guidelines and streetscape standards in the Tysons Corner Urban Center, as designated in the adopted Comprehensive Plan, including but not limited to street lights, landscaping, utilities, drainage and stormwater management, may differ from the requirements set forth in the PFM based upon the unique characteristics of the urban environment. Alternatives shall be listed on the plan for consideration by the Director in circumstances where strict application of the PFM standard can not be met for a particular site and where new or creative urban designs are proposed. Alternatives, when approved by the Director, shall be subject to the following criteria:

2-1200.1A Alternatives shall be in substantial conformance with the development plans and associated proffers and conditions; or approved Special Exception or approved Special Permit Plat; and

2-1200.1B Alternatives shall be consistent with any specific urban design guidelines and streetscape plans for the area; and

2-1200.1C Full details and supporting data shall be provided on the plan including design computations, material specifications, technical details, structural calculations, procedures for installation, inspection and/or testing, and procedures for operation and maintenance; and

2-1200.1D A detailed description shall be provided of the applicable provisions of the PFM and why they cannot be met, and the rationale to demonstrate that all criteria set forth in 1A – 1H have been met; and

2-1200.1E Any decision to approve an alternative shall take into consideration possible impacts on public safety, the environment, aesthetics and the burden placed on prospective owners for maintenance of any facility; and

2-1200.1F Reasonable and appropriate conditions may be imposed as deemed appropriate by the Director; and

2-1200.1G Any alternative shall comply with specific requirements set forth in the United States Code, Virginia Code, and County Code, and all other applicable regulations, resolutions and policies, as well as specific standards of VDOT and requirements of other reviewing agencies, such as the water utilities, from which variances may not be granted at the local level.

2-1200.1H Notwithstanding the foregoing, where a PFM provision requires Board of Supervisors' approval of a waiver or modification of its terms, the Director shall have no authority to approve an alternative absent Board approval.

2-1200.2 Acting on a specific request by the developer, urban design and streetscape standards may be considered by the Director within by-right development proposals lying within the Tysons Corner Urban Center in accordance with 2-1200.1 and subject to the criteria set forth in 2-1200.1B through 2-1200.1H.

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ADMINISTRATIVE – 10

Authorization to Advertise a Public Hearing for a Sewer Ordinance Amendment to Increase the Base Charge, and Maintain the Sewer Service Charges, Connection Charges, and Availability Charges, and Clarify the Meter Reading Date on Which the Base Charges Will Take Effect

ISSUE:

Board authorization is needed to advertise a public hearing for the purpose of amending the County's sewer ordinance. As shown in the proposed advertisements provided in Attachments 1a, and 1b, staff proposes that the Board amend the sewer ordinance to increase the Base Charge, and maintain Sewer Service Charges, Availability Charges, and Connection Charges at their current rate; and clarify the Meter Reading Date on which the Base Charges will take effect. The proposed amendments are consistent with the Wastewater Management Program's "Revenue Sufficiency and Rate Analysis" (the Rate Study) for the Sewer System, prepared in cooperation with its consultant, Public Resources Management Group, Inc. (PRMG). The effects of these revisions will be as follows:

1. To re-affirm FY 2013 and establish FY 2014 through FY 2017 Sewer Service Charges
2. To increase and establish the Base Charge for FY 2013 through FY 2017
3. To re-affirm and establish the Availability Charges for FY 2013 through FY 2017
4. To re-affirm the Connection Charges
5. To clarify the difference between the effective date of the Base Charge (July 1st) and the meter reading date on which the new rates will be used to calculate the Base Charge portion of the quarterly water bills (October 1st, three months after the effective date)

Although the Sewer Service Charge schedule in the sewer ordinance is multi-year, all Sewer Service Charges are reviewed, adjusted as necessary, and adopted annually to ensure Sewer Service Charges are accurately priced. Likewise, Base Charges will be reviewed and adjusted as necessary.

RECOMMENDATION:

The County Executive recommends that the Board authorize two advertisements, one for Sewer Service Charges and the Base Charges, another for Availability Charges, as proposed in Attachments 1a, and 1b.

TIMING:

Action must be taken on February 26, 2013, to provide adequate notice of a public hearing for comments on the proposed sewer rate revisions. The public hearing will be held on April 09, 2013, at 3:00 p.m. Decision on the sewer rate revisions will coincide with the markup and adoption of the FY 2014 Advertised Budget Plan. FY 2014 new charges will become effective on July 1, 2013, as outlined above.

BACKGROUND:

In January 2013, the Wastewater Management Program and PRMG completed the Rate Study. Minimum fund balances or “reserves” are maintained to comply with bond requirements and to fund major capital expenditures such as the addition of nitrogen removal facilities at wastewater treatment plants. It is anticipated that desired reserve levels can be maintained under the proposed ordinance amendment (Attachment II).

The proposed rate amendments will meet the revenue requirements of \$171,473,020 for the wastewater system by increasing the Base Charge to cover fixed costs instead of the traditional approach of increasing the Sewer Service Charge. Fixed costs primarily include the costs of generating quarterly bills, existing customer portion of debt service payments, fixed administrative costs, and capital improvements to maintain the system. The goal is to recover more of the program’s fixed costs through the Base Charge, which is the industry trend, while maintaining the Service Charge at the current rate.

The current Base Charge of \$5.50 per bill recovers only the fixed cost associated with generating quarterly bills by Fairfax Water. Increasing the Base Charge to \$12.79 per quarterly bill will provide for a higher recovery of a portion of the Program’s fixed costs from all customers, consistent with other utilities in the area, while holding the Sewer Service Charge at the current rate of \$6.55 per 1,000 gallons of water consumed. More of the fixed costs should be recovered through the Base Charge from all customers, as the system is available for use by all customers regardless of the amount of water consumed. Because Fairfax County uses the amount of water consumed during winter quarter to calculate residential sewer bills for the entire year, those customers who may migrate to warmer parts of the country and consume little or no water in the winter months pay very little towards recovering fixed costs. However, they still benefit from improvements made to the system. Increasing the Base Charge assures recovery of a portion of the fixed costs from all the customers. Variable costs are equitably recovered through the Sewer Service Charge based on the amount of water consumed.

The Base Charge would need to be increased by \$7.29 for residential customers and varying amounts for non-residential customers based on their meter size to generate the required revenues.

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

PROPOSED SEWER SERVICE CHARGE AND BASE CHARGE SCHEDULE

Sewer Service and Base Charges are revenues received from existing customers and are used to fully recover Wastewater Management Program's (the Program) operation and maintenance costs, debt service payments, capital project requirements to improve wastewater treatment effluent quality, and repair and replace infrastructure nearing its life expectancy. Revenue requirements are increasing as debt and capital expenses rise due to construction of additional treatment facilities to meet more stringent nitrogen removal requirements imposed by the state as a result of "Chesapeake 2000" Agreement. Signatories of the Agreement besides the state of Virginia include the states of Maryland and Pennsylvania, the District of Columbia, the United States Environmental Protection Agency (USEPA), and the Chesapeake Bay Commission.

In order to adequately support the Program, \$171,473,020 in revenues will be needed to allow the Program to continue to meet all of the regulatory requirements, maintain competitive rates with neighboring utilities, maintain financial targets, continue to preserve AAA credit rating, and require less debt to support capital projects.

Traditionally, revenue requirements for the Program have been met by increasing the Sewer Service Charge. The Sewer Service Charge included in the 5-year plan approved by the Board of Supervisors as part of the FY 2013 Adopted Budget Plan was proposed to increase 8.0 percent in FY 2014. This would have increased the Sewer Service Charge from the current rate of \$6.55 to \$7.07 per 1,000 gallons of water consumption in FY 2014, resulting in an anticipated increase in the annual cost to the typical household of \$37.44.

Wastewater Management Program staff, in consultation with PRMG, has determined that the required level of revenues can be met by increasing the Base Charge and maintaining the Sewer Service Charge at the current rate. This method allows for recovery of a portion of the Program's fixed costs from all customers, consistent with other utilities in the area and the industry.

The table below outlines base charges by other regional utilities for comparison to Fairfax County's current Base Charge of \$5.50 and the proposed Base Charge of \$12.79 per quarter, as of January 2013 (FY 2013):

Comparison of Quarterly Residential Base Charges for Sewer Service by Utilities in this Area	
Alexandria Renew Enterprises	\$ 31.17
Loudoun Water	\$ 28.83
Stafford County	\$ 26.19
Prince William County Service Authority	\$ 22.50
DC Water	\$ 19.98
Washington Suburban Sanitation Commission	\$ 11.00
Fairfax County	\$ 5.50
Neighboring Utilities Average	\$ 14.72

Effectively, the impact of the proposed Base Charge increase to \$12.79, and maintaining the current Sewer Service Charge of \$6.55 per 1000 gallons of water consumed, on a typical household will be the same as if the Sewer Service Charge were to increase by 6 percent. The proposed Base Charge increase will increase the annual cost to the typical household by \$29.16 (or \$2.43 per month) in FY 2014, which is the same as if the Sewer Service Charge were to be increased by 6 percent. This is less than the Board's previously adopted 8 percent rate increase for FY 2014 as part of the FY 2013 budget.

Therefore, staff proposes that the Board increase the residential Base Charge by \$7.29 per quarter for FY 2014 for a total Base Charge of \$12.79 per quarterly bill. The proposed Base Charge will recover 8.7 percent of the fixed costs in FY 2014. Industry practice is to recover 25 percent of the total fixed costs through Base Charge. In order to strive towards such recovery rate, the following phase-in approach is being proposed through FY 2017. The Sewer Service Charge will remain at the current rate of \$6.55 per 1,000 gallons of water consumed and the Base Charge will be gradually increased.

Fiscal Year	Proposed Sewer Service Charge Per 1,000 gallons water consumed	Proposed Residential Base Charge Per Quarterly Bill	Projected Percent Fixed Cost Recovery
2013	\$6.55	\$ 5.50	3.52%
2014	\$6.55	\$12.79	8.70%
2015	\$6.55	\$20.36	13.51%
2016	\$6.55	\$25.34	16.37%
2017	\$6.55	\$30.45	19.09%

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It is also proposed that the Base Charge for customers who require larger water meter than the standard ¾" meter for non-residential connections to be based on meter size because the meter size determines how much capacity of the sewer system will be used by that customer. Increasing the proportion of fixed costs paid by those customers is equitable because of the proportionately larger share of system capacity used by those customers. This methodology is standard among utilities and is consistent with our neighboring jurisdictions. The table below lists the proposed Base Charge for each meter size. This charge can be applied to both residential and commercial customers based on their meter size requirements. Despite the increase in Base Charge, however, customers with larger meter should not see a significant difference in their overall bill because sewer service charges will not increase.

PROPOSED BASE CHARGE FOR CUSTOMERS					
Cost (\$) per Quarterly Bill					
Proposed New and Revised Rates are in Bold					
Type of Connection	Current Rate	Revised Rates			New Rate
	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Residential (¾" meter and smaller, or no meter)	\$5.50	\$12.79	\$20.36	\$25.34	\$30.45
All other customers based on meter size					
¾" and smaller, or no meter	\$5.50	\$12.79	\$20.36	\$25.34	\$30.45
¾"	\$5.50	\$12.79	\$20.36	\$25.34	\$30.45
1"	\$5.50	\$31.98	\$50.90	\$63.35	\$76.13
1 1/2"	\$5.50	\$63.95	\$101.80	\$126.70	\$152.25
2"	\$5.50	\$102.32	\$162.88	\$202.72	\$243.60
3"	\$5.50	\$191.85	\$305.40	\$380.10	\$456.75
4"	\$5.50	\$319.75	\$509.00	\$633.50	\$761.25
6"	\$5.50	\$639.50	\$1,018.00	\$1,267.00	\$1,522.50
8"	\$5.50	\$1,023.20	\$1,628.80	\$2,027.20	\$2,436.00
10" and larger	\$5.50	\$1,279.00	\$2,036.00	\$2,534.00	\$3,045.00

If requested, the Base Charge for non-residential customers who have sub-meters for irrigation and other water uses that do not enter the sewer system will be adjusted based on their sub-meter size per above table. In no case the Base Charge will be smaller than that for ¾" and smaller meter.

The County's Sewer Service Charges, Base Charges, and Availability Charges remain very competitive on a local basis. Below are annual sewer service billings and Availability Charges per Single Family Residential Equivalent (SFRE) for Fairfax County compared to other regional jurisdictions, as of January 2013 (FY 2013). Sewer service billings for the other jurisdictions have been developed by applying each jurisdiction's equivalent Base Charge and Sewer Service Charge to appropriate SFRE water usage determined from Fairfax Water's average water usage for SFREs.

Comparison of Annual Service Charges and Availability Charges for SFREs as of January 2013 (FY 2013)

***Based on 18,000 gallons per quarter for all jurisdictions**

Jurisdiction*	Annual Sewer Service Billing	Sewer Availability Fees
Loudoun Water	\$ 413	\$ 7,658
Fairfax County	494	7,750
WSSC	494	3,500
DC Water	482	----
Prince William County	562	10,300
City of Alexandria	583	7,937
Arlington County	621	4,732

PROPOSED CONNECTION CHARGE RATE

The Connection Charges are proposed to remain the same as FY 2013 rate of \$152.50 per front foot of premises (with a minimum of \$7,625 and a maximum of \$15,250) for the connection of single-family detached and attached dwellings, churches, schools, fire stations, community centers or other such similar community uses to the facilities constructed by the County. For all other uses, the Connection Charges will remain the same as the FY 2013 rate of \$152.50 per front foot of premises (with a minimum charge of \$15,250) for the connection to the Facilities of the County. The above Connection Charge shall not apply to premises to be connected to the facilities of the County, if such facilities of the County are constructed totally at private expense.

PROPOSED AVAILABILITY CHARGE SCHEDULE

The County has completed reviewing the adequacy of the amount of the Availability Charge. Based upon the results of this review, the Availability Charge is proposed to remain the same as the FY 2013 rate. The revised, five-year rate schedule for the Availability Charge for a single-family residence, with previously adopted rates in parentheses, is as follows:

Availability CHARGE					
Proposed New and Revised Rates in Bold					
	Current Rate	Revised Rates			New Rate
	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Availability Charge	\$7,750	\$7,750 (\$7,750)	\$7,750 (\$7,750)	\$7,750 (\$7,750)	\$7,750

Availability Charges for all nonresidential uses will be computed as the number of fixture units (including roughed-in fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code, Section 101.2, Note 1, which incorporates by reference the 2009 International Plumbing Code (Chapter 7, Section 709), times the current fixture unit rate of \$401 with a minimum charge equivalent to one (1) single family detached dwelling per premises. It is proposed to reduce the value of one equivalent unit from 370 to 320 gallons per day based on the recent evaluation of the Availability Charge reflecting the reduction in water use partially due to water saving plumbing devices and conservations by the customers.

PROPOSED METER READING DATE FOR BILLING

Staff proposes that the Board modify the Sewer Ordinance to clarify the difference between the effective date of the Base Charge and the meter reading date on which the new rates will be used to calculate the Base Charge. The proposed Base Charges go into effect on July 1st of each year. Because the water/sewer bills are issued quarterly, the Sewer Ordinance is modified to indicate that the new charges will be used to calculate the quarterly water bills starting with meter readings on October 1st of each year to reflect the water used for three months after the effective date.

FISCAL IMPACT:

In FY 2014, assuming a typical water usage per household of 18,000 gallons/quarter (or 72,000 gallons/year), the average homeowner's sewer bill will be approximately \$523 per year, which is an increase of \$29.16 (or \$2.43 per month) over the FY 2013 sewer bill. In FY 2014, approximately \$9.7 million in additional revenues will be

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generated with the proposed Base Charge increase. Revenues from the collection of Sewer Service Charges, Base Charges, and Availability Charges are recorded in Fund 690-C69000, Sewer Revenue.

ENCLOSED DOCUMENTS:

Attachment Ia, and Ib: Proposed Public Hearing Advertisements

Attachment II: The Proposed Amendment to Article 67.10 (Charges), Section 2 of the Code of the County of Fairfax (amending Base charge while maintaining current Sewer Service Charge).

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Randy Bartlett, Deputy Director, DPWES

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

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

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

**Tuesday
April 9, 2013
commencing at 3:00 p.m.**

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

SEWER SERVICE CHARGE					
Cost (\$) per 1,000 gallons of water used					
Proposed New and Revised Rates in Bold					
	Current Rate	Revised Rates			New Rate
	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Sewer Service Charge	\$6.55	\$6.55	\$6.55	\$6.55	\$6.55

BASE CHARGE					
Cost (\$) per Quarterly Bill					
Proposed New and Revised Rates in Bold					
	Current Rate	Revised Rates			New Rate
	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Residential (3/4" and smaller meter, or no meter):					
Base Charge	\$5.50	\$12.79	\$20.36	\$25.34	\$30.45
Commercial: (meter size)					
3/4" and smaller, or no meter	\$5.50	\$12.79	\$20.36	\$25.34	\$30.45
3/4"	\$5.50	\$12.79	\$20.36	\$25.34	\$30.45
1"	\$5.50	\$31.98	\$50.90	\$63.35	\$76.13
1 1/2"	\$5.50	\$63.95	\$101.80	\$126.70	\$152.25
2"	\$5.50	\$102.32	\$162.88	\$202.72	\$243.60
3"	\$5.50	\$191.85	\$305.40	\$380.10	\$456.75
4"	\$5.50	\$319.75	\$509.00	\$633.50	\$761.25
6"	\$5.50	\$639.50	\$1,018.00	\$1,267.00	\$1,522.50
8"	\$5.50	\$1,023.20	\$1,628.80	\$2,027.20	\$2,436.00
10" and larger	\$5.50	\$1,279.00	\$2,036.00	\$2,534.00	\$3,045.00

If requested, the Base Charge for non-residential customers who have sub-meters for irrigation and other water uses that do not enter the sewer system will be adjusted based on their sub-meter size per above table. In no case the Base Charge will be smaller than that for 3/4" and smaller meter.

In addition, the amendment provides that the new Base Charge will apply to meter readings beginning on October 1st of the current fiscal year, three months after the effective date of the new rate, to reflect the usage under the new rate.

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

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

Fairfax County supports the Americans with Disabilities Act (ADA) by making reasonable accommodations for persons with disabilities. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a County program, service, or activity, should contact the ADA representative in the Clerk's Office, 703-324-3151, TTY: 703-324-3903, as soon as possible but no later than 48 hours before the scheduled event.

GIVEN under my hand this 26th day of February 2013.

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

Ad Run Dates: March 8 and 15, 2013

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

Attachment Ib

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

**Tuesday
April 9, 2013
commencing at 3:00 p.m.**

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

AVAILABILITY CHARGES					
Cost (\$) per Unit					
Proposed New and Revised Rates in Bold					
	Current Rate FY 2013	FY 2014	FY 2015	FY 2016	- New -/ FY 2017
Residential uses:					
(a) Single Family Detached	\$7,750	\$7,750	\$7,750	\$7,750	\$7,750
(b) Lodging House, Hotel, Inn, or Tourist Cabin	7,750	7,750	7,750	7,750	7,750
(c) Townhouse	6,200	6,200	6,200	6,200	6,200
(d) Apartment	6,200	6,200	6,200	6,200	6,200
(e) Mobile Home	6,200	6,200	6,200	6,200	6,200
(f) Any other residential dwelling unit	6,200	6,200	6,200	6,200	6,200
(g) Hotel, Motel, or Dormitory rental unit	1,938	1,938	1,938	1,938	1,938

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

	Current Rate FY 2013	FY 2014	FY 2015	FY 2016	- New -/ FY 2017
Commercial and all other uses:					
Fixture unit rate	\$401	\$ 401	\$ 401	\$401	\$ 401

The availability charge for all nonresidential uses will be computed as the number of fixture units in accordance with the current Virginia Uniform Statewide Building Code (which incorporates by reference the 2009 International Plumbing Code, Chapter 7, Section 709) times the fixture unit rate with a minimum charge equivalent to one (1) single family detached dwelling per premises. The equivalent unit value is being reduced from 370 to 320 gallons per day.

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

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

Fairfax County supports the Americans with Disabilities Act (ADA) by making reasonable accommodations for persons with disabilities. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a County program, service, or activity, should contact the ADA representative in the Clerk's Office, 703-324-3151, TTY: 703-324-3903, as soon as possible but no later than 48 hours before the scheduled event.

GIVEN under my hand this 26th day of February 2013.

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

Ad Run Dates: March 8 and 15, 2013

Attachment II

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



(a)

Availability Charges.

(1)

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

	Customer Class	Fiscal Year (July 1-June 30)				
		FY 2012 FY 2013	FY 2013 FY 2014	FY 2014 FY 2015	FY 2015 FY 2016	FY 2016 FY 2017
(A)	Single Family Detached	\$7,750	\$7,750	\$7,750	\$7,750	\$7,750
(B)	Lodging House, Hotel, Inn or Tourist Cabin	7,750	7,750	7,750	7,750	7,750
(C)	Townhouse	6,200	6,200	6,200	6,200	6,200
(D)	Apartment	6,200	6,200	6,200	6,200	6,200
(E)	Mobile Home	6,200	6,200	6,200	6,200	6,200
(F)	Any other residential dwelling unit	6,200	6,200	6,200	6,200	6,200
(G)	Hotel, Motel, or Dormitory rental unit	1,938	1,938	1,938	1,938	1,938

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

(2)

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

	Fiscal Year (July 1-June 30)				
	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2015-2016	FY 2016-2017
Fixture unit rate	\$401	\$401	\$401	\$401	\$401

The availability charge will be computed as the number of fixture units (including roughed-in fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building

Code (as amended), Section 101.2, Note 1, which incorporates by reference the 2009 International Plumbing Code (Chapter 7, Section 709) ("VUSBC"), times the fixture unit rate with a minimum charge equivalent to one single-family detached dwelling per premises. For Significant Industrial Users with wastewater discharge permits authorizing discharge into the Integrated Sewer System and other industrial or commercial Users determined by the Director to have processes generating significant wastewater flows, the availability fee will be calculated on the basis of equivalent units. One equivalent unit is equal to ~~370~~ 320 gallons per day and rated equal to one single-family detached dwelling unit. Therefore, the availability charge for Significant Industrial Users and other industrial or commercial Users determined by the Director to have processes generating significant flow will be equal to the current rate for a single family detached dwelling unit times the number of equivalent units associated with the permitted flow. The number of equivalent units is equal to the permitted or projected flow in gallons per day divided by ~~370~~ 320 gallons per day. Fixture unit counts, for Users having fixtures discharging continuously or semi-continuously to drainage system leading to the County sanitary sewer facilities, shall be increased by two fixture units for each gallon per minute of such continuous or semi-continuous discharge. The rate of such discharge shall be deemed to be that rate certified by the manufacturer of the fixture or other equipment, or such other rates as the Director shall determine.

(3)

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

(b)

Connection Charges.

(1)

Residential and community uses: Except as otherwise provided herein, [t]here is hereby established and imposed a connection charge of \$152.50 per front foot of premises (with a minimum of \$7,625 and a maximum of \$15,250 for the connection of single-family detached and attached dwellings, churches, schools, fire stations, community centers or other such similar community uses to the Facilities of the County.

(A)

The above Connection Charges are effective beginning on July 1, 2011, for all Facilities of the County constructed after July 1, 2011. During the period of July 1, 2011, through June 30, 2012, Connection Charges for connections to Facilities of the County constructed prior to July 1, 2011, will be \$6.00 per front foot of premises (with a minimum of \$300.00 and a maximum of \$600.00). Provided, however, the Director may extend the deadline for connection to Facilities of the County from July 1, 2012, to December 31, 2012, if

the Director determines that for reasons beyond the control of the owner of the premises, at least one of the following conditions are met:

(i)

All applicable fees and charges have been paid to the County and other appropriate governmental agencies prior to June 30, 2012;

(ii)

All applicable permits have either been applied for or obtained prior to June 30, 2012;

(iii)

The owner of the premises can show diligent and active efforts to connect to the Facilities of the County prior to June 30, 2012;

(iv)

The owner has been delayed by the actions of a third party, e.g., delays in the issuance of permits or inspections by any government agency or other party; or

(v)

The delays have been caused by an Act of God.

(B)

Connection Charges for connection to the Facilities of the County in the County's Extension and Improvement (E&I) Program that were under design for construction on or before April 12, 2011, and that were not completed on or before that date, will be \$6.00 per front foot of premises (with a minimum of \$300.00 and a maximum of \$600.00) provided all of the following conditions are met:

(i)

property owners in the E&I project area agree to grant all required easements within four months from the completion of the design;

(ii)

50 percent of the property owners in the E&I project area pay the required Availability Charges within four months from the completion of the design; and

(iii)

connections to the Facilities of the County are made by no later than June 30, 2012, or within one year from the completion of the construction of the E&I project, whichever comes last, provided, however, the Director shall have [the]

power to extend this deadline [by up to six months] for the hardship reasons set forth in subsections (A)(i) through (A)(v), above [, provided, however, that in lieu of the date June 30, 2012, the operative date for such extensions shall be one year from the date of completion of construction of the E&I project for which a connection is requested].

(2)

All other uses: There is hereby established and imposed a connection charge of \$152.50 per front foot of premises (with a minimum charge of \$15,250) for the connection of all other uses to the Facilities of the County.

(3)

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

(4)

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

(c)

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

(d)

Service charges: There are hereby established and imposed the following quarterly sanitary sewer service charges:

	<i>Sewer Service Charges Fiscal Year (July 1 - June 30)</i>				
	FY 2012 2013	FY 2013 2014	FY 2014 2015	FY 2015 2016	FY 2016 2017
Sewer Service Charge, \$/1,000 gallons	\$6.01 \$6.55	\$6.55 \$6.55	\$7.07 \$6.55	\$7.49 \$6.55	\$7.79 \$6.55

(e)

Base charges: There are hereby established and imposed the following quarterly base charges in addition to the sewer service charge:

BASE CHARGE Cost (\$) per Quarterly Bill Proposed New and Revised Rates in Bold					
	Current Rate	Revised Rates			New Rate
	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Residential (3/4" and smaller, or no meter):					
Base Charge	\$5.50	\$12.79	\$20.36	\$25.34	\$30.45
Commercial: (meter size)					

3/4" and smaller, or no meter	\$5.50	\$12.79	\$20.36	\$25.34	\$30.45
3/4"	\$5.50	\$12.79	\$20.36	\$25.34	\$30.45
1"	\$5.50	\$31.98	\$50.90	\$63.35	\$76.13
1 1/2"	\$5.50	\$63.95	\$101.80	\$126.70	\$152.25
2"	\$5.50	\$102.32	\$162.88	\$202.72	\$243.60
3"	\$5.50	\$191.85	\$305.40	\$380.10	\$456.75
4"	\$5.50	\$319.75	\$509.00	\$633.50	\$761.25
6"	\$5.50	\$639.50	\$1,018.00	\$1,267.00	\$1,522.50
8"	\$5.50	\$1,023.20	\$1,628.80	\$2,027.20	\$2,436.00
10" and larger	\$5.50	\$1,279.00	\$2,036.00	\$2,534.00	\$3,045.00

If requested, the Base Charge for non-residential customers who have sub-meters for irrigation and other water uses that do not enter the sewer system will be adjusted based on their sub-meter size per above table. In no case the Base Charge will be smaller than that for 3/4" and smaller meter.

(1)

Effective date: The **Service charges and Base charges** rates will change on July 1st of each new fiscal year. For metered accounts, the change is effective with meter readings beginning October 1st of each year. For unmetered accounts, the change is effective with billings beginning October 1st of each year. ~~Effective July 1, 2012, a Base Charge of \$ 5.50 per bill will be charged, in addition to the sewer service charge.~~

(2)

Premises having a metered water supply:

Category of Use	Service Charges
(A) Single-family detached and single-family attached dwellings such as townhouses, duplexes, multiplexes, semi-detached, rowhouses, garden court and patio houses with a separate water service line meter.	For each 1,000 gallons of water, based on winter-quarter consumption or current quarterly consumption, as measured by the service line meter, whichever is lower, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(B) All other uses.	For each 1,000 gallons of water as measured by the water service line, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(C) All users.	Base charge of \$ 5.50 per billing.

(D)

The winter-quarter-maximum consumption is determined as follows:

(i)

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

(ii)

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

(iii)

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

(iv)

All water delivered to the premises, as measured by the winter quarter-consumption for single-family dwellings and townhouses or the meter of all other Users, shall be deemed to have been discharged to the Facilities of the County. However, any person may procure the installation of a second water service line meter. Such person may notify the Director of such installation, in which event the Director shall make such inspection or inspections as may be necessary to ascertain that no water delivered to the premises or only the water delivered through any such additional meter may enter the Facilities of the County. If the Director determines that water delivered through an additional meter may not enter the Facilities of the County, no charge hereunder shall be based upon such volume of water delivery. If the Director determines that only the water delivered through an additional meter may enter the Facilities of the County, only the water recorded on the additional meter shall be charged. In the alternative, any person may procure the installation of a sewage meter which shall be of a type and installed in a manner approved by the Director, who shall make periodic

inspection to ensure accurate operation of said meter; in such event, the charge imposed hereunder shall be based upon the volume measured by such meter. The cost of all inspections required by the foregoing provisions for elective metering, as determined by normal cost accounting methods, shall be an additional charge for sanitary sewer service to the premises on which such meter or meters are installed.

(E)

For single-family premises as in (d)(2)(A) not able to register valid meter readings for the measurement of winter-quarter-consumption the following billing method shall apply:

(i)

Premises not existing, unoccupied or occupied by a different household during the applicable winter quarter, or which due to unfavorable weather, meter failure or for any other reason of meter inaccuracy cannot register valid meter readings, shall not be considered to have a valid meter reading for the purpose of winter-quarter-consumption measurement.

(ii)

Such premises may be billed on the basis of the average winter-quarter-consumption for similar dwelling units or the current quarterly consumption, as registered by water service line meter, or based on historical water usage. Accounts for single-family premises established by a builder for sewerage service during construction shall be considered a nonresidential use.

(3)

Premises not having metered water supply or having both well water and public metered water supply:

(A)

Single-family dwellings, as in (d)(2)(A). An amount equal to the average winter-quarter-consumption, during the applicable winter quarter, of similar dwelling units, times the effective unit cost rate (\$/1,000 gallons). In the alternative, any such single-family residential customer may apply to the County, via the water supplier providing water service to the area in which the residential customer is located, for special billing rates, based on average per capita consumption of water in similar type units.

(B)

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

*TABLE I.
Table of Fixture Units*

Type of Fixture or Group of Fixtures	Drainage Fixture Unit Value (d.f.u.)
Commercial automatic clothes washer (2" standpipe)	3
Bathroom group consisting of water closet, lavatory and bathtub or shower stall (Residential):	
Tank type closet	6
Bathtub (with or without overhead shower)	2
Combination sink-and-tray with food disposal unit	2
Combination sink-and-tray with 1½" trap	2
Dental unit or cuspidor	1
Dental lavatory	1
Drinking fountain	½
Dishwasher, domestic	2
Floor drains with 2" waste	2
Kitchen sink, domestic, with one 1½" waste	2
Kitchen sink, domestic, with food waste grinder and/or dishwasher	2
Lavatory with 1¼" waste	1
Laundry tray (1 or 2 compartments)	2
Shower stall	2
Sinks:	
Surgeon's	3
Flushing rim (with valve)	6
Service (trap standard)	3
Service (P trap)	2
Pot, scullery, etc.	4
Urinal, pedestal, syphon jet blowout	6

Urinal, wall lip	4
Urinal stall, washout	4
Urinal trough (each 6-ft. section)	2
Wash sink (circular or multiple) each set of faucets	2
Water closet, tank-operated	4
Water closet, valve-operated	6
Fixture drain or trap size:	
1¼ inches and smaller	1
1½ inches	2
2 inches	3
2½ inches	4
3 inches	5
4 inches	6

TABLE II.
Fixture Units and Load Factors for All Other Premises
Quarterly Service Charges
Fiscal Year (July 1 - June 30)

Fixture Units	Load Factor	2013	2014	2015	2016	2017
<u>20</u> or less	1.00	\$163.75	\$163.75	\$163.75	\$163.75	\$163.75
21 to 30	1.25	204.69	204.69	204.69	204.69	204.69
<u>31</u> to 40	1.45	237.44	237.44	237.44	237.44	237.44
41 to 50	1.60	262.00	262.00	262.00	262.00	262.00
51 to 60	1.75	286.56	286.56	286.56	286.56	286.56
<u>61</u> to <u>70</u>	1.90	311.13	311.13	311.13	311.13	311.13
<u>71</u> to 80	2.05	335.69	335.69	335.69	335.69	335.69
<u>81</u> to 90	2.20	360.25	360.25	360.25	360.25	360.25
91 to 100	2.30	376.63	376.63	376.63	376.63	376.63
<u>101</u> to <u>110</u>	2.40	393.00	393.00	393.00	393.00	393.00
<u>111</u> to 120	2.55	417.56	417.56	417.56	417.56	417.56
<u>121</u> to 130	2.65	433.94	433.94	433.94	433.94	433.94
131 to 140	2.75	450.31	450.31	450.31	450.31	450.31
141 to 150	2.85	466.69	466.69	466.69	466.69	466.69
151 to 160	2.95	483.06	483.06	483.06	483.06	483.06
161 to 170	3.05	499.44	499.44	499.44	499.44	499.44
171 to 180	3.15	515.81	515.81	515.81	515.81	515.81
181 to 190	3.25	532.19	532.19	532.19	532.19	532.19

191 to 200	3.35	548.56	548.56	548.56	548.56	548.56
201 to 210	3.45	564.94	564.94	564.94	564.94	564.94
211 to 220	3.55	581.31	581.31	581.31	581.31	581.31
221 to 230	3.65	597.69	597.69	597.69	597.69	597.69
231 to 240	3.75	614.06	614.06	614.06	614.06	614.06
241 to 250	3.85	630.44	630.44	630.44	630.44	630.44
251 to 260	3.90	638.63	638.63	638.63	638.63	638.63
261 to 270	4.00	655.00	655.00	655.00	655.00	655.00
271 to 280	4.05	663.19	663.19	663.19	663.19	663.19
281 to 290	4.10	671.38	671.38	671.38	671.38	671.38
291 to 300	4.15	679.56	679.56	679.56	679.56	679.56
301 to 310	4.20	687.75	687.75	687.75	687.75	687.75
311 to 320	4.30	704.13	704.13	704.13	704.13	704.13
321 to 330	4.40	720.50	720.50	720.50	720.50	720.50
331 to 340	4.50	736.88	736.88	736.88	736.88	736.88
341 to 350	4.60	753.25	753.25	753.25	753.25	753.25
351 to 360	4.70	769.63	769.63	769.63	769.63	769.63
361 to 370	4.80	786.00	786.00	786.00	786.00	786.00
371 to 380	4.90	802.38	802.38	802.38	802.38	802.38
381 to 390	5.00	818.75	818.75	818.75	818.75	818.75
391 to 400	5.10	835.13	835.13	835.13	835.13	835.13
401 to 410	5.20	851.50	851.50	851.50	851.50	851.50
411 to 420	5.30	867.88	867.88	867.88	867.88	867.88
421 to 430	5.40	884.25	884.25	884.25	884.25	884.25
431 to 440	5.50	900.63	900.63	900.63	900.63	900.63
441 to 450	5.60	917.00	917.00	917.00	917.00	917.00
451 to 460	5.70	933.38	933.38	933.38	933.38	933.38
461 to 470	5.80	949.75	949.75	949.75	949.75	949.75
471 to 480	5.90	966.13	966.13	966.13	966.13	966.13
481 to 490	6.00	982.50	982.50	982.50	982.50	982.50
491 to 500	6.10	998.88	998.88	998.88	998.88	998.88
501 to 525	6.25	1,023.44	1,023.44	1,023.44	1,023.44	1,023.44
526 to 550	6.50	1,064.38	1,064.38	1,064.38	1,064.38	1,064.38
551 to 575	6.75	1,105.31	1,105.31	1,105.31	1,105.31	1,105.31
576 to 600	7.00	1,146.25	1,146.25	1,146.25	1,146.25	1,146.25
601 to 625	7.25	1,187.19	1,187.19	1,187.19	1,187.19	1,187.19
626 to 650	7.50	1,228.13	1,228.13	1,228.13	1,228.13	1,228.13
651 to 675	7.75	1,269.06	1,269.06	1,269.06	1,269.06	1,269.06

676 to 700	8.00	1,310.00	1,310.00	1,310.00	1,310.00	1,310.00
701 to 725	8.20	1,342.75	1,342.75	1,342.75	1,342.75	1,342.75
726 to 750	8.40	1,375.50	1,375.50	1,375.50	1,375.50	1,375.50
751 to 775	8.60	1,408.25	1,408.25	1,408.25	1,408.25	1,408.25
776 to 800	8.80	1,441.00	1,441.00	1,441.00	1,441.00	1,441.00
801 to 825	9.00	1,473.75	1,473.75	1,473.75	1,473.75	1,473.75
826 to 850	9.20	1,506.50	1,506.50	1,506.50	1,506.50	1,506.50
851 to 875	9.35	1,531.06	1,531.06	1,531.06	1,531.06	1,531.06
876 to 900	9.50	1,555.63	1,555.63	1,555.63	1,555.63	1,555.63
901 to 925	9.65	1,580.19	1,580.19	1,580.19	1,580.19	1,580.19
926 to 950	9.80	1,604.75	1,604.75	1,604.75	1,604.75	1,604.75
951 to 975	9.95	1,629.31	1,629.31	1,629.31	1,629.31	1,629.31
976 to 1,000	10.15	1,662.06	1,662.06	1,662.06	1,662.06	1,662.06
1,001 to 1,050	10.55	1,727.56	1,727.56	1,727.56	1,727.56	1,727.56
1,051 to 1,100	10.90	1,784.88	1,784.88	1,784.88	1,784.88	1,784.88
1,101 to 1,150	11.30	1,850.38	1,850.38	1,850.38	1,850.38	1,850.38
1,151 to 1,200	11.70	1,915.88	1,915.88	1,915.88	1,915.88	1,915.88
1,201 to 1,250	12.00	1,965.00	1,965.00	1,965.00	1,965.00	1,965.00
1,251 to 1,300	12.35	2,022.31	2,022.31	2,022.31	2,022.31	2,022.31
1,301 to 1,350	12.70	2,079.63	2,079.63	2,079.63	2,079.63	2,079.63
1,351 to 1,400	13.00	2,128.75	2,128.75	2,128.75	2,128.75	2,128.75
1,401 to 1,450	13.25	2,169.69	2,169.69	2,169.69	2,169.69	2,169.69
1,451 to 1,500	13.50	2,210.63	2,210.63	2,210.63	2,210.63	2,210.63
1,501 to 1,600	14.05	2,300.69	2,300.69	2,300.69	2,300.69	2,300.69
1,601 to 1,700	14.60	2,390.75	2,390.75	2,390.75	2,390.75	2,390.75
1,701 to 1,800	15.15	2,480.81	2,480.81	2,480.81	2,480.81	2,480.81
1,801 to 1,900	15.70	2,570.88	2,570.88	2,570.88	2,570.88	2,570.88
1,901 to 2,000	16.25	2,660.94	2,660.94	2,660.94	2,660.94	2,660.94
2,001 to 2,100	16.80	2,751.00	2,751.00	2,751.00	2,751.00	2,751.00
2,101 to 2,200	17.35	2,841.06	2,841.06	2,841.06	2,841.06	2,841.06
2,201 to 2,300	17.90	2,931.13	2,931.13	2,931.13	2,931.13	2,931.13
2,301 to 2,400	18.45	3,021.19	3,021.19	3,021.19	3,021.19	3,021.19
2,401 to 2,500	19.00	3,111.25	3,111.25	3,111.25	3,111.25	3,111.25
2,501 to 2,600	19.55	3,201.31	3,201.31	3,201.31	3,201.31	3,201.31
2,601 to 2,700	20.10	3,291.38	3,291.38	3,291.38	3,291.38	3,291.38
2,701 to 2,800	20.65	3,381.44	3,381.44	3,381.44	3,381.44	3,381.44
2,801 to 2,900	21.20	3,471.50	3,471.50	3,471.50	3,471.50	3,471.50
2,901 to 3,000	21.75	3,561.56	3,561.56	3,561.56	3,561.56	3,561.56

3,001 to 4,000	26.00	4,257.50	4,257.50	4,257.50	4,257.50	4,257.50
4,001 to 5,000	29.50	4,830.63	4,830.63	4,830.63	4,830.63	4,830.63
5,001 to 6,000	33.00	5,403.75	5,403.75	5,403.75	5,403.75	5,403.75
6,001 to 7,000	36.40	5,960.50	5,960.50	5,960.50	5,960.50	5,960.50
7,001 to 8,000	39.60	6,484.50	6,484.50	6,484.50	6,484.50	6,484.50
8,001 to 9,000	42.75	7,000.31	7,000.31	7,000.31	7,000.31	7,000.31
9,001 to 10,000	46.00	7,532.50	7,532.50	7,532.50	7,532.50	7,532.50
10,001 to 11,000	48.85	7,999.19	7,999.19	7,999.19	7,999.19	7,999.19
11,001 to 12,000	51.60	8,449.50	8,449.50	8,449.50	8,449.50	8,449.50
12,001 to 13,000	54.60	8,940.75	8,940.75	8,940.75	8,940.75	8,940.75
13,001 to 14,000	57.40	9,399.25	9,399.25	9,399.25	9,399.25	9,399.25
14,001 to 15,000	60.00	9,825.00	9,825.00	9,825.00	9,825.00	9,825.00

NOTES:

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

The Service Charge rates will change on July 1st of each new fiscal year for accounts with meter readings beginning October 1st of each year. For unmetered accounts, the change shall be effective with the billings beginning October 1st of each year. (39-93-67.1; 19-94-67.1; 36-95-67.1; 18-96-67.1; 13-97-67.1; 6-98-67.1; 15-99-67.1; 16-00-67.1; 12-01-67.1; 21-02-67.1; 19-03-67.1; 15-04-67.1; 19-05-67.1; 09-06-67.1; 13-07-67.1; 29-08-67.1; 28-09-67.1; 11-10-67.1; 03-11-67.1; 12-12-67.1; 25-12-67.1.)

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Board Agenda Item
February 26, 2013

ADMINISTRATIVE - 11

Authorization to Advertise a Public Hearing to Consider an Ordinance Amending County Code Chapter 7 Relating to Election Precincts and Polling Places (Braddock and Sully Districts)

ISSUE:

Authorization to advertise a public hearing to consider an ordinance that proposes to amend Chapter 7 of the Fairfax County Code to (1) move the polling place for University precinct in Braddock District and (2) move the polling place for Dulles precinct in Sully District and rename the precinct.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Tuesday, March 19, 2013, at 4:30 p.m. to consider this ordinance.

TIMING:

Board action is requested on February 26, 2013, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on March 19, 2013, at 4:30 p.m. and to complete the federal preclearance process thereafter in advance of the 2013 primary and general elections.

BACKGROUND:

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

(1) In Braddock District, staff recommends moving the polling place for University precinct from University Hall, located at 4441 George Mason Boulevard, Fairfax, to Mason Hall, located at 4379 Mason Pond Drive, Fairfax. Mason Hall will provide a larger accessible room for voters in this precinct. This change was requested by George Mason University.

Board Agenda Item
February 26, 2013

(2) In Sully District, staff recommends moving the polling place for Dulles precinct from the Meadows of Chantilly Clubhouse, located at 4200 Airline Parkway, Chantilly to the Cub Run Recreation Center, located at 4630 Stonecroft Boulevard, Chantilly. The Recreation Center will provide a larger public facility with additional parking for voters. Staff also recommends changing the name of the precinct to “Stonecroft.”

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment 1 – Virginia Code Pertaining to Election Precincts and Polling Places
Attachment 2 – Descriptions and Maps of Proposed Changes
Attachment 3 – Proposed Ordinance

STAFF:

Cameron Quinn, General Registrar
Erin C. Ward, Assistant County Attorney

§ 24.2-310. Requirements for polling places.

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

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

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

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

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § [24.2-604](#) and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § [24.2-604](#), and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § [24.2-604](#). The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

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

§ 24.2-310.1. Polling places; additional requirement.

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

Commonwealth of Virginia
COUNTY OF FAIRFAX
Braddock District

PRECINCT 134: UNIVERSITY

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

DESCRIPTION:

Beginning at the intersection of Ox Road (Route 123) and the south corporate boundary of the City of Fairfax, thence with the corporate boundary of the City of Fairfax in a generally northeasterly direction to its intersection with Roberts Road, thence with Roberts Road in a southwesterly direction to its intersection with Braddock Road, thence with Braddock Road in a generally westerly direction to its intersection with Ox Road, thence with Ox Road in a northeasterly direction to its intersection with the south corporate boundary of the City of Fairfax, point of beginning.

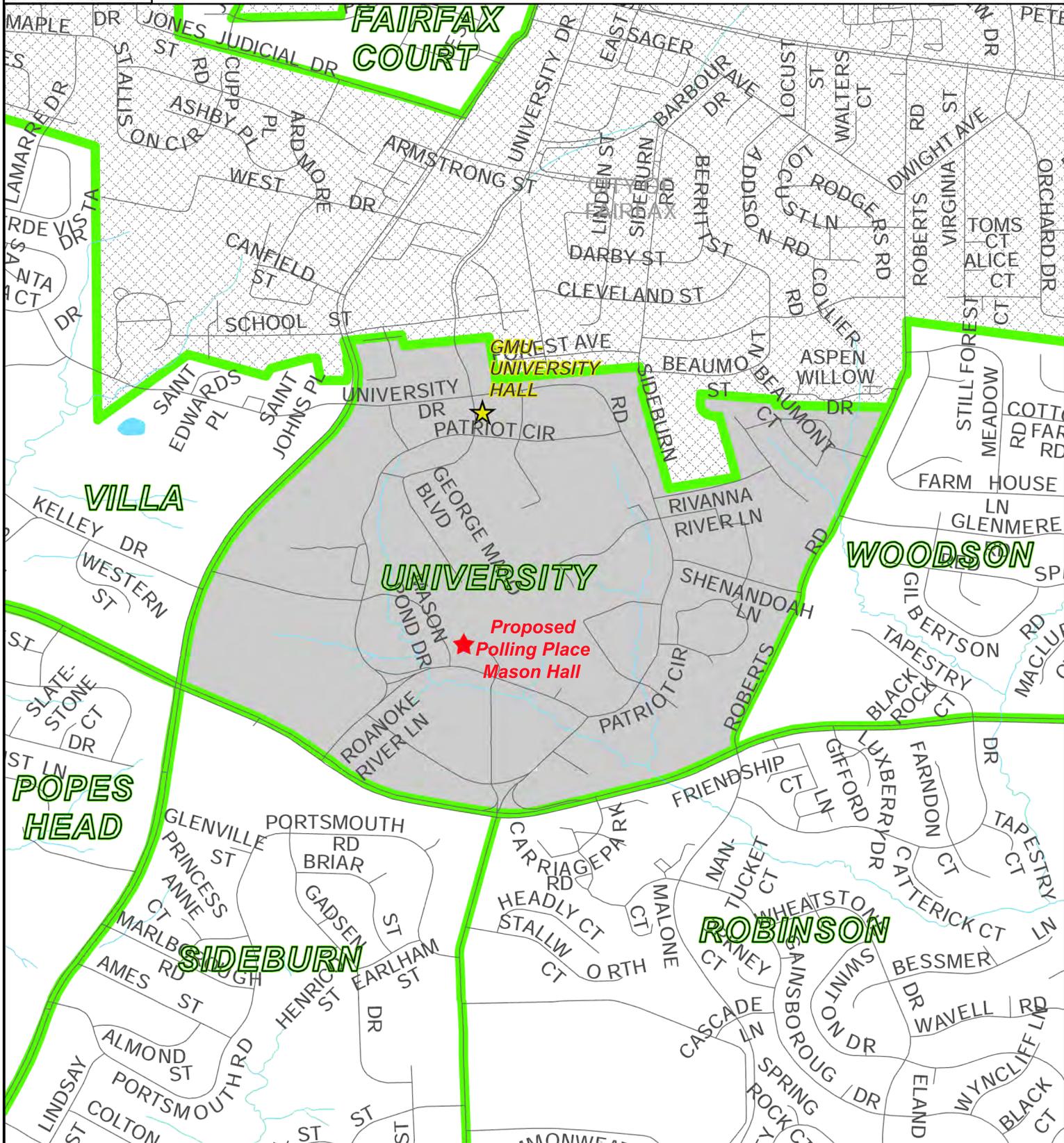
POLLING PLACE: ~~GMU – University Hall~~ GMU – Mason Hall
~~4441 George Mason Boulevard, Fairfax~~
4379 Mason Pond Drive, Fairfax

MAP GRIDS: 57-3, 57-4, 68-1, 68-2

NOTES: Established July 2011
Polling place moved – March 2013

Commonwealth of Virginia County of Fairfax

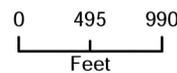
Braddock District



Precinct: 134 UNIVERSITY

Polling Place: GMU - University Hall

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



(145)
September, 2011

Commonwealth of Virginia
COUNTY OF FAIRFAX
Sully District

PRECINCT 904: DULLES STONECROFT

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

DESCRIPTION:

Beginning at the intersection of the Loudoun County/Fairfax County Line and the Lee Jackson Memorial Highway (Route 50), thence with the Lee Jackson Memorial Highway in a southeasterly direction to its intersection with Sully Road (Route 28), thence with Sully Road in a southwesterly direction to its intersection with Flatlick Branch (stream), thence with the meanders of Flatlick Branch in a southwesterly direction to its intersection with Braddock Road, thence with Braddock Road in a northwesterly direction to its intersection with the Loudoun County/Fairfax County Line, thence with the Loudoun County/Fairfax County Line in a northeasterly direction to its intersection with the Lee Jackson Memorial Highway, point of beginning.

POLLING PLACE: ~~Meadows of Chantilly Clubhouse~~ Cub Run Recreation Center
~~4200 Airline Parkway~~ 4630 Stonecroft Boulevard, Chantilly

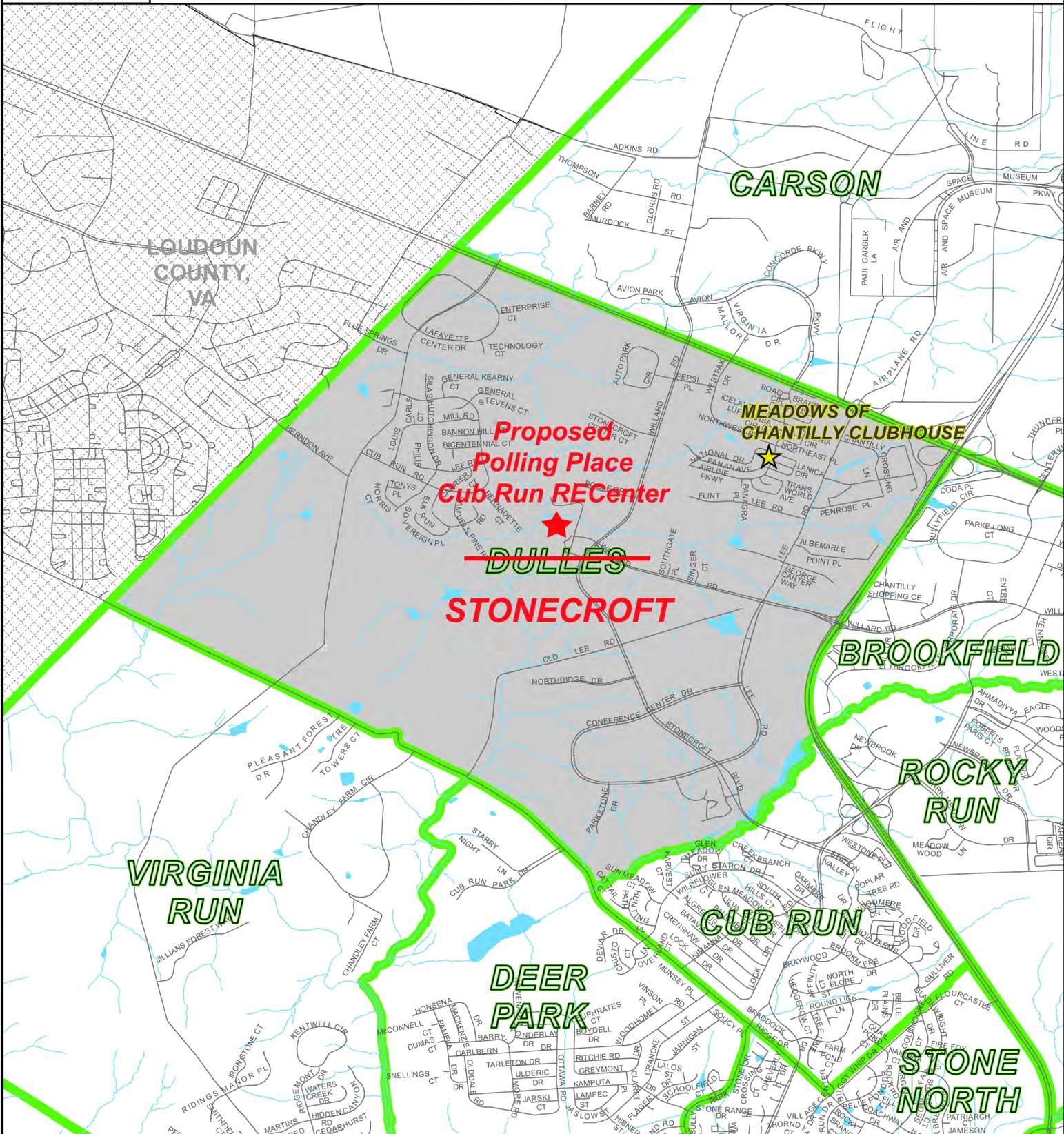
MAP GRIDS: 33-1, 33-2, 33-3, 33-4, 34-1, 34-3, 43-1, 43-2, 43-4, 44-1, 44-3

NOTES: Established June 1991
Precinct description revised and readopted – March 2003
Polling place moved and precinct renamed – March 2013



Commonwealth of Virginia County of Fairfax

Sully District



Precinct: 904 DULLES
Polling Place: Meadows of Chantilly Clubhouse

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

N

 0 1,250 2,500
 Feet
 (147)
 September, 2011

**AN ORDINANCE TO AMEND CHAPTER 7 OF THE FAIRFAX COUNTY CODE
TO RENAME ONE ELECTION PRECINCT IN
THE SULLY ELECTION DISTRICT AND RELOCATE POLLING PLACES FOR
ELECTION PRECINCTS IN THE SULLY ELECTION DISTRICT AND
THE BRADDOCK ELECTION DISTRICT**

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Draft of February 13, 2013

AN ORDINANCE to amend and readopt Sections 7-2-12, and 7-2-13, relating to the renaming of certain election precincts and the relocation of polling places for certain election precincts.

Be it ordained by the Board of Supervisors of Fairfax County:

1. That Sections 7-2-12, and 7-2-13 are amended and readopted as follows:

Section 7-2-12. - Sully District.

The Sully District shall consist of these election precincts: Brookfield, Bull Run, Carson, Centre Ridge, Centreville, Chantilly, Compton, Cub Run, Deer Park, Difficult Run, [Dulles](#), Franklin, Green Trails, Kinross East, Kinross West, Lees Corner No. 1, Lees Corner No. 2, London Towne No. 1, London Towne No. 2, Navy, Old Mill, Poplar Tree, Powell, Rocky Run, Stone North, Stone South, [Stonecroft](#), Vale, Virginia Run, and Waples Mill.

Section 7-2-13. - General Provisions.

All references to election precincts shall refer to those precincts, together with the descriptions and maps of the boundaries and polling places for each of those precincts, which were adopted by the Board of Supervisors on March 24, 2003, as amended on March 8, 2004, March 21, 2005, March 27, 2006, March 26, 2007, September 10, 2007, March 10, 2008, January 12, 2009, March 9, 2010, July 27, 2010, April 26, 2011, July 26, 2011, January 10, 2012, ~~and~~ July 10, 2012, [and March 19, 2013](#), and kept on file with the Clerk to the Board of Supervisors. Whenever a road, a stream, or other physical feature describes the boundary of a precinct, the center of such road, stream, or physical feature shall be the dividing line between that precinct and any adjoining precinct.

1 **2. That the election polling places of the following existing precincts**
2 **are relocated:**

3
4 Supervisor

5 District

Precinct

Polling Place

6
7 Braddock

University

From:

GMU–University Hall
4441 George Mason Blvd.
Fairfax, VA 22030

To:

GMU–Mason Hall
4379 Mason Pond Drive
Fairfax, VA 22030

17
18 Sully

Stonecroft
(Dulles renamed)

From:

Meadows of Chantilly Clubhouse
4200 Airline Parkway
Chantilly, VA 20151

To:

Cub Run Recreation Center
4630 Stonecroft Boulevard
Chantilly, VA 20151

29 **3. That this ordinance shall become effective upon adoption, and it**
30 **shall be enforced after satisfactory completion of the federal preclearance**
31 **procedure provided by Section 5 of the Voting Rights Act of 1965, as**
32 **amended, 42 U.S.C. § 1973c.**

33
GIVEN under my hand this ____ day of March 2013.

Catherine A. Chianese
Clerk to the Board of Supervisors

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ACTION – 1

Approval of the Management Agreement Contract (MAC) with the Volunteer Fire Departments

ISSUE:

Board approval and adoption of the proposed agreement with the following Volunteer Departments:

McLean Volunteer Fire Department, FS01
Vienna Volunteer Fire Department, FS02
Franconia Volunteer Fire Department, FS05 and FS37
Annandale Volunteer Fire Department, FS08 and FS23
Bailey's Crossroads Volunteer Fire Department, FS10
Great Falls Volunteer Fire Department, FS12
Dunn Loring Volunteer Fire and Rescue Department, FS13
Burke Volunteer Fire and Rescue Department, FS14
Centreville Volunteer Fire Department, FS17 and FS38
Lorton Volunteer Fire Department, FS19
Fair Oaks Volunteer Fire and Rescue Company, FS21
Greater Springfield Volunteer Fire Department, FS22

RECOMMENDATION:

The County Executive recommends that the Board approve and adopt the MAC with the aforementioned Volunteer Fire Departments.

TIMING:

The Board is requested to act on this recommendation as soon as possible.

BACKGROUND:

The objective of the MAC is to formalize the partnership that has existed between the Fairfax County Fire and Rescue Department (FRD) and the Volunteer Fire Departments (VFDs) who operate within the County. This partnership has existed for over 60 years without a unified formal agreement. The MAC will serve as a vehicle to more accurately define the roles and responsibilities of the VFDs, the FRD, and the County. This document delineates who is responsible for maintenance and repairs of facilities, procurement, maintenance, and insurance of fire and EMS apparatus, as well as many other aspects of daily operations. This is a proactive step to seal the relationship between all parties and to show that this is truly one combined department. This document will embody the true spirit and nature of a unified, combined system.

Board Agenda Item
February 26, 2013

Staff has reviewed and analyzed the MAC and recommends that the Board adopt the agreement as written. By adopting and implementing this MAC, the Board will support the County's long standing commitment to promote the partnership between the volunteers and the County, and will ensure that the Fire and Rescue Department and the Volunteer Departments continue to work together harmoniously.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Management Agreement Contract.

STAFF:

David M. Rohrer, Deputy County Executive
Fire Chief Ronald L. Mastin

THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

AND

THE FAIRFAX COUNTY VOLUNTEER FIRE AND RESCUE DEPARTMENTS

AGREEMENT

REVISION 0

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**AGREEMENT BETWEEN THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AND THE
VOLUNTEER FIRE AND RESCUE DEPARTMENTS**

ARTICLE I – BACKGROUND AND OBJECTIVES

Section 1. Preamble

THIS AGREEMENT (this "Agreement"), dated as of XXXX, 2013, is entered into by the Fairfax County Board of Supervisors (hereafter, the "Board") on behalf of the County of Fairfax, Virginia (hereafter, the "County") and the undersigned Volunteer Fire and Rescue Departments, each an independent entity formed under Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code or otherwise (hereafter, individually, the "Volunteer Department" and collectively, the "Volunteer Departments"). The Fairfax County Fire and Rescue Department (FCFRD) shall act as the County's agent for the purposes of implementing this Agreement.

Section 2. Agreement Purpose

In recognition of the fact that Volunteer Departments in Fairfax County are considered the primary provider of emergency services within each Volunteer Department's service area, and that Volunteer Departments work with career personnel of the FCFRD and other emergency service organizations providing personnel, facilities, apparatus, and other services as needed to protect the citizens of Fairfax County, this Agreement is entered into for the purpose of enhancing the provision of emergency services through a combined volunteer and career service delivery model.

Section 3. Agreement Objectives

The objectives of this Agreement are as follows:

- Define Roles. Define and clarify the roles and responsibilities of the County, the Volunteer Departments, and the FCFRD in the combined career and volunteer service delivery model.
- Emergency Services. Maintain and strengthen the Volunteer Departments as key contributors in the efficient provisioning of emergency services.
- Utilize Members. Ensure the utilization of members of the Volunteer Departments to the fullest extent of their training and certification.
- Support Members. Support and strengthen the capabilities of members of the Volunteer Departments in the provisioning of emergency services and supporting business operations.
- Sustain Contributions. Sustain the contribution of personnel facilities and apparatus by the Volunteer Departments.
- Reinforce Relationships. Ensure the smooth functioning of the combined service delivery model and establish a mutually reinforcing relationship between the County, the Volunteer Departments, and the FCFRD.
- Improve transparency of VFD business operations and financial solvency.
- Outline succession strategies if the VFDs are no longer able to maintain operations.

ARTICLE II – DEFINITIONS

Capitalized terms in this Agreement shall have the meanings provided below.

"Capital Fund Contribution" means the annual provision of financial assistance by the FCFRD to the Volunteer Departments for the procurement and maintenance of the facilities and vehicles.

"CIP" means the County's Capital Improvement Program.

“Employee Assistance Program” means a program administered by the County to assist its employees, retirees, volunteers, and their immediate families in effectively coping with personal and/or job related stress. “FCVFRA” means the Fairfax County Volunteer Fire and Rescue Association, which shall work with the Volunteer Departments to support this Agreement.

“Office of the Volunteer Liaison” means the staff function within the FCFRD that serves as the liaison between the Fire Chief, Senior Staff, and the Volunteer Departments.

“Personal Protective Equipment” means all protective clothing and safety equipment required to perform in either a firefighter or EMS position.

“Rules and Regulations” mean directives issued from time to time by the FCFRD that are applicable to Fire and Rescue Department personnel in Fairfax County.

“Schedule A” is an inventory, which shall be maintained by each Volunteer Department, identifying facilities and assets owned by the Volunteer Department and facilities and assets owned by the FCFRD. The parties agree that by June 30, 2013, each Volunteer Department will submit its completed Schedule A, which will be incorporated into this Agreement by reference. Each participating Volunteer Department must update its Schedule A annually.

“Standard Operating Procedure” means operating procedures from time to time issued by the FCFRD that are applicable to the Volunteer Departments in Fairfax County.

“Territorial Agreements” means the agreements as specified by the Internal Revenue Service which must be executed by the government entity to document the role of a volunteer department to provide essential emergency services. These agreements are prerequisites to obtaining low interest loans.

“VFC” means the Volunteer Fire Commission, which shall work with the Volunteer Departments to support this Agreement.

“Volunteer Policies and Procedures Manual” means a reference source produced by the FCFRD for the Volunteer Departments containing policies, procedures, and answers to frequently asked questions in an effort to provide guidance to the Volunteer Departments in policies and procedures unique to volunteers as well as additional guidance, information, and contacts in other areas.

ARTICLE III – TERMS

Section 1. Partnership

The Volunteer Departments are considered full partners with the FCFRD in providing fire, rescue, and emergency medical services to the residents, visitors, and neighbors of Fairfax County. Volunteers shall be utilized by the FCFRD to the fullest extent of their capabilities, to fulfill the purpose of the Volunteer Departments as community-based emergency services organizations.

Section 2. Strategic Planning

On at least an annual basis, the FCFRD, through the Office of the Volunteer Liaison, shall meet (the “Strategic Meeting”) (i) first, with the VFC to develop overall strategic plans for the operation, sustainability, and continued development of the County’s combined career and volunteer fire and rescue system and (ii) second, with each Volunteer Department to discuss the implementation of the strategic plans as it relates to each Volunteer Department. These plans will include, but not be limited to, volunteer utilization, operational posture, facilities, apparatus, capital investment, training and certification, and human resources. The Volunteer Departments will work closely with the FCFRD to implement the strategic plans including, but not limited to, the construction, maintenance, and renovation of each Volunteer Department’s facility.

Section 3. Volunteer Personnel

A. General. Volunteers through the Volunteer Departments provide a source for force multiplication, incident support, and business operations that are vital to the effective delivery of emergency services and

community aid. The efforts of the FCFRD and the Volunteer Departments relating to volunteer personnel resources will be promoted and supported by the VFC and the FCFVRA.

B. Personnel Accounting. Each Volunteer Department will maintain accurate rosters of operational and administrative personnel. Each Volunteer Department will provide the FCFRD with such data as required by the FCFRD to maintain an accurate centralized database of volunteer personnel and their qualifications. The FCFRD database will be considered the master record for personnel accounting.

C. Personnel Fitness. The FCFRD, through the Fairfax County Occupational Health Center, will provide the operational members of each Volunteer Department with medical examinations which are necessary to ensure that each Volunteer Department member maintains the required health standards as set forth by the Standard Operating Procedures and the General Orders of the FCFRD. Additionally, the Volunteer Departments and their members will be provided the results of the medical examination no later than thirty (30) calendar days from the date of each examination. The Volunteer Departments will investigate options for implementing a wellness fitness program for all Operational Volunteers and will report such options to the Fire Chief within twelve (12) months of the implementation of this agreement.

D. Recruitment, Development, and Retention. The Volunteer Departments and the Board shall work together to promote the recruitment, development, and retention of members of the Volunteer Departments, to include the promulgation of joint recruitment programs, volunteer incentive packages, meaningful operational roles for volunteers, professional development opportunities, and training programs. In connection with the recruitment programs of the Volunteer Departments, the FCFRD shall provide assistance to the Volunteer Departments with services relating thereto, including, but not limited to, individual background investigations.

E. Training. The FCFRD, through its Training Division, will provide training to members of the Volunteer Departments. Such training will be sufficient to enable volunteer members to function as emergency responders within the combined system. Training will include initial training, refresher training, advanced/specialty training, and continuing education necessary to attain and maintain certifications and skills required by the FCFRD to function as fully qualified firefighters and emergency medical services personnel. The FCFRD will maintain the master training database.

F. Benefits/Services. Volunteer personnel shall be considered non-compensated employees who are provided certain employee benefits/services; including, but not limited to:

1. Personal Protective Equipment;
2. Occupational Health Center services, and accident and injury insurance while operating as a Fairfax County volunteer;
3. Access to or use of the County's Employee Assistance Program; and
4. Disability and life insurance.

Section 4. Facilities

A. General. As indicated on each Volunteer Department's Schedule A, Volunteer Departments may own, operate, and maintain vital facilities which provide a base of operations for the delivery of emergency services provided by both career and volunteer personnel; serve as rallying points for the public in times of crisis; shelter abandoned children; provide a venue for fundraising, social activities, business operations, and public gatherings; and are landmarks for communities across the County.

B. Maintenance. Volunteer Department facilities must be constructed and maintained to promote the safety and security of career and volunteer personnel who live, work, and sleep therein, and to fulfill their mission to provide emergency services. It is recognized then that the Volunteer Departments that own and are responsible for fire stations and related facilities have a duty to operate and maintain stations and related facilities in a condition suitable for the safety, health, and well-being of those career and volunteer personnel who use them, and to ensure the stations and related facilities meet required operational standards as set forth in the facilities plan developed by the FCFRD and the Volunteer Departments. Prior to Strategic Meetings, each Volunteer Department shall confirm the accuracy of its Schedule A or provide an updated Schedule A to the FCFRD's representative or agent and the VFC (the "Annual Schedule Update").

C. Tracking Finances. Volunteer Departments shall track their fiscal resources, forecast funding requirements for facility management, and provide adequate notification to the Board, the VFC, and the FCFRD when it is anticipated that a significant lapse in facility management, operation, maintenance, renovation, replacement, or construction is expected to occur due to insufficient funds.

D. Facilities Funding Shortfalls. It is recognized that Volunteer Departments do not possess an assured source of income. As non-profit organizations operating without taxing authority, the ability to charge fees for services, or maintain consistent sources of funds, Volunteer Departments may experience funding shortfalls that impact their ability to renovate, maintain or replace existing facilities, or to build new fire stations.

E. Financial Assistance. In the event that any Volunteer Department is unable to adequately maintain or fund a replacement facility when required, such Volunteer Department will take the necessary action to develop a plan in conjunction with the Board and the FCFRD, subject to County wide priorities, to identify and acquire funding sources or to otherwise enable the FCFRD to provide fire and rescue service in the area serviced by such Volunteer Department, which can be accomplished by a partnership or by the Volunteer Department turning over assets to the County.

Section 5. Apparatus and Equipment

A. General. As indicated on each Schedule, Volunteer Departments provide apparatus and equipment for the provision of emergency services and fulfillment of community functions. As described more fully below, apparatus provided by the Volunteer Departments consists of four categories: (i) Frontline Units, (ii) Ready Reserve Units, (iii) Operational Specialty Units, and (iv) Non-Operational Specialty Units.

1. Frontline Units. The Volunteer Departments provide certain vehicles to operate out of the Volunteer Departments' stations, making up the minimum complement of response resources for the FCFRD for each such station. Volunteer-owned Frontline Units will meet the minimum requirements established in the Volunteer Policies and Procedures Manual.

2. Ready Reserve Units. The Volunteer Departments provide and staff certain vehicles (i) to supplement the standard complement of in service operational units staffed throughout the County by the FCFRD (A) in times of increased operational tempo; (B) to replace Frontline Units engaged in long duration emergency incidents or on-duty training evolutions; (C) as standby resources at public gatherings or emergency training evolutions; (D) to augment the standard complement of in service operational units during routine operations, at the discretion of the applicable Volunteer Department; and (E) to temporarily replace Frontline Units, which are out of service for short durations, and (ii) to support the accomplishment of their missions, including, but not limited to (A) community functions, (B) training evolutions, (C) transportation of volunteers to and from events, and (D) business operations.

3. Operational Specialty Units. The Volunteer Departments historically have provided Frontline Units or Ready Reserve Units, which are identified and equipped to provide specialty services to the FCFRD beyond that of basic fire suppression and EMS. Operational Specialty Units include both Heavy Specialty Apparatus and Light Specialty Apparatus. From the date of this Agreement and thereafter, the Volunteer Departments may not purchase any additional Heavy Specialty Apparatus unless agreed upon by a mutual discussion between the Volunteer Department and the FCFRD and based on financial considerations. If an agreement is reached not to replace the unit, at the end of the life cycle of a Heavy Specialty Apparatus, the County will be responsible for the replacement of such units, if deemed appropriate by the FCFRD. Light Specialty Apparatus may continue to be purchased by the Volunteer Departments in coordination with the FCFRD.

4. Non-Operational Specialty Units. The Volunteer Departments provide certain vehicles for administrative or ceremonial functions.

5. Utility Units. The Volunteer Departments provide certain support vehicles such as pickup trucks, SUVs, and sedans used to transport equipment and personnel while doing fire department business including administrative work and supporting FCFRD operations.

B. Volunteer Provision of Apparatus. Each Volunteer Department will continue to provide apparatus (other than Operational Specialty Units as specified in Article III, Section 5(A) (3)) to the County in the numbers agreed upon in its Schedule A. Operational Specialty Units owned by a Volunteer Department may be reallocated to fire stations throughout the County, including those unaffiliated with a Volunteer Department, in

accordance with the emergency services needs of the County and the operational plans developed with the input of both the Volunteer Departments and the FCFRD. In the event of an extended or permanent reallocation of any Heavy Specialty apparatus owned by a Volunteer Department, such Volunteer Department shall consent, in its reasonable and sole discretion to such reallocation, and the FCFRD shall provide appropriate compensation determined by fair market value to such Volunteer Department.

C. Apparatus Acquisition Assistance. Each Volunteer Department will work closely with the FCFRD to develop a plan for the purchase, maintenance, and replacement of apparatus owned by each such Volunteer Department.

1. Replacement Plan. Each Volunteer Department will provide the County with a replacement plan, which has been negotiated between the Volunteer Department and the County, for apparatus based on the mileage and expected service life of the various types of apparatus. This plan will be reviewed annually in August by the VFC and will be approved by the VFC and the Fire Chief. Each department must update or reaffirm its plan in conjunction with the schedule needed by the Volunteer Liaison to meet the August review. By reaffirming or updating its plan, the Volunteer Department commits to meet any purchasing, refurbishment or replacement requirements in the approved plan for the next twelve (12) months. Any exceptions to that schedule during the year must be brought to the VFC and the Fire Chief as soon as they are identified for consideration.

2. Stipends. In consideration of the apparatus contributions by the Volunteer Departments, the County will provide apparatus stipends to assist the Volunteer Departments with their principal payments of loans acquired for the acquisition of such apparatus. The provision of stipends by the County is subject to the availability of annual appropriations by the Board and in no way commits or obligates the County to continued provision of stipends. Additionally, the County and the Volunteer Departments will consider partnerships to meet apparatus needs.

3. Maintenance, Fuel and Insurance. The County agrees to provide vehicle maintenance, fuel, and insurance for Approved Apparatus acquired by the Volunteer Departments.

4. Purchase Assistance. Throughout the process of purchasing apparatus, the FCFRD will assist each Volunteer Department in the design, construction, and acceptance of apparatus and other equipment required for providing emergency services.

5. Capital Fund Contributions. The County may provide the Volunteer Departments with a Capital Fund Contribution to be used for either facilities or apparatus, subject to the availability of annual appropriations by the Board. Nothing contained herein should be construed to commit or obligate the County to the continued provision of funds.

Section 6: Territorial Agreements

Territorial Agreements shall be approved by the Board to confirm the tax exempt status of Volunteer Departments to permit the Volunteer Departments to obtain low interest loans for the purchase of facilities, apparatus, and equipment. This Agreement will not affect the terms or obligations of any existing Territorial Agreements between the Board and any Volunteer Department.

Section 7: Capital Improvement Program

The Volunteer Departments and the County will take necessary steps to ensure the inclusion of funding into the CIP as needed and to provide for the maintenance, upgrade, and replacement of facilities. Volunteer owned facilities will not be included in the CIP until an agreement is reached to transfer the facility to the County.

Section 8. Standards of Operation

The FCFRD shall confer, consult, and obtain the input of the Volunteer Departments, through the VFC and the Volunteer Liaison, when changes to Standard Operating Procedures, General Orders, Volunteer Policies and Procedures Manual, and Rules and Regulations, are under consideration.

Section 9. County Contributions and Grants

Assistance under this Agreement may include financial assistance by the County to the Volunteer Departments and shall be subject to the County's auditing procedures. Funding is subject to the availability and appropriation of funds by the Board and will be provided in accordance with the terms of this Agreement. Payment of financial assistance may be made through reimbursement arrangements between the County and applicable Volunteer Department. The procedures for the provision of funds will be mutually agreed upon by the County and the relevant Volunteer Department.

Section 10. Provision of Information

Upon the request of the County a Volunteer Department, will provide the FCFRD, with its Schedule A, as well as any relevant information needed to assist the FCFRD and the Volunteer Department(s) in their joint determination of the viability and solvency of such Volunteer Department, as well as the potential for continued, successful operations. Each Volunteer Department shall provide a financial report to the VFC and the FCFRD on an annual basis, which will be due in August.

ARTICLE IV – AGREEMENT TERM AND TERMINATION

Section 1. Term

This Agreement is between the County and each of the undersigned Volunteer Departments. With respect to individual Volunteer Departments, this Agreement shall commence upon its execution by the County and each Volunteer Department and shall continue in effect until terminated in accordance with the terms of this Agreement. The non-execution of this Agreement by any Volunteer Department shall not affect the validity and effectiveness of this Agreement as between any Volunteer Department executing this Agreement and the County.

Section 2. Termination by a Volunteer Department

If any Volunteer Department desires to terminate its participation in this Agreement, it shall provide ninety (90) days written notice of its intent to terminate to the Board, the VFC, the FCFRD, and each of the other Volunteer Department in accordance with the notice provisions of Article V, Section 1. If such notice is not rescinded within the ninety (90) day period, the Volunteer Department shall be considered terminated and no longer a party to this Agreement. The termination by any Volunteer Department of its participation in this Agreement shall not affect the continued validity and effectiveness of this Agreement between the remaining Volunteer Departments and the Board.

Section 3. Termination by the Board

If the Board desires to terminate this Agreement, it shall provide ninety (90) days written notice of its intention to do so to each Volunteer Department, the VFC and the FCFRD in accordance with the notice provisions of Article V, Section 1, and if such notice is not rescinded within such ninety (90) day period, this Agreement shall terminate.

ARTICLE V – MISCELLANEOUS

Section 1. Notices

Any notice or communication of any concerning this Agreement shall be deemed to have been duly given upon receipt by the County Executive, the Chairman of the Board, and the Presidents and Chiefs of the participating volunteer departments. Any such notice or communication to a party hereto shall be made in writing, by mail, email, fax, overnight delivery service, courier, or in person.

Section 2. Successors and Assigns

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

Section 3. Governing Law

This Agreement shall be governed by the laws of the Commonwealth of Virginia as interpreted by the Fairfax County Circuit Court.

Section 4. Severability

In the event that any provision of this Agreement is deemed to be invalid or unenforceable, it shall not operate to render any other provision of this Agreement invalid or unenforceable.

Section 5. Dispute Resolution

In the event of a dispute under this Agreement between any Volunteer Department and the Board, the parties to the dispute shall promptly attempt to negotiate a resolution to such dispute within a reasonable time. If the dispute is not resolved within a reasonable time, not to exceed sixty (60) days unless otherwise agreed in writing by the disputing parties, then such dispute may be resolved by binding arbitration if each party to the dispute mutually agrees to arbitration. In the event of binding arbitration, the parties to the dispute shall provide notice to the VFC, the FCFRD, and all other Volunteer Departments and submit to arbitration governed by the Commercial Arbitration Rules of the American Arbitration Association in Fairfax, Virginia or as otherwise agreed upon by such parties. The cost of arbitration will be shared by the involved parties.

Section 6. Amendments

This Agreement may not be amended, supplemented, or modified without the prior written notice to and with the written consent of all the parties hereto; provided, that each Volunteer Department may from time to time update its Schedule A to accurately reflect the items included therein.

Section 7. Counterparts

This Agreement may be executed in one or more counterparts, each of which shall constitute one and the same instrument. Facsimile copies, portable document format (PDF) copies, and electronic copies of signatures shall be deemed identical to original signatures for purposes of this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, as of the date and year first above written.

FAIRFAX COUNTY BOARD OF SUPERVISORS

[Name]
[Title]

**ANNANDALE VOLUNTEER FIRE DEPARTMENT,
STATION 8 and 23**

Name:
Title:

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, as of the date and year first above written.

FAIRFAX COUNTY BOARD OF SUPERVISORS

[Name]
[Title]

**BAILEY'S CROSSROADS VOLUNTEER FIRE
DEPARTMENT, STATION 10**

Name:
Title:

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, as of the date and year first above written.

FAIRFAX COUNTY BOARD OF SUPERVISORS

[Name]
[Title]

**BURKE VOLUNTEER FIRE AND RESCUE
DEPARTMENT, STATION 14**

Name:
Title:

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, as of the date and year first above written.

FAIRFAX COUNTY BOARD OF SUPERVISORS

[Name]
[Title]

**CENTREVILLE VOLUNTEER FIRE DEPARTMENT,
STATIONS 17 AND 38**

Name:
Title:

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, as of the date and year first above written.

FAIRFAX COUNTY BOARD OF SUPERVISORS

[Name]
[Title]

**DUNN LORING VOLUNTEER FIRE AND RESCUE
DEPARTMENT, STATION 13**

Name:
Title:

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, as of the date and year first above written.

FAIRFAX COUNTY BOARD OF SUPERVISORS

[Name]
[Title]

**FAIR OAKS VOLUNTEER FIRE AND RESCUE
COMPANY, STATION 21**

Name:
Title:

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, as of the date and year first above written.

FAIRFAX COUNTY BOARD OF SUPERVISORS

[Name]
[Title]

**FRANCONIA VOLUNTEER FIRE AND RESCUE
DEPARTMENT, STATIONS 5 AND 37**

Name:
Title:

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, as of the date and year first above written.

FAIRFAX COUNTY BOARD OF SUPERVISORS

[Name]
[Title]

**GREATER SPRINGFIELD VOLUNTEER FIRE
DEPARTMENT, STATION 22**

Name:
Title:

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, as of the date and year first above written.

FAIRFAX COUNTY BOARD OF SUPERVISORS

[Name]
[Title]

**GREAT FALLS VOLUNTEER FIRE DEPARTMENT,
STATION 12**

Name:
Title:

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, as of the date and year first above written.

FAIRFAX COUNTY BOARD OF SUPERVISORS

[Name]
[Title]

**LORTON VOLUNTEER FIRE DEPARTMENT,
STATION 19**

Name:
Title:

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, as of the date and year first above written.

FAIRFAX COUNTY BOARD OF SUPERVISORS

[Name]
[Title]

**MCLEAN VOLUNTEER FIRE DEPARTMENT,
STATION 1**

Name:
Title:

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, as of the date and year first above written.

FAIRFAX COUNTY BOARD OF SUPERVISORS

[Name]
[Title]

**VIENNA VOLUNTEER FIRE DEPARTMENT,
STATION 2**

Name:
Title:

Schedule A

Statement of Facilities and Resources

An below indicates the relevant station and the applicable Volunteer Department:

- Annandale Volunteer Fire Department, Station 8
- Annandale Volunteer Fire Department, Station 23
- Bailey's Crossroads Volunteer Fire Department, Station 10
- Burke Volunteer Fire and Rescue Department, Station 14
- Centreville Volunteer Fire Department, Station 17
- Centreville Volunteer Fire Department, Station 38
- Dunn Loring Volunteer Fire and Rescue Department, Station 13
- Fair Oaks Volunteer Fire and Rescue Company, Station 21
- Franconia Volunteer Fire and Rescue Department, Station 5
- Franconia Volunteer Fire and Rescue Department, Station 37
- Greater Springfield Volunteer Fire Department, Station 22
- Great Falls Volunteer Fire Department, Station 12
- Lorton Volunteer Fire Department, Station 19
- McLean Volunteer Fire Department, Station 1
- Vienna Volunteer Fire Department, Station 2

(Place signature lines for executing parties below)

Attachment 1

III. Facility and Resources

As of the date of this Agreement, the Volunteer Department has title to the land and improvements listed on Exhibit A hereto, and the County has title to the land and improvements listed on Exhibit B hereto. The below checklist indicates which facilities and resources are owned by the Volunteer Department and the County.

<i>Volunteer Department</i>	<i>The County</i>
A. Building Areas <input type="checkbox"/> Control Room <input type="checkbox"/> Staff Office <input type="checkbox"/> Volunteer Staff Office <input type="checkbox"/> Conference Room <input type="checkbox"/> Training Room <input type="checkbox"/> Laundry Room <input type="checkbox"/> Decontamination room <input type="checkbox"/> Kitchen Room <input type="checkbox"/> Dining Area <input type="checkbox"/> Dayroom <input type="checkbox"/> Shop <input type="checkbox"/> Storage <input type="checkbox"/> EMS storage <input type="checkbox"/> Weight room <input type="checkbox"/> Battalion management office <input type="checkbox"/> Male bunk and locker facility <input type="checkbox"/> Female bunk and locker facility <input type="checkbox"/> Unisex bunk and locker facility <input type="checkbox"/> Male showers <input type="checkbox"/> Female showers <input type="checkbox"/> Social/ community hall <input type="checkbox"/> Hall kitchen <input type="checkbox"/> Patio/courtyard <input type="checkbox"/> Volunteer leadership offices No. _____ <input type="checkbox"/> Drive thru apparatus bays No. _____ <input type="checkbox"/> Non-drive thru apparatus bays No. _____ <input type="checkbox"/> Parking Facility No. of personnel spaces _____ No. of handicap _____ No. of visitor _____	A. Building Areas <input type="checkbox"/> Control Room <input type="checkbox"/> Staff Office <input type="checkbox"/> Volunteer Staff Office <input type="checkbox"/> Conference Room <input type="checkbox"/> Training Room <input type="checkbox"/> Laundry Room <input type="checkbox"/> Decontamination room <input type="checkbox"/> Kitchen Room <input type="checkbox"/> Dining Area <input type="checkbox"/> Dayroom <input type="checkbox"/> Shop <input type="checkbox"/> Storage <input type="checkbox"/> EMS storage <input type="checkbox"/> Weight room <input type="checkbox"/> Battalion management office <input type="checkbox"/> Male bunk and locker facility <input type="checkbox"/> Female bunk and locker facility <input type="checkbox"/> Unisex bunk and locker facility <input type="checkbox"/> Male showers <input type="checkbox"/> Female showers <input type="checkbox"/> Social/ community hall <input type="checkbox"/> Hall kitchen <input type="checkbox"/> Patio/courtyard <input type="checkbox"/> Volunteer leadership offices No. _____ <input type="checkbox"/> Drive thru apparatus bays No. _____ <input type="checkbox"/> Non-drive thru apparatus bays No. _____ <input type="checkbox"/> Parking Facility No. of personnel spaces _____ No. of handicap _____ No. of visitor _____

<p>B. Apparatus</p> <ul style="list-style-type: none"> <input type="checkbox"/> Frontline Engine <input type="checkbox"/> Frontline Aerial <input type="checkbox"/> Frontline Heavy Rescue <input type="checkbox"/> Frontline EMS Transport Unit <input type="checkbox"/> Frontline Other Specialty Units No. and type: _____ <input type="checkbox"/> Canteen/Rehab Vehicle No. and type: _____ <input type="checkbox"/> Support Vehicles (buggies, etc.) No., type and use: _____ <input type="checkbox"/> Ready Reserve Engine <input type="checkbox"/> Ready Reserve EMS Transport Unit No.: _____ <input type="checkbox"/> Reserve Engine No.: _____ <input type="checkbox"/> Reserve EMS Transport Unit No.: _____ <input type="checkbox"/> Other vehicles No., type and use: _____ 	<p>B. Apparatus</p> <ul style="list-style-type: none"> <input type="checkbox"/> Frontline Engine <input type="checkbox"/> Frontline Aerial <input type="checkbox"/> Frontline Heavy Rescue <input type="checkbox"/> Frontline EMS Transport Unit <input type="checkbox"/> Frontline Other Specialty Units No. and type: _____ <input type="checkbox"/> Canteen/Rehab Vehicle No. and type: _____ <input type="checkbox"/> Support Vehicles (buggies, etc.) No., type and use: _____ <input type="checkbox"/> Ready Reserve Engine <input type="checkbox"/> Ready Reserve EMS Transport Unit No.: _____ <input type="checkbox"/> Reserve Engine No.: _____ <input type="checkbox"/> Reserve EMS Transport Unit No.: _____ <input type="checkbox"/> Other vehicles No., type and use: _____
<p>C. Appliances and Equipment</p> <ul style="list-style-type: none"> <input type="checkbox"/> Refrigerator No. _____ <input type="checkbox"/> Stove No. _____ <input type="checkbox"/> Oven No. _____ <input type="checkbox"/> Microwave No. _____ <input type="checkbox"/> Dishwasher No. _____ <input type="checkbox"/> Garbage Disposal No. _____ <input type="checkbox"/> Ice Machine No. _____ <input type="checkbox"/> Vending Machine No. _____ <input type="checkbox"/> Water Dispenser No. _____ <input type="checkbox"/> Gas Grill No. _____ <input type="checkbox"/> T.V. No. _____ <input type="checkbox"/> VCR/DVD Player No. _____ <input type="checkbox"/> Cable/Satellite <input type="checkbox"/> Clothes Washer No. _____ <input type="checkbox"/> Clothes Dryer No. _____ <input type="checkbox"/> Hot Water Heater No. _____ <input type="checkbox"/> HVAC <input type="checkbox"/> Gear Storage <input type="checkbox"/> Internet Connectivity <input type="checkbox"/> Wireless Internet Access <input type="checkbox"/> Computers No. _____ <input type="checkbox"/> Printers No. _____ <input type="checkbox"/> LCD Projectors No. _____ <input type="checkbox"/> Fax Machines No. _____ <input type="checkbox"/> Weight Equipment <input type="checkbox"/> Communications Equipment <input type="checkbox"/> Phone Systems <input type="checkbox"/> Vehicle Exhaust Systems <input type="checkbox"/> Building Emergency Generators 	<p>C. Appliances and Equipment</p> <ul style="list-style-type: none"> <input type="checkbox"/> Refrigerator No. _____ <input type="checkbox"/> Stove No. _____ <input type="checkbox"/> Oven No. _____ <input type="checkbox"/> Microwave No. _____ <input type="checkbox"/> Dishwasher No. _____ <input type="checkbox"/> Garbage Disposal No. _____ <input type="checkbox"/> Ice Machine No. _____ <input type="checkbox"/> Vending Machine No. _____ <input type="checkbox"/> Water Dispenser No. _____ <input type="checkbox"/> Gas Grill No. _____ <input type="checkbox"/> T.V. No. _____ <input type="checkbox"/> VCR/DVD Player No. _____ <input type="checkbox"/> Cable/Satellite <input type="checkbox"/> Clothes Washer No. _____ <input type="checkbox"/> Clothes Dryer No. _____ <input type="checkbox"/> Hot Water Heater No. _____ <input type="checkbox"/> HVAC <input type="checkbox"/> Gear Storage <input type="checkbox"/> Internet Connectivity <input type="checkbox"/> Wireless Internet Access <input type="checkbox"/> Computers No. _____ <input type="checkbox"/> Printers No. _____ <input type="checkbox"/> LCD Projectors No. _____ <input type="checkbox"/> Fax Machines No. _____ <input type="checkbox"/> Weight Equipment <input type="checkbox"/> Communications Equipment <input type="checkbox"/> Phone Systems <input type="checkbox"/> Vehicle Exhaust Systems <input type="checkbox"/> Building Emergency Generators
<p>D. Furniture, Fixtures and Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Couches No. _____ <input type="checkbox"/> Chairs No. _____ <input type="checkbox"/> Coffee table No. _____ <input type="checkbox"/> End tables No. _____ <input type="checkbox"/> Recliners No. _____ <input type="checkbox"/> Gear Storage <input type="checkbox"/> Signage <input type="checkbox"/> Other (list unique items attached to the structure such as weight machines) 	<p>D. Furniture, Fixtures and Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Couches No. _____ <input type="checkbox"/> Chairs No. _____ <input type="checkbox"/> Coffee table No. _____ <input type="checkbox"/> End tables No. _____ <input type="checkbox"/> Recliners No. _____ <input type="checkbox"/> Gear Storage <input type="checkbox"/> Signage <input type="checkbox"/> Other (list unique items attached to the structure such as weight machines)

Attachment 1

E. Utilities	E. Utilities
<input type="checkbox"/> Electricity <input type="checkbox"/> Water <input type="checkbox"/> Sewer <input type="checkbox"/> Trash Pickup <input type="checkbox"/> Basic Cable <input type="checkbox"/> Extended Cable <input type="checkbox"/> Natural Gas	<input type="checkbox"/> Electricity <input type="checkbox"/> Water <input type="checkbox"/> Sewer <input type="checkbox"/> Trash Pickup <input type="checkbox"/> Basic Cable <input type="checkbox"/> Extended Cable <input type="checkbox"/> Natural Gas

Other station or department specific items are listed below:

Exhibit A to Schedule A

Volunteer Department - Legal Definition of Land and Improvements

Exhibit B to Schedule A

County - Legal Definition of Land and Improvements

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ACTION – 2

Endorsement of Applications for Safe Routes to School Grant (Hunter Mill and Providence Districts)

ISSUE:

Board endorsement of proposed Virginia Department of Transportation (VDOT) Safe Routes to School (SRTS) project applications submitted to the Commonwealth Transportation Board (CTB) for funding consideration in FY 2013.

RECOMMENDATION:

The County Executive recommends the Board take the following actions:

1. Endorse the SRTS projects for which applicants have submitted School Travel Plans and qualify for SRTS Infrastructure Grant funding.
2. Approve a Project Endorsement Resolution for each project application endorsed by the Board (Attachments I through VII).

The Board should be aware that any approved funds will be distributed by VDOT through the jurisdiction endorsing the project and that jurisdictions endorsing SRTS projects will be responsible for any cost overruns. The Board should also be aware that VDOT's SRTS program regulations require the sponsoring jurisdiction to accept responsibility for future maintenance and operating cost of any projects that are funded.

TIMING:

Action should be taken on this item on February 26, 2013. Applicants completed their applications by VDOT's deadline of January 25, 2013, and VDOT indicated that subsequent application endorsement by the Board was acceptable.

BACKGROUND:

Safe Routes to School is a program to encourage community involvement in increasing the number of children that walk or bike to school. Each SRTS application must be generated from a School Travel Plan that is coordinated with the schools and the surrounding community. SRTS program Infrastructure Grant applications can be submitted by a group or school system, but are subject to public involvement and endorsement by the local jurisdiction.

The VDOT SRTS funding available in FY 2013 is a special round of awards using previously unobligated funds. The funding available in FY 2013 for SRTS is separate from the FY 2014 Transportation Alternatives Program. Two FCPS schools have met the

Board Agenda Item
February 26, 2013

VDOT requirements for School Travel Plan submission, and were required to obtain Board endorsement of the Infrastructure Grant. (Separately, Fairfax County Public Schools (FCPS) schools in the Town of Vienna are also applying for SRTS with Town of Vienna endorsement.)

The Flint Hill Elementary School (FHES) SRTS applicant is requesting Board endorsement of their SRTS Infrastructure Grant request for potentially funding up to three projects:

- \$130,000 to improve the pedestrian infrastructure and add Rectangular Rapid Flash Beacons (RRFB) at the Flint Hill Road and Vale Road intersection;
- \$105,000 to improve the pedestrian infrastructure at the crosswalk on Flint Hill Road in front of FHES with a raised crosswalk and RRFBs;
- \$135,000 to construct a new walkway/bikeway from FHES to Lindel Lane.

The Graham Road Elementary School (GRES) SRTS applicant is requesting Board endorsement of their SRTS Infrastructure Grant request for potentially funding up to two projects:

- \$165,000 to improve the pedestrian infrastructure at the crosswalk in front of GRES at the Graham Road and Oakland Avenue intersection with a raised median and RRFBs;
- \$165,000 to improve the pedestrian infrastructure at the crosswalk at the Graham Road and Rosemary Lane intersection with a raised median and RRFBs.

FISCAL IMPACT:
None at this time.

ENCLOSED DOCUMENTS:

Attachment I: Flint Hill Elementary School Project Endorsement Resolution
Attachment II: Flint Hill Elementary School Project Endorsement Resolution
Attachment III: Flint Hill Elementary School Project Endorsement Resolution
Attachment IV: Graham Road Elementary School Project Endorsement Resolution
Attachment V: Graham Road Elementary School Project Endorsement Resolution

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT
Karyn Moreland, Acting Chief, Capital Projects and Operations Division, FCDOT
Kenneth Kanownik, Transportation Planner, Coordination and Funding Division, FCDOT
Chris Wells, Pedestrian Program Manager, Capital Projects Section, FCDOT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, February 26, 2013, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with Safe Routes to School guidelines, it is necessary that a request by resolution be received from the local governing body support, by resolution, a proposed Safe Routes to School infrastructure project.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax Board of Supervisors supports Flint Hill Elementary School's Safe Routes to School Infrastructure Grant Application, in the amount of \$130,000, for the proposed project at the intersection of Flint Hill Road and Vale Road.

BE IT FURTHER RESOLVED, that the Board acknowledges this is a locally-administered, reimbursement project. And that Fairfax County will enter into the agreement with the Virginia Department of Transportation.

Adopted this ____ day of _____, 2013, Fairfax, Virginia

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

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, February 26, 2013, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with Safe Routes to School guidelines, it is necessary that a request by resolution be received from the local governing body support, by resolution, a proposed Safe Routes to School infrastructure project.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax Board of Supervisors supports Flint Hill Elementary School's Safe Routes to School Infrastructure Grant Application, in the amount of \$105,000, for the proposed project at the crosswalk on Flint Hill Road in front of Flint Hill Elementary School.

BE IT FURTHER RESOLVED, that the Board acknowledges this is a locally-administered, reimbursement project. And that Fairfax County will enter into the agreement with the Virginia Department of Transportation.

Adopted this ____ day of _____, 2013, Fairfax, Virginia

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

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, February 26, 2013, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with Safe Routes to School guidelines, it is necessary that a request by resolution be received from the local governing body support, by resolution, a proposed Safe Routes to School infrastructure project.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax Board of Supervisors supports Flint Hill Elementary School's Safe Routes to School Infrastructure Grant Application, in the amount of \$135,000, for the proposed project connecting Flint Hill Elementary School and Lindel Lane.

BE IT FURTHER RESOLVED, that the Board acknowledges this is a locally-administered, reimbursement project. And that Fairfax County will enter into the agreement with the Virginia Department of Transportation.

Adopted this ____ day of _____, 2013, Fairfax, Virginia

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

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, February 26, 2013, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with Safe Routes to School guidelines, it is necessary that a request by resolution be received from the local governing body support, by resolution, a proposed Safe Routes to School infrastructure project.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax Board of Supervisors supports Graham Road Elementary School's Safe Routes to School Infrastructure Grant Application, in the amount of \$165,000, for the proposed project at the crosswalk in front of Graham Road Elementary School at the intersection of Graham Road and Oakland Avenue.

BE IT FURTHER RESOLVED, that the Board acknowledges this is a locally-administered, reimbursement project. And that Fairfax County will enter into the agreement with the Virginia Department of Transportation.

Adopted this ____ day of _____, 2013, Fairfax, Virginia

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

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, February 26, 2013, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with Safe Routes to School guidelines, it is necessary that a request by resolution be received from the local governing body support, by resolution, a proposed Safe Routes to School infrastructure project.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax Board of Supervisors supports Graham Road Elementary School's Safe Routes to School Infrastructure Grant Application, in the amount of \$165,000, for the proposed project at the crosswalk at the intersection of Graham Road and Rosemary Lane.

BE IT FURTHER RESOLVED, that the Board acknowledges this is a locally-administered, reimbursement project. And that Fairfax County will enter into the agreement with the Virginia Department of Transportation.

Adopted this ____ day of _____, 2013, Fairfax, Virginia

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

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ACTION – 3

Lease Agreement for Commuter Parking at American Legion, Post 176 (Lee District)

ISSUE:

To execute a lease agreement with American Legion for additional commuter parking.

RECOMMENDATION:

The County Executive recommends that the Board:

1. Approve the attached agreement to provide essential commuter parking at American Legion, Post 176.
2. Authorize the Director, Fairfax County Department of Transportation, to execute this agreement.

TIMING:

Board approval is requested on January 26, 2013, so that the agreement with American Legion can be executed in a timely manner.

BACKGROUND:

Between 1999 and 2001, The Board approved licensed parking agreements with three organizations to provide commuter parking spaces in support of the Springfield I-95/395/495 interchange construction project. On June 7, 1999, the Board approved the lease of 1,000 spaces from Springfield Mall's Macy's parking garage. That agreement was amended to 500 spaces on April 26, 2004, after the opening of additional parking at the Franconia-Springfield Metrorail Station. On October 3, 2000, an agreement was made with Springfield Plaza for the lease of 75 spaces; and on July 16, 2001, 100 spaces were leased from American Legion Post 176. On December 31, 2008, the County lost the lease of the 75 spaces at Springfield Plaza. In May 2012, a subsequent agreement between Springfield Plaza and Fairfax County allowed the County to continue to lease 108 spaces.

The commuter spaces at the American Legion, Old Keene Mill Park-and-Ride, Springfield United Methodist Church, and Springfield Plaza are more than 100 percent utilized. The total commuter spaces for these four locations is 540 parking spaces, Due to increasing ridership demands and commuter activity in this area of Springfield,

Board Agenda Item
February 26, 2013

the County is seeking to maintain the current parking inventory. American Legion approached the County in November 2012 to renegotiate their lease agreement with the County. The attached lease agreement includes a rate increase that is equitable, based on other park-and-ride arrangements in the area.

FISCAL IMPACT:

The American Legion, Post 176 is requesting a \$.50 per space increase to their existing payment from the County. Existing funds in Fund 100 are sufficient to cover the \$36,000 total annual lease payment.

ATTACHMENTS:

Attachment I: Lease Agreement
Attachment II: Map of American Legion Post #176 Lot

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Transit Service Division, FCDOT
Heather Diez, Facilities Manager, Fairfax Connector Section, FCDOT
Karen Payne, Park and Ride Coordinator, Fairfax Connector Section, FCDOT

AMERICAN LEGION POST #176
PARK AND RIDE LICENSE AGREEMENT

This License Agreement, made this _____ day of _____, 2013, by and between (a) American Legion Post, #176 (hereinafter referred to as “the POST”), having an address of 6520 Amherst Avenue, Springfield, Virginia 22150; and (b) the BOARD OF SUPERVISORS OF FAIRFAX COUNTY (“the County”), a body politic of Virginia, having an address of 12000 Government Center Parkway, Fairfax, Virginia 22035.

WHEREAS, County continues to support public transportation services, facilities, and commuter park-and-ride lots as effective traffic mitigation facilities; and

WHEREAS, roadway improvements to the I-95/395/495 interchange for an extended construction period will contribute to increased Metrorail and High Occupancy Vehicle (“HOV”) usage during peak travel times; and

WHEREAS, County desires to enter into a license agreement with the POST for parking spaces in order to provide additional commuter parking, and

WHEREAS, the POST, located at the 6520 Amherst Avenue, Springfield, Virginia, has available 100 spaces for commuter parking on weekdays between 5:00am and 8:00pm; and

WHEREAS, the POST is the owner of the parking area to be designated as commuter parking pursuant to this Agreement;

NOW, THEREFORE, for and in consideration of the mutual promises and agreements set forth below, the POST and County agree as follows:

1. One hundred (100) parking spaces in the POST parking lot, which are shown on the plan attached hereto and incorporated herein as Exhibit I, will be reserved for use by commuters, who will carpool, vanpool, or ride public transportation.
2. a. The amount of license payments payable to the POST shall be Three Thousand dollars (\$3,000) per month based on 100 spaces @ \$30.00 per space per month. Quarterly payments shall be in the amount of Nine Thousand dollars (\$9,000) for each full quarter. If for any reason the parking spaces are not available for the full quarter, the license payment shall be prorated accordingly.

b. Fairfax County Department of Transportation (FCDOT) shall make license payments to the POST on a quarterly basis, with payment being made within thirty (30) working days after receipt of the POST's quarterly invoice. Quarters are designated as July 1 – September 30, October 1 – December 31, January 1 – March 31, and April 1 – June 30.

c. The POST shall submit a quarterly invoice to:

County of Fairfax
Department of Transportation
Park and Ride Coordinator
4050 Legato Road, Suite 400
Fairfax, VA 22033-2895

d. The license payment to the POST shall be forwarded to:

David F. Wallace
Commander
American Legion Post #176
6520 Amherst Avenue
Springfield, Virginia 22150

3. As part of its continuing maintenance of the parking lot, the POST will continue to provide lighting, sweeping, and snow removal with respect to the Commuter Parking spaces.
4. POST agrees to provide the County with the use of the parking spaces covered by this Agreement free and clear of all obstructions, and upon termination of this Agreement or any extension of the term hereof, the County shall leave said parking spaces in good condition, normal wear and tear excepted. The County shall be permitted to inspect the parking spaces shown on Exhibit I and shall within five (5) days advise the POST of the existence of any conditions that may be hazardous. After having been so notified by the County, the POST shall have fourteen (14) days in which to eliminate the hazardous condition or offer to the County alternative spaces on the subject property.
5. In cooperation with the POST, the County shall provide appropriate signage for the POST to direct commuters to the Commuter Parking Area (the location and

installation of such signage to be subject to Landlord's prior approval), and may install commuter parking signs if indicated by the POST, at no expense to the POST.

6. County shall obtain and keep in force throughout the duration of this Agreement a Commercial General Liability Insurance policy in the limit of \$2,000,000.00 per occurrence and in the aggregate. Claims, suits or actions brought on account of any injury or damage sustained to any person, or to the property of any person, while utilizing the Commuter parking Area or as a direct result of utilizing the Commuter Parking Area, should be directed to:

Claims Manager, Risk Management
County of Fairfax County
12000 Government Center Parking, Suite 215
Fairfax, Virginia 22035-5511

The liability insurance policy shall name the POST as additional insured and shall provide 45 days prior written notice of cancellation to the POST from the insurance company. It is expressly agreed that County does not indemnify or hold harmless the POST for or against any claim brought by any party against the POST.

7. The POST shall monitor and enforce all parking regulations concerning where and when parking shall be permitted, consistent with this Agreement and Landlord's general practices regarding parking at the POST. Parking by commuters in the Commuter Parking Area shall be permitted only in clearly identified spaces (consistent with paragraph 4 herein), between the hours of 5 a.m. and 10 p.m., Monday through Friday. These spaces shall be available for use by other visitors to the POST at all other times.
8. County shall be permitted to include the POST's Commuter Parking Area in promotional literature about commuter parking lots located in Fairfax County.
9. Upon execution, the parties agree that County may enter upon the POST's property for the purpose of restriping the commuter parking spaces that are the subject of this license agreement.
10. The parties agree that this Agreement shall be effective on the date that it is executed by all parties hereto, and that the obligation to pay the license payments provided herein shall accrue on that date; provided, however, that either party shall have the right to terminate this Agreement, with or without cause, upon thirty (30) days written

notice to the other party. The parties further agree that this Agreement shall continue in force until terminated as provided herein.

11. County's covenants to make license payments, to provide insurance (as provided in paragraph 5), to install and maintain signage (as provided in paragraph 4), and all other financial obligations of Fairfax County under this Agreement are subject to annual appropriations by the Fairfax County Board of Supervisors to satisfy payment of such obligations. The County's obligations to make payments during subsequent fiscal years are dependent upon the same action. If such an appropriation is not made for any fiscal year, this Agreement shall terminate effective at the end of the fiscal year for which funds were appropriated and the County will not be obligated to make any payments under this Agreement beyond the amount appropriated for payment obligations under this Agreement. The County will provide the POST with written notice of non-appropriation of funds within thirty (30) calendar days after action is completed by the Board of Supervisors. However, the County's failure to provide such notice will not extend this Agreement into a fiscal year in which sufficient funds have not been appropriated.

12. All notices under this Agreement shall be sent to the following address:

As to County:

Mr. Thomas P. Biesiadny, Director
Department of Transportation
4050 Legato Road, Suite 400
Fairfax, Virginia 22033-2895

As to the POST:

David F. Wallace, Commander
American Legion Post #176
6520 Amherst Avenue
Springfield, VA 22150

13 Nothing in this Agreement shall be construed or interpreted as creating anything other than a license; that is, this agreement shall not be construed or interpreted as creating any other property rights at the location of the POST.

14 This Agreement may not be modified except by a written instrument duly executed by the parties hereto.

- 15 If my provision of this Agreement shall be invalid or unenforceable to any extent, the remainder of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
- 16 The Agreement shall be governed and construed in all respects as between the POST and County, in accordance with the laws of the Commonwealth of Virginia, without regard to conflict of law principles. This Agreement is also subject to and conditioned upon compliance with all applicable state and local building codes and zoning requirements.
- 17 Nothing herein shall be construed by the parties as a waiver of the sovereign immunity of the County of Fairfax.
- 18 Nothing in this Agreement shall be construed as creating any personal liability on the part of any officer, employee or agent of the parties to this Agreement.
- 19 Nothing in this Agreement shall be construed as giving any rights or benefits to anyone other than the parties to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their hands and seals the day and year first written above.

COUNTY:

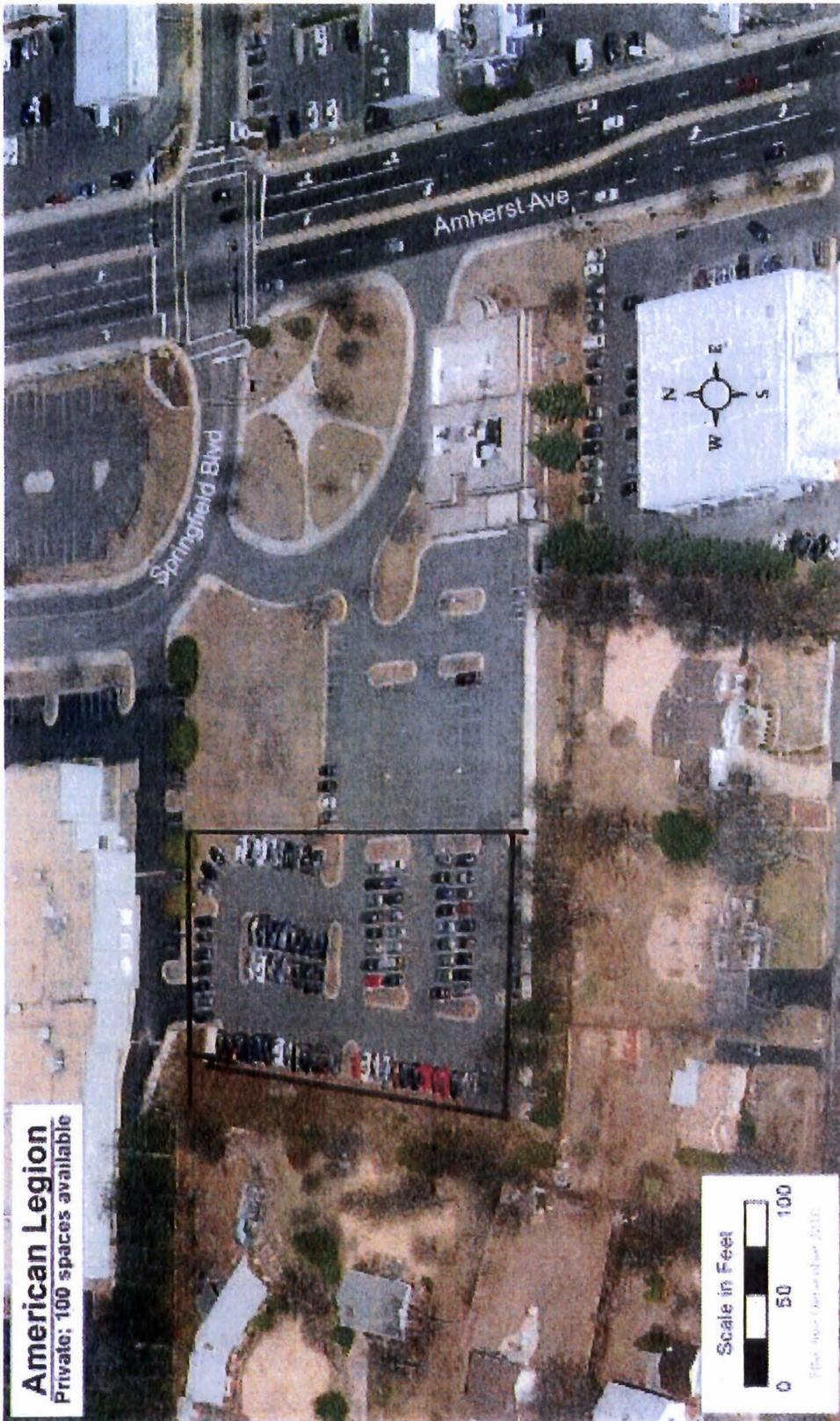
BOARD OF SUPERVISORS OF FAIRFAX
COUNTY, a body politic

POST:

AMERICAN LEGION POST #176

BY: _____
Tom Biesiadny
Director
Fairfax County Department of Transportation

BY: _____
David F. Wallace
Commander
American Legion Post #176



Board Agenda Item
February 26, 2013

12:00 p.m.

Matters Presented by Board Members

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Board Agenda Item
February 26, 2013

12:50 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. *Emmanuel K. Boateng v. Fairfax County Police Department*, Case No. 12-1653 (U.S. Ct. App. 4th Cir.)
 2. *The Newberry Station Homeowners Association, Inc., Brandon Farlander, and Michael Miller v. Board of Supervisors of Fairfax County, Virginia, Iskalo CBR LLC, and the Washington Metropolitan Area Transit Authority*, Case No. CL-2011-0005030 (Fx. Co. Cir. Ct.) (Lee District)
 3. *ELCON Enterprises, Inc. v. County of Fairfax, Virginia, Fairfax County Department of Purchasing and Supply Management, Cathy Muse, and Quality Elevator Co., Inc.*, Case No. CL-2012-0018243 (Fx. Co. Cir. Ct.)
 4. *Jacob Davison v. Fairfax County Department of Public Works and Environmental Services, Audrey Clark, Diana Dyer, and Debra McMahon*, Case No. CL-2013-0001233 (Fx. Co. Cir. Ct.) (Providence District)
 5. *Khadija Ahmed v. Phimmery Mounghoth*, Case No. CL 2012-0002136 (Fx. Co. Cir. Ct.) (Providence District)
 6. *Edward Akowuah v. County of Fairfax, Fairfax County Police Department, Officer G.A. Waked and Does*, Case No. 1:13cv83 (E.D. Va.)

7. *Gary Steven Pisner v. State Building Code Technical Review Board and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia*, Case No. CL-2012-0001462 (Fx. Co. Cir. Ct.) (Springfield District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gene C. Ballard*, Case No. CL-2009-0009095 (Fx. Co. Cir. Ct.) (Lee District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Carolyn Studds*, Case No. CL-2010-0017283 (Fx. Co. Cir. Ct.) (Dranesville District)
10. *The County of Fairfax, Virginia, and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. Brian E. Bennett and Rebecca A. Crump*, Case No. CL-2010-0010469 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tavares Family Limited Partnership*, Case No. CL-2013-0000220 (Fx. Co. Cir. Ct.) (Lee District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tavares Family Limited Partnership*, Case No. CL-2013-0000198 (Fx. Co. Cir. Ct.) (Lee District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Clyde E. Nishimura*, Case No. CL-2012-0005565 (Fx. Co. Cir. Ct.) (Lee District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official v. Reina Meza and Silvio Meza*, Case No. CL-2012-0014556 (Fx. Co. Cir. Ct.) (Providence District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sidney B. Hill and Wanda C. Hill*, Case No. CL-2012-0011053 (Fx. Co. Cir. Ct.) (Hunter Mill District)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Janice A. York-Brown and Willie I. Brown*, Case No. CL-2012-0015616 (Fx. Co. Cir. Ct.) (Lee District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carl H. Richmond, Jr., and Elizabeth S. Richmond, Trustees of the Carl H. Richmond, Jr. Revocable Trust and the Elizabeth S. Richmond Revocable Trust*, Case No. CL-2013-0001344 (Fx. Co. Cir. Ct.) (Lee District)

18. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Hanson A. Gyamfi and Emelia A. Gyamfi, Case No. CL-2012-0004306 (Fx. Co. Cir. Ct.) (Lee District)*
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lois Alford, Case No. CL-2013-0002115 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
20. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kum Hui Krakos, Case No. CL-2013-0002568 (Fx. Co. Cir. Ct.) (Mason District)*
21. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Freddie L. Gaskins and Sandra M. Gaskins, Case No. CL-2013-0002780 (Fx. Co. Cir. Ct.) (Providence District)*
22. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Larry A. Arthur and Julie T. Arthur, Case No. CL-2013-0002869 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert F. Blakemore, Case No. CL-2013-0002868 (Fx. Co. Cir. Ct.) (Providence District)*
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Oscar Fernando Velasco and Ybis Jovana Velasco-Lopez, Case Nos. GV12-028029 and GV12-028030 (Fx. Co. Gen. Dist. Ct.) (Mason District)*
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John A. Moody, Jr., and Sonja A. Moody, Case No. GV13-000262 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rotanna L. Mullen, Case No. GV13-000202 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rafiq M. Bashshiti, Case No. GV13-000935 (Fx. Co. Gen. Dist. Ct.) (Providence District)*
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Nasima Shahreen and Ashrafal Siddique, Case No. GV13-001750 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)*
29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edwin H. Funk, Jr., Case Nos. GV13-003199 and GV13-003355 (Fx. Co. Gen. Dist. Ct.) (Lee District)*

30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Maximiliano M. Saavedra and Marie F. Saavedra*, Case Nos. GV13-003200 and GV13-003299 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Judy V. Marshall*, Case No. GV13-003197 (Fx. Co. Gen. Dist. Ct.) (Providence District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Blaine D. Porter*, Case No. GV13-003198 (Fx. Co. Gen. Dist. Ct.) (Providence District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Nisar Faizi, Malali Faizi, and Daniel Faizi*, Case No. GV13-003214 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
34. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Patience Hann*, Case No. GV13-003212 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
35. *Board of Supervisors of Fairfax County, Virginia v. Equity Homes, LLC, Ray Yancey, Trustee, and Arch Insurance Company*, Case No. CL-2012-0003600 (Fx. Co. Cir. Ct.) (Braddock District)

Board Agenda Item
February 26, 2013

3:30 p.m.

Public Hearing on RZ 2012-MV-004 (8921 Properties, LLC) to Rezone from R-1 to I-4 to Permit a Contractor's Office and Shop, Located on Approximately 42,367 Square Feet of Land (Mount Vernon District)

This property is located on the East side of Telegraph Road approximately 300 feet South of its intersection with Lockport Place. Tax Map 108-1 ((1)) 10.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 10, 2013, the Planning Commission voted 11-0-1 (Commissioner Hedetniemi abstaining) to recommend to the Board of Supervisors:

- Approval of RZ 2012-MV-004, subject to the execution of proffers dated January 8, 2013; and
- Waiver of the interior parking lot landscaping requirement and modification of the peripheral parking lot landscaping requirement, in favor of that shown on the GDP.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4402237.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Nick Rogers, Zoning Evaluation Division, DPZ

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Planning Commission Meeting
January 10, 2013
Verbatim Excerpt

RZ 2012-MV-004 – 8921 PROPERTIES, LLC

Decision Only During Commission Matters
(Public Hearing held on November 29, 2012)

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. First, I would like to invite Sara Mariska – if she would come down in the event that there are any questions. I will be moving on this.

Chairman Murphy: Yes.

Commissioner Flanagan: Well, at the – at the public hearing on – this was heard in November. The public hearing was on November 29 so I'm going to go back and review it a little bit. A public hearing was held on November 29 to consider rezoning the current applicant's property at 8921 Telegraph Road from residential to industrial. The property has been used for open industrial storage and a contractor's office for many years, but was only recently cited in violation of the Zoning Ordinance upon the filing of an anonymous complaint in June 2011. The applicant was granted a stay of proceedings to file a rezoning application so that it would legalize the open industrial storage and office violations. Both the staff and Mount Vernon South County Land Use Committee recommended denial of that proposal with staff outlining its alternative recommendations in their July 12, 2012 staff report. Now before us is a November 15 staff report addendum to rezone from R-1 to R-4 [sic]. The rezoning will not permit open industrial storage, but will permit the continued use of the contractor's office. The public hearing testimony revealed that staff supported the rezoning, but not the Transportation Proffers 3a and 3c for right-of-way and interparcel access. In addition, the South County Land Use Committee had not reviewed the addendum. The Commission granted a deferral until tonight to allow time for resolution and Land Use Committee recommendation. I have worked with the applicant's agent and staff since November 29 – the November 29 public hearing. As a result, you now have received revised proffers yesterday by email dated January 8, which are the latest proffers under consideration tonight. The applicant has now agreed with staff to remove all text after VDOT – the word VDOT in the November 26 Transportation Proffer 3a that would prevent the Board of – that would have prevented the Board of Supervisors or VDOT from demanding dedication if the project was not designed and funded. I have also been provided today by staff with some minor editorial pro-forma text to Proffer 3a that the applicant has agreed to. The applicant has also agreed with staff to remove the last sentence in the November 26 Transportation Proffer 3c, which allowed the applicant the option to request an Access Management Exception to allow the existing access to Telegraph Road to remain. Staff, however, still recommends that the existing access be closed immediately; thereby preventing the tenant contractor the use of the site and office during the two years after rezoning while a new interparcel access is constructed. I do not agree with the staff to punish an innocent tenant by forcing it out of business at that location since a contractor's office will be a permitted use after zoning. After investigation, I am also not aware of any accidents at the existing access location that would warrant closing of that access

during the construction of the new interparcel access. The South County Federation and Land Use Committee have reviewed this - the January 8 addendum and proffers and support the rezoning and proffers. Therefore, I MOVE, Mr. Chairman, THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2012-MV-004, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JANUARY 8, 2013, THAT YOU NOW HAVE WITH PRO-FORMA EDITING AS AGREED THIS DATE BY STAFF AND THE APPLICANT.

Commissioners Litzenberger and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2012-MV-004, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Hedetniemi –

Commissioner Hedetniemi: Abstain.

Chairman Murphy: -abstains. Is that it?

Commissioner Flanagan: Yes, thank you, Mr. Chairman. I also move – finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE INTERIOR PARKING LOT LANDSCAPING REQUIREMENT AND MODIFICATION OF THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENT, IN FAVOR OF THAT SHOWN ON THE GENERALIZED DEVELOPMENT PLAN.

Commissioners Litzenberger and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Mr. Sargeant. Is there a discussion of that motion? All those in favor of that motion, say aye.

Commissioners: Aye.

Commissioner Hedetniemi: Abstain.

Chairman Murphy: Opposed? Motion carries, same abstention.

(The motions carried by votes of 11-0-1 with Commissioner Hedetniemi abstaining.)

JLC

Board Agenda Item
February 26, 2013

4:00 p.m.

Public Hearing on Proposed Area Plans Review (APR) Items 09-IV-2MV and 09-IV-27MV, Located South of Huntington Avenue, East of North Kings Highway, and West of the Huntington Metrorail Station (Mount Vernon District)

ISSUE:

Public Hearing on APR Items 09-IV-2MV and 09-IV-27MV to propose to amend the Comprehensive Plan guidance for a 19.5-acre subject area, located to the west of the Huntington Metrorail Station in Land Unit I of the Huntington Transit Station Area (TSA). The subject area is currently planned for residential use at 16-20 dwelling units per acre. The nominations propose adding options for mixed-use development to include residential, office, retail, and possible hotel uses at an intensity up to 3.0 floor area ratio (FAR).

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 24, 2013, the Planning Commission voted unanimously (Commissioners de la Fe and Migliaccio absent from the meeting) to recommend that the Board of Supervisors adopt the staff alternative for APR 09-IV-2MV and APR 09-IV-27MV, found on pages 16 through 26 of the Staff Report dated October 26, 2012.

The Planning Commission also voted unanimously (Commissioners de la Fe and Migliaccio absent from the meeting) to recommend to the Board of Supervisors that that a small area transportation study be authorized to comprehensively assess transportation needs, evaluate the feasibility of potential changes to traffic patterns, and determine potential small and large-scale multimodal solutions to address transportation issues in the Huntington Transit Station Area. The Planning Commission recommendations are shown in Attachment I.

RECOMMENDATION:

The County Executive recommends that the Board adopt the Planning Commission recommendation to amend the Comprehensive Plan and authorize a transportation study, as shown in Attachment I.

TIMING:

Planning Commission public hearing – January 24, 2013
Board of Supervisors' public hearing – February 26, 2013

Board Agenda Item
February 26, 2013

BACKGROUND:

The Board of Supervisors designated 2009-2010 as the years to review and evaluate recommendations contained in the Comprehensive Plan for the southern part of the County.

The staff recommendation to amend the Comprehensive Plan proposes an alternative to the nominations that would add an option for mixed-use redevelopment up to an intensity of 3.0 FAR to Land Unit I. The land use mix would include approximately 75 percent residential use and 25 percent office use, with ground floor retail use. Approximately 120,000 square feet of office use may be converted to hotel use. Due to the transit-orientation of the proposed redevelopment, the transit development area would be expanded to include Land Unit I. Guidance related to building height, transportation demand management, pedestrian and bicycle connections, urban plazas and parks, affordable housing, and stormwater management is also included. A small area transportation study is also recommended to more comprehensively assess transportation needs in the Huntington Area.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/09-iv-2mvand09-iv-27mv.pdf>

STAFF:

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

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

Kimberly M. Rybold, Planner III, Policy and Plan Development Branch, PD, DPZ

Planning Commission Meeting
January 24, 2013
Verbatim Excerpt

APR 09-IV-2MV AND APR 09-IV-27MV – HUNTINGTON CLUB AREA PLANS REVIEW ITEMS
(NEAR HUNTINGTON METRO STATION)

After Close of the Public Hearing

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

Commissioner Flanagan: Thank you, Mr. Chairman. This has been a long time coming. And I'd like to compliment Mr. Irwin for his endurance and the endurance of all of you who came out tonight on this very cold evening and with some black ice out there. I hope you haven't had any sliding around, but I do appreciate your coming out and supporting Mr. Irwin in this manner. So I'm prepared to offer the revised motion that I transmitted earlier. First I would like to say, though, that I'd like to enter into the record the resolution that was distributed earlier to the Commissioners from the President of the Mount Vernon Council in support of this application.

Chairman Murphy: Without objection.

Commissioner Flanagan: And I'd like to also note a departure from previous resolutions. This one does not - doesn't say, "not opposed." It says, "support the resolution." You'll notice there's a change in the - significant change in the way they're passing their resolutions now.

Commissioner Sargeant: We'll need that bronzed.

Commissioner Flanagan: Anyway –

Chairman Murphy: With a big billboard on Route 1.

Commissioner Flanagan: Anyway, Mr. Chairman, I move that the South County APR Items 09-IV-2MV and 09-IV-27MV, the Huntington Transit Area, Land Use I (*sic*), located south of Huntington Avenue, east of North Kings Highway, and west of the Huntington Metro Station, be adopted. As staff has stated - - in their alternate amendment they recommended that would generally support the nomination, providing an opportunity for transit-oriented redevelopment west of and adjacent to the Huntington Metro Station. The alternate amendment would add an option for mixed-use redevelopment up to an intensity of 3.0 FAR to Land Unit I, which would include approximately 75 percent residential use and 25 percent office use, with ground floor retail use. Approximately 120,000 square feet of office use may be converted to hotel use. Additionally, the transit development area would be expanded to include Land Use I (*sic*). Given the proximity to the Huntington Metrorail Station, a substantial TDM program is recommended to reduce single-occupancy vehicle trips traveling to and from the site. A direct pedestrian and bicycle connection to the Metro would be provided, and pedestrian orientation is emphasized with guidance related to streetscape and internal connectivity. Guidance related to the building height, urban plazas and parks, affordable housing, and provisions of stormwater quality (*sic*)

and quality control measures is also included in my motion. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE NOMINATION BE ADOPTED AS AMENDED AND SHOWN ON PAGES 16-26 OF THE STAFF REPORT DATED OCTOBER 26, 2012.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt the Plan Amendment, as articulated by Mr. Flanagan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: I ALSO MOVE, Mr. Chairman –

Chairman Murphy: Go ahead.

Commissioner Flanagan: – AS A FOLLOW-ON MOTION THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS - additionally it is recommended that the small - THAT AN AFFECTED AREA TRANSPORTATION STUDY BE AUTHORIZED TO MORE COMPREHENSIVELY ASSESS TRANSPORTATION NEEDS, EVALUATE FEASIBILITY OF POTENTIAL CHANGES TO TRAFFIC PATTERNS, AND DETERMINE POTENTIAL SMALL- AND LARGE-SCALE MULTIMODAL SOLUTIONS TO ADDRESS TRANSPORTATION ISSUES IN THE HUNTINGTON TRANSIT STATION AREA.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motions carried unanimously with Commissioner Hart having recused himself from the vote; Commissioners de la Fe and Migliaccio absent from the meeting.)

JN

Board Agenda Item
February 26, 2013

4:00 p.m.

Public Hearing to Establish the Bonnie Brae Community Parking District (Braddock District)

ISSUE:

Public Hearing on a proposed amendment to Appendix M, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish the Bonnie Brae Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to establish the Bonnie Brae CPD in accordance with existing CPD restrictions.

TIMING:

On January 29, 2013, the Board authorized a Public Hearing to consider the proposed amendment to Appendix M, of the *Fairfax County Code* to take place February 26, 2013, at 4:00 p.m.

BACKGROUND:

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

No such CPD shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such CPD for a maximum of 48 hours for the purpose of

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February 26, 2013

loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting such an establishment and such petition contains the names, addresses, and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned or developed as a residential area, (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$900 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

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

STAFF:

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Karyn Moreland, Acting Division Chief, Capital Projects and Operations Division, FCDOT
Selby Thannikary, Section Chief, Traffic Operations Section, FCDOT
Maria Turner, Sr. Transportation Planner, FCDOT

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX M

M-77 Bonnie Brae Community Parking District

(a) *District Designation.*

(1) The restricted parking area is designated as the Bonnie Brae Community Parking District.

(2) Blocks included in the Bonnie Brae Community Parking District are described below:

Allerton Road (Route 5198)

From Zion Drive to Black Oak Drive.

Arrowood Street (Route 5194)

From Black Oak Drive to Southport Lane.

Black Oak Drive (Route 5196)

From cul-de-sac north to cul-de-sac south.

Fiesta Road (Route 5199)

From Southport Lane to cul-de-sac inclusive.

Indigo Lane (Route 5197)

From cul-de-sac north to cul-de-sac south.

Southport Lane (Route 5195)

From Black Oak Drive to cul-de-sac inclusive.

(b) *District Provisions.*

(1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82.

(2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is

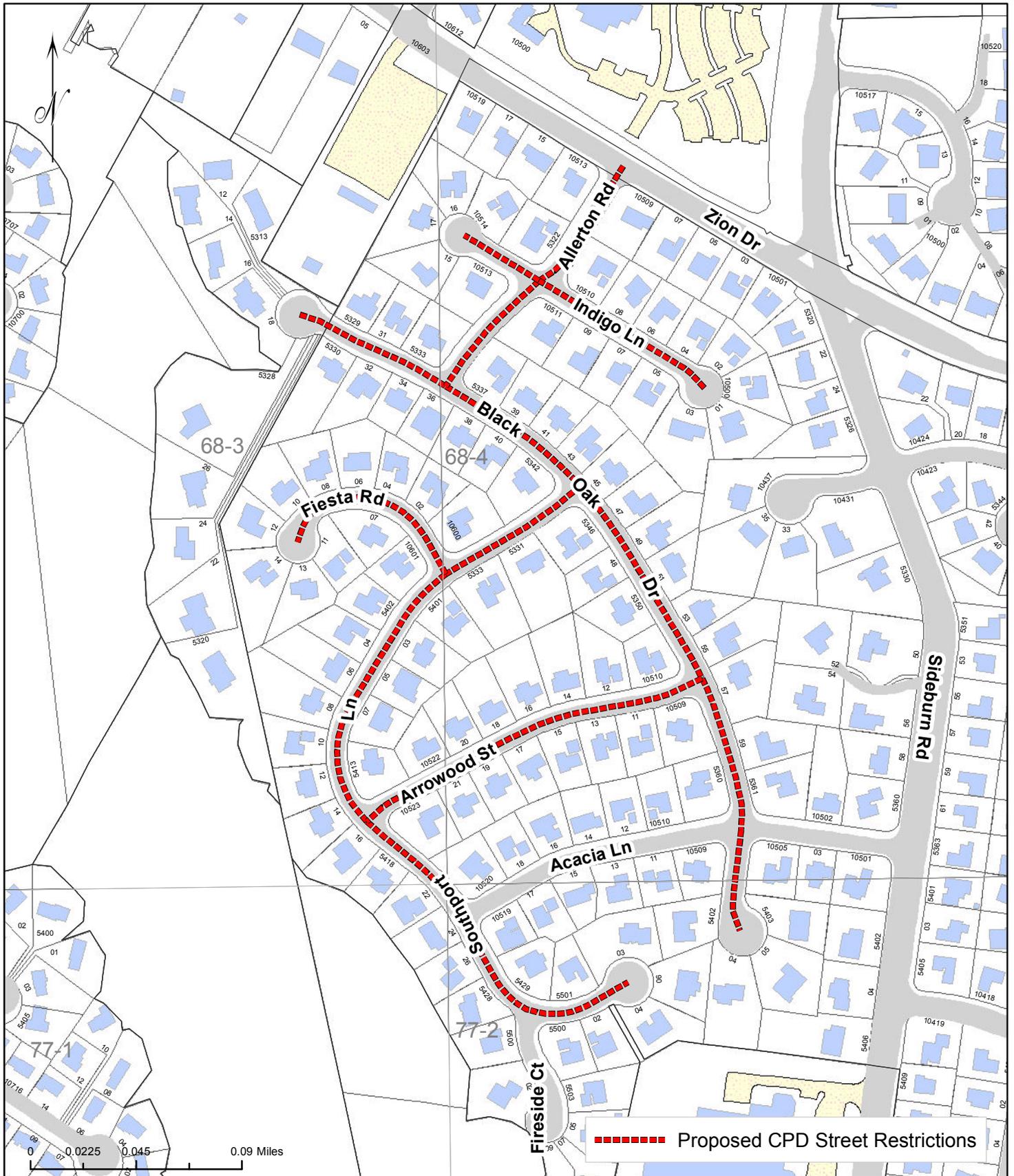
being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 is prohibited at all times on the above-described streets within the Bonnie Brae Community Parking District.

(3) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public street within any such District for use by federal, state, or local public agencies to provide services.

- (c) *Signs.* Signs delineating the Bonnie Brae Community Parking District shall indicate community specific identification and/or directional information in addition to the following:

NO PARKING
Watercraft
Trailers, Motor Homes
Vehicles ≥ 3 Axles
Vehicles GVWR ≥ 12,000 lbs.
Vehicles ≥ 16 Passengers

FAIRFAX COUNTY CODE §82-5B



Proposed CPD Street Restrictions



Fairfax County Department of Transportation
Traffic Operations Section
COMMUNITY PARKING DISTRICT (CPD)
Proposed Bonnie Brae CPD
Braddock District



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4:00 p.m.

Public Hearing on a Proposed Agreement with the Commissioner of Highways of the Commonwealth of Virginia (Commissioner) Re: Sign Removal in the Public Right-of-Way

ISSUE:

Public Hearing on the proposed agreement with the Commissioner would allow the County to remove certain signs located in the public right-of-way.

RECOMMENDATION:

The County Executive recommends the Board enter into the Agreement with the Commissioner as set forth in Attachment 2.

TIMING:

On January 29, 2013, the Board of Supervisors authorized the advertisement of this public hearing.

BACKGROUND:

Last year, staff proposed various options to address the removal of signs from the rights-of-way in a memorandum to the Board dated February 10, 2012. Section 33.1-375.1 of the Code of Virginia authorizes the Board of Supervisors of Fairfax County, Virginia, to enter into an agreement with the Commissioner of Highways to act as the Commissioner's agent for the purpose of removing unlawful signs from the public rights-of-way. Previously, Section 33.1-375.1 of the Code of Virginia contained an exemption for political signs, protecting them from removal until three days after the election to which they applied. By an amendment to Section 33.1-375.1, effective July 1, 2012, political signs placed in the public rights-of-way became equally subject to removal under an agreement between the Board and the Commissioner. Section 33.1-373 of the Code of Virginia was also amended last year to declare that both signs and advertisements placed in public rights-of-way are a nuisance and may be removed by the Commissioner or his representatives.

If the Board chooses to remove signs from the public rights-of-way utilizing the Community Labor Force under the supervision of the Office of the Sheriff, it may do so under Va. Code Ann. § 33.1-375.1, subject to the following procedures:

- Following completion of an advertised public hearing, the Board may enter into a formal agreement with the Commissioner authorizing the Board to act as the Commissioner's agent for the purpose of removing signs and advertising located within the limits of any highway and collecting penalties and costs provided for in Section 33.1-373. Section 33.1-351 of the Code of Virginia defines the word "highway" as "every way or place of whatever nature open to the use of the public for purposes of vehicular travel in this Commonwealth."

- Signs advertising or providing directions to a “special event” that are erected from Saturday through the following Monday may not be removed.

It should be noted that nothing in this agreement, once adopted, would prevent VDOT or other agents acting on their behalf, such as Adopt-A-Highway, from removing signs under their current authority.

In coordination with VDOT and the Office of the Attorney General, the Office of the County Attorney has drafted a proposed agreement between the Board of Supervisors and the Commissioner, as set forth in Attachment 2.

REGULATORY IMPACT:

The proposed agreement, if approved, would permit the County to act as the Commissioner’s agent for the purpose of removing signs and advertising located within public rights-of-way and collecting civil penalties provided for in Section 33.1-373, which shall be paid to the County of Fairfax. A copy of a Staff Report dated January 8, 2013, to the Board that outlines the proposed program is enclosed as Attachment 1.

FISCAL IMPACT:

It is estimated the annual cost of removal of the signs will be \$150,000. The Board approved \$150,000 as part of the FY 2012 Carryover Review for this program.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report
Attachment 2 – Proposed Agreement

STAFF:

Robert A. Stalzer, Deputy County Executive
Stan Berry, Sheriff
Jeffrey Blackford, Director, Department of Code Compliance



FAIRFAX
COUNTY V I R G I N I A

Attachment 1

**PROPOSED AGREEMENT FOR
SIGN REMOVAL PROGRAM**

Proposed Agreement for Sign Removal Program

PUBLIC HEARING DATE

Board of Supervisors

February 26, 2013, at 4:00 p.m.

**PREPARED BY
DEPARTMENT OF CODE COMPLIANCE
(703) 324-1300**

January 8, 2013

mrc



Americans With Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information call (703) 324-1334.

Staff Comment

Background

Section 33.1-375.1 of the Code of Virginia authorizes the Board of Supervisors of Fairfax County, Virginia, to enter into an agreement with the Commissioner of Highways to act as the Commissioner's agent for the purpose of removing unlawful signs from the public rights-of-way. Previously, Section 33.1-375.1 of the Code of Virginia contained an exemption for political signs, protecting them from removal until three days after the election to which they applied. By an amendment to Section 33.1-375.1, effective July 1, 2012, political signs placed in the public rights-of-way became equally subject to removal under an agreement between the Board and the Commissioner. Section 33.1-373 of the Code of Virginia was also amended this year to declare that both signs and advertisements placed in public rights-of-way are a nuisance and may be removed by the Commissioner or his representatives.

If the Board chooses to remove signs from the public right-of-way and assess the offenders, it may do so under Section 33.1-375.1 of the Code of Virginia subject to the following procedures:

- Following completion of an advertised public hearing, the Board may enter into a formal agreement with the Commissioner to act as the Commissioner's agent for the purpose of removing illegal signs and advertising placed within the limits of any highway and collecting civil penalties provided for in Section 33.1-373. Virginia Code Ann. § 33.1-351 defines the term "highway" as "every way or place of whatever nature open to the use of the public for purposes of vehicular travel in this Commonwealth."
- Signs advertising or providing directions to a "special event" that are erected from Saturday through the following Monday shall not be subject to the Board's Agreement with the Commissioner.

In coordination with VDOT and the Office of the Attorney General, the Office of the County Attorney has drafted a proposed agreement between the Board of Supervisors and the Commissioner that has been found to be acceptable in both form and content by VDOT on behalf of the Commissioner as set forth in Attachment 2. Additionally, staff has prepared a proposed enforcement program pursuant to the proposed agreement and will develop an education/publicity campaign after the sign removal agreement has been executed.

The Problem

Unlawful signs in the public rights-of-way have been a long-standing problem, but the number of signs has, in some citizens' estimation, spiraled out of control in recent years.

Between fields of popsicle-stick signs for homebuilders and politicians, and signs for weight loss, work-at-home businesses, hauling, and other signs placed on every available traffic sign and utility pole, many citizens in Fairfax County have voiced concern about unlawful signs. One of the issues involved in enforcement is that there is no one agency or department devoted to removal of these signs or enforcement against persons who erect the signs in violation of the law.

Current Enforcement Efforts

Signs within the right-of-way are subject to the provisions of Chapter 7 of Title 33.1 of The Code of Virginia. Va. Code Ann. § 33.1-373 provides, in relevant part, that “any person who in any manner (i) paints, prints, places, puts or affixes any sign or advertisement upon or to any rock, stone, tree, fence, stump, pole, mile-board, milestone, danger-sign, guide-sign, guidepost, highway sign, historical marker, building or other object lawfully within the limits of any highway or (ii) erects, paints, prints, places, puts, or affixes any sign or advertisement within the limits of any highway shall be assessed a civil penalty of \$100. Each occurrence shall be subject to a separate penalty.” There are some limited exceptions to the prohibitions of Va. Code § 33.1-373, which are presented in Va. Code § 33.1-355. These include signs for no trespassing, Red Cross stations, signs at the intersections of two or more roads giving the distance or direction to a church, residence, or place of business, and signs denoting only the name of a civic service club or church. Further, as referenced above, signs and advertising promoting and/or providing directions to a special event erected from Saturday through the following Monday shall not be subject to removal under an agreement under Va. Code Ann. § 33.1-375.1.

Currently, VDOT has the primary responsibility for the removal of illegal signs in public rights-of-way. According to VDOT staff, VDOT engages in the removal of illegally posted signs in the public right of way on a complaint basis. It is also VDOT’s policy to send invoices for costs to those parties responsible for the placement of the illegal signs.

Adopt A Highway Program

The Adopt-A-Highway Program sponsored by VDOT has the authority to remove illegal signs from public rights-of-way. Currently, according to VDOT, there are approximately 250 groups in the County, with about half being active in the clean-up programs. Clean-ups are provided on both secondary and primary roadways in segments from ¼ to 2 miles in length. This program, administered as a community-sponsored program, is at a minimal cost to the state and no direct cost to the County. This program would be unaffected by any agreement between the Board and the Commissioner.

Proposed Enforcement Program – Initial Phase

If the Board of Supervisors authorizes the sign removal program, county staff will educate the public and business groups about it after the sign removal agreement has been executed. On this effort, the Department of Code Compliance will work in coordination

with the Sheriff's Office, Office of Public Affairs, and VDOT's public affairs staff. These efforts may include outreach to homeowners and civic groups, business and trade organizations, public service announcements, and outreach to the news media.

Proposed Enforcement Program – Second Phase

Upon selection of the roadway segments and public information effort by County staff, the actual implementation of the program would begin. The steps required for the implementation of the program are as follows:

Community Labor Force

The Office of the Sheriff will provide its Community Labor Force (CLF) to remove signs in identified areas of the County. It is estimated that the cost of this program will be \$150,000 on an annual basis. CLF crews would remove all signs located in the designated public rights-of-way between Tuesdays and Fridays. Special event signs are only permitted from Saturday through Monday. If they are present during the weekdays they will be subject to removal. These signs will then be stored at a County facility for five (5) days, which would allow the owner of the sign to reclaim it as required by Va. Code Ann. § 33.1-375.1(D). After this five (5) day period, unclaimed signs would be destroyed.

Assuming that this program is maintained for a period of one (1) year in the County, at the end of the one (1) year period it will be evaluated by staff and an analysis of its successes and/or failures will be forwarded to the Board of Supervisors. If it is determined by the Board of Supervisors that the program should be retained, any modifications suggested by the Board of Supervisors will be reviewed and a recommendation will be forwarded to the Board of Supervisors with resource requirements for its consideration.

Proposed Enforcement Program – Cost Analysis

Staff of the Office of the Sheriff and the Department of Code Compliance will monitor and record all costs associated with the implementation of this pilot program during its initial one (1) year test period. At this time, it is estimated that this program will cost approximately \$150,000 on an annual basis for the removal of the signs.

Staff Recommendation

Staff recommends that if it is the intent of the Board of Supervisors to implement a sign removal program in the immediate future pursuant to an agreement with the Commissioner, that the Board utilize the Community Labor Force, supplemented by the Adopt-A-Highway Program as outlined in this staff report.

**AGREEMENT BETWEEN
THE VIRGINIA DEPARTMENT OF TRANSPORTATION
AND
THE BOARD OF SUPERVISORS
OF
FAIRFAX COUNTY, VIRGINIA
FOR ENFORCEMENT OF LAWS REGARDING ILLEGAL SIGNS AND ADVERTISING WITHIN THE
LIMITS OF THE HIGHWAY**

THIS AGREEMENT is made this ____ day of _____, 20__, between the Commissioner of Highways of the Commonwealth of Virginia (Commissioner), and the County of Fairfax, Virginia, acting by and through its Board of Supervisors (Board).

WITNESSETH:

WHEREAS, pursuant to Title 33.1, Chapter 7, Article 1 of the *Code of Virginia* (1950), as amended (*Code*), the Commissioner, as the chief executive officer of the Virginia Department of Transportation (VDOT), enforces the prohibition on the placement of signs and advertising within the limits of highways in the Commonwealth; and

WHEREAS, the Board, as the governing body of Fairfax County, has an interest in protecting the public health, safety, and welfare, and in protecting the appearance of the County, in general; and

WHEREAS, the Board has found that the proliferation of signs and advertising in the rights-of-way of highways in Fairfax County threatens the public safety and the welfare of the County, and has a negative effect on the appearance of highways; and

WHEREAS, after a public hearing on the matter and by an appropriate resolution adopted by the Board at its meeting on _____ [DATE] _____, attached hereto as Exhibit A, the Board expressed its desire and agreement to enter into this Agreement with the Commissioner to enforce the provisions of § 33.1-373 of the *Code*, and to collect the penalties and costs provided therein pursuant to § 33.1-375.1 ; and

WHEREAS, the Commissioner desires the Board's assistance in removing signs and advertising from the highways in Fairfax County.

NOW, THEREFORE, for and in consideration of the mutual benefits to be derived from this Agreement, the parties hereto agree as follows:

1. Pursuant to § 33.1-375.1 of the *Code*, the Commissioner hereby authorizes the Board to act as the Commissioner's agent for the purpose of removing any signs or advertising located within the rights-of-way, in violation of § 33.1-373 of the *Code*.
2. The Commissioner further authorizes the Board to act as the Commissioner's agent, pursuant to § 33.1-375.1 of the *Code*, for the purpose of collecting the penalties and costs provided for in § 33.1-373 of the *Code*.
3. The Board may authorize local law-enforcement agencies, including, without limitation, the Fairfax County Sheriff's Office, or other local governmental entities to act as agents of the Commissioner for the purpose of fulfilling the terms of this Agreement.
4. Any penalties and costs collected under this Agreement shall be paid to Fairfax County.

5. Any signs or advertising promoting and/or providing directions to a special event erected from Saturday through the following Monday shall not be subject to this Agreement.
6. The Board shall require each of its employees and any volunteers who are authorized to act on its behalf to comply with the provisions of this Agreement and all applicable laws.
7. If a lawfully placed sign is confiscated by an employee or volunteer authorized to act for the Board in violation of the authority granted under this Agreement, the sign owner shall have the right to reclaim the sign within five business days of the date of such confiscation.
8. The Parties agree that the following procedures shall apply to the collection of penalties and costs referenced in Paragraph 2, above, and any appeals thereto:
 - a. The Board, or its designee, when collecting the penalties and costs referenced in Paragraph 2, above, shall issue an invoice to the person, firm, or corporation that erected, painted, printed, placed, put, or affixed such sign, or advertisement, or the person, firm or corporation being advertised, for collection of any and all penalties and costs, as provided in §33.1-373, which shall provide that within 30 days, 33 days if the invoice is sent by mail, the person, firm, or corporation who receives the invoice shall either (a) remit payment of the invoice to the Board, or its designee, or (b) notify the Board or its designee in writing that matter and/or the penalties and costs are disputed.
 - b. In the event that a person, firm or corporation disputes the matter and/or penalties and costs as noted in subdivision a. the Board shall be responsible for resolving the dispute in accord with all applicable laws.
9. This Agreement may be terminated upon 30-days' written notice by either party to the other party.
10. This Agreement may be amended at any time by the written agreement of the parties.

IN WITNESS WHEREOF the Parties have caused this Agreement to be executed by their duly authorized representatives:

VIRGINIA DEPARTMENT OF TRANSPORTATION

Emmett R. Heltzel, P.E.,
State Maintenance Engineer

FAIRFAX COUNTY, VIRGINIA

Edward L. Long Jr.
County Executive of Fairfax County

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4:30 p.m.

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

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