FAIRFAX COUNTY
BOARD OF SUPERVISORS
December 2, 2014

AGENDA

9:30		Presentations
10:30		Presentation of the 2013 Transportation Advisory Commission Transportation Achievement Award
10:35		Board Adoption of the 2015 Legislative Program for the Virginia General Assembly, Approval of the County's 114th Congress Federal Legislative Strategy, and Adoption of Principles for Federal Legislation for the 114th Congress
10:40		Board Appointments
10:50		Items Presented by the County Executive
	ADMINISTRATIVE ITEMS	
1		Authorization for the County Executive to Execute an Amendment to the Agreement for the Sale, Delivery and Use of Reclaimed Water Between Covanta Fairfax, Inc., (Collectively, "Covanta") and Fairfax County
2		Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Dranesville, and Providence Districts)
3		Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the West Falls Church Residential Permit Parking District, District 2 (Dranesville District)
4		Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Dunn Loring Residential Permit Parking District, District 3 (Providence District)
5		Authorization to Advertise a Public Hearing to Establish Parking Restrictions on Daly Drive (Sully District)
6		Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Improvements at the Intersection of Old Dominion Drive / Bellview Road Phase II (Dranesville District)
7		Authorization to Advertise Public Hearings on a Proposed Amendment to the Public Facilities Manual Regarding Storm Drainage Pro Rata Share Provisions, Chapter 6 (Storm Drainage) and Proposed Revisions to the Pro Rata Share Agreement Form

FAIRFAX COUNTY
BOARD OF SUPERVISORS
December 2, 2014

ADMINISTRATIVE ITEMS (Continued)

8 Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Westmoreland Street @ Old Chesterbrook Road Phase II Improvements (Dranesville District)

9 Authorization to Advertise Proposed Amendments to Chapter 124 (Stormwater Management Ordinance), Chapter 101 (Subdivision Ordinance), and Appendix Q (Land Development Services Fees) of The Code of the County of Fairfax, Virginia Re: Implementation of the Virginia Stormwater Management Act and Virginia Stormwater Management Program Regulation

10 Authorization to Advertise 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, Regarding As-Built Requirements

11 Extension of Review Periods for 2232 Applications (Mount Vernon, Sully, Mason, Braddock, and Springfield Districts)

12 Additional Time to Commence Construction for Special Exception SE 2011-MA-001, Homan Solemaninejad (Mason District)

ACTION ITEMS

1 Approval of a Parking Reduction for the Newington Business Center (Mount Vernon District)

2 Approval of a Resolution to Authorize the Sale of General Obligation Public Improvement Bonds and Public Improvement Refunding Bonds

3 Endorsement of the Chief Administrative Officers Task Force's Recommendations Regarding the Preliminary FY 2016 Virginia Railway Express Budget

4 Authorization for the Department of Transportation to Apply for FY 2021 Regional Surface Transportation Program and Congestion Mitigation and Air Quality Program Funds

5 Approval of Fairfax Connector January 2015 Service Changes

INFORMATION ITEMS

1 Presentation of the Fiscal Year 2014 Comprehensive Annual Financial Report (CAFR)

FAIRFAX COUNTY
BOARD OF SUPERVISORS
December 2, 2014

INFORMATION ITEMS (Continued)

2	Contract Award – Consulting Support for an NCR Study for Regional Next Generation 9-1-1 Design
11:00	Matters Presented by Board Members
11:50	Closed Session

PUBLIC HEARINGS

3:00	Public Hearing on SE 2014-PR-022 (Eskridge II, LLC) (Providence District)
3:00	Public Hearing on RZ 2014-BR-009 (NCL XI, LLC) (Braddock District)
3:00	Public Hearing on SE 2014-MV-017 (Verizon Virginia LLC) (Mount Vernon District)
3:00	Public Hearing on SE 2014-SU-016 (Mai-Huong Thi Nguyen / Helen Home Daycare L.L.C.) (Sully District)
3:00	Public Hearing on SE 2014-SU-044 (Gita D. Kumar / Peek A Boo Child Care Inc.) (Sully District)
3:00	Public Hearing on RZ 2014-MA-003 (Markham Place LLC)(Mason District)
3:00	Public Hearing on PCA 88-S-022 (Union Mill Associates Limited Partnership) (Sully District)
3:30	Public Hearing on SE 2014-HM-036 (Elaine M. Whitehurst D/B/A Whitehurst Family Daycare) (Hunter Mill District)
3:30	Public Hearing on SE 2014-SP-037 (Aida G. Chavera Aida's Day Care) (Springfield District)
3:30	Public Hearing on SE 2014-HM-024 (Mary Beth Swicord D/B/A First Marks Art Studio) (Hunter Mill District)
3:30	Public Hearing on SE 2014-SU-010 (CSH Artisan Fairfax, LLC) (Sully District)
3:30	Public Hearing on SE 2014-SU-031 (Mary Gray / Elf Exploring, Learning & Fun (Sully District)

FAIRFAX COUNTY
BOARD OF SUPERVISORS
December 2, 2014

PUBLIC HEARINGS
(Continued)

4:00		Public Hearing on a Proposal to Repeal the Resolution that Imposed Certain Limitations on the Fairfax County Spot Blight Abatement Program
4:00		Public Hearing on a Proposal to Amend Chapter 46 of the Fairfax County Code Regarding Public Nuisance for Fairfax County, Virginia
4:00		Public Hearing on SE 2013-DR-019 (CWS VII, LLC & The Trustees of Andrew Chapel United Methodist Church) (Dranesville District)
4:00		Public Hearing on RZ 2014-BR-001 (Blagoj Skandev SD Homes LLC) (Braddock District)
4:00		Public Hearing on RZ 2014-PR-004 (Amherst Property LLC)(Providence District)
4:00		Public Hearing on PCA 88-D-005-08 (Amherst Property LLC) (Providence District)
4:00		Decision Only on RZ 2014-BR-007 (NVR, Inc.) (Braddock District)
4:30	**To be Indefinitely Deferred**	Public Hearing on SE 2014-PR-001 (7799 Leesburg Pike, LLLP C/O Lerner Enterprises)(Providence District)
4:30		Public Hearing on AR 89-S-004-03 (Hope Foster Britt) (Springfield District)
5:00		Public Hearing on Proposed Plan Amendment 2014-I-B2, Located Along the East Side of Moncure Avenue and Columbia Pike from Moncure Avenue to a Point About 500 Feet West of the Interchange with Leesburg Pike (Mason District)
5:00		Public Hearing on Proposed Plan Amendments 2013-III-FC1(A) and S13-III-FC1, Fairfax Center Area (Braddock, Providence, Springfield, and Sully Districts)
5:00		Public Hearing on Proposed Plan Amendment 2013-III-UP1, Located South of Baron Cameron Avenue, West of Wiehle Avenue, North of Lake Anne and East of North Shore Drive (Hunter Mill District)
5:00		Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Virginia (Code) Regarding Adjustment of the Fees Charged by the Fire Marshal Plan Review, Permits, and Inspection Services

FAIRFAX COUNTY
BOARD OF SUPERVISORS
December 2, 2014

PUBLIC HEARINGS
(Continued)

5:00	Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Virginia (Code) Regarding Adjustment of the Fees Charged by Land Development Services for Plan Review, Permits, and Inspection Services
5:00	Public Comment

Fairfax County, Virginia

BOARD OF SUPERVISORS AGENDA

Tuesday
December 2, 2014

9:30 a.m.

Recognition of Fairfax County employers selected as "Best Workplaces for Commuters" by the Fairfax County Department of Transportation and the University of South Florida National Center for Transit Research.

PRESENTATIONS

- RESOLUTION – To recognize Jerry Freear for 38 years of service to Fairfax County. Requested by Chairman Bulova and Supervisors McKay, Cook, Herrity and Hyland.

- RESOLUTION – To recognize Dr. Robert Templin for 10 years of service as the president of Northern Virginia Community College. Requested by Chairman Bulova and Supervisor Cook.

- RESOLUTION – To congratulate Franklin Sherman Elementary School for its 100th anniversary. Requested by Supervisor Foust.

- RESOLUTION – To recognize Teresa Johnson, principal of Chantilly High School, for winning the 2014 Journalism Education Association Administrator of the Year award. Requested by Supervisor Herrity.

- CERTIFICATE – To recognize staff from Centreville, Chantilly and Westfield High Schools for providing assistance for the training drills conducted by the Police Department. Requested by Supervisor Frey.

— more —

Board Agenda Item
December 2, 2014

- RESOLUTION – To recognize Leon Plenty, general manager of the Lee District RECenter, for 32 years of service to Fairfax County. Requested by Supervisor McKay.

- RESOLUTION – To congratulate the Women's Center of Northern Virginia for its 40th anniversary. Requested by Chairman Bulova.

STAFF:
Tony Castrilli, Director, Office of Public Affairs
Bill Miller, Office of Public Affairs

Board Agenda Item
December 2, 2014

10:30 a.m.

Presentation of the 2013 Transportation Advisory Commission Transportation Achievement Award

ENCLOSED DOCUMENTS:
None

PRESENTED BY:
Jeffrey M. Parnes, Chair, Transportation Advisory Commission

Board Agenda Item
December 2, 2014

10:35 a.m.

Board Adoption of the 2015 Legislative Program for the Virginia General Assembly, Approval of the County's 114th Congress Federal Legislative Strategy, and Adoption of Principles for Federal Legislation for the 114th Congress

ISSUE:
Board adoption of a legislative program for the 2015 Session of the Virginia General Assembly and Board approval of federal legislative strategy for the 114th Congress, as well as principles for federal legislation in the 114th Congress.

TIMING:
Immediate. On November 18, 2014, the Board of Supervisors held a public hearing on the 2015 Legislative Program. This program will be presented at the Board's work session with the members of the Fairfax County Delegation to the Virginia General Assembly on December 9, 2014. The General Assembly will convene January 14, 2015, and is scheduled to adjourn on February 28, 2015.

Board action is also requested at this time in order to formally adopt the County's federal strategy for action during the 114th Congress. County staff will also apply for federal grants based on the criteria adopted by the Board.

BACKGROUND:
The draft State legislative program has been developed over the past several months by the Legislative Committee of the Board. The program contains the Committee's recommended legislative positions for the County at the 2015 Session of the Virginia General Assembly; an issue paper on human services needs is included as an addendum to this program. After adoption by the Board, final versions of these documents will be available at www.fairfaxcounty.gov/government/board. In preparing this package, the Committee has considered the County's legislative needs and opportunities and has endeavored to maintain a program of priority requests. The Legislative Committee will continue to meet, generally on a weekly basis, throughout the Session to monitor legislation and recommend positions for adoption at regular Board meetings.

The draft federal strategy was also developed as part of the Legislative Committee process. Discussion took place at the October 21 and November 25 meetings. Staff recommendations presented to the Committee focused on areas determined to be of strategic importance to the County, including funding for transportation, Base

Realignment and Closure (BRAC), and the social safety net. In light of continuing uncertainty regarding the federal budget, the County continues to pursue a strategic approach to the federal funding process. Specifics on budget items, as well as federal funding opportunities, will be reported periodically to the Board.

Finally, draft Principles for Federal Legislation in the 114th Congress are also included in this item. These principles contain the Legislative Committee's recommended positions for the County during the 114th Congressional session.

ENCLOSED DOCUMENTS:
Available online at www.fairfaxcounty.gov/government/board, under "Reports," on December 1, 2014.
Attachment 1 - Draft Fairfax County Legislative Program for the 2015 Virginia General Assembly
Attachment 2 – 2015 Draft Human Services Issue Paper
Attachment 3 – Draft 114th Congress Federal Legislative Strategy
Attachment 4 – Draft Principles for Federal Legislation – 114th Congress

STAFF:
Edward L. Long, Jr., County Executive
Claudia Arko, Legislative Director
Tom Biesiadny, Director, Department of Transportation

Board Agenda Item
December 2, 2014

10:30 a.m.

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

ENCLOSED DOCUMENTS:
Attachment 1: Appointments to be heard December 2, 2014
(An updated list will be distributed at the Board meeting.)

STAFF:
Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors

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

APPOINTMENTS TO BE HEARD DECEMBER 2, 2014

(ENCOMPASSING VACANCIES PROJECTED THROUGH DECEMBER 31, 2014)

(Unless otherwise noted, members are eligible for reappointment)

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Kelsey M. Phipps; appointed 2/11-9/12 by McKay) Term exp. 9/16 *Resigned*	Lee District Representative		McKay	Lee

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Arthur R. Genuario; appointed 4/96-5/12 by Hyland) Term exp. 9/13 *Resigned*	Builder (Single Family) 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 *Resigned*	Lending Institution Representative		By Any Supervisor	At-Large

AIRPORTS ADVISORY COMMITTEE (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Barbara Kreykenbohm; appointed 1/09 by Gross) Term exp. 1/11 *Resigned*	Mason District Representative		Gross	Mason

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP) (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Frieda A. Tatem (Appointed 10/93-10/96 by Davis; 9/99-10/02 by Hanley; 10/05-10/08 by Connolly; 11/11 by Bulova) Term exp. 10/14	At-Large #1 Representative		By Any Supervisor	At-Large

ATHLETIC COUNCIL (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
James Pendergast (Appointed 7/12 by Cook) Term exp. 6/13	Braddock District Alternate Representative		Cook	Braddock

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE
(1 year)

Incumbent History	Requirement	Nominee	Supervisor	District
Glenda DeVinney (Appointed 5/12-6/13 by McKay) Term exp. 6/14	Lee District Representative		McKay	Lee

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.)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Wayne Bryan; appointed 1/10-2/13 by Bulova) Term exp. 2/17 *Resigned*	Alternate #2 Representative		By Any Supervisor	At-Large

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

Incumbent History	Requirement	Nominee	Supervisor	District
Thomas Parr (Appointed 12/04-12/04 by Connolly; 12/12 by Bulova) Term exp. 12/14	At-Large #1 Representative		By Any Supervisor	At-Large
Patricia Flavin(Rehill) (Appointed 12/10-3/13 by Hyland) Term exp. 12/14 *Resignation eff. 12/14*	Professional #6 Representative		By Any Supervisor	At-Large

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Kanthan Siva; appointed 1/13 by Frey) Term exp. 9/15 *Resigned*	Sully District Representative		Frey	Sully

CHILD CARE ADVISORY COUNCIL (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Pamela Nilsen; appointed 6/13-9/13 by McKay) Term exp. 9/15 *Resigned*	Lee District Representative		McKay	Lee
VACANT (Formerly held by Eric Rardin; appointed 4/13 by Hyland) Term exp. 9/15 *Resigned*	Mount Vernon District Representative		Hyland	Mount Vernon
VACANT (Formerly held by Joan C. Holtz; appointed 5/09 by Smyth) Term exp. 9/11 *Resigned*	Providence District Representative		Smyth	Providence

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Adeel Mufti; appointed 7/06-5/12 by Hudgins) Term exp. 5/14 *Resigned*	Hunter Mill District Representative		Hudgins	Hunter Mill

COMMISSION FOR WOMEN (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Nancy Krakover; appointed 11/09-10/12 by Cook) Term exp. 10/15 *Resigned*	Braddock District Representative		Cook	Braddock

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Howard Leroy Kelley; Appointed 8/01-1/13 by Hudgins) Term exp. 1/17 *Resigned*	At-Large Representative		By Any Supervisor	At-Large

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Benjamin Gibson; appointed 4/11 by McKay) Term exp. 1/15 *Resigned*	Lee District Representative		McKay	Lee
VACANT (Formerly held by Carmen A. Cintron; appointed 2/13 by Hyland) Term exp. 1/15 *Resigned*	Mount Vernon District Representative		Hyland	Mount Vernon

ECONOMIC ADVISORY COMMISSION (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Frank McDermott (Appointed 6/09-12/11 by Bulova) Term exp. 12/14	At-Large #4 Chairman's Land Use Representative	**Frank McDermott**	Bulova	At-Large Chairman's
Denton Kent (Appointed 2/09-12/11 by Bulova) Term exp. 12/14	At-Large Chairman's #2 Representative	**Denton Kent**	Bulova	At-Large Chairman's
Suzette Kern (Appointed 1/09-12/11 by McKay) Term exp. 12/14 *Resignation eff. 12/14*	Lee District Representative		McKay	Lee

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ECONOMIC ADVISORY COMMISSION (3 years)
continued

Incumbent History	Requirement	Nominee	Supervisor	District
Alfred Thieme, Jr. (Appointed 1/09-12/11 by Gross) Term exp. 12/14	Mason District Representative		Gross	Mason
John H. Thillmann (Appointed 1/09-12/11 by Frey) Term exp. 12/14	Sully District Representative	**John H. Thillmann**	Frey	Sully

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.

Incumbent History	Requirement	Nominee	Supervisor	District
Timothy Lavelle (Appointed 4/09-11/11 by Bulova) Term exp. 11/14	At-Large #2 Business Community Representative		By Any Supervisor	At-Large
Leeann C. Alberts (Appointed 10/13 by Bulova) Term exp. 11/14	At-Large Chairman's Representative		Bulova	At-Large Chairman's
Petra Osborne (Appointed 5/12 by Bulova) Term exp. 11/14	At-Large Fairfax County Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Richard Nilsen; appointed 6/13 by McKay) Term exp. 11/15 *Resigned*	Lee District Representative		McKay	Lee

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FAIRFAX AREA DISABILITY SERVICES BOARD
(3 years- limited to 2 full consecutive terms per MOU, after initial term)
continued

Incumbent History	Requirement	Nominee	Supervisor	District
Jacqueline Browne (Appointed 9/08-12/11 by Gross) Term exp. 11/14 ***Not eligible for reappointment***	Mason District Representative		Gross	Mason
VACANT (Formerly held by Ann Pimley; appointed 9/03-11/6 by Frey) Term exp. 11/09 *Resigned*	Sully District Representative		Frey	Sully

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

Incumbent History	Requirement	Nominee	Supervisor	District
David Eisenman (Appointed 8/04-6/11 by Hudgins) Term exp. 6/14 ***Not eligible for reappointment*** (need 1 year lapse)	Hunter Mill District Representative		Hudgins	Hunter Mill

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD
(3 years – limited to 3 full terms)
[NOTE: In accordance with *Virginia Code* Section 37.1-195, "**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 years break from initial 3 full terms. VA Code 37.2-502.]

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly Lynn Miller; appointed 2/14 by Cook) Term exp. 6/15 *Resigned*	Braddock District Representative	**Molly Long** *(Nomination announced on November 18, 2014)*	Cook	Braddock

HEALTH CARE ADVISORY BOARD (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Judith Beattie; appointed 6/96-9/12 by Frey) Term exp. 6/16 *Resigned*	Sully District Representative		Frey	Sully

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Andrew A. Painter; appointed 2/11 by Smyth) Term exp. 6/13 *Resigned*	Consumer #4 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Carol Ann Coryell; appointed 6/05-6/08 by Frey) Term exp. 6/11 *Resigned*	Consumer #6 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Samuel Jones; appointed 12/09 by Gross) Term exp. 6/12 *Resigned*	Provider #1 Representative		By Any Supervisor	At-Large

HISTORY COMMISSION (3 years)

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

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Irma Clifton; appointed *Mt. Vernon District Resigned*	At-Large #2 Representative		By Any Supervisor	At-Large
Esther McCullough (Appointed 3/00-11/02 by Hanley; 12/08-12/11 by Connolly) Term exp. 12/14 *Sully District*	Citizen #10 Representative		By Any Supervisor	At-Large

HUMAN SERVICES COUNCIL (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Richard Gonzalez (Appointed 7/97-7/05 by Kauffman; 8/09 by McKay) Term exp. 7/13	Lee District #1 Representative		McKay	Lee

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

Incumbent History	Requirement	Nominee	Supervisor	District
Susan Hoffman (Appointed 2/97-12/11 by Gross) Term exp. 12/14	Mason District Representative		Gross	Mason
Walter Williams (Appointed 5/09-12/11 by Herrity) Term exp. 12/14	Springfield District Representative		Herrity	Springfield

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Paul Langley; appointed 4/10-1/12 by Cook) Term exp. 1/14 *Resigned*	Braddock District Representative		Cook	Braddock

LIBRARY BOARD
(4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Kristin Cabral; appointed 7/09-7/13 by Foust) Term exp. 7/17 *Resigned*	Dranesville District Representative		Foust	Dranesville

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Eileen Nelson; appointed 3/04-6/07 by Connolly; 6/10 by Bulova) Term exp. 6/13 *Resigned*	At-Large Chairman's Representative		Bulova	At-Large Chairman's
VACANT (Formerly held by Amy K. Reif; appointed 8/09-6/12 by Foust) Term exp. 6/15 *Resigned*	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Adam Parnes; appointed 9/03-6/12 by Hudgins) Term exp. 6/15 *Resigned*	Hunter Mill District Representative		Hudgins	Hunter Mill
VACANT (Formerly held by Richard Nilsen; appointed 3/10-6/10 by McKay) Term exp. 6/13 *Resigned*	Lee District Representative		McKay	Lee
Tina Montgomery (Appointed 9/10-6/11 by Smyth) Term exp. 6/14	Providence District Representative		Smyth	Providence

PLANNING COMMISSION (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Janet R. Hall (Appointed 11/94 by Trapnell; 11/02-12/10 by Gross) Term exp. 12/14	Mason District Representative		Gross	Mason

ROAD VIEWERS BOARD (1 year)

Incumbent History	Requirement	Nominee	Supervisor	District
Joseph Bunnell (appointed 9/05-12/06 by McConnell; 2/08-11/13 by Herrity) Term exp. 12/14	At-Large #1 Representative		By Any Supervisor	At-Large
John W. Ewing (Appointed 2/01-11/02 by Hanley; 1/04-12/08 by Connolly; 12/09-6/14 by Bulova) Term exp. 12/14	At-Large #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Stephen E. Still; appointed 6/06-12/11 by Smyth) Term exp. 12/12 *Resigned*	At-Large #4 Representative		By Any Supervisor	At-Large
Micah D. Himmel (Appointed 12/11-12/13 by Smyth) Term exp. 12/14	At-Large #5 Representative		By Any Supervisor	At-Large

SMALL BUSINESS COMMISSION, FAIRFAX COUNTY (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Suchada Langley (Appointed 11/11-12/11 by Hudgins) Term exp. 12/14	At-Large #1 Representative		By Any Supervisor	At-Large
Michael Doherty (Appointed 12/11 by Bulova) Term exp. 12/14	Braddock District Representative		Cook	Braddock
Koorosh C. Sobhani (Appointed 10/08-12/11 by Foust) Term exp. 12/14	Dranesville District Representative		Foust	Dranesville
Gerarda Culipher (Appointed 2/12 by Herrity) Term exp. 12/14	Springfield District Representative		Herrity	Springfield

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Robert Dim; appointed 3/05-3/12 by Hudgins) Term exp. 3/14 *Resigned*	Fairfax County #5 Representative		By Any Supervisor	At-Large

TENANT LANDLORD COMMISSION (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Sally D. Liff; appointed 8/04-1/11 by Smyth) Term exp. 1/14 *Deceased*	Condo Owner Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Evelyn McRae; appointed 6/98-8/01 by Hanley; 12/04-1/08 by Connolly; 4/11 by Bulova) Term exp. 1/14 *Resigned*	Tenant Member #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Kevin Denton; appointed 4/10&1/11 by Smyth) Term exp. 1/14 *Resigned*	Tenant Member #3 Representative		By Any Supervisor	At-Large

TRAILS AND SIDEWALKS COMMITTEE (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Jan Reitman (Appointed 3/08-1/12 by Gross) Term exp. 1/14	Mason District Representative		Gross	Mason

TRANSPORTATION ADVISORY COMMISSION (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Michal D. Himmel; appointed 6/13 by Smyth) Term exp. 6/14	Providence District Representative		Smyth	Providence

WETLANDS BOARD (5 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Elizabeth Martin (Appointed 11/09 by Gross) Term exp. 12/13	At-Large #1 Representative		By Any Supervisor	At-Large

Board Agenda Item
December 2, 2014

10:50 a.m.

Items Presented by the County Executive

Board Agenda Item
December 2, 2014

ADMINISTRATIVE - 1

Authorization for the County Executive to Execute an Amendment to the Agreement for the Sale, Delivery and Use of Reclaimed Water Between Covanta Fairfax, Inc., (Collectively, "Covanta") and Fairfax County

ISSUE:
Authorization from the Board is needed for the County Executive to execute an amendment to the Water Reuse Agreement between the County and Covanta to address the reduction of the amount of reclaimed water Covanta must buy and the addition of, and maintenance responsibility for, certain equipment that was not envisioned at the time the water reuse agreement was negotiated and executed in 2009.

RECOMMENDATION:
The County Executive recommends that the Board authorize the County Executive to execute the attached amendment to the Water Reuse Agreement between the County and Covanta.

TIMING:
Board action is requested on December 2, 2014, in order to finalize the Water Reuse Agreement between the County and Covanta.

BACKGROUND:
On December 7, 2009, the Board authorized the County Executive to execute the Agreement for the Sale, Delivery and Use of Reclaimed Water between Covanta and Fairfax County (2009 Agreement). The agreement assigned the maintenance responsibilities of the County and Covanta for the equipment needed to provide the reclaimed water, which will be used by Covanta in the cooling towers and associated processes of the Energy Resource Recovery Facility in Lorton. The agreement was required by Virginia Department of Environmental Quality (VDEQ) in order to be eligible for a $6.5M Stimulus Funding Grant. In order to meet the deadline set by VDEQ for the start of construction, the County utilized the design build procurement method to complete the design and construction of the water reuse project. As such, the list of equipment ultimately needed to deliver the reclaimed water was not precisely known, and certain equipment was added during construction that was not addressed in the 2009 Agreement.

These items include a standby diesel generator, an automatic transfer switch, a drainage drop box, an underground pipe and a rain garden associated with the reclaimed water storage tank.

The County has agreed to assume responsibility for maintenance of this additional equipment, which requires amendments to the 2009 Agreement to address these obligations. In addition, at the request of Covanta, the guaranteed minimum amount of reclaimed water to be purchased by Covanta on an annual average basis is reduced from 1.3 million gallon per day to 0.75 million gallon per day. This will allow Covanta flexibility during periods of shut down.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: Amendment to the Agreement between Covanta Fairfax, Inc., and Fairfax County for the Sale, Delivery and Use of Reclaimed Water

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

AMENDMENT TO
AGREEMENT FOR THE SALE, DELIVERY, AND USE OF RECLAIMED WATER

THIS AMENDMENT is entered into as of this_____ day of _____, 2013, between COVANTA FAIRFAX, INC. ("Covanta") and FAIRFAX COUNTY, a Virginia body politic and corporate (the "County"), to amend the Agreement for the Sale, Delivery, and Use of Reclaimed Water dated December 14, 2009 ("Reclaimed Water Agreement").

WITNESSETH:

WHEREAS, at the time the design/build process commenced, the list of equipment ultimately needed to deliver the Reclaimed Water was not precisely known, and certain equipment was added during construction that affects the obligations of the Parties under the Reclaimed Water Agreement; and

WHEREAS, the Parties agreed as to the installation and location of this equipment; and

WHEREAS the Parties desire to amend the Reclaimed Water Agreement in certain respects, as set forth herein, including the minimum amount of Reclaimed Water to be purchased by Covanta on an annual average basis.

NOW, THEREFORE, the County and Covanta hereby agree as follows:

1. All defined terms used herein shall have the meaning given to such terms in the Reclaimed Water Agreement.

2. The definition of "County System" in Section 1.D of the Reclaimed Water Agreement is amended to read in full as follows:

> D. "County System" is defined as all piping, tanks, pumps, the Reclaimed Water meter and associated backflow prevention device, if any, and appurtenances required for delivery of Reclaimed Water, upstream of the flow control valve for the cooling tower stilling basin (referred to as the Fisher Valve). The County System shall also include the diesel generator and the Automatic Transfer Switch (ATS) that were added to the project in connection with the upgrade of the Sanitary Sewer Pump Station located on the Site.

3. The definition of "Covanta System" in Section 1.E of the Reclaimed Water Agreement is amended to read in full as follows:

> E. "Covanta System" is defined as the flow control valve for the cooling tower stilling basin (referred to as the Fisher Valve) and the sewage collection system from the E/RRF to, and including, the sewage pump station located at the E/RRF site and shown on Exhibit B. It also includes the manual bus transfer switch [that was added to the project in connection with the upgrade of the Sanitary Sewer Pump Station located on the Site] and the spare pump.

4. All references in Section 2 of the Reclaimed Water Agreement to the guaranteed minimum amount of Reclaimed Water to be purchased by Covanta on an annual average basis shall be changed from 1.3 MGD to 0.75 MGD.

5.Section 3.B is amended to read in full as follows:

B. Except as otherwise provided herein, the County's System shall extend into the Site to the connection point on the flow control valve for the cooling tower stilling basin (referred to as the Fisher Valve) (the "Point of Delivery"). See Exhibit B. The County is responsible for operating and maintaining the County's System, including those components located on the Site up to the Point of Delivery. The Parties agree that the County's System includes the diesel generator and the Automatic Transfer Switch (ATS) and that the County is responsible for operating and maintaining this equipment. Except as otherwise provided herein, upon completion of construction, Covanta shall operate and maintain all those components of the Reclaimed Water delivery system downstream of the Point of Delivery (the "Covanta System").

(i) The County shall locate the Point of Delivery for the Covanta System at a location agreeable to both parties.

(ii) The County shall locate any portions of the County's System crossing the Site upon which Covanta operates at a location agreeable to both parties.

(iii) The County shall install and maintain an approved backflow prevention device at the Reclaimed Water meter to protect the County System from backflow/backsiphonage.

6. Section 3.C is amended to read in full as follows:

The Reclaimed Water metering facility and the associated backflow prevention device, if any, are and shall remain the property of the County. The County will operate and maintain the Reclaimed Water metering facility, including periodic testing thereof; and whenever it determines that any replacement of the metering facility is required, it will install, operate, and maintain such replacement/new metering facility as may be reasonably required by the then current waterworks industry standards for accuracy so as to insure accurate measurement of the quantities of Reclaimed Water delivered by the County to Covanta. The County will coordinate with Covanta in advance of any replacement/maintenance activities.

7. Section 3.D(iv) is amended to read in full as follows:

D. Covanta shall provide County access as follows:

(iv) Covanta shall allow the County access to the Site for operation, maintenance, repair, and replacement of those portions of the County

System, including the Reclaimed Water storage tank and associated drainage structure and underground pipe to swale from tank overflow and the landscape/rain garden immediately around the tank, Reclaimed Water metering facility and associated yard piping and appurtenances, diesel generator, and the ATS on the Site. Such access will be coordinated with Covanta in advance except in the case of an emergency situation. Under no circumstance shall any County employee enter a Covanta electrical room without an escort. The County will be responsible for any damage to landscaping and property while maintaining its associated equipment.

8. Section 4.D is amended to read in full as follows:

D. The County shall construct and operate a Reclaimed Water storage tank and associated yard piping, drainage structures, appurtenances, and rain garden on the Site which will be owned, operated, and maintained by the County. The County will provide Covanta with a tank fabrication drawing stamped by a licensed Professional Engineer for the Reclaimed Water storage tank.

9. Section 11.C is amended to read in full as follows:

C. The County, at its sole cost, shall operate and maintain the Reclaimed Water storage tank and the associated yard piping, drainage structures, appurtenances, and rain garden located on the Site in accordance with applicable codes and standards. The County is responsible for damages incurred by Covanta due to the County's failure to maintain the storage tank and associated yard piping and appurtenances if such failure has a material adverse impact on the E/RRF or the Site.

10. Section 11.E is amended to read in full as follows:

E. Covanta will continue to operate and maintain the gravity sewer lines within the Site boundary at its sole cost.

11. A new Section 15.C is added to read in full as follows:

C. If during the term of this Agreement the use of Reclaimed Water results in foaming in the cooling tower stilling basin at a level that allows foam to leave the well ("excess foaming"), Covanta shall notify the County of the excess foaming and if the issue cannot be corrected within 24 hours, Covanta may switch to potable water from Fairfax Water until the excess foaming issue can be corrected. The County shall, within 4 hours after receiving notice from Covanta of the excess foaming, add additional defoaming product at the NMCPCP. In addition, the County shall provide Covanta with defoaming product as needed to be used in the control of foam. Covanta's obligations under Section 2.C of the Agreement shall be adjusted for the excess foaming based on the number of days from Covanta's notice to the County of the excess foaming and switching to potable water until the County notifies Covanta that the issue has been resolved.

12. Exhibit B to the Reclaimed Water Agreement is revised to reflect that Covanta will maintain the manual bus transfer switch in gear room. A copy of the revised Exhibit B is attached hereto.

13. All references in the Reclaimed Water Agreement to "this Agreement" shall be deemed to refer to the Reclaimed Water Agreement as amended hereby. The Parties confirm the Reclaimed Water Agreement, as amended hereby, in all respects.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the date first above written.

ATTEST:

Katie E Flick

Jenni L Deets

COVANTA FAIRFAX INC.

By: James C. Kleckner

ATTEST:

_____

FAIRFAX COUNTY

By: _____

Board Agenda Item
December 02, 2014

ADMINISTRATIVE – 2

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Dranesville, and Providence Districts)

ISSUE:
Board endorsement of Traffic Calming measures as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:
The County Executive recommends that the Board endorse the traffic calming plan for Randolph Road and Blake Lane consisting of the following:

> One Speed Hump on Randolph Road (Dranesville District)
> One Speed Hump and one Raised Crosswalk on Blake Lane (Providence District).

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

TIMING:
Board action is requested on December 2, 2014.

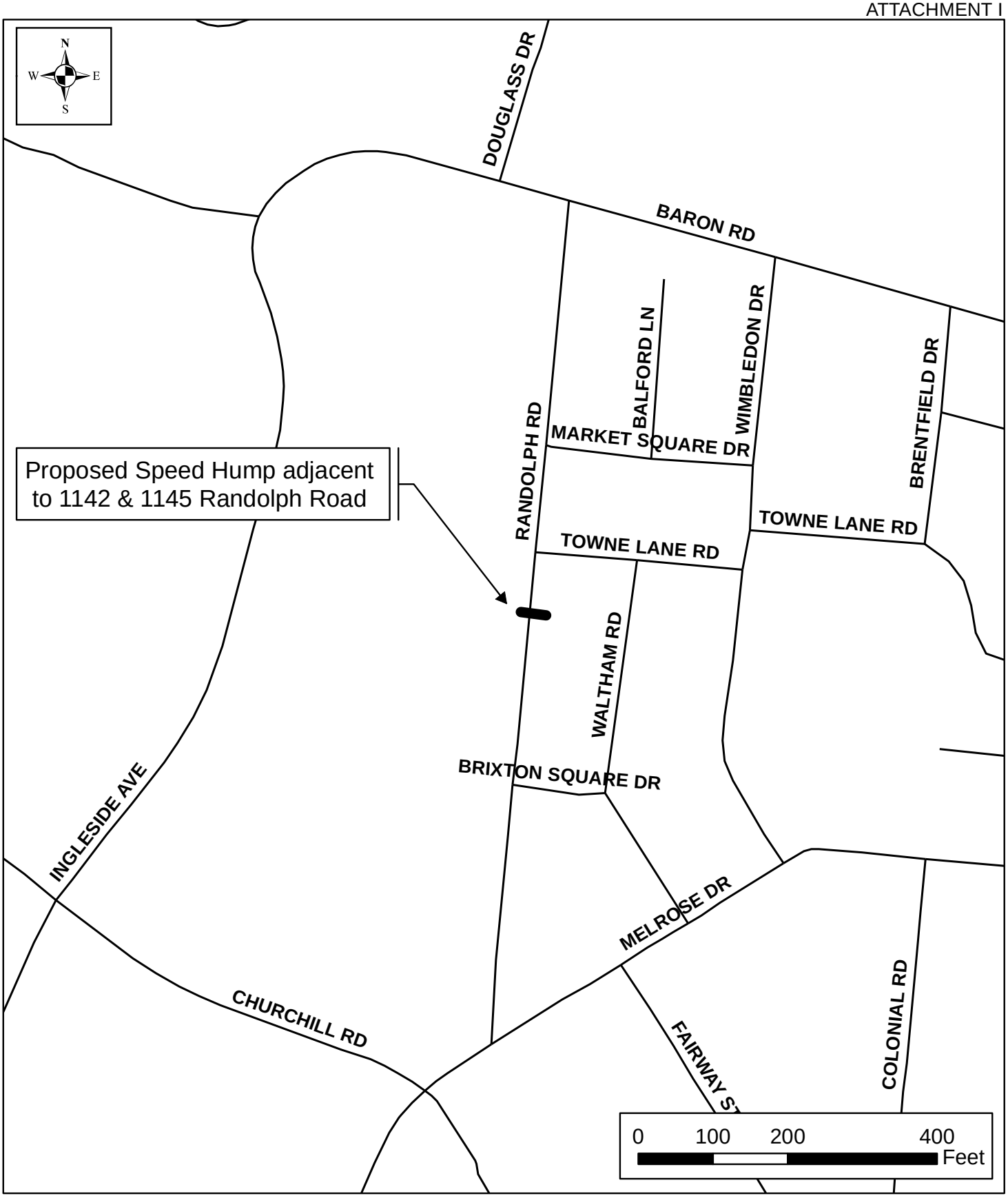
BACKGROUND:
As part of the RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners' or civic association. Traffic calming employs the use of physical devices such as multi-way stop signs (MWS), speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. Staff performed engineering studies documenting the attainment of qualifying criteria. Staff worked with the local Supervisors' office and community to determine the viability of the requested traffic calming measures to reduce the speed of traffic. Once the plan for the road under review is approved and adopted by staff that plan is then submitted for approval to residents of the ballot area in the adjacent community. On October 29, 2014 (Randolph Road) and on October 24, 2014 (Blake Lane), the Department of Transportation received verification from the local Supervisor's offices confirming community support

for the above referenced traffic calming plan.

FISCAL IMPACT:
Funding in the amount of $19,000.00 for the traffic calming measures associated with The Randolph Road and Blake Lane projects is available in Fund 300-C30050, General Fund, under Job Number 2G25-076-000.

ENCLOSED DOCUMENTS:
Attachment I: Traffic Calming Plan for Randolph Road
Attachment II: Traffic Calming Plan for Blake Lane

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Neil Freschman, Chief, Traffic Operations Section, FCDOT
Steven K. Knudsen, Transportation Planner, Traffic Operations Section, FCDOT

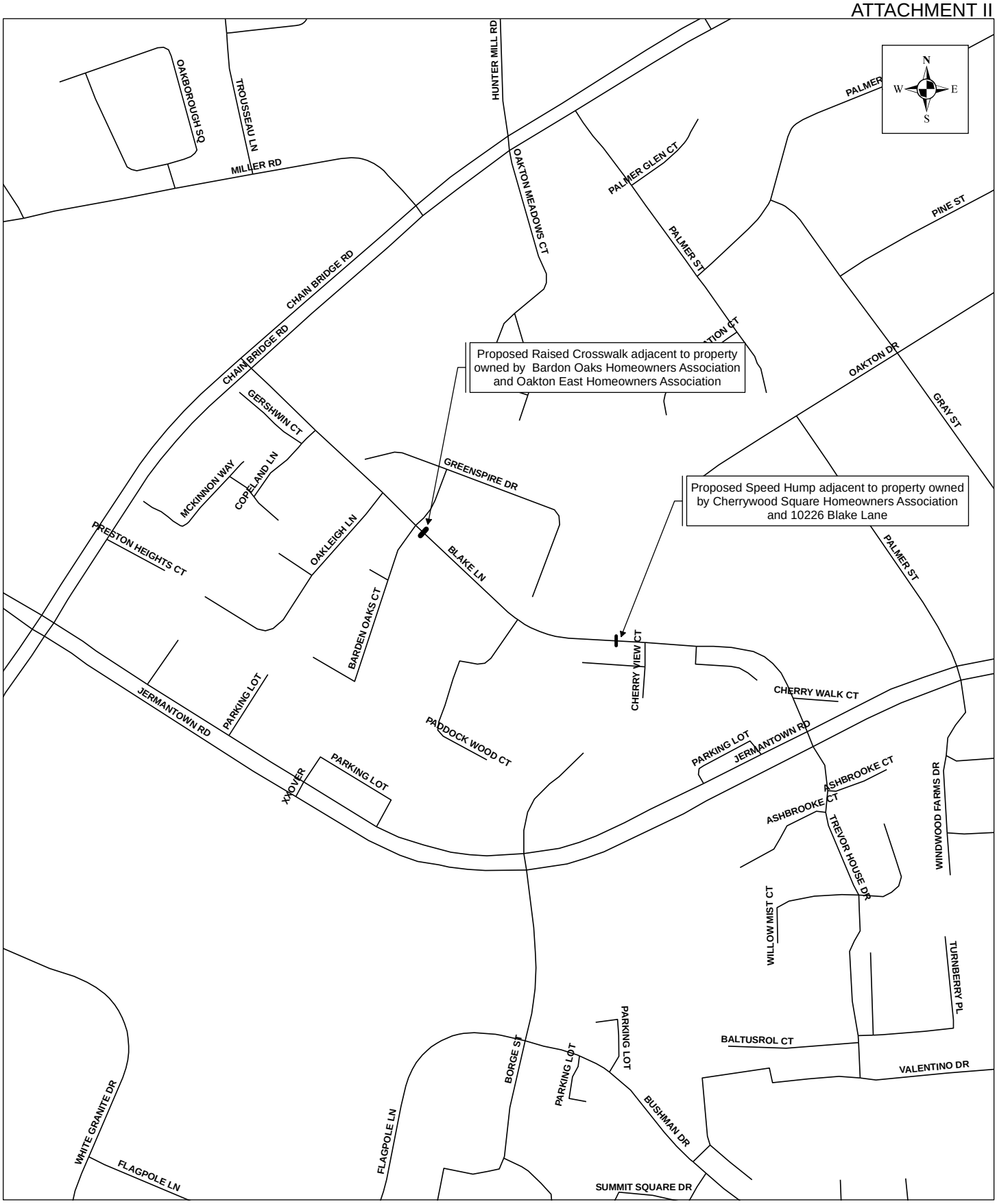


November 2014

A Fairfax County, Va., Publication

Fairfax County Department of Transportation
Residential Traffic Administration Program (RTAP)
TRAFFIC CALMING PLAN
RANDOLPH ROAD
Dranesville District

Tax Map: 21-4, 30-2



NOVEMBER 2014

Fairfax County Department of Transportation
Residential Traffic Administration Program (RTAP)
TRAFFIC CALMING PLAN
BLAKE LANE
Providence District

A Fairfax Co. Va., publication

Tax Map: 47-2

Board Agenda Item
December 2, 2014

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the West Falls Church Residential Permit Parking District, District 2 (Dranesville 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 expand the West Falls Church Residential Permit Parking District (RPPD), District 2.

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

TIMING:
The Board should take action on December 2, 2014, to advertise a public hearing for January 13, 2015, at 4:00 p.m.

BACKGROUND:
Section 82-5A-4(a) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish RPPD restrictions encompassing an area within 2,000 feet walking distance from the pedestrian entrances and/or 1,000 feet from the property boundaries of an existing or proposed high school, existing or proposed rail station, or existing Virginia college or university campus if: (1) the Board receives a petition requesting the establishment or expansion of such a District, (2) such petition 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 face of the proposed District, and (3) the Board determines that 75 percent of the land abutting each block within the proposed District is developed residential. In addition, an application fee of $10 per address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

Staff has verified that Grayson Place from Berkeley Street south to the end is within 1,000 feet of the property boundary of West Falls Church Metrorail Station, and all other requirements to expand the RPPD have been met.

FISCAL IMPACT:
The cost of sign installation is estimated at $925 to be paid out of Fairfax County Department of Transportation funds.

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

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Neil Freschman, Chief, Traffic Operations Section, FCDOT
Maria Turner, Sr. Transportation Planner, FCDOT
Charisse Padilla, Transportation Planner, FCDOT

Attachment I

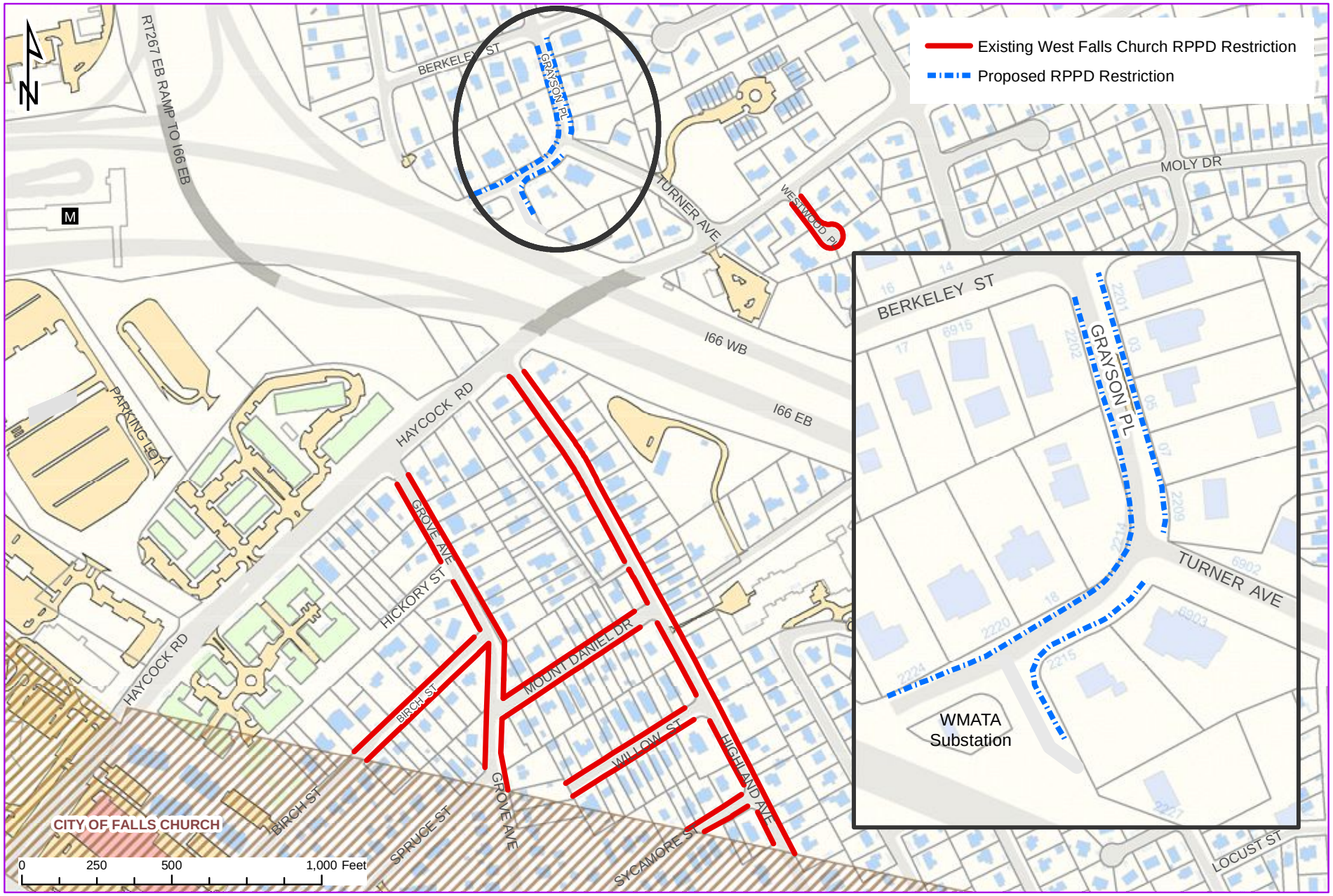
Proposed Amendment

Amend *The Code of the County of Fairfax*, *Virginia*, by adding the following street to Appendix G-2, Section (b), (2), West Falls Church Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Grayson Place:

From Berkeley Street south to the end, excluding areas abutting Washington Metropolitan Area Transit Authority (WMATA) substation property.

Attachment II



Fairfax County Department of Transportation
Traffic Operations Section
Proposed West Falls Church RPPD Expansion
Dranesville District

Board Agenda Item
December 2, 2014

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Dunn Loring Residential Permit Parking District, District 3 (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 expand the Dunn Loring Residential Permit Parking District (RPPD), District 3.

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

TIMING:
The Board should take action on December 2, 2014, to advertise a public hearing for January 13, 2015, 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. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

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

FISCAL IMPACT:
The cost of sign installation is estimated at $450 to be paid out of Fairfax County Department of Transportation funds.

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

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Neil Freschman, Chief, Traffic Operations Section, FCDOT
Maria Turner, Sr. Transportation Planner, FCDOT
Charisse Padilla, Transportation Planner, FCDOT

Attachment I

Proposed Amendment

Amend *The Code of the County of Fairfax*, *Virginia*, by modifying the following streets in Appendix G-3, Section (b), (2), Dunn Loring Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Cottage Street:

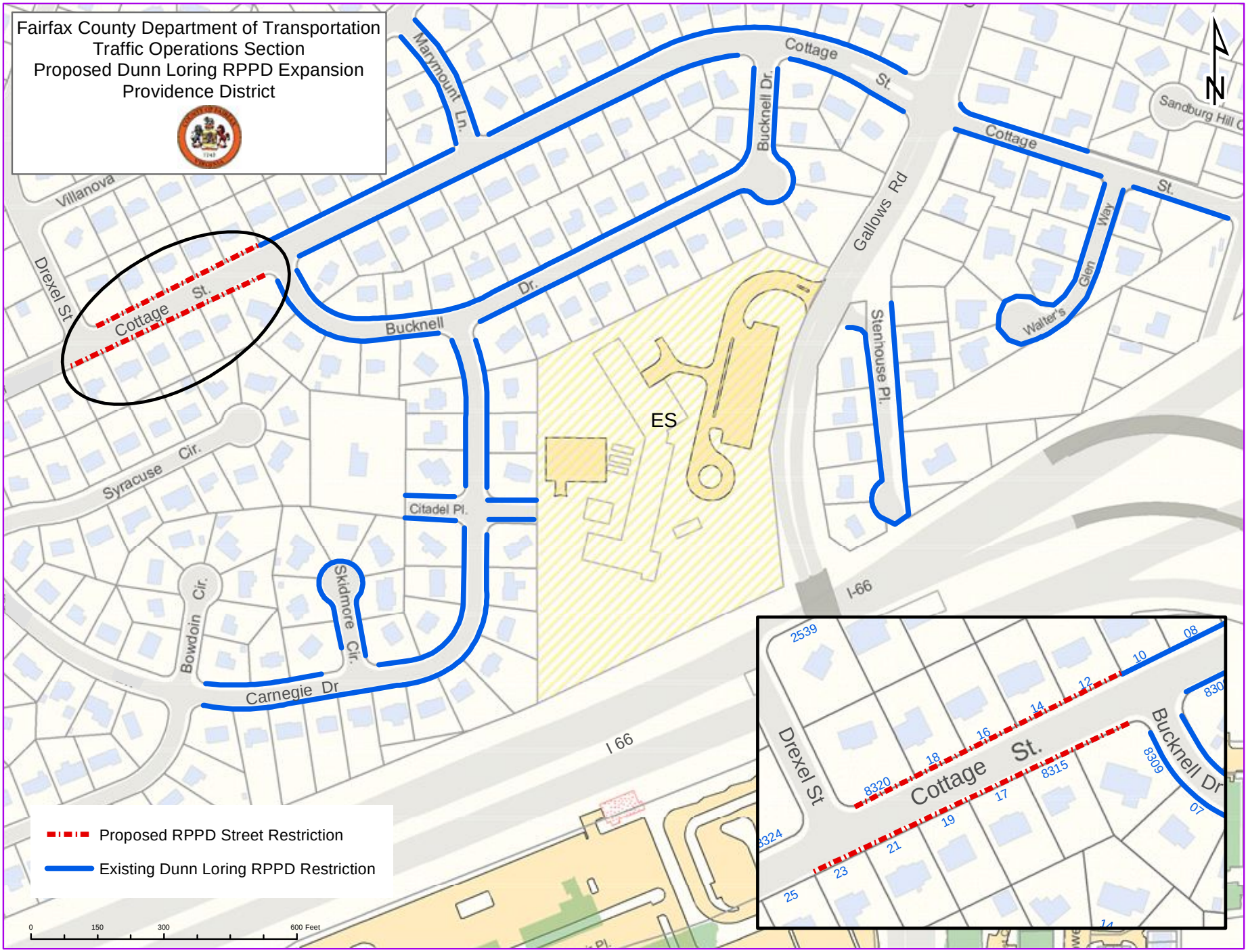
~~From Bucknell Drive to Marymount Lane.~~

~~From Marymont Lane to Bucknell Drive (eastern intersection).~~

~~From Bucknell Drive (eastern intersection) to Gallows Road~~.

From Gallows Road to Drexel Street.

Attachment II



Board Agenda Item
December 2, 2014

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Establish Parking Restrictions on Daly Drive (Sully District)

ISSUE:
Board authorization to advertise a public hearing to consider a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish parking restrictions on Daly Drive in the Sully District.

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing for January 13, 2015, at 4:00 p.m. to consider adoption of a Fairfax County Code amendment (Attachment I) to Appendix R, to prohibit commercial vehicles, recreational vehicles and all trailers as defined in Fairfax County Code Sections 82-5-7(b) and 82-5B-1 from parking on Daly Drive from Brookfield Corporate Drive to Willard Road from 9:00 p.m. to 6:00 a.m., seven days per week, excluding areas designated as "No Parking" by the Virginia Department of Transportation (VDOT).

TIMING:
The Board of Supervisors should take action on December 2, 2014, to provide sufficient time for advertisement of the public hearing on January 13, 2015, at 4:00 p.m.

BACKGROUND:
Fairfax County Code Section 82-5-37(5) authorizes the Board of Supervisors to designate restricted parking in non-residential areas where long term parking of vehicles diminishes the capacity of on-street parking for other uses.

The property owners of various parcels of land along Daly Drive contacted the Sully District office requesting a parking restriction for all commercial vehicles, recreational vehicles, and all trailers along the entire length of the roadway from 9:00 p.m. to 6:00 a.m. The property along Daly Drive is zoned industrial.

Staff has reviewed this location on several occasions over a number of weeks and verified that long term parking of out-of-area large commercial vehicles, recreational vehicles and trailers is occurring.

FISCAL IMPACT:
The cost of sign installation is estimated at $800 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:
Attachment I: Amendment to the Fairfax County Code, Appendix R (General Parking Restrictions)
Attachment II: Area Map of Proposed Parking Restriction

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Neil Freschman, Chief, Traffic Operations Section, FCDOT
Maria Turner, Sr. Transportation Planner, FCDOT

Attachment I

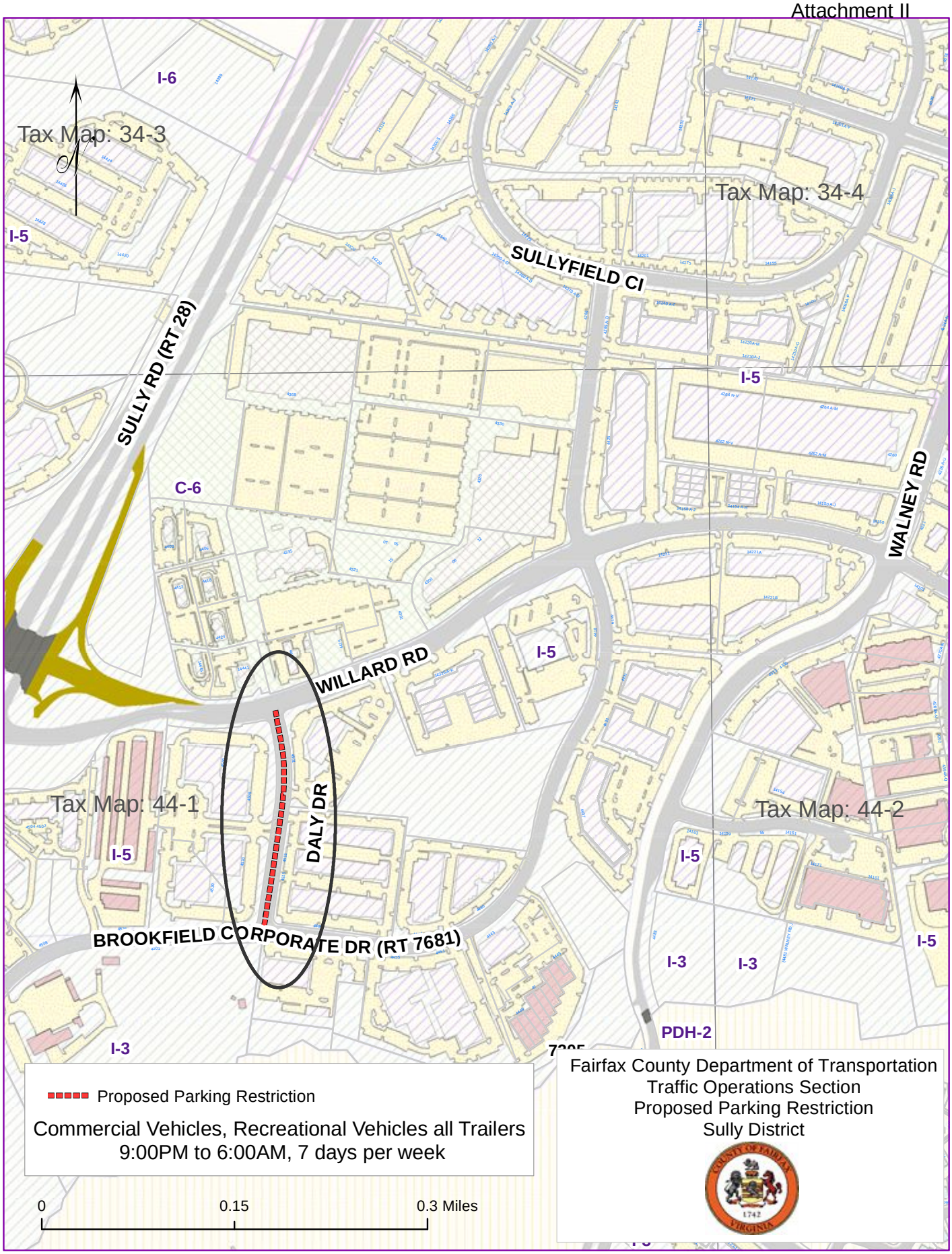
PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX R

Amend *The Code of the County of Fairfax*, *Virginia,* by adding the following to Appendix R, in accordance with Section 82-5-37:

Daly Drive (Route 7682).
Commercial vehicles, recreational vehicles, and trailers as defined in Fairfax County Code Sections 82-5-7(b) and 82-5B-1 shall be restricted from parking on Daly Drive from Brookfield Corporate Drive to Willard Road from 9:00 p.m. to 6:00 a.m., seven days per week, excluding areas designated as “No Parking” by the Virginia Department of Transportation (VDOT).

Attachment II



Board Agenda Item
December 2, 2014

ADMINISTRATIVE – 6

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Improvements at the Intersection of Old Dominion Drive / Bellview Road Phase II (Dranesville District)

ISSUE:
Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project 2G40-028-014 (RSPI01-01500), Old Dominion Drive / Bellview Road Phase II Intersection Improvements, Fund 400-C40011, County & Regional Transportation Projects.

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing for January 13, 2015, commencing at 4:00 p.m.

TIMING:
Board action is requested on December 2, 2014, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:
This project consists of the grading back of embankments, removing vegetation, utility relocation, and the installation of storm drainage infrastructure to improve sight distances and traffic operations at the intersection of Old Dominion Drive and Bellview Road.

Land rights for these improvements are required on four properties. The construction of this project requires the acquisition of a Virginia Electric and Power Company Easement, storm drainage easements, sight distance easements, and grading agreement and temporary construction easements.

Negotiations are in progress with the affected property owners; however, because resolution of these acquisitions is not imminent, it may be necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, Va. Code Ann. §§ 15.2-1903 through 15.2-1905 (2012). Pursuant to these provisions, a public

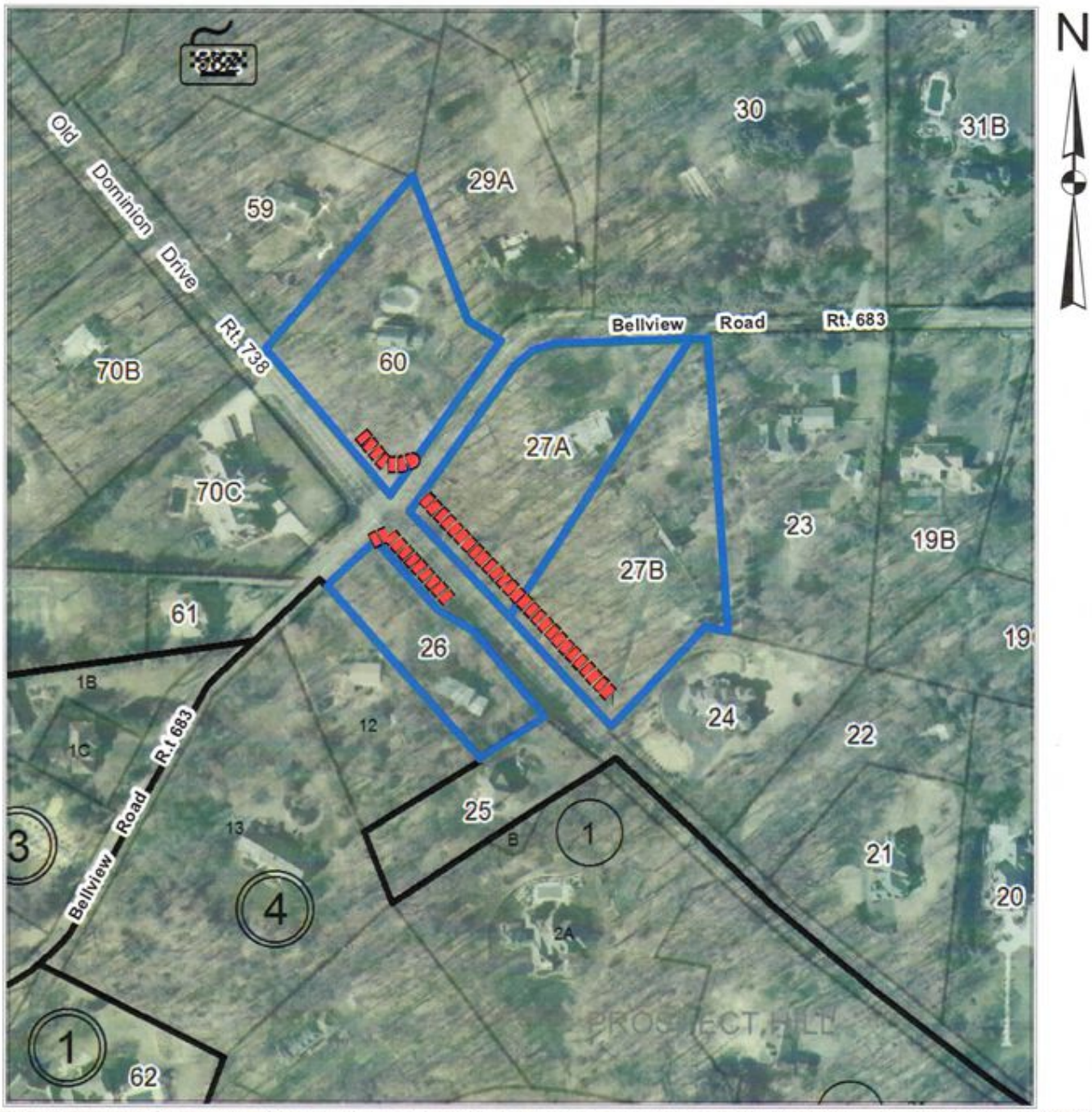
hearing is required before property interests can be acquired in such an accelerated manner.

FISCAL IMPACT:
Funding is available in Project 2G40-028-014(RSPI01-01500), Old Dominion Drive / Bellview Road Phase II Intersection Improvements, Fund 400-C40011, County & Regional Transportation Projects. This project is included in the Adopted FY2015 - FY2019 Capital Improvement Program (with future Fiscal Years to FY2024). No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:
Attachment A - Project Location Map
Attachment B - Listing of Affected Properties

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

ATTACHMENT A



OLD DOMINION DRIVE/BELLVIEW ROAD PHASE II INTERSECTION IMPROVEMENTS

Tax Map: 20-1

Project 2G40-028-014
Dranesville District

Affected Properties:

Proposed Improvements:

0 0.025 0.05 0.1 Miles

ATTACHMENT B

LISTING OF AFFECTED PROPERTIES
Project 2G40-028-014 (RSPI01-01500)
Old Dominion Drive / Bellview Road Phase II Intersection Improvements
(Dranesville District)

PROPERTY OWNER(S)

1. Larry Sipos, Trustee — 020-1-01-0026
   Rebecca S. Sipos, Trustee

   Address:
   1001 Bellview Road
   McLean, VA 22102

2. Robert O. Kramer — 020-1-01-0027A
   Monique L. Kramer

   Address:
   8518 Old Dominion Drive
   McLean, VA 22102

3. Craig L. Fuller — 020-1-01-0027B
   Karen D. Fuller

   Address:
   8516 Old Dominion Drive
   McLean, VA 22102

4. Bellview, LLC — 020-1-01-0060

   Address:
   978 Bellview Road
   McLean, VA 22102

Board Agenda Item
December 2, 2014

ADMINISTRATIVE - 7

Authorization to Advertise Public Hearings on a Proposed Amendment to the Public Facilities Manual Regarding Storm Drainage Pro Rata Share Provisions, Chapter 6 (Storm Drainage) and Proposed Revisions to the Pro Rata Share Agreement Form

ISSUE:
Board authorization to advertise public hearings on a Proposed Amendment to the Public Facilities Manual (PFM) regarding Storm Drainage Pro Rata Share Provisions, Chapter 6 (Storm Drainage) and proposed revisions to the Pro Rata Share Agreement form. The proposed amendment is necessary to replace the current 27 watershed-based pro rata share rates with a single countywide rate for assessment purposes and implement credits for on-site stormwater management and/or best management practices. Proposed revisions to the Pro Rata Share Agreement form are necessary for it to conform to the proposed PFM amendment.

RECOMMENDATION:
The County Executive recommends that the Board authorize the advertisement of the proposed amendment to the PFM and proposed revisions to the Pro Rata Share Agreement form.

The proposed amendment to the PFM and proposed revisions to the Pro Rata Share Agreement form have been prepared by the Department of Public Works and Environmental Services and coordinated with the Office of the County Attorney. The proposed PFM amendment has been recommended for approval by the Engineering Standards Review Committee.

TIMING:
The Board is requested to take action on December 2, 2014, to provide sufficient time to advertise public hearings on January 7, 2015, at 8:15 p.m. before the Planning Commission and on January 27, 2015, at 4:30 p.m. before the Board. The proposed amendment will become effective at 12:01 a.m. July 1, 2015.

BACKGROUND:
In 1972 the Virginia General Assembly enacted enabling legislation that allowed local governments to collect assessments for pro rata share costs for downstream improvements. Fairfax County subsequently adopted its first pro rata share program in 1973. The current pro rata share program enabled under Virginia Code Ann. § 15.2-2243, titled the “Uniform Pro-rata Share Assessment Program,” was subsequently adopted by the Board of Supervisors on December 16, 1991. The PFM amendments

needed to implement the program were adopted by the Board of Supervisors on July 29, 1992.

The Uniform Pro-rata Share Assessment Program includes storm drainage improvement projects in 27 of the County's 30 major watersheds. Assessment rates, established in each of the 27 watersheds, are based on projects contained within the County's general drainage improvement program and the watershed's projected impervious area at ultimate build-out. Ultimate build-out for the Uniform Pro-rata Share Assessment Program was based on the County's land use comprehensive plan or zoning whichever represented the greatest percent imperviousness. This resulted in the current program establishing 27 different assessment rate structures with three watersheds having no rate established. The 27 rates are updated on a bi-annual basis to account for changes in both inflation and the total estimated cost of the County's general drainage improvement program. The estimated cost of the County's general drainage improvement program is updated as projects are removed or included.

Under the existing program, the pro rata share assessment for a given development and/or redevelopment site is dependent on the rate established for the watershed in which the site is located. Likewise, the funds that are collected may only be utilized for the construction of the specific drainage improvement projects located within that watershed. Equity in the collection and use of pro rata share funds across the major watersheds is a significant concern. Depending on the watershed in which a given development and/or redevelopment site is located, the developer's pro rata share assessment, which is derived from the watershed-based rates, can vary dramatically for the same impervious cover increase. Western portions of the County that were previously not built-out have typically seen more newer development than the older already developed eastern portions of the County. This results in a disproportionate accumulation of assessments that are collected between older and newer areas of the County. In older developed areas/watersheds where more degradation is evident due to increases in impervious area and lack of adequate stormwater management infrastructure fewer funds for improvements have accumulated. Newer developed areas/watersheds that tend to have more adequate stormwater management infrastructure in place and not yet experienced the same level of degradation accumulate more funding for improvements.
Administering 27 different assessment rates is cumbersome and inefficient for the County to manage, and can overly complicate the pro rata share assessment calculation. For example, if a development and/or redevelopment span more than one major watershed, the assessment calculation must be based on multiple pro rata share assessment rates. Further, the assessments collected must be tracked in separate accounts to ensure the pro rata share funds are allocated to drainage improvements in the respective watersheds they were collected.

The proposed PFM amendment abolishes the current 27 different watershed-based rates and replaces them with a single countywide rate structure for assessment purposes across all 30 major watersheds within the County. The single countywide rate

will be updated on an annual basis to account for changes in both inflation and the total estimated cost of the County's general drainage improvement program. Restrictions causing the inequities in both the collection and use of pro rata share funds will be eliminated. All assessments collected will be aggregated and used for any eligible project within the County. The reduction of 27 rates to a single rate and the reduction in the frequency of updates from bi-annual to annual will improve the efficiency of administering the program and simplify the pro rata share assessment calculation.

The current Uniform Pro-rata Share Assessment Program contains limited provisions for providing credit for the installation of on-site stormwater management and/or best management practices. Developers seeking credits must submit a detailed engineering/cost study that demonstrates a cost reduction in a pro rata share project. This is a significant disincentive because the resources needed to demonstrate the cost reduction would likely exceed any credits achieved. The new state stormwater regulations, effective July 1, 2014, under the County's new Stormwater Ordinance, increase requirements for water quality and provide incentives for reducing the volume of stormwater runoff. These inherent features of the new regulations will provide the basis for awarding credits and serve as an incentive to achieve reductions in pro rata share assessments.

The proposed PFM amendment includes new provisions to implement credits for on-site stormwater management and/or best management practices. The credits are designed to reduce the pro rata share assessment in a way that recognizes the positive effect that the new regulatory requirements have on improving water quality and reducing the volume of stormwater runoff. The maximum water quality credit is currently estimated to be a 42% reduction in the assessment and can be achieved if the stormwater management requirement for water quality treatment is provided on-site or within the common plan of development. Similarly, a water quantity credit for reducing the volume of stormwater runoff leaving the site through on-site practices such as infiltration, stormwater re-use or other means of retention can further reduce the assessment. The maximum water quantity credit is currently estimated to be a 58% reduction in the assessment. Depending on how significantly on-site stormwater management and/or best management practices address the quality and quantity of stormwater runoff, credits can potentially reduce the pro rata share assessment to zero. It is anticipated that development and/or redevelopment providing on-site stormwater management and/or best management practices in full compliance with the regulations will at a minimum receive the maximum water quality credit of 42%.

Discounts in the pro rata share assessment achieved through the use of credits recognizes that the greater the level of stormwater treatment provided on-site, the fewer County stormwater projects will need to be implemented and: therefore, less pro rata share funding is required. Assuming treatment levels using on-site stormwater management and/or best management practices meet full compliance for water quality, the resulting discounted rate per impervious acre increase is equivalent to the current rates averaged across all County watersheds. Consequently, the average revenue

anticipated by implementing the proposed single countywide rate will be similar to what is collected under the current watershed-based rates.

Individual pro rata share agreements are a condition of plan approval. The Pro Rata Share Agreement form is currently formatted to accommodate a pro rata share assessment specific to the watershed within which the new development or redevelopment is located. The proposed revisions to the Pro Rata Share Agreement form reflect the changes needed to be consistent with the single countywide rate proposed in the PFM amendment and include some minor editorial changes.

There has been an increase in the number of Low-Impact Development (LID) stormwater practices implemented through the County's capital improvement program and by industry since LID practices were adopted into the PFM in 2007. The current pro rata share program was adopted prior to 2007 and the advent of LIDs; consequently, it contains no provisions for the inclusion of LID stormwater practices into the County's pro rata share program for off-site drainage improvements. As a result, these practices are currently not eligible for pro rata share funding in the existing program. Moreover, large tract developments have given way to smaller in-fill development or redevelopment. Often, these newer types of development are approved and permitted one single lot at a time; but, occur at many locations across the County. Although smaller, the widespread nature of these types of developments has an overall cumulative effect to the increase in volume and velocity of stormwater runoff. Accordingly, these increases adversely affect the quality of our stream networks across the County. Staff recommends including these practices into the County's general drainage improvement program making them eligible for pro rata share funding. Individually, LIDs provide smaller areas of treatment; however, these are distributed systems that when combined or aggregated their treatment can mitigate increases in the volume and velocity of runoff caused by development countywide and their use are strongly encouraged by the new stormwater regulations.

Impervious area estimated at ultimate build-out is used in the rate calculation for pro rata share assessments. The impervious area estimated for ultimate build-out in the current pro rata share program was limited to methods available back in the 1990's. Using modern GIS technology to assist in estimating future impervious area has revealed that the earlier methods over-estimated future impervious area. Staff recommends using the latest GIS technology in the calculation of the single countywide pro rata share assessment rate.

The proposed amendment to the PFM and revisions to the Pro Rata Share Agreement form are enabled under Va. Code Ann. § 15.2-2243.

PROPOSED AMENDMENT:
The amendment to Chapter 6 of the PFM incorporates the following provisions:

- A rationale for the removal of the restriction that pro rata share contributions collected in a given major watershed must fund off-site storm drainage improvements in the major watershed it was collected. Instead, collected pro rata share payments, aggregated countywide, will fund off-site storm drainage improvements countywide.

- A definition of the County's general drainage improvement program.

- A change in the status of pro rata share credits. Credits are no longer at the County's discretion. Credits are mandatory when on-site stormwater management and/or best management practices are installed.

- A methodology to reduce pro rata share assessments through the use of a crediting system. Credits to reduce the pro rata share assessment are based on the extent that on-site stormwater management and/or best management practices address water quality and water quantity. The percent reductions associated with the credits will be updated on an annual basis.

- The establishment of a single countywide pro rata share assessment rate and elimination of the 27 watershed-based pro rata share assessment rates in the calculation of the pro rata share assessment.

- An update of plan types that are submitted to the county for calculation of the pro rata share assessment and where payment of the pro rata share assessment is a condition of plan approval.

- A restriction on pro rata share assessments received prior to the effective date of the Board of Supervisors' adoption of the PFM amendment creating a single countywide rate. Funds collected prior to July 1, 2015 will continue to be kept in separate accounts until such time as they are expended for the watershed improvement program.

- A deletion of the provision regarding the disposition of pro rata share agreements that existed prior to July 1, 1990. This provision was acted upon as part of the implementation to the current program and therefore no longer applies.

FISCAL IMPACT:
None. Tracking pro rata share assessments collected using the current watershed-based rates will need to continue until they are expended for the watershed improvement program. This will create a temporary burden on staff as pro rata share assessments that will be collected using the single countywide rate cannot be

commingled with assessments collected using the current watershed-based rates. Assessments previously collected for a specific watershed may; however, be combined with assessments collected under the countywide rate to fund a project within that particular watershed. The proposed amendment improves the overall efficiency of the program and will offset this burden. Therefore, the proposed amendment will have no impact on staff workload.

REGULATORY IMPACT:
Minimal. The proposed amendment to PFM Chapter 6 simplifies both existing County procedures for establishing the pro rata share assessments and credits with minimal changes. Revisions to the Pro Rata Share Agreement form simplify the procedures used with the existing form.

ENCLOSED DOCUMENTS:
Attachment I – Staff Report

STAFF:
Robert A. Stalzer, Deputy County Executive
James Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Audrey C. Clark, Acting Deputy Director, Land Development Services, DPWES
Randolph W. Bartlett, Deputy Director, Stormwater/Wastewater, DPWES
Laura Gori, Assistant County Attorney, Office of the County Attorney

ATTACHMENT I

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 regarding Storm Drainage Pro Rata Share Provisions, Chapter 6 (Storm Drainage) and proposed revisions to the Pro Rata Share Agreement form (countywide)

Authorization to Advertise	December 2, 2014
Planning Commission Hearing	January 7, 2015
Board of Supervisors Hearing	January 27, 2015
Prepared by:	Stormwater Planning Division 703- 324-5500
	December 2, 2014

STAFF REPORT

A. ISSUE:

Proposed Amendment to the Public Facilities Manual (PFM) regarding Storm Drainage Pro Rata Share Provisions, Chapter 6 (Storm Drainage) and proposed revisions to the Pro Rata Share Agreement form. The proposed amendment is necessary to replace the current 27 watershed-based pro rata share rates with a single countywide rate for assessment purposes and implement credits for on-site stormwater management and/or best management practices. Proposed revisions to the Pro Rata Share Agreement form are necessary for it to conform to the proposed PFM amendment.

B. RECOMMENDED ACTION:

Staff recommends that the Board of Supervisors adopt the proposed amendment to the PFM and the proposed revisions to the Pro Rata Share Agreement form.

C. TIMING:

Board of Supervisors authorization to advertise – December 2, 2014

Planning Commission Public Hearing – January 7, 2015

Board of Supervisors Public Hearing – January 27, 2015

Effective Date – July 1, 2015

D. SOURCE:

Department of Public Works and Environmental Services (DPWES)

E. COORDINATION:

The proposed amendment to the PFM and proposed revisions to the Pro Rata Share Agreement form have been prepared by the Department of Public Works and Environmental Services and coordinated with the Office of the County Attorney. The proposed PFM amendment has been recommended for approval by the Engineering Standards Review Committee.

F. BACKGROUND:

In 1972 the Virginia General Assembly enacted enabling legislation that allowed local governments to collect assessments for pro rata share costs for downstream improvements. Fairfax County subsequently adopted its first pro rata share program in 1973. The current pro rata share program enabled under Virginia Code Ann. § 15.2-2243, titled the "Uniform Pro-rata Share Assessment Program," was subsequently adopted by the Board of Supervisors on December 16, 1991. The PFM amendments needed to implement the program were adopted by the Board of Supervisors on July 29, 1992.

The Uniform Pro-rata Share Assessment Program includes storm drainage improvement projects in 27 of the County's 30 major watersheds. Assessment rates, established in each of the 27 watersheds, are based on projects contained within the County's general drainage improvement program and the watershed's projected impervious area at ultimate build-out. Ultimate build-out for the Uniform Pro-rata Share Assessment Program was based on the County's land use comprehensive plan or zoning whichever represented the greatest percent imperviousness. This resulted in the current program establishing 27 different assessment rate structures with three watersheds having no rate established. The 27 rates are updated on a bi-annual basis to account for changes in both inflation and the total estimated cost of the County's general drainage improvement program. The estimated cost of the County's general drainage improvement program is updated as projects are removed or included.

Under the existing program, the pro rata share assessment for a given development and/or redevelopment site is dependent on the rate established for the watershed in which the site is located. Likewise, the funds that are collected may only be utilized for the construction of the specific drainage improvement projects located within that watershed. Equity in the collection and use of pro rata share funds across the major watersheds is a significant concern. Depending on the watershed in which a given development and/or redevelopment site is located, the developer's pro rata share assessment, which is derived from the watershed-based rates, can vary dramatically for the same impervious cover increase. Western portions of the County that were previously not built-out have typically seen more newer development than the older already developed eastern portions of the County. This results in a disproportionate accumulation of assessments that are collected between older and newer areas of the County. In older developed areas/watersheds where more degradation is evident due to increases in impervious area and lack of adequate stormwater management

infrastructure fewer funds for improvements have accumulated. Newer developed areas/watersheds that tend to have more adequate stormwater management infrastructure in place and not yet experienced the same level of degradation accumulate more funding for improvements.

Administering 27 different assessment rates is cumbersome and inefficient for the County to manage and can overly complicate the pro rata share assessment calculation. For example, if a development and/or redevelopment span more than one major watershed, the assessment calculation must be based on multiple pro rata share assessment rates. Further, the assessments collected must be tracked in separate accounts to ensure the pro rata share funds are allocated to drainage improvements in the respective watersheds they were collected.

The proposed PFM amendment abolishes the current 27 different watershed-based rates and replaces them with a single countywide rate structure for assessment purposes across all 30 major watersheds within the County. The single countywide rate will be updated on an annual basis to account for changes in both inflation and the total estimated cost of the County's general drainage improvement program. Restrictions causing the inequities in both the collection and use of pro rata share funds will be eliminated. All assessments collected will be aggregated and used for any eligible project within the County. The reduction of 27 rates to a single rate and the reduction in the frequency of updates from bi-annual to annual will improve the efficiency of administering the program and simplify the pro rata share assessment calculation.

The current Uniform Pro-rata Share Assessment Program contains limited provisions for providing credit for the installation of on-site stormwater management and/or best management practices. Developers seeking credits must submit a detailed engineering/cost study that demonstrates a cost reduction in a pro rata share project. This is a significant disincentive because the resources needed to demonstrate the cost reduction would likely exceed any credits achieved. The new state stormwater regulations, effective July 1, 2014 under the County's new Stormwater Ordinance, increase requirements for water quality and provide incentives for reducing the volume of stormwater runoff. These inherent features of the new regulations will provide the basis for awarding credits and serve as an incentive to achieve reductions in pro rata share assessments.

The proposed PFM amendment includes new provisions to implement credits for on-site stormwater management and/or best management practices. The credits are designed to reduce the pro rata share assessment in a way that recognizes the positive effect that the new regulatory requirements have on improving water quality and reducing the volume of stormwater runoff. The maximum water quality credit is currently estimated to be a 42% reduction in the assessment and can be achieved if the stormwater management requirement for water quality treatment is provided on-site or within the common plan of development. Similarly, a water quantity credit for reducing the volume of stormwater runoff leaving the site through on-site practices such as infiltration, stormwater re-use or other means of retention can further reduce the assessment. The maximum water quantity credit is currently estimated to be a 58% reduction in the

assessment. Depending on how significantly on-site stormwater management and/or best management practices address the quality and quantity of stormwater runoff, credits can potentially reduce the pro rata share assessment to zero. It is anticipated that development and/or redevelopment providing on-site stormwater management and/or best management practices in full compliance with the regulations will at a minimum receive the maximum water quality credit of 42%.

Discounts in the pro rata share assessment achieved through the use of credits recognizes that the greater the level of stormwater treatment provided on-site, the fewer County stormwater projects will need to be implemented and therefore less pro rata share funding is required. Assuming treatment levels using on-site stormwater management and/or best management practices meet full compliance for water quality, the resulting discounted rate per impervious acre increase is equivalent to the current rates averaged across all County watersheds. Consequently, the average revenue anticipated by implementing the proposed single countywide rate will be similar to what is collected under the current watershed-based rates.

Individual pro rata share agreements are a condition of plan approval. The Pro Rata Share Agreement form is currently formatted to accommodate a pro rata share assessment specific to the watershed within which the new development or redevelopment is located. The proposed revisions to the Pro Rata Share Agreement form reflect the changes needed to be consistent with the single countywide rate proposed in the PFM amendment and include some minor editorial changes.

There has been an increase in the number of Low-Impact Development (LID) stormwater practices implemented through the County's capital improvement program and by industry since LID practices were adopted into the PFM in 2007. The current pro rata share program was adopted prior to 2007 and the advent of LIDs consequently it contains no provisions for the inclusion of Low-Impact Development (LID) stormwater practices into the County's pro rata share program for off-site drainage improvements. As a result, these practices are currently not eligible for pro rata share funding in the existing program. Moreover, large tract developments have given way to smaller in-fill development or redevelopment. Often, these newer types of development are approved and permitted one single lot at a time but occur at many locations across the County. Although smaller, the widespread nature of these types of developments has an overall cumulative effect to the increase in volume and velocity of stormwater runoff. Accordingly, these increases adversely affect the quality of our stream networks across the County. Staff recommends including these practices into the County's general drainage improvement program making them eligible for pro rata share funding. Individually, LIDs provide smaller areas of treatment; however these are distributed systems that when combined or aggregated their treatment can mitigate increases in the volume and velocity of runoff caused by development countywide and their use are strongly encouraged by the new stormwater regulations.

Impervious area estimated at ultimate build-out is used in the rate calculation for pro rata share assessments. The impervious area estimated for ultimate build-out in the current pro rata share program was limited to methods available back in the 1990's.

Using modern GIS technology to assist in estimating future impervious area has revealed that the earlier methods over-estimated future impervious area. Staff recommends using the latest GIS technology in the calculation of the single countywide pro rata share assessment rate.

The proposed amendment to the PFM and revisions to the Pro Rata Share Agreement form are enabled under Va. Code Ann. § 15.2-2243.

G. PROPOSED AMENDMENT:

The amendment to Chapter 6 of the PFM incorporates the following provisions:

- A rationale for the removal of the restriction that pro rata share contributions collected in a given major watershed must fund off-site storm drainage improvements in the major watershed it was collected. Instead, collected pro rata share payments, aggregated countywide, will fund off-site storm drainage improvements countywide.

- A definition of the County's general drainage improvement program.

- A change in the status of pro rata share credits. Credits are no longer at the County's discretion. Credits are mandatory when on-site stormwater management and/or best management practices are installed.

- A methodology to reduce pro rata share assessments through the use of a crediting system. Credits to reduce the pro rata share assessment are based on the extent that on-site stormwater management and/or best management practices address water quality and water quantity. The percent reductions associated with the credits will be updated on an annual basis.

- The establishment of a single countywide pro rata share assessment rate and elimination of the 27 watershed-based pro rata share assessment rates in the calculation of the pro rata share assessment.

- An update of plan types that are submitted to the county for calculation of the pro rata share assessment and where payment of the pro rata share assessment is a condition of plan approval.

- A restriction on pro rata share assessments received prior to the effective date of the Board of Supervisors' adoption of the PFM amendment creating a single countywide rate. Funds collected prior to July 1, 2015 will continue to be kept in separate accounts until such time as they are expended for the watershed improvement program.

- A deletion of the provision regarding the disposition of pro rata share agreements that existed prior to July 1, 1990. This provision was acted upon as part of the implementation to the current program and therefore no longer applies.

H. REGULATORY IMPACT:

Minimal. The proposed amendment to PFM Chapter 6 simplifies both existing County procedures for establishing the pro rata share assessments and credits with minimal changes. Revisions to the Pro Rata Share Agreement form simplify the procedures used with the existing form.

I. ATTACHED DOCUMENTS:

Attachment A – Proposed amendment to Chapter 6 of the PFM
Attachment B – Proposed revisions to the Pro Rata Share Agreement form

Attachment A

Proposed Amendment to Chapter 6 (Storm Drainage)
of the
Public Facilities Manual

Deletions are shown as strikeouts and insertions are underlined.

Amend §6-0502 (General Policy) of the Public Facilities Manual to read as follows:

6-0502.1 The County's pro rata share program for off-site drainage improvements involves assessing new development and redevelopment for a proportionate share of the cost of off-site drainage improvements. It provides the County a funding source for the portion of the cost of drainage improvements necessitated by the increased runoff from new development and redevelopment. Offsetting environmental impacts caused by local increases in runoff has far-reaching implications. Restoration needs for the Potomac River and the Chesapeake Bay are caused in part by increased runoff from the surrounding counties and states as well as the County as a whole. From this standpoint, the general drainage improvement program implemented in Fairfax County is viewed as a single, consolidated effort towards restoring these important natural resources. To this end, the County ~~may~~ shall require pro rata share contributions for off-site storm drainage improvements ~~in all areas where pro rata share improvements have been planned~~ as part of ~~the~~ its general drainage improvement program.

6-0502.2 The County's general drainage improvement program is a tabulation of all the capital drainage improvement projects and their associated costs that are eligible for pro rata share funding. Specifically included are projects that mitigate flooding and environmental stream degradation caused by land disturbing activities that increase impervious cover. Also included are projects and studies related to the development of County watershed management plans. The inventory of included projects is not static over time. Projects are removed as they are completed and projects are included as they are identified. The majority of projects within the County's general drainage improvement program are from the County's adopted watershed management plans. Projects that address routine maintenance are not included in the general drainage improvement program as they are not necessitated by development or redevelopment.

6-0502.~~2~~3 Pro rata share payments ~~will not~~ shall be reduced using the crediting system described in § 6-0605 and are based on a development ~~providing~~ meeting normal on-site ~~detention/BMP~~ stormwater management requirements.

6-0502.4 Pending the availability of pro rata share monies, developer costs for ~~off-site~~ construction of drainage improvements available for off-site drainage such as, but not limited to, the ~~or~~ implementation of a regional detention pond may be considered for a pro rata share assessment reduction and/or reimbursement. Developer reimbursement will be facilitated only by written agreement executed with the Board prior to construction plan approval. The developer's maximum amount of a pro rata share assessment reduction and/or reimbursement will be limited to the developer costs which are over and above the normal costs that would be incurred in developing the property. Subject to available funding, ~~T~~the maximum amount of annual pro rata share reimbursement to a

6-0602.2 The total estimated cost of projects within the general drainage improvement program shall include design, land acquisition, utility relocation, construction, and administrative costs ~~for the projects contained in the improvement program~~.

~~6-0602.3 The computation of total estimated costs shall include any engineering study for the watershed or improvement program.~~

6-0602.43 When this cost is computed it shall be updated ~~every six months~~ annually by applying the Engineering News Record Construction Cost index value to ~~the construction~~ project and study costs contained within the general drainage improvement program.

~~6-0602.5 The above study with its attendant cost figures shall constitute the general improvement program for the affected watershed.~~

Amend § 6-0603 (General Drainage Improvement Program), where insertions are underlined and deletions are shown as strikeouts, to read as follows:

(36-92-PFM) ~~When a general drainage improvement program has been established, a~~ The pro rata share of the total cost of the general drainage improvement program shall be determined as follows:

6-0603.1 The County shall determine the estimated ~~increased~~ volume and velocity of stormwater runoff, expressed as ~~an increase in~~ impervious area, for the ~~watershed~~ County when fully developed in accordance with the adopted comprehensive land use plan or the current zoning of the land within the County, whichever is higher.

6-0603.2 The total estimated cost of the general drainage improvement program for the ~~watershed~~ County divided by the ~~increase in~~ impervious area for the ~~watershed~~ County when fully developed in accordance with the adopted comprehensive land use plan or the current zoning of the land within the County, whichever is higher, shall be computed by the County to determine the pro rata share assessment rate ~~for that watershed~~.

~~6-0603.3 The developer shall determine the increase in impervious area for the development. If the development is located within more than one major watershed, then the developer shall determine the increase in impervious area for each portion of the development which lies within each major watershed. The major watersheds are defined on the County's 1 inch = 4,000 feet Watersheds Map. A specific site must be divided into drainage areas conforming to the major watershed boundaries. The total site area within each major watershed must be included in the computation whether it is controlled by a storm sewer, detention/retention runoff facility, BMP, or sheet runoff design. Pro rata share reduction will not be allowed for normal on-site detention/BMP requirements.~~

6-0603.43 The developer shall provide the computations showing the increase in impervious area for the development ~~to~~ within the County as part of plan submittal requirements including, but not limited to, the submittal of subdivision construction plans, site plans, infill lot grading plans, conservation plans, rough grading plans and

6-0605.2 Credit for fully meeting water quality regulations using on-site BMPs. A developer meeting or exceeding the required water quality regulations through the use of approved on-site BMPs shall receive a credit so as to reduce the developer's pro rata share assessment. The maximum credit will be a percentage of the developer's base pro rata share assessment. The maximum-credit percentage will be recalculated annually by the County based on the projects in its general drainage improvement program related to improving water quality.

6-0605.3 Credit for partially meeting water quality regulations using on-site BMPs. A developer complying with water quality regulations through the acquisition of nutrient offset credits shall not receive a pro rata share credit for the offset portion. The credit amount calculated using the procedure in § 6-0605.2 shall be limited to an amount proportional to the phosphorus load reduction achieved on-site as compared to the phosphorus load reduction required to be fully compliant.

6-0605.4 Credit for providing water quantity retention using on-site stormwater management. A developer providing on-site water quantity retention through the use of approved on-site stormwater management shall receive a credit so as to reduce the developer's pro rata share assessment. The County will calculate the credit by multiplying the total number of rainfall inches retained on-site by an annually determined rate. The maximum credit will be limited to the retention of the 100-year storm. The rate for this credit will be recalculated each year by the County based on the projects in its general drainage improvement program related to managing water quantity.

6-0605.5 Credit will not be provided for a development that is fully exempt from providing on-site water quality or water quantity controls.

6-0605.6 Pro rata share assessment payment reduction. The total allowed credit is the summation of both the credit for water quality and the credit for water quantity. The developer's final pro rata share assessment will be an amount equal to the base pro rata share assessment minus the total allowed credit received.

Amend the Public Facilities Manual, Table of Contents, to insert new § 6-0605 (Pro Rata Share Credits).

Attachment B

Service District:_____ Map Reference:_____

PRO RATA SHARE AGREEMENT

This agreement, made this _____day of _____, _____,
by and between _____,
a _____, hereinafter
called "Developer," and the Board of Supervisors of Fairfax County, Virginia, hereinafter called "Board."

WITNESSETH:

WHEREAS, Developer desires approval of plans for a project known as _____

_____

Plan No._____; and

WHEREAS, the Board desires to ensure the payment of the Developer's Pro Rata Share for the cost of drainage facilities necessitated or required, at least in part, by the above development (hereinafter called "Pro Rata Share"); and

WHEREAS, payment of Developer's Pro Rata Share is a condition precedent to the approval of Developer's plans; and

WHEREAS, Developer desires to deposit his Pro Rata Share with the Board;

NOW, therefore, for and in consideration of the foregoing premises and the following terms and conditions, and in further consideration of the approval of the aforesaid plans by the Director of the Department of Public Works and Environmental Services or his designated agent hereinafter called "Director" ~~County~~ and the issuance of permits for the work proposed to be done thereunder, the parties hereto agree as follows:

1. Developer has deposited with the Board, and the Board by its execution hereof acknowledges that it holds the sum of _____U.S. Dollars ($_____) as the Developer's Pro Rata Share, under and subject to the terms of this Agreement.

2. Developer and Board agree that an estimated cost of a drainage improvement program for the County of Fairfax _____ ~~watershed~~ has been established ~~and is located within said watershed~~. Developer and Board further agree that Developer's Pro Rata Share equals the proportion of the total estimated cost of the drainage improvement program to be borne by the Developer, minus any applicable credit for providing on-site stormwater management facilities and best management practices.

3. It is expressly agreed by all parties hereto that it is the purpose and intent of this Agreement to ensure the availability of the Developer's Pro Rata Share at such time as it is required for the construction of the necessary drainage facilities located beyond the land controlled by the Developer.

4. It is expressly agreed by the parties hereto that the amount shall be disbursed by the Board only upon receipt of a written request from the Director ~~of the Department of Public Works and Environmental Services or his designated agent~~.

Disbursement shall be made only to the Director of Finance, County of Fairfax, and forwarded to the Director of the Department of Public Works and Environmental Services, within ten days of receipt of the request.

IN WITNESS of all of which, the parties hereto have caused this Agreement to be executed on their behalf.

Developer:_____

Authorized Signatory:_____

Printed Name and Title:_____

Address:_____

_____

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

By: _____
Director, Department of Public Works and Environmental Services or designee

CE No.:_____

Date:_____

Board Agenda Item
December 2, 2014

ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Westmoreland Street @ Old Chesterbrook Road Phase II Improvements (Dranesville District)

ISSUE:
Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project ST-000003-044 (PPTF01 – 04400B) - Westmoreland Street @ Old Chesterbrook Road Phase II Improvements, Fund 400-C40011,County & Regional Transportation Projects.

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing for January 13, 2015, commencing at 4:30 p.m.

TIMING:
Board action is requested on December 2, 2014, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:
The County is planning to realign the intersection of Westmoreland Street and Old Chesterbrook Road and extend the sidewalk along Westmoreland Street to Dillon Avenue. The project includes asphalt pavement, curb and gutter, five-foot wide sidewalk, and upgraded storm drainage system, including a culvert extension.

Land rights for these improvements are required on four properties. The construction of the project requires the acquisition of dedications for public street purposes, and grading agreement and temporary construction easements.

Negotiations are in progress with the owners of these properties; however, because resolution of these acquisitions is not imminent, it may become necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on

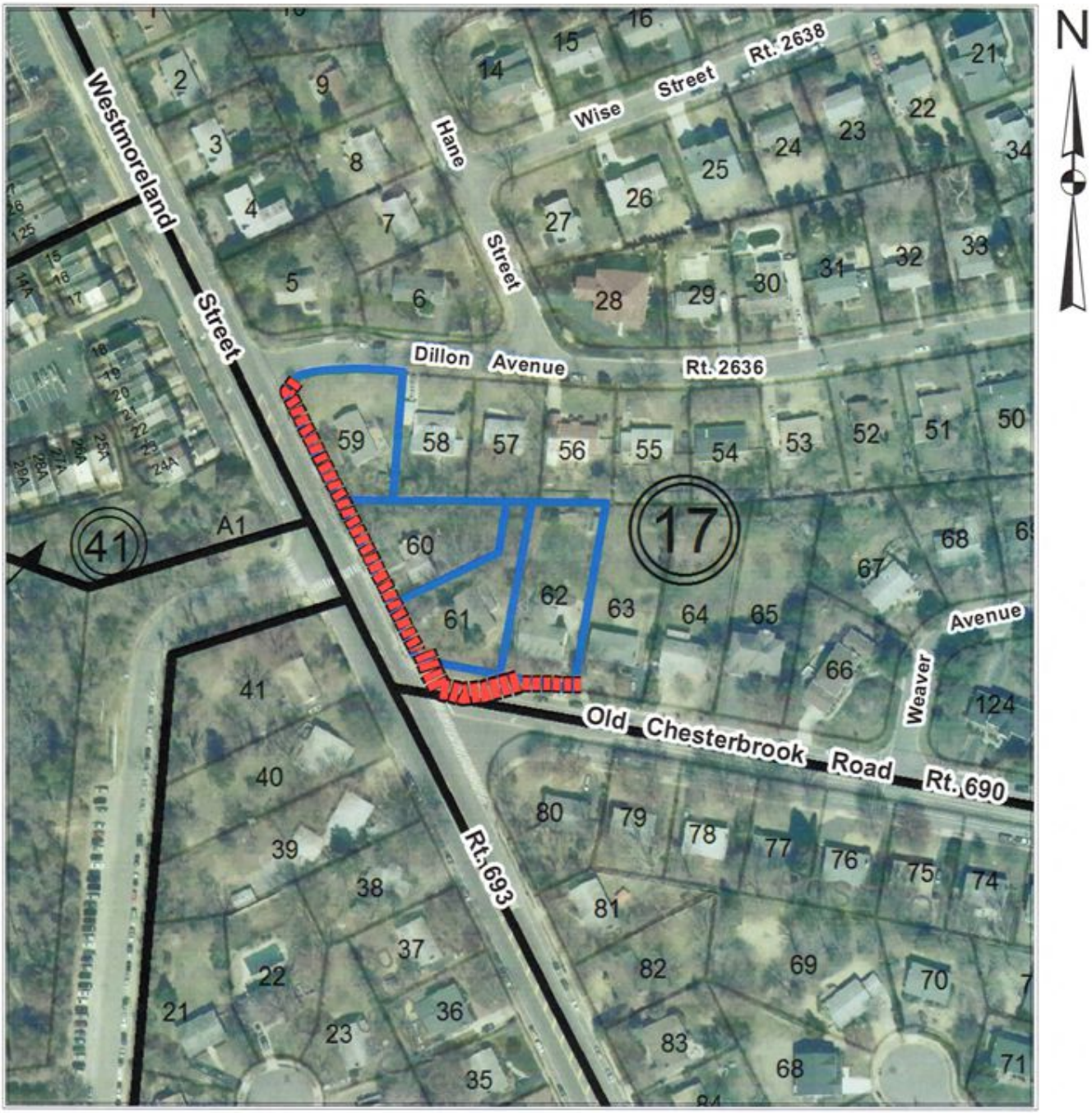
schedule. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1903 and 15.2-1905 (2012). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

FISCAL IMPACT:
Funding is currently available in Project ST-000003-044 (PPTF01-04400B) - Westmoreland Street @ Old Chesterbrook Road Phase II Improvements, Fund
400-C40011, County & Regional Transportation Projects. No additional funds are required at this time for land acquisition.

ENCLOSED DOCUMENTS:
Attachment A - Project Location Map
Attachment B - Listing of Affected Properties

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

ATTACHMENT A



WESTMORELAND STREET AT OLD CHESTERBROOK ROAD-PHASE II IMPROVEMENTS

Tax Map: 30-4

Project ST-000003-044
Dranesville District

Affected Properties:

Proposed Improvements:

0 0.0175 0.035 0.07 Miles

ATTACHMENT B

LISTING OF AFFECTED PROPERTIES
Project ST-000003-044 (PPTF01-04400B) – Westmoreland Street @ Old Chesterbrook Road Phase II Improvements
(Dranesville District)

PROPERTY OWNER(S)	TAX MAP NUMBER
1. Ja Kyoung Jun Address: 1567 Westmoreland Street McLean, Virginia 22101	030-4-17-0059
2. Margery Kendall Law Clint Dale Law Address: 1571 Westmoreland Street McLean, Virginia 22101	030-4-17-0060
3. Joseph T. Yap, Trustee Mary A. Yap, Trustee Address: 1573 Westmoreland Street McLean, Virginia 22101	030-4-17-0061
4. Lawrence C. O'Connor Tina M. O'Connor Address: 6826 Old Chesterbrook Road McLean, Virginia 22101	030-4-17-0062

Board Agenda Item
December 2, 2014

ADMINISTRATIVE – 9

Authorization to Advertise Proposed Amendments to Chapter 124 (Stormwater Management Ordinance), Chapter 101 (Subdivision Ordinance), and Appendix Q (Land Development Services Fees) of The Code of the County of Fairfax, Virginia Re: Implementation of the Virginia Stormwater Management Act and Virginia Stormwater Management Program Regulation

ISSUE:
Board of Supervisors' authorization to advertise proposed amendments to Chapter 124 (Stormwater Management Ordinance), Chapter 101 (Subdivision Ordinance), and Appendix Q (Land Development Services Fees) of *The Code of the County of Fairfax, Virginia*. The proposed amendments implement the Virginia Stormwater Management Act (Va. Code Ann. § 62.1-44.15:24, et seq.) and Virginia Stormwater Management Program (VSMP) Regulation (9 VAC 25-870 et seq.).

RECOMMENDATION:
The County Executive recommends that the Board authorize the advertisement of the proposed amendments to *The Code of the County of Fairfax, Virginia* as set forth in the Staff Report dated December 2, 2014.

The proposed amendments have been prepared by the Department of Public Works and Environmental Services and coordinated with the Office of the County Attorney.

TIMING:
Board action is requested on December 2, 2014, to provide sufficient time to advertise public hearings on January 8, 2015, before the Planning Commission and on February 17, 2015, before the Board.

BACKGROUND:
On January 28, 2014, the Board adopted Chapter 124 (Stormwater Management Ordinance) and amendments to Chapters 101 (Subdivision Ordinance), 104 (Erosion and Sedimentation Control), 112 (Zoning Ordinance), 118 (Chesapeake Bay Preservation Ordinance), and Appendix Q (Land Development Services Fees) of *The Code of the County of Fairfax, Virginia* (County Code); repealed Chapters 105 (Pollution of State Waters) and 106 (Storm Drainage) of the County Code; and adopted amendments to the Public Facilities Manual (PFM) all of which became effective on July

1, 2014. After adoption, the new Stormwater Management Ordinance, amendments to the County Code, amendments to the PFM, and related materials were transmitted to the Department of Environmental Quality (DEQ) for review and approval of the County's Virginia Stormwater Management Program (VSMP) by the State Water Control Board (SWCB) in accordance with § 62.1-44.15:27(G) of the Virginia Stormwater Management Act. On July 1, 2014, the County received provisional approval of its VSMP from DEQ acting on behalf of the SWCB (Attachment 1). As part of their consistency review DEQ has requested that the County make some minor changes to the Stormwater Management Ordinance.

Amendments to the Virginia Stormwater Management Act (HB 1173) were enacted by the General Assembly during the 2014 legislative session (Chapter 303 of the 2014 Acts of Assembly). The amendments to the Stormwater Management Act eliminate requirements for state permit registration statements for the construction of single family detached residential structures, eliminate or reduce some permit fees for the construction of single family detached residential structures, and clarify appeals procedures for decisions made by localities. On June 26, 2014, the SWCB adopted amendments to the Virginia Stormwater Management Regulation (9VAC25-870 et seq.) and the General Permit for Discharges of Stormwater from Construction Activities (9VAC25-880 et seq.) to implement the changes to the Virginia Stormwater Management Act.

The proposed amendments to the Stormwater Management Ordinance, Subdivision Ordinance, and Appendix Q of the County Code have been prepared in response to DEQ's consistency review and the changes to the Virginia Stormwater Management Act and amended regulations. The proposed amendments include some clarifications of existing ordinance language generated by staff. Because of the primacy of state law over local ordinances, the changes related to state permit registration statements in HB 1173 went into effect on July 1, 2014.

PROPOSED AMENDMENTS:

Chapter 124 (Stormwater Management Ordinance):
The proposed amendments include the following:

- Definitions were amended for consistency with the regulations.

- Definitions were added for consistency with the regulations.

- A minor change to one of the exemptions was made for consistency with the regulations. The change clarifies that the common plan of development or sale referred to in the exemption is one that disturbs one acre or greater of land.

- New provisions were added and existing provisions were modified indicating that registration statements are not required for coverage under the General Permit for Discharges of Stormwater from Construction Activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale. These changes implement the amendments to the Virginia Stormwater Management Act enacted by the General Assembly during the 2014 legislative session.

- Requirements were added that a stormwater management plan approved for a residential, commercial, or industrial subdivision governs the development of the individual parcels, including those parcels developed under subsequent owners and that a note be placed on the subdivision plat stating that individual parcels shall be developed in accordance with the approved stormwater management plan for the subdivision. These changes implement the amendments to the Virginia Stormwater Management Act enacted by the General Assembly during the 2014 legislative session.

- The appeals procedure has been rewritten to streamline it and eliminate the requirement for the Director of DPWES to appoint a hearing officer. The Director or his designee will evaluate and act on appeals. The final decision of the Director will still be subject to review by appeal to the Circuit Court of Fairfax County, Virginia.

- A clarification was added to the requirements for grandfathered projects and projects subject to time limits that BMPs for such projects are subject to current requirements for testing, inspection, plan submission, and dam standards in effect at the time of plan submission.

Chapter 101 (Subdivision Ordinance)

The proposed amendment adds a requirement for a note on the final subdivision plat stating that individual parcels shall be developed in accordance with the approved stormwater management plan for the subdivision. This change implements the amendments to the Virginia Stormwater Management Act enacted by the General Assembly during the 2014 legislative session.

Appendix Q
The proposed amendments include the following:

- A clarification that a permit fee is not required for Chesapeake Bay Preservation Act land-disturbing activities exempt from the Stormwater Management Ordinance under §124-1-7 of the ordinance has been added.

- Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities for Small Construction Activity/Land Clearing for: 1) areas within common plans of development or sale with land-disturbance acreage less than one acre; and 2) sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres for construction of single-family detached residential structures have been set at $0.

- Fees for annual permit maintenance for Chesapeake Bay Preservation Act land-disturbing activities have been set at $0 eliminating the existing $20 permit maintenance fee. Such land-disturbing activities rarely take a year to complete construction and collection of the fee is not considered cost effective.

- Fees for annual permit maintenance for: 1) areas within common plans of development or sale with land-disturbance acreage less than one acre; and 2) sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres for construction of single-family detached residential structures have been set at $0.

These changes implement the amendments to the Virginia Stormwater Management Act enacted by the General Assembly during the 2014 legislative session.

REGULATORY IMPACT:
The minor changes to the Stormwater Management Ordinance resulting from DEQ's consistency review of the ordinance have no regulatory impact. The changes to the Stormwater Management Ordinance resulting from changes to the Stormwater Management Act reduce the regulatory burden for the construction of single family detached residential structures by eliminating the requirement to submit registration statements for state permits for discharges of stormwater from construction activities. It is noted that only the submission of the registration statement has been eliminated and that the construction is still subject to the General Permit for Discharges of Stormwater from Construction Activities.

FISCAL IMPACT:
The fiscal impact of the changes to the permit fees for discharges of stormwater from construction activities is insignificant. These fees are basically for the paperwork

involved in administering the permit program. Collection of these small fees is generally not cost effective. Fees for plan review and inspection are accounted for elsewhere in the fee schedule and are unchanged.

ENCLOSED DOCUMENTS:
Attachment 1 – Provisional Approval of County VSMP, July 1, 2014, Letter from DEQ
Attachment 2 - Staff Report Dated December 2, 2014

STAFF:
Robert A. Stalzer, Deputy County Executive
James Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Audrey Clark, Acting Deputy Director, DPWES

Attachment 1

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Street address: 629 East Main Street, Richmond, Virginia 23219
Mailing address: P.O. Box 1105, Richmond, Virginia 23218
Fax: 804-698-4019 - TDD (804) 698-4021
www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4020
1-800-592-5482

July 1, 2014

Edward L. Long, Jr., County Executive
Fairfax County
12000 Government Center Parkway Suite 552
Fairfax, VA 22035

Dear Mr. Long:

In accordance with §62.1-44.15:27 G of the Virginia Stormwater Management Act (Act), the Department of Environmental (DEQ) has completed its review of Fairfax County's final Virginia Stormwater Management Program (VSMP) application package submitted on June 27, 2014. Based on this review, DEQ has determined that the Fairfax County's VSMP is consistent with the requirements of the Act and the VSMP regulation in place prior to the 2014 session of the General Assembly. As you know, the General Assembly made changes to the Act during this past session that were signed into law on March 24, 2014.

Because these amendments to the Act were made late in the VSMP development process, DEQ recognizes that you were unable to include these revisions in your VSMP application package and grants provisional approval of Fairfax County's VSMP. This provisional approval is conditioned upon your locality making the required revisions operational by July 1, 2014, and authorizes the County to operate a VSMP on July 1, 2014. When the required revisions are made, DEQ will provide the final approval of the County's VSMP.

Thank you for your cooperation in developing a VSMP. We look forward to continuing to assist the County with the implementation of its VSMP.

Sincerely,

Melanie D. Davenport

Melanie D. Davenport
Director, Water Division DEQ

C: Melanie Davenport, Director, Water Division
Frederick Cunningham, Director, Office of Water Permits
Joan Salvati, Manager, Local Government Stormwater Programs

Attachment 2

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

STAFF REPORT

- [x] PROPOSED COUNTY CODE AMENDMENT
- [ ] PROPOSED PFM AMENDMENT
- [ ] APPEAL OF DECISION
- [ ] WAIVER REQUEST

Proposed Amendments to Chapter 124 (Stormwater Management Ordinance), Chapter 101 (Subdivision Ordinance), and Appendix Q (Land Development Services Fees) of The Code of the County of Fairfax, Virginia Re: Implementation of the Virginia Stormwater Management Act (Va. Code Ann. § 62.1-44.15:24, et seq.) and Virginia Stormwater Management Program (VSMP) Regulation (9 VAC 25-870 et seq.).

Authorization to Advertise	December 2, 2014
Planning Commission Hearing	January 8, 2015
Board of Supervisors Hearing	February 17, 2015
Prepared by:	Code Development and Compliance Division JAF (703) 324-1780 December 2, 2014

STAFF REPORT

A. Issues:

Adoption of proposed amendments to Chapter 124 (Stormwater Management Ordinance), Chapter 101 (Subdivision Ordinance), and Appendix Q (Land Development Services Fees) of The Code of the County of Fairfax, Virginia. The new ordinance and proposed amendments implement the Virginia Stormwater Management Act (Va. Code Ann. § 62.1-44.15:24, et seq.) and Virginia Stormwater Management Program (VSMP) Regulation (9 VAC 25-870 et seq.).

B. Recommended Action:

Staff recommends that the Board of Supervisors (the Board) adopt the proposed amendments to Chapter 124 (Stormwater Management Ordinance), Chapter 101 (Subdivision Ordinance), and Appendix Q (Land Development Services Fees) of The Code of the County of Fairfax, Virginia. The proposed amendments implement the Virginia Stormwater Management Act (Va. Code Ann. § 62.1-44.15:24, et seq.) and Virginia Stormwater Management Program (VSMP) Permit Regulations (9 VAC 25-870 et seq.).

C. Timing:

Board of Supervisors authorization to advertise – December 2, 2014

Planning Commission Public Hearing – January 8, 2015

Board of Supervisors Public Hearing – February 17, 2015

Effective Date – February 18, 2015, at 12:01 a.m.

D. Source:

Department of Public Works and Environmental Services (DPWES)

E. Coordination:

The proposed amendments have been prepared by the Department of Public Works and Environmental Services and coordinated with the Office of the County Attorney.

F. Background:

On January 28, 2014, the Board adopted Chapter 124 (Stormwater Management Ordinance) and amendments to Chapters 101 (Subdivision Ordinance), 104 (Erosion and Sedimentation Control), 112 (Zoning Ordinance), 118 (Chesapeake Bay Preservation Ordinance), and Appendix Q (Land Development Services Fees) of *The Code of the County of Fairfax, Virginia* (County Code); repealed Chapters 105 (Pollution of State Waters) and 106 (Storm Drainage) of the County Code; and adopted amendments to the Public Facilities Manual (PFM) all of which became effective on July 1, 2014. After adoption, the new Stormwater Management Ordinance, amendments to the County Code, amendments to the PFM, and related

materials were transmitted to the Department of Environmental Quality (DEQ) for review and approval of the County's Virginia Stormwater Management Program (VSMP) by the State Water Control Board (SWCB) in accordance with § 62.1-44.15:27(G) of the Virginia Stormwater Management Act. On July 1, 2014, the County received provisional approval of its VSMP from DEQ acting on behalf of the SWCB (Attachment 1). As part of their consistency review DEQ has requested that the County make some minor changes to the Stormwater Management Ordinance.

Amendments to the Virginia Stormwater Management Act (HB 1173) were enacted by the General Assembly during the 2014 legislative session (Chapter 303 of the 2014 Acts of Assembly). The amendments to the Stormwater Management Act eliminate requirements for state permit registration statements for the construction of single family detached residential structures, eliminate or reduce some permit fees for the construction of single family detached residential structures, and clarify appeals procedures for decisions made by localities. On June 26, 2014, the SWCB adopted amendments to the Virginia Stormwater Management Regulation (9VAC25-870 et seq.) and the General Permit for Discharges of Stormwater from Construction Activities (9VAC25-880 et seq.) to implement the changes to the Virginia Stormwater Management Act.

The proposed amendments to the Stormwater Management Ordinance, Subdivision Ordinance, and Appendix Q of the County Code have been prepared in response to DEQ's consistency review and the changes to the Virginia Stormwater Management Act and amended regulations. The proposed amendments include some clarifications of existing ordinance language generated by staff. Because of the primacy of state law over local ordinances, the changes related to state permit registration statements in HB 1173 went into effect on July 1, 2014.

G. Proposed Amendments

Key elements of the County's proposed ordinance and amendments to existing ordinances are presented below.

Chapter 124 (Stormwater Management Ordinance):
The proposed amendments include the following:

- Definitions were amended for consistency with the regulations.
- Definitions were added for consistency with the regulations..
- A minor change to one of the exemptions was made for consistency with the regulations. The change clarifies that the common plan of development or sale referred to in the exemption is one that disturbs one acre or greater of land.
- New provisions were added and existing provisions were modified indicating that registration statements are not required for coverage under the General

Permit for Discharges of Stormwater from Construction Activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale. These changes implement the amendments to the Virginia Stormwater Management Act enacted by the General Assembly during the 2014 legislative session.

- Requirements were added that a stormwater management plan approved for a residential, commercial, or industrial subdivision governs the development of the individual parcels, including those parcels developed under subsequent owners and that a note be placed on the subdivision plat stating that individual parcels shall be developed in accordance with the approved stormwater management plan for the subdivision. These changes implement the amendments to the Virginia Stormwater Management Act enacted by the General Assembly during the 2014 legislative session.

- The appeals procedure has been rewritten to streamline it and eliminate the requirement for the Director of DPWES to appoint a hearing officer. The Director or his designee will evaluate and act on appeals. The final decision of the Director will still be subject to review by appeal to the Circuit Court of Fairfax County, Virginia.

- A clarification was added to the requirements for grandfathered projects and projects subject to time limits that BMPs for such projects are subject to current requirements for testing, inspection, plan submission, and dam standards in effect at the time of plan submission.

Chapter 101 (Subdivision Ordinance):

The proposed amendment adds a requirement for a note on the final subdivision plat stating that individual parcels shall be developed in accordance with the approved stormwater management plan for the subdivision. This change implements the amendments to the Virginia Stormwater Management Act enacted by the General Assembly during the 2014 legislative session.

Appendix Q
The proposed amendments include the following:

- A clarification that a permit fee is not required for Chesapeake Bay Preservation Act land-disturbing activities exempt from the Stormwater Management Ordinance under §124-1-7 of the ordinance has been added.

- Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities for Small Construction Activity/Land Clearing for: 1) areas within common plans of development or sale with land-disturbance acreage less than one acre; and 2) sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five

acres for construction of single-family detached residential structures have been set at $0.

- Fees for annual permit maintenance for Chesapeake Bay Preservation Act land-disturbing activities have been set at $0 eliminating the existing $20 permit maintenance fee. Such land-disturbing activities rarely take a year to complete construction and collection of the fee is not considered cost effective.

- Fees for annual permit maintenance for: 1) areas within common plans of development or sale with land-disturbance acreage less than one acre; and 2) sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres for construction of single-family detached residential structures have been set at $0.

These changes implement the amendments to the Virginia Stormwater Management Act enacted by the General Assembly during the 2014 legislative session.

H. Regulatory Impact:

The minor changes to the Stormwater Management Ordinance resulting from DEQ's consistency review of the ordinance have no regulatory impact. The changes to the Stormwater Management Ordinance resulting from changes to the Stormwater Management Act reduce the regulatory burden for the construction of single family detached residential structures by eliminating the requirement to submit registration statements for state permits for discharges of stormwater from construction activities. It is noted that only the submission of the registration statement has been eliminated and that the construction is still subject to the General Permit for Discharges of Stormwater from Construction Activities.

H. Fiscal Impact:

The fiscal impact of the changes to the permit fees for discharges of stormwater from construction activities is insignificant. These fees are basically for the paperwork involved in administering the permit program. Collection of these small fees is generally not cost effective. Fees for plan review and inspection are accounted for elsewhere in the fee schedule and are unchanged.

I. Attached Documents:

Attachment A – Amendments to Chapter 124 (Stormwater Management Ordinance)
Attachment B – Amendments to Chapter 101 (Subdivision Ordinance)
Attachment C – Amendments to Appendix Q (Land Development Services Fees)

ATTACHMENT A

PROPOSED AMENDMENTS
TO
CHAPTER 124 (STORMWATER MANAGEMENT ORDINANCE)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA

Amend Article 1, General Provisions, Section 124-1-5, Definitions, by revising the following definitions, to read as follows:

"General ~~p~~Permit" means ~~the~~ a state permit ~~titled General (VPDES) Permit for Discharges from Construction Activities found in Part XIV of the Regulations (9VAC25-880-1 et seq.)~~ authorizing a category of discharges under the CWA and the Act within a geographical area ~~of the Commonwealth of Virginia~~.

"Hydrologic Unit Code" or "HUC" means a watershed unit established in the most recent version of Virginia's 6th Order National Watershed Boundary Dataset unless specifically identified as another order.

"Municipal separate storm sewer ~~system~~" ~~or "MS4"~~ means a conveyance or system of conveyances otherwise known as a municipal separate storm sewer system, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains:

1. Owned or operated by a federal, state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction or delegated authority for erosion and sediment control and stormwater management, or a designated and approved management agency under § 208 of the CWA that discharges to surface waters;
2. Designed or used for collecting or conveying stormwater;
3. That is not a combined sewer; and
4. That is not part of a publicly owned treatment works.

"Natural stream" means a tidal or nontidal watercourse that is part of the natural topography. It usually maintains a continuous or seasonal flow during the year and is characterized as being irregular in cross-section with a meandering course. ~~Natural streams may include sections of braided channels or wetlands as determined by the Director.~~ Constructed channels such as drainage ditches or swales shall not be considered natural streams; however, channels designed utilizing natural channel design concepts may be considered natural streams.

"Operator" means the owner or operator of any facility or activity subject to the Act, the Regulations, and this Chapter. In the context of stormwater associated with a large or small construction activity, operator means any person associated with a construction project that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or (ii) the person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a stormwater pollution prevention plan for

the site or other state permit or VSMP authority permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions). In the context of stormwater discharges from Municipal Separate Storm Sewer Systems (MS4s), operator means the operator of the regulated MS4 system.

"Site" means the land or water area where any facility or land-disturbing activity is physically located or conducted, ~~a parcel of land being developed, or a designated area of a parcel of land being developed,~~ including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channelward of mean low water in tidal Virginia shall not be considered part of a site.

"Stormwater conveyance system" means a combination of drainage components that are used to convey stormwater discharge, either within or downstream of the land-disturbing activity. This includes:

(i) "Manmade stormwater conveyance system" means a pipe, ditch, vegetated swale, or other stormwater conveyance system constructed by man except for restored stormwater conveyance systems;

(ii) "Natural stormwater conveyance system" means the main channel of a natural stream and the flood-prone area adjacent to the main channel~~. Natural stormwater conveyance systems may include sections of braided channels or wetlands as determined by the Director~~; or

(iii) "Restored stormwater conveyance system" means a stormwater conveyance system that has been designed and constructed using natural channel design concepts. Restored stormwater conveyance systems include the main channel and the flood-prone area adjacent to the main channel.

Amend Article 1, General Provisions, Section 124-1-5, Definitions, by adding the following definitions, to read as follows:

"Large construction activity" means construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

"Municipal separate storm sewer system" or "MS4" means all separate storm sewers that are defined as "large" or "medium" or "small" municipal separate storm sewer systems or designated under 9VAC25-870-380.A.1.

"Virginia Stormwater Management Program authority" or "VSMP authority" means the County of Fairfax, Virginia.

Amend Article 1, General Provisions, Section 124-1-7, Exemptions, by revising the

introductory paragraph, to read as follows:

Notwithstanding any other provisions of this Chapter, the following activities are exempt from the provisions of this Chapter, unless otherwise required by federal law:

Amend Article 1, General Provisions, Section 124-1-7, Exemptions, by revising exemption #4, to read as follows:

4. Land-disturbing activities that disturb less than or equal to 2,500 square feet except for land-disturbing activities that are part of a larger common plan of development or sale that disturbs one (1) acre or greater;

Amend Article 1, General Provisions, Section 124-1-10, Applicability of and Conflicts with Other Laws and Regulations, by revising subsection B, to read as follows:

B. Nothing in ~~the Regulations~~ this Chapter shall be construed as limiting the rights of other federal agencies, state agencies, or the County to impose more stringent technical criteria or other requirements as allowed by law.

Amend Article 1, General Provisions, Section 124-1-13, Chesapeake Bay Preservation Act Land-Disturbing Activity, by revising the last paragraph, to read as follows:

Single-family ~~residences separately built~~ detached residential structures, disturbing less than one acre and part of a larger common plan of development or sale that ultimately will disturb equal to or greater than one acre of land are authorized to discharge under the General Permit for Discharges of Stormwater from Construction Activities and are not required to submit a registration statement or the state portion of the permit fee~~, provided that the stormwater management plan for the larger common plan of development or sale provides permanent control measures (i.e. stormwater management facilities) encompassing the single-family residence~~.

Amend Article 2, General Administrative Criteria for Regulated Land-Disturbing Activities., Section 124-2-2, Permit Required, by revising it, to read as follows:

Section 124-2-2. Permit Required.

A. A person shall not conduct any land-disturbing activity without a stormwater permit. Permits will not be issued until the following items have been submitted to the County and approved by the Director as prescribed herein:

1. A permit application that includes a ~~s~~State ~~VSMP~~ ~~s~~Permit registration statement if such statement is required ~~except for Chesapeake Bay Preservation Act land-disturbing activities~~;
2. Evidence of ~~VSMP~~ State ~~p~~Permit coverage if State Permit coverage is required ~~except for Chesapeake Bay Preservation Act land-disturbing activities~~;

3. An erosion and sediment control plan in accordance with Chapter 104 of the Code; and
4. A stormwater management plan meeting the requirements of § 124-2-7.

B. No ~~p~~Permit shall be issued until the fees required to be paid pursuant to Article 3 of this Chapter are received, and the Applicant has provided surety for performance as required pursuant to § 124-2-4.

C. Permit applications shall be acted on within 60 days after submission of a complete application, as determined by the Director ~~it has been determined by the Director to be a complete application~~. The Director may either issue the ~~p~~Permit or deny the ~~p~~Permit and shall provide the applicant with a written ~~rationale~~ explanation for the denial. A~~ny~~ ~~p~~Permit application that has been previously disapproved shall be acted on within 45 days after ~~the~~ a revised and complete application, as determined by the Director, is ~~has been revised,~~ resubmitted for approval~~, and deemed complete~~.

D. Coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities is required for construction activities disturbing equal to or greater than one (1) acre of land including land-disturbing activities disturbing less than one (1) acre of land that are part of a larger common plan of development or sale that ultimately will disturb one (1) acre or more of land.

E. State Permit registration statements are required for land-disturbing activities that require coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities except for single-family detached residential structures that are within or outside a common plan of development or sale, even though such land-disturbing activities are subject to the General VPDES Permit for Discharges of Stormwater from Construction Activities.

Amend Article 2, General Administrative Criteria for Regulated Land-Disturbing Activities, Section 124-2-5, Monitoring, Reports, Investigations, and Inspections, by revising subsection A, to read as follows:

A. The Director (i) shall provide for periodic inspections of the installation of stormwater management measures, (ii) may require monitoring and reports from the person responsible for meeting the ~~p~~Permit conditions to ensure compliance with the ~~p~~Permit and to determine whether the measures required in the ~~p~~Permit provide effective stormwater management, and (iii) conduct such investigations and perform such other actions as are necessary to carry out the provisions of this Chapter.

Amend Article 2, General Administrative Criteria for Regulated Land-Disturbing Activities, Section 124-2-6, Stormwater Pollution Prevention Plan Requirements, by revising subsections A and F, to read as follows:

A. A stormwater pollution prevention plan shall include, but not be limited to, an approved erosion and sediment control plan, an approved stormwater management plan, a pollution prevention plan for regulated land-disturbing activities, and a description of any additional control measures necessary to address a TMDL pursuant to subsection E. The stormwater pollution prevention plan shall meet all requirements of 9VAC25-870-54 and 9VAC25-880-70.

F. The stormwater pollution prevention plan must address the following requirements as

specified in 40 CFR 450.21, to the extent otherwise required by state law or regulations and any applicable requirements of a ~~s~~Ptate ~~p~~Permit ~~in 9VAC25-880-1~~:

1. Control stormwater volume and velocity within the site to minimize soil erosion;
2. Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;
3. Minimize the amount of soil exposed during construction activity;
4. Minimize the disturbance of steep slopes;
5. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;
6. Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible;
7. Minimize soil compaction and, unless infeasible, preserve topsoil;
8. Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the County. In drought stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the County; and
9. Utilize outlet structures that withdraw water from the surface, unless infeasible, when discharging from basins and impoundments.

Amend Article 2, General Administrative Criteria for Regulated Land-Disturbing Activities, Section 124-2-7, Stormwater Management Plans, by revising subsection A, to read as follows:

A. A stormwater management plan shall be developed and submitted to the County. The stormwater management plan shall be implemented as approved or modified by the Director and shall be developed in accordance with the following:

1. A stormwater management plan for a land-disturbing activity shall apply the stormwater management technical criteria set forth in Article 4 or Article 5 as applicable to the entire land disturbing activity. Individual lots in new residential, commercial, or industrial developments, including those developed under subsequent owners, shall not be considered separate land-disturbing activities.
2. A stormwater management plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.
3. Stormwater management plans shall meet all requirements of the PFM.

Amend Article 2, General Administrative Criteria for Regulated Land-Disturbing Activities, Section 124-2-7, Stormwater Management Plans, by adding subsection D, to

read as follows:

D. A stormwater management plan approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners. A note shall be placed on the subdivision plat stating that individual parcels shall be developed in accordance with the approved stormwater management plan for the subdivision.

Amend Article 3, Fees, Section 124-3-5, Permit Maintenance Fees, by revising it, to read as follows:

Section 124-3-5. Permit Maintenance Fees.

Annual permit maintenance fees for General Permits for Discharges of Stormwater from Construction Sites including expired permits that have been administratively continued and Chesapeake Bay Preservation Act land-disturbing activities shall be paid to the County by April 1st of each year ~~at such times and amounts as provided for in Appendix Q of the Code~~. With respect to the General Permit for Discharges of Stormwater from Construction Activities, these fees shall apply until the permit coverage is terminated

Amend Article 4, Technical Criteria for Regulated Land-Disturbing Activities, Section 124-4-4, Water Quantity, by revising subsection C, Flood Protection, criteria #4, to read as follows:

4. As an alternative to criteria 1 or 2 above, detention of stormwater may be provided that releases the postdevelopment peak flows for the 2-year 24-hour storm event and the 10-year 24-hour storm event at rates that are determined utilizing the method in § 124-4-4.B.3(a) or 3(b). If this method is used, the downstream review analysis shall be limited to providing cross-sections to show a defined channel, which may include sections of ~~natural~~ streams with braided channels or wetlands as determined by the Director, or man-made drainage facility, and checking for flooding of existing dwellings or buildings constructed under an approved building permit from the 100-year storm event for the extent of review described in § 124-4-4.C.6.

Amend Article 4, Technical Criteria for Regulated Land-Disturbing Activities, Section 124-4-5, Offsite Compliance Options, by revising subsection F, to read as follows:

F. In accordance with § 62.1-44.15:35F of the Code of Virginia, nutrient credits used pursuant to subsection A shall be generated in the same or adjacent eight-digit hydrologic unit code as defined by the United States Geological Survey as the permitted site ~~except as otherwise limited in subsection C~~. Nutrient credits outside the same or adjacent eight-digit hydrologic unit code may only be used if it is determined by the Director that no credits are available within the same or adjacent eight-digit hydrologic unit code when the Director accepts the final site design. In such cases, and subject to other limitations imposed in this section, credits available within the same tributary may be used. In no case shall credits from another tributary be used.

Amend Article 4, Technical Criteria for Regulated Land-Disturbing Activities, Section 124-

4-6, Design Storms and Hydrologic Methods, by revising subsection E, to read as follows:

E. For drainage areas of 200 acres or less, the modified Rational Method may be used for evaluating volumetric flows to stormwater conveyances.

Amend Article 4, Technical Criteria for Regulated Land-Disturbing Activities, by adding Section 124-4-10, Stormwater Management Impoundment Structures or Facilities, to read as follows:

Section 124-4-10. Stormwater Management Impoundment Structures or Facilities.

Stormwater management wet ponds and extended detention ponds that are not covered by the Impounding Structure Regulations (4VAC50-20) shall, at a minimum, be engineered for structural integrity for the 100-year storm event and shall comply with the requirements of § 6-1600 of the PFM.

Amend Article 5, Technical Criteria for Regulated Land-Disturbing Activities: Grandfathered Projects and Projects Subject to Time Limits on Applicability of Approved Design Criteria, Section 124-5-3, General, by revising subsection M, to read as follows:

M. Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in resource protection areas defined in the Chesapeake Bay Preservation Act provided such facilities are designed and constructed in accordance with the Stormwater Management Act and this ordinance, and provided that (i) the County has conclusively established that the location of the facility within the resource protection area is the optimum location; (ii) the size of the facility is the minimum necessary to provide necessary flood control, stormwater treatment, or both; and (iii) the facility must be consistent with a comprehensive stormwater management plan developed and approved in accordance with § 124-4-9 or with a VSMP that has been approved prior to July 1, 2012, by the State Water Control Board, the Chesapeake Bay Local Assistance Board prior to its abolishment on July 1, 2012, or the Board of Conservation and Recreation; (iv) all applicable permits for construction in state or federal waters must be obtained from the appropriate state and federal agencies, such as the U.S. Army Corps of Engineers, the department, and the Virginia Marine Resources Commission; (v) approval must be received from the local government prior to construction; and (vi) routine maintenance is allowed to be performed on such facilities to assure that they continue to function as designed. It is not the intent of this subdivision to allow a best management practice that collects and treats runoff from only an individual lot or some portion of the lot to be located within a resource protection area. ~~stormwater management program that has been approved by the State Water Control Board, Soil and Water Conservation Board, the Chesapeake Bay Local Assistance Board, or the Board of Conservation and Recreation.~~

Amend Article 5, Technical Criteria for Regulated Land-Disturbing Activities: Grandfathered Projects and Projects Subject to Time Limits on Applicability of Approved Design Criteria, Section 124-5-4, Water Quality, by revising subsection A, paragraph #5, to read as follows:

5. BMPs shall be reviewed, modified, ~~waived~~ and/or approved by the Director in accordance with Article 6 of the Public Facilities Manual in effect on June 30, 2014, except that BMPs must meet testing and inspection requirements, plan submission requirements, and dam standards in effect at the time of plan submission.

Amend Article 5, Technical Criteria for Regulated Land-Disturbing Activities: Grandfathered Projects and Projects Subject to Time Limits on Applicability of Approved Design Criteria, Section 124-5-6, Flooding, by revising subsection C, to read as follows:

C. Land-disturbing activity shall comply with the requirements of Chapter 6 of the Fairfax County Public Facilities Manual in effect on ~~July~~ June 30, 2014.

Amend Article 7, Appeals, by revising it, to read as follows:

ARTICLE 7.

Appeals.

Section 124-7-1. Right to Administrative Review.

~~A. The Director shall appoint a hearing officer or officers for the purpose of hearing appeals of actions or the failure to take action by the Director under this Chapter.~~

~~B~~A. Any permit applicant, permittee, person subject to state permit requirements under this Chapter, or person subject to an enforcement action under this Chapter who is aggrieved by an action or inaction by the Director pursuant to this Chapter ~~without a formal hearing may demand in writing a formal hearing by the hearing officer, provided that a petition requesting a hearing is filed with the Director within 30 days after notice of the Director's action is received by the aggrieved party~~ has a right to an administrative appeal of the Director's decision. The appeal shall take the form of a written request for reconsideration and, upon request, an informal hearing. As provided for in this Chapter, the Director may seek an injunction in the absence of an administrative hearing.

B. The aggrieved party seeking to appeal a decision by the Director shall submit to the Director, within 10 days after the date of the challenged decision, a written Notice of Intent to Appeal. The Notice of Intent to Appeal shall state whether the appellant requests an informal hearing.

C. Within 21 days after the Notice of Intent to Appeal is submitted to the Director, the appellant shall submit a written Request for Reconsideration to the Director setting forth the factual, legal, or other bases for the appeal. Failure to timely submit the Request for Reconsideration shall constitute a waiver of the right to appeal.

D. An appellant that timely files a Notice of Intent to Appeal with the Director that includes a request for an informal hearing shall submit a Request for Reconsideration in accordance with subsection C. The informal hearing shall be held no more than 60 days after the Notice of Intent

to Appeal is submitted, unless an extension is agreed upon by the parties. The informal hearing shall be conducted by the Director or his designee, and the scope of the appeal shall be limited to the bases set forth in the Request. The appellant may appear in person or be represented by counsel, and may present any information in support of the appeal.

E. The Director shall make a final decision in writing within 14 days after either the submission of the request for reconsideration or an informal hearing, whichever is later. The final decision shall state the facts upon which the decision is based.

~~**Section 124-7-2. Hearings**~~

~~A. Any hearing for administrative review of an action or inaction by the Director held pursuant to § 124-7-1 shall be conducted by the hearing officer.~~

~~B. After a petition requesting a hearing is filed with the Director, the Director or hearing officer shall issue a notice of hearing to the aggrieved party providing the date, time, and location of the hearing, and shall include the facts and legal requirements related to the challenged action. The notice of hearing shall be issued in accordance with the notice requirements of § 124-8-1(F).~~

~~C. The County and the aggrieved party may present evidence including witnesses regarding the facts and occurrences giving rise to the action subject to review. The aggrieved party may examine any of the County's witnesses.~~

~~D. A verbatim record of the proceedings of any hearing for administrative review under this Chapter shall be made.~~

~~E. The hearing officer shall have the power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the Director, whose action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.~~

~~F. The hearing officer shall issue a final order within 30 days after the conclusion of the hearing, which shall be served upon the parties, become part of the record, and briefly state the findings, conclusions, reasons, or basis therefor upon the evidence presented by the record and relevant to the basic law under which the agency is operating and, as appropriate, an order imposing civil charges under Va. Code Ann. § 62.1-44.15:48(D)(2).~~

Section 124-7-~~2~~3. Appeals of Final Orders.

Final decisions of the Director under this Chapter shall be subject to review by appeal to the Circuit Court of Fairfax County, Virginia, provided that ~~T~~the permit applicant, permittee, or person to whom a final ~~order~~ decision is issued files ~~by the hearing officer may seek judicial review of the final order issued by the hearing officer by appeal to the Circuit Court of Fairfax County on the record of the proceedings before the hearing officer. To commence an appeal, a party shall file~~ a petition in the Circuit Court of Fairfax County within 30 days of the date of the

1 final ~~order issued by the hearing officer~~ decision. Failure to do so shall constitute a waiver of the
2 right to appeal the final decision. The circuit court shall conduct its review in accordance with
3 the standards established in Va. Code Ann. § 2.2-4027, and the decisions of the circuit court shall
4 be subject to review by the Court of Appeals.

ATTACHMENT B

PROPOSED AMENDMENTS
TO
CHAPTER 101 (SUBDIVISION)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA

Amend Article 2, Subdivision Application Procedure and Approval Process, Section 101-2-5, Final Subdivision Plat, by revising paragraph (c) Preparation, by adding new subparagraph (13), to read as follows:

(13) A note stating that individual parcels shall be developed in accordance with the approved stormwater management plan for the subdivision.

PROPOSED AMENDMENTS
TO
APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA

Amend Section II Site Development Fees, by revising Part G (Permits for Discharges of Stormwater from Construction Activity Fees) to read as follows:

G. PERMITS FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITY FEES	
The following fees shall be paid for permits for Chesapeake Bay Preservation Act land-disturbing activities, General Permits for Discharges of Stormwater from Construction Activities, modification or transfer of coverage under a permit, and permit maintenance.	
(A) General / Stormwater Management - Base Fee The state's portion of the fees for initial coverage under the General Permit for Discharges of Stormwater from Construction Activities shall be paid directly to the state in accordance with §124-3-3.	
1. Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; Sites with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre.) Fee not required for land-disturbing activities exempt from the Stormwater Management Ordinance under §124-1-7.	$308
2. All land disturbing activities requiring General Permit coverage for Discharges of Stormwater from Construction Activities.	$308
(B) General / Stormwater Management - Modifications Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities. If the permit modifications result in changes to stormwater management plans that require additional review by the County, such reviews shall be subject to the fees set out in this part. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the permit modification fee paid to the County, modifications resulting in an increase in total disturbed acreage shall pay to the state the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage.	
1. Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre)	$0
2. Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres for construction of single-family detached residential structures)	$0
~~1~~3. Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres except for construction of single-family detached residential structures)	$200
~~2~~4. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres)	$250
~~3~~5. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	$300

~~4~~6. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	$450
~~5~~7. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres)	$700
(C) General / Stormwater Management – Permit Maintenance Fees for annual permit maintenance including expired state permits that have been administratively continued. With respect to the General Permit for Discharges of Stormwater from Construction Activities, these fees shall apply until the state permit coverage is terminated. Fees for annual permit maintenance will be collected on a schedule consistent with the bond acceptance, approval, extension, reduction, and release process for bonded projects and as part of the process for acceptance and release of conservation deposits for non-bonded projects.	
1. Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; Sites with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre.	~~$20~~ $0
2. Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre)	$0
3. Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres for construction of single-family detached residential structures)	$0
~~2~~4. Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres except for construction of single-family detached residential structures)	$400
~~3~~5. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres)	$500
~~4~~6. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	$650
~~5~~7. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	$900
~~6~~8. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres)	$1,400

1

Board Agenda Item
December 2, 2014

ADMINISTRATIVE – 10

Authorization to Advertise 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,* Regarding As-Built Requirements

ISSUE:
The proposed amendments are necessary to comply with the State Code's requirement to provide geographic coordinates on stormwater structures. In addition, the amendments revise the as-built requirements for site and subdivision plans and relocate the detailed provisions from the Zoning and Subdivision Ordinances into a new section of the PFM.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors (Board) authorize the advertisement of the proposed amendments as set forth in the Staff Report dated December 2, 2014.

The proposed amendments have been prepared by the Department of Public Works and Environmental Services (DPWES) and coordinated with the Department of Planning and Zoning and the Office of the County Attorney. All of the amendments have also been recommended for approval by the Engineering Standards Review Committee (ESRC).

TIMING:
The Board is requested to take administrative action on December 2, 2014, to provide sufficient time to advertise the Planning Commission public hearing on January 8, 2015, and the Board of Supervisors public hearing on February 17, 2015. The proposed amendments will become effective at 12:01 a.m. on the day following adoption.

BACKGROUND:
The primary purpose of an as-built (record) drawing is to demonstrate that certain elements of the site or subdivision plan have been constructed in conformance with the approved plans. After land development project construction is complete, a licensed professional engineer or land surveyor conducts a field survey to obtain the relevant information required on as-built drawings, and prepares a plan that depicts the actual surveyed information alongside the design data for comparison by County staff.

Approval of the as-built plan by the Director of DPWES is required prior to the County's acceptance of utilities and release of the developer's bond.

As-built drawings serve as a record of the County's infrastructure for operation and maintenance purposes. In addition, the as-built survey information is used by designers and developers when future plans rely on as-built information of the infrastructure for connections and extensions. As-built utility information is incorporated into the County's Geographic Information System (GIS) database for public use.

The requirements for as-built drawings are currently provided in Section 17-301 of the Zoning Ordinance, Section 101 Article 2-5 of the Subdivision Ordinance and Chapter 6 of the PFM. Pursuant to the recently adopted Stormwater Management Ordinance (SWMO), construction record drawings (also referred to as "as-built" drawings) of all permanent stormwater management (SWM) facilities must be submitted to the DPWES Director for review and approval. These as-built drawings are intended to demonstrate that the SWM facilities have been constructed in substantial conformance with the approved plans and serve as a record for the location of the SWM facilities when inspections are performed for reporting purposes to the Virginia Department of Environmental Quality.

PROPOSED AMENDMENTS

The proposed amendments are necessary to align the PFM with the State Code and the County's Stormwater Management Ordinance. Specifically, the PFM is being revised to:

1. Require geographic coordinates of stormwater management structure locations and documentation to align with the Stormwater Management Ordinance. This information is necessitated by Virginia Stormwater Management Program (VSMP) Permit Regulation (§ 4VAC50-60-126) and the Stormwater Management Ordinance (§ 124-2-11).

2. Relocate and consolidate the detailed provisions of the as-built site plan and subdivision plan requirements into the PFM. Specifically, the amendment relocates the as-built requirements from the Zoning and Subdivision Ordinances into the new PFM Section 2-1300. In addition, existing as-built provisions in PFM Section 6-1607 are being moved to the new PFM Section 2-1300.

3. Revise the PFM to clarify the existing as-built requirements, and add retaining wall, number of parking spaces, pedestrian bridges, bus shelters and critical slopes as-built requirements.

Board Agenda Item
December 2, 2014

REGULATORY IMPACT:
If adopted by the Board, the proposed amendments to the as-built requirements will:

- Assist the County in the future operation and maintenance of stormwater facilities, tracking the same through the GIS, and reporting the stormwater management program to the State.

- Relocate and consolidate the as-built site plan and subdivision plan requirements into the PFM, thus streamlining the preparation and review of as-built plans.

- Clarify some of the existing as-built requirements and require additional survey information to ensure code compliance.

FISCAL IMPACT:
The proposed amendments have no anticipated significant fiscal impact on industry or on County staff or budget.

ENCLOSED DOCUMENTS:
Attachment 1 - Resolution
Attachment 2 - Staff Report

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, DPWES
Audrey Clark, Deputy Director, DPWES
Paul Shirey, Director Code Development and Compliance Division, LDS, DPWES
Leslie B. Johnson, Zoning Administrator

ATTACHMENT 1

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 December 2, 2014, at which meeting a quorum was present and the following resolution was adopted:

WHEREAS, the Virginia Stormwater Management Act (§62.1-44.15:24, et seq.) requires that the geographic coordinates for all permanent stormwater management facilities be reported to the Virginia DEQ and requires that construction record drawings for all permanent stormwater management facilities be submitted to the VSMP authority in accordance with 9VAC25-870-108; and

WHEREAS the Fairfax County Stormwater Management Ordinance, which implements the Virginia Stormwater Management Act, requires that the construction record drawings for permanent stormwater management facilities and the geographic coordinates for all stormwater management facilities be submitted to the Director of the Department of Public Works and Environmental Services; and

WHEREAS amendments to the Public Facilities Manual are necessary to include the details of the as-built requirements in the Stormwater Management Ordinance; and

WHEREAS it may be appropriate to relocate and consolidate the site plan and subdivision as-built plan requirements into the Public Facilities Manual; and

WHEREAS it may be appropriate to clarify existing as-built requirements and require new as-built information for retaining walls, number of parking spaces, critical slopes, pedestrian bridges and bus shelters; and

WHEREAS, the public necessity, convenience, general welfare, and good zoning practice require consideration of the proposed revisions to Chapters 101 (Subdivision Ordinance) and 112 (Zoning Ordinance) of the County Code, and the Public Facilities Manual to comply with the aforementioned acts and regulations

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

ATTACHMENT 2

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

STAFF REPORT

- [x] PROPOSED COUNTY CODE AMENDMENT
- [x] 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, Regarding As-Built Requirements

Authorization to Advertise	December 2, 2014
Planning Commission Hearing	January 8, 2015
Board of Supervisors Hearing	February 17, 2015
Prepared by:	Code Development and Compliance Division JSM (703) 324-8449 December 2, 2014

STAFF REPORT

A. Issue:

The proposed amendments are necessary to comply with the State Code's requirement to provide geographic coordinates on stormwater structures. In addition, the amendments revise the as-built requirements for site and subdivision plans and relocate the detailed provisions from the Zoning and Subdivision Ordinances into a new section of the Public Facilities Manual (PFM).

B. Recommended Action:

The County Executive recommends that the Board of Supervisors (Board) authorize the advertisement of the proposed amendments as set forth in the Staff Report dated December 2, 2014.

The proposed amendments have been prepared by the Department of Public Works and Environmental Services (DPWES) and coordinated with the Department of Planning and Zoning and the Office of the County Attorney.

C. Timing:

Board of Supervisors authorization to advertise – December 2, 2014
Planning Commission Public Hearing – January 8, 2015
Board of Supervisors Public Hearing – February 17, 2015
Effective Date – 12:01 a.m. on the day following adoption

D. Source:

Department of Public Works and Environmental Services (DPWES)

E. Coordination:

The proposed amendments have been prepared by DPWES and coordinated with the Department of Planning and Zoning and the Office of the County Attorney. The proposed amendments have been recommended for approval by the Engineering Standards Review Committee.

F. Background:

The primary purpose of an as-built (record) drawing is to demonstrate that certain elements of the site or subdivision plan have been constructed in conformance with the approved plans. After land development project construction is complete, a licensed professional engineer or land surveyor conducts a field survey to obtain the relevant information required on as-built drawings, and prepares a plan that depicts the actual surveyed information alongside the design data for comparison by County staff. Approval of the as-built plan by the Director of DPWES is required prior to the County's acceptance of utilities and release of the developer's bond.

As-built drawings serve as a record of the County's infrastructure for operation and maintenance purposes. In addition, the as-built survey information is used by

designers and developers when future plans rely on as-built information of the infrastructure for connections and extensions. As-built utility information is incorporated into the County's Geographic Information System (GIS) database for public use.

The requirements for as-built drawings are currently provided in Section 17-301 of the Zoning Ordinance, Section 101 Article 2-5 of the Subdivision Ordinance and Chapter 6 of the PFM. Pursuant to the recently adopted Stormwater Management Ordinance (SWMO), construction record drawings (also referred to as "as-built" drawings) of all permanent stormwater management (SWM) facilities must be submitted to the DPWES Director for review and approval. These as-built drawings are intended to demonstrate that the SWM facilities have been constructed in substantial conformance with the approved plans and serve as a record for the location of the SWM facilities when inspections are performed for reporting purposes to the Virginia Department of Environmental Quality.

G. Proposed Amendments:

The proposed amendments are necessary to align the PFM with the State Code and the County's Stormwater Management Ordinance. Specifically, the PFM is being revised to:

1. Require geographic coordinates of stormwater management structure locations and documentation to align with the Stormwater Management Ordinance. This information is necessitated by Virginia Stormwater Management Program (VSMP) Permit Regulation (§ 4VAC50-60-126) and the Stormwater Management Ordinance (§ 124-2-11).

2. Relocate and consolidate the detailed provisions of the as-built site plan and subdivision plan requirements into the PFM. Specifically, the amendment relocates the as-built requirements from the Zoning and Subdivision Ordinances into the new PFM Section 2-1300. In addition, existing as-built provisions in PFM Section 6-1607 are being moved to the new PFM Section 2-1300.

3. Revise the PFM to clarify the existing as-built requirements, and add retaining wall, number of parking spaces, pedestrian bridges, bus shelters and critical slopes as-built requirements.

H. Regulatory Impact:

If adopted by the Board, the proposed amendments to the as-built requirements will:

- Assist the County in the future operation and maintenance of stormwater facilities, tracking the same through the GIS, and reporting the stormwater management program to the State.

- Relocate and consolidate the as-built site plan and subdivision plan requirements into the PFM, thus streamlining the preparation and review of as-built plans.

- Clarify some of the existing as-built requirements and require additional survey information to ensure code compliance.

I. Fiscal Impact:

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

J. Attached Documents:

Attachment A – Amendments to Chapter 101 (Subdivision Ordinance)
Attachment B – Amendments to Chapter 112 (Zoning Ordinance)
Attachment C – Amendments to the Public Facilities Manual

Proposed Amendment to
Chapter 101 (Subdivision Provisions)

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

(5) Upon ~~final~~ satisfactory completion, ~~seven (7)~~ four (4) copies of a certified "as-built" plan ~~prepared by a licensed professional engineer or licensed land surveyor registered in the state~~ shall be submitted to the Director for review and approval for conformance with the approved plan. The certified "as-built" plan shall ~~include the following:~~ be prepared in accordance with the provisions set forth in the Public Facilities Manual.

~~A. Boundary of the site as shown on the approved subdivision construction plan or final plat of record. The as-built plan shall show any geodetic reference points located on the site.~~

~~B. Locations of all storm sewers, sanitary sewers, fire hydrants, and associated easements including all waterline easements. For storm and sanitary sewers, the pipe sizes, lengths, top and invert elevations and percent grade of pipe as computed shall also be shown.~~

~~C. Ponds, including detention, retention and Best Management Practice (BMP) ponds, showing elevation of tops of embankments, toes of embankments, weirs, spillways, drainage structures, access easements and capacities of such ponds. Capacities shall be shown both volumetrically and topographically with sufficient elevations to calculate the capacities.~~

~~D. Horizontal locations of all designed trails included on the approved subdivision construction plan. Vertical location of any trail which exceeds an eight (8) percent grade (whether designed or not as an eight (8) percent grade) and shown on the approved subdivision construction plan. Elevations may be used in lieu of an as-built profile.~~

~~E. Deed book and page number(s) of the recordation in the land records of Fairfax County of dedications and easements reflected on the approved subdivision construction plan.~~

~~F. A statement of certification by a licensed professional engineer or land surveyor registered in the State, certifying that the as-built site plan conforms with the criteria listed above and represents actual conditions on the site for those items only, and bearing the engineer's or surveyor's seal, signature and Virginia registration number.~~

~~G. All utility locations, except building and service drive connections, with the notation "from available records. Such plans and records shall be furnished by the appropriate utility companies.~~

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of December 2, 2014 and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

Amend Article 17, Site Plans, Part 3, As-Built Site Plans, Sect. 17-301, General Provisions, to read as follows:

1. Upon satisfactory completion, ~~inspection and approval of the installation of all required improvements as shown on the approved site plan or a section thereof, seven (7)~~ four (4) copies of an as-built site plan and the corresponding filing fee as provided for in Sect. 109 above, shall be submitted to the Director for review and approval for conformance with the approved site plan. Such plan shall be prepared in accordance with the ~~sheet size and scale~~ provisions set forth in the Public Facilities Manual.~~, and shall be prepared by a licensed land surveyor or licensed professional engineer registered in the State of Virginia. Such submission shall contain the following information:~~

   ~~A. Boundary of the site as shown on the approved site plan. The as-built plan shall show any geodetic reference points located on the site.~~

   ~~B. Area of the site as shown on the approved site plan and subsequent to any fee simple dedications to Fairfax County, State of Virginia or the Virginia Department of Transportation, and the land area of such dedications.~~

   ~~C. Location of all buildings showing the yard dimensions and all official building numbers (addresses) posted.~~

   ~~D. The location of all storm sewers, sanitary sewers, fire hydrants, and associated easements including all waterline easements. For storm and sanitary sewers, the pipe sizes, lengths, top and invert elevations and percent grade of pipe as computed shall also be shown.~~

   ~~E. Ponds, including detention, retention and Best Management Practice (BMP) ponds, showing elevation of top of embankments, toes of embankments, weirs, spillways, drainage structures, access easements and capacities of such ponds. Capacities shall be shown both volumetrically and topographically with sufficient elevations to calculate the capacities.~~

~~F. Horizontal locations of all designed trails included on the approved site plan. Vertical location of any trail which exceeds an eight (8) percent grade (whether designed or not as an eight (8) percent grade) and shown on the approved site plan. Elevations may be used in lieu of an as-built profile.~~

~~G. Deed book and page number(s) of the recordation in the land records of Fairfax County of dedications and easements reflected on the approved plan.~~

~~H. A statement of certification by a licensed professional engineer or land surveyor certifying that the as-built site plan conforms with the criteria listed above and represents actual conditions on the site for those items only, and bearing the engineer's or surveyor's seal, signature and Virginia registration number.~~

~~2. As-built site plans may be submitted and approved for any appropriately completed part of the total area of an approved site plan, with such part to be known as a section.~~

Proposed Amendment to the

Public Facilities Manual

Amend Chapter 2 (General Subdivision and Site Plan Information) of the Public Facilities Manual by adding Section 2-1300 (As-Built Drawings), to read as follows:

2-1300 AS-BUILT DRAWINGS

2-1301 Submission Requirements and Certifications

2-1301.1 As-built drawings shall be prepared in accordance with Article 17 of the Zoning Ordinance, and the Subdivision Ordinance, § 101-2-5 of the Code. When required, an as-built plan prepared by a professional engineer or land surveyor licensed in the Commonwealth of Virginia shall include:

A. Dimensions and Elevations Survey. The as-built drawings shall show actual elevations alongside planned elevations as required by § 2-1302. As-built information shall be shown [boxed in] for comparison to the design information. All existing plans to be modified for use as the as-built plan shall be redrafted where necessary so that the information is accurate and readable.

B. Certification Statement and Seal.

Each as-built plan shall have an Engineer's or Surveyor's statement and seal. Except for Category D dams, the certification of all geotechnical work will be by the geotechnical engineer of record. The certification shall state as follows:

(i) In accordance with Article 17 of the Zoning Ordinance, and the Subdivision Ordinance, § 101-2-5 of the Code, and the Public Facilities Manual, I, (submitting engineer/surveyor's name), do hereby certify that this as-built conforms to the approved plans, except as shown, which represents actual conditions on this site as of this date.

_____

(submitting engineer/surveyor's signature/date) (seal)

(ii) I have reviewed the as-built plan and hereby certify that the geotechnical aspects of the embankment dam/pond were constructed in accordance with the approved plans, except as indicated below, which represents the actual conditions of the dam on this site as of this date.

_____

(geotechnical engineer's signature/date) (seal)

(iii) All storm/sanitary structures fall within their respective easements and all dedications and all off-site easements are recorded in DB ___, at PG ___.

C. Copies of the licensed professional's certification that the stormwater and best management facility was constructed in accordance with the approved plans and specifications, along with copies of all material delivery tickets, certifications from the material suppliers and results of tests and inspections required under § 6-1300 *et. seq.* shall be submitted with or incorporated in the as-built plan. For documenting construction, checklists specific to the type of stormwater and best management facilities being constructed, as approved by the Director, shall be used. If readily available, an electronic file of the professional's certification and related documentation shall also be submitted, in an acceptable electronic industry standard CADD file format (such as a .dwg) or in a standard scanned and readable format.

2-1302 Information Required on the As-Built Drawing. The record drawing shall include, at a minimum, the following information:

A. Boundary of the site as shown on the final plat of record. The as-built plan shall show any geodetic reference points located on the site.

B. The area of the site as shown on the approved site plan and subsequent to any fee simple dedications to Fairfax County, State of Virginia or the Virginia Department of Transportation, and the land area of such dedications. As shown on the approved building plans, the total gross floor area and the number of dwelling units, if applicable.

C. Location of all buildings on the approved site plan showing the yard dimensions and all official building numbers (and/or addresses) posted.

D. Locations of all storm sewers, sanitary sewers mains, fire hydrants, and associated easements including all waterline easements. For storm and sanitary sewers, the pipe materials based on visual inspection only, sizes, lengths, upper and lower invert elevations, and percent grade of pipe as computed. The structure number, type, size/configuration, top elevation, type and size of any outlet protection, and latitude and longitude (in degrees, minutes, and seconds to the nearest 15 seconds) shall be provided on all structures and outfalls. Latitude and longitude of the approximate center and a major appurtenance of BMPs shall be provided in decimal degrees to 6 decimal places. For all projects on the Virginia coordinate system, coordinates of all structures and outfalls shall also be provided in a digital, GIS compatible format, generally an industry standard CADD or Shape file, which can be incorporated directly in the County's overall GIS. The digital submittal should be delivered in CD/DVD format, be named to match the as-built plan hard copy, and include a map of the full project in PDF format.
If the outfall area is inaccessible and an offset method cannot be performed, a note shall be made on the as-built plan about the conditions preventing the survey team from recording the position. (Refer to § 10-0104.6B for as-built requirements for sanitary facilities).

E. Ponds, including detention, retention and Best Management Practice (BMP) ponds, showing elevations of top of embankments, toes of embankments, weirs, spillways, drainage structures, low flow channels, access easements and capacities of such ponds. Capacities shall be shown both volumetrically and topographically with sufficient elevations to calculate the capacities.

F. Horizontal locations, widths and surface material of all designed trails included on the approved plan. Vertical location of any trail which exceeds an eight (8) percent grade (whether designed or not as an eight (8) percent grade) and shown on the approved plan. Elevations may be used in lieu of an as-built profile. Location of all designed pedestrian bridges and bus shelters included on the approved plan. As-built information showing bridge surface, length, number of abutments and bus pad size and material.

G. Deed book and page number(s) of the recordation in the land records of Fairfax County of dedications and easements reflected on the approved plan. The deed book and page numbers of all easements shall be shown on the applicable plan and profile sheet.

H. Locations of improved channels and swales in dedicated easements with spot elevations and slopes.

I. All utility locations within the subdivision as they are made readily available from the utility companies, owners and/or operators, except building and service connections, with the notation "from available records". Such plans and records shall be furnished by the appropriate utility companies, owners and/or operators.

J. Retaining walls requiring permits, indicating the type and showing the top elevations and the adjacent finished grades.

K. Number of parking and loading spaces.

L. Spot elevations of critical slope areas to determine grade of finished slope. Critical slopes consist of areas shown on the approved plan with gradients greater than 20% which contain Class III or Class IVA soils as defined in § 4-0200 et. seq.

M. Information related to dams and impoundments as follows:

(1) A profile (with spot elevations) of the top of dam

(2) A cross-section (with spot elevations) of the emergency spillway at the control section

(3) A profile (with spot elevations) along the centerline of the emergency spillway

(4) A profile along the centerline of the principal spillway extending at least 100 feet downstream of the toe of the embankment

(5) All structure tops, throats and invert elevations

(6) All pipe, orifice and weir sizes and invert elevations

(7) The elevation of the principal spillway crest

(8) The elevation of the principal spillway conduit invert (inlet and outlet)

(9) The elevation of the emergency spillway crest

(10) Spot elevations around the entire pond/dam adequate to depict the shape and size

(11) Spot elevations along the top and crest of the dam width

(12) Spot elevations through the drainage way to the riser structure.

(13) Notes and measurements to show that any special design features were met.

(14) Statement regarding seeding and fencing in place per the approved plan.

(15) Show all drainage and access easements for maintenance of the pond/dam and related facilities with Deed Book and Page Number.

N. Field observations and measurements of other areas having the potential to be critical, as depicted on the approved plans and profiles.

Amend Chapter 6 (Storm Drainage) of the Public Facilities Manual, by deleting 1607.3 (As-Built Requirements and Certification), to read as follows:

~~**6-1607.3 As-Built Requirements and Certification**~~

~~6-1607.3A (57-96-PFM) Upon satisfactory completion, inspection, and approval of all components of the facility, as-built plans shall be prepared in accordance with the Zoning Ordinance, § 17-300, and the Subdivision Ordinance, § 101-2-5 of the Code~~.

~~6-1607.3B All existing plans to be modified for use as the as-built plan shall be redrafted where necessary so that the information is accurate and readable. The information included on the as-built plan shall include, at a minimum, the following information:~~

~~6-1607.3B(1) A profile (with spot elevations) of the top of dam~~

~~6-1607.3B(2) A cross-section (with spot elevations) of the emergency spillway at the control section~~

~~6-1607.3B(3) A profile (with spot elevations) along the centerline of the emergency spillway~~

~~6-1607.3B(4) A profile along the centerline of the principal spillway extending at least 100 feet downstream of the toe of the embankment~~

~~6-1607.3B(5) All structure tops, throats and invert elevations~~

~~6-1607.3B(6) All pipe, orifice and weir sizes and invert elevations~~

~~6-1607.3B(7) The elevation of the principal spillway crest~~

~~6-1607.3B(8) The elevation of the principal spillway conduit invert (inlet and outlet)~~

~~6-1607.3B(9) The elevation of the emergency spillway crest~~

~~6-1607.3B(10) Spot elevations around the entire pond/dam adequate to depict the shape and size~~

~~6-1607.3B(11) Spot elevations along the top and crest of the dam width~~

~~6-1607.3B(12) Spot elevations through the drainage way to the riser structure.~~

~~6-1607.3B(13) Notes and measurements to show that any special design features were met.~~

~~6-1607.3B(14) Statement regarding seeding and fencing~~

~~6-1607.3B(15) Show all drainage and access easements for maintenance of the pond/dam and related facilities with Deed Book and Page Number.~~

~~6-1607.3C Each as-built plan shall have a Engineer's or Surveyor's certification statement and seal. Except for Category D dams, the certification of all geotechnical work will be by the geotechnical engineer of record. The certification shall state as follows:~~

~~6-1607.3C(1) In accordance with the Zoning Ordinance, § 17-300, and the Subdivision Ordinance, § 101-2-5 of the Code, I, (submitting engineer's name), do hereby certify that this as-built conforms to the approved plans, except as shown, which represents actual conditions on this site as of this date.~~

~~(submitting engineer's signature/date) (seal)~~

~~6-1607.3C(2) I have reviewed the as-built plan and hereby certify that the geotechnical aspects of the embankment dam/pond were constructed in accordance with the approved plans, except as indicated below, which represents the actual conditions of the dam on this site as of this date.~~

~~(geotechnical engineer's signature/date) (seal)~~

~~6-1607.3C(3) All storm/sanitary structures fall within their respective easements and all dedications and all off-site easements are recorded in DB ___, at PG ___.~~

Amend Chapter 2 (General Subdivision and Site Plan Information), Section 2-0502.2, (Inspections During Construction), by adding Paragraph 2G, to read as follows:

2-0502.2G Refer to § 6-1300 *et seq.* for information regarding required inspections during construction and certification of stormwater and best management facilities.

Amend Chapter 2 (General Subdivision and Site Plan Information), Section 2-0212, (General Required Information on Plans and Profiles), by revising 2-0212.13, to read as follows:

2-0212.13 ~~(Reserved)~~ The plans and profiles shall depict areas where additional field observations and as-built measurements are necessary pursuant to § 2-1302 (L) and (N).

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ADMINISTRATIVE – 11

Extension of Review Periods for 2232 Applications (Mount Vernon, Sully, Mason, Braddock, and Springfield Districts)

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

RECOMMENDATION:
The County Executive recommends that the Board extend review periods for the following applications: FS-V14-16, 2232-Y14-7, FS-M14-33, and 456A-B95-23-2.

TIMING:
Board action is required on December 2, 2014, to extend review periods of applications noted above before their expiration date.

BACKGROUND:
Subsection F of *Section* 15.2-2232 of the *Code of Virginia* states: "Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within 90 days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission." The need for the full time of an extension may not be necessary, and is not intended to set a date for final action.

The review periods for the following applications should be extended:

FS-V14-16	Verizon Wireless Telecommunications Facility 10112 Furnace Road Lorton, VA Mount Vernon District Accepted September 30, 2014 Extend to February 27, 2015

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2232-Y14-7	Verizon Wireless and Milestone Communications Telecommunications Facility (Monopole) 6309T Bull Run Post Office Road Centreville, VA Sully District Accepted September 16, 2014 Extend to February 13, 2015
FS-M14-33	Verizon Wireless Telecommunications Facility 6316 Castle Place Falls Church, VA Mason District Accepted September 16, 2014 Extend to February 13, 2015
456A-B95-23-2	Verizon Wireless Telecommunications Facility 7920 Woodruff Court Springfield, VA Braddock District Accepted September 18, 2014 Extend to February 15, 2015
FS-S14-32	Cellco Partnership d/b/a Verizon Wireless Telecommunications Facility 9526 Old Keene Mill Road Springfield, VA Springfield District Accepted October 24, 2014 Extend to March 23, 2015

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
None

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred R. Selden, Director, Department of Planning and Zoning, DPZ
Chris B. Caperton, Chief, Facilities Planning Branch, Planning Division, DPZ
Douglas W. Hansen, Senior Planner, Facilities Planning Branch, Planning Division, DPZ

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December 2, 2014

ADMINISTRATIVE - 12

Additional Time to Commence Construction for Special Exception SE 2011-MA-001, Homan Solemaninejad (Mason District)

ISSUE:
Board consideration of additional time to commence construction for SE 2011-MA-001, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:
The County Executive recommends that the Board approve twelve (12) months additional time for SE 2011-MA-001 to October 12, 2015.

TIMING:
Routine.

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

On July 12, 2011, the Board of Supervisors approved Special Exception SE 2011-MA-001, subject to development conditions. The application was filed in the name of Homan Solemaniejad for the purpose of permitting an office use (dental office) within an existing residential structure located in the R-3 zoning district for the property located at 6065 and 6067 Arlington Boulevard, Tax Map 51-4 ((02)) (A) 5 and 6 (see Locator Map in Attachment 1). The office use is permitted pursuant to Section 3-304(4)(F) of the Fairfax County Zoning Ordinance. SE 2011-MA-001 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty (30) months of the approval date unless the Board grants additional time. The development conditions for SE 2011-MA-001 are included as part of the Clerk to the Board's letter contained in Attachment 2.

On February 25, 2014, the Board of Supervisors approved nine (9) months of additional time, to October 12, 2014. On October 8, 2014, the Department of Planning and Zoning (DPZ) received a letter dated October 8, 2014, from Thomas F. Conlon, Jr., agent for the

Applicant, requesting twelve (12) months of additional time (see Attachment 3). The approved Special Exception will not expire pending the Board's action on the request for additional time.

As part of the justification for the February 25, 2014 request for additional time, Mr. Conlon stated the need for a complete site plan, as opposed to a minor site plan, and the need to obtain a determination of substantial conformance from the Zoning Administrator for modifications to the stormwater facilities and landscaping, required additional time than was originally contemplated. Now, Mr. Conlon states the inability to obtain necessary sight distance easements, and the inability to obtain permission for minor off-site grading from an adjoining property owner, have resulted in design modifications to the proposed site entrance and to the public service road which provides access. Additional coordination with Fairfax County and the Virginia Department of Transportation (VDOT) are necessary to finalize the design. Further, Mr. Conlon states additional comments from the Department of Public Works and Environmental Services (DPWES) on the site plan will result in further modifications to the site layout which must be addressed. The request for an additional time of twelve (12) months will allow for the continued coordination with Fairfax County and VDOT, the processing and approval of the site plan, and commencement of construction.

Staff has reviewed Special Exception SE 2011-MA-001 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit an office use in the R-3 district. Further, staff knows of no change in land use circumstances that affects compliance of SE 2011-MA-001 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for the property has not changed since approval of the Special Exception. Finally, the conditions associated with the Board's approval of SE 2011-MA-001 are still appropriate and remain in full force and effect. Staff believes that approval of the request for twelve (12) months additional time is in the public interest and recommends that it be approved.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1: Locator Map
Attachment 2: Letter dated November 9, 2011, to Homan Solemaniejad
Attachment 3: Letter dated October 8, 2014, to Leslie B. Johnson

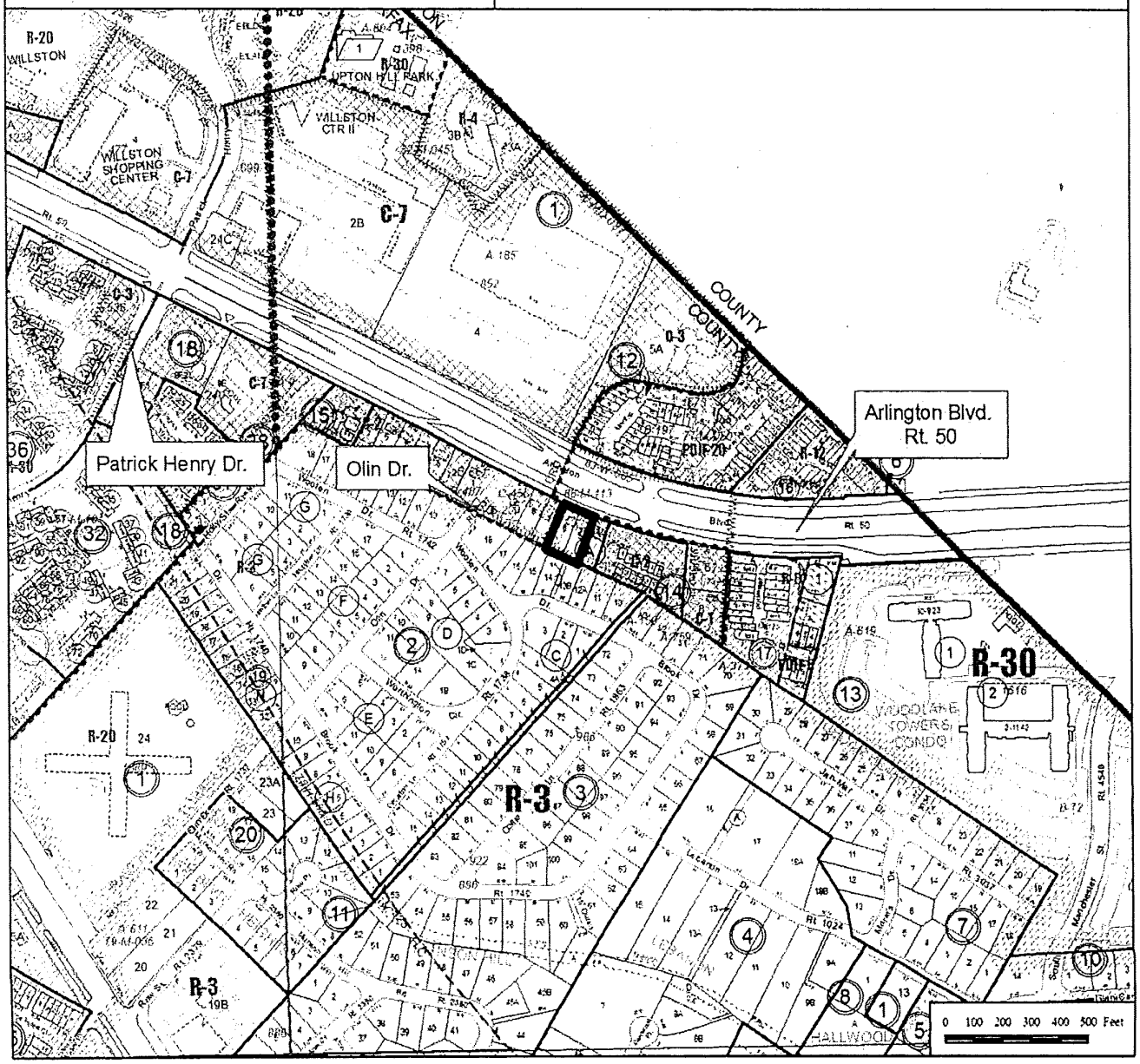
Board Agenda Item
December 2, 2014

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Barbara C. Berlin, Director, Zoning Evaluation Division (ZED), DPZ
Kevin J. Guinaw, Chief, Special Projects/Applications/Management Branch, ZED, DPZ
Pamela Nee, Chief, Environment and Development Review Branch, Planning Division, DPZ
Stephen Gardner, Staff Coordinator, ZED, DPZ

Special Exception

SE 2011-MA-001

Applicant:	HOMAN SOLEMANINEJAD
Accepted:	02/16/2011
Proposed:	DENTAL OFFICE
Area:	20800 SF OF LAND; DISTRICT - MASON
Zoning Dist Sect:	03-0304
Art 9 Group and Use:	5-17
Located:	6065 & 6067 ARLINGTON BOULEVARD
Zoning:	R- 3
Plan Area:	1
Overlay Dist:	CRD SC
Map Ref Num:	051-4- /02/A /0005 /02/A /0006



ATTACHMENT 2

County of Fairfax, Virginia

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

Revised letter (Corrected application number)

November 9, 2011

Homan Solemaninejad
PO Box 7186
Arlington, VA 22207

Re: Special Exception Application SE 2011-MA-001

Dear Mr. Solemaninejad:

At a regular meeting of the Board of Supervisors held on July 12, 2011, the Board approved Special Exception Application SE 2011-MA-001 in the name of Homan Solemaniejad. The subject property is located at 6065 and 6067 Arlington Boulevard on approximately 20,800 square feet of land, zoned R-3, CRD and SC in the Mason District [Tax Map Tax Map 51-4 ((2)) (A) 5 and 6]. The Board's action permits a dental office, pursuant to Section 3-304 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.

2. A copy of this Special Exception and the Non-Residential Use Permit (Non-RUP) SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

3. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035
Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
http://www.fairfaxcounty.gov/bosclerk

4. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to the special exception shall be in substantial conformance with the approved Special Exception (SE) Plat, entitled, "Lots 5 and 6, Lee Boulevard Heights, Mason District, Fairfax, VA", prepared by Cervantes and Associates, P.C., dated June 1, 2011, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

5. The maximum number of employees on-site at any one time shall be five.

6. The maximum hours of operation shall be from 8:00 a.m. to 6:00 p.m., Monday-Saturday.

7. One monument sign which conforms to Section 12 of the Zoning Ordinance (Sect. 12-208 2. M) may be provided in the location indicated on the Special Exception Plat (the northern portion of the property in front of the building).

8. The driveway entrance shall be widened to meet commercial standards as indicated on the SE Plat, subject to final approval by the Virginia Department of Transportation (VDOT).

9. Off-street parking spaces shall be provided as shown on the SE Plat to Public Facilities Manual standards.

10. A six-foot high, solid wood fence (with a gate) shall be provided along the southern edge of the parking area. A landscape plan in substantial conformance with that depicted on the SE Plat shall be provided as part of the site plan submission and shall be reviewed and approved by the Urban Forest Management Division, DPWES. The landscaping and barrier shall be maintained as specified in Sect. 13-106 of the Zoning Ordinance.

11. If a waiver of stormwater management is not granted by the Department of Public Works and Environmental Services (DPWES), stormwater management shall be provided to the satisfaction of DPWES at the time of site plan approval. An area has been designated for stormwater management on the SE Plat (identified as "stormwater management if required"), if required stormwater management facilities can not be provided in substantial conformance with the SE Plat, the applicant may be required to submit a Special Exception Amendment.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the

required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

The approval of this Special Exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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

The Board also:

- Modified the transitional screening yard and barrier requirement in favor of that depicted on the SE Plat, and as conditioned

Sincerely,

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors
NV/ph

Cc: Chairman Sharon Bulova
Supervisor Penny Gross, Mason District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

CERVANTES & ASSOCIATES, P.C.

ATTACHMENT 3

Engineers • Planners • Surveyors

Principals

Rafael T. Cervantes, P.E.
Thomas F. Conlon, Jr., C.L.S.

October 8, 2014

Leslie B. Johnson, Zoning Administrator
Department of Planning and Zoning
Zoning Administration Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035-5508

Re: Extension Request
Special Exception SE2011-MA-001-Homan Solemaniejad
#6065-6067 Arlington Boulevard
Tax Map Ref: 051-4 ((2)) (A) 5 & 6
Zoning District: R-3, CRD & SC

Dear Ms. Johnson;

We are in receipt of a notice of a forthcoming expiration on October 12, 2014, (copy attached) of the previously granted extension of the Special Exception as identified above. During the extension period we have been working diligently on resolving the various design issues that were the basis of requesting the previous plan extension. Various departments within Fairfax County as well as VDOT had expressed their intent to approve the plan. Two new substantial issues were then encountered that will require redesign and subsequent additional time to complete. These issues will be described as follows as justification for requesting an additional extension of nine months for site plan approval and to commence construction of the SE Application.

The owner of the adjoining property to the west has been uncooperative by not allowing a sight distance easement across his property for the proposed site entrance. VDOT has been helpful in developing a traffic-calming plan (widening) that will shift the service road travelway to the north to keep the sight distance line off that abutting property. That property owner has also been unwilling to provide a letter of permission for minor offsite grading on that property to enable the proposed new sidewalk to end at his property line. Various exhibits, letters and meetings with Fairfax County & VDOT have been necessary to develop an approvable solution for the negative response from that property owner. Final design and field survey work will be required to resolve that problem.

4229 Lafayette Center Drive, Ste.1125, Chantilly, VA 20151 • (703) 691-4114 • FAX (703) 657-0352

A second event that has caused additional hardship and redesign has resulted from this project being reassigned to another reviewer at Fairfax County. The new reviewer has produced new comments that must be addressed. Some of the new issues will require substantial redesign. A revised access travelway to the parking area will impact the site layout, grading, stormwater management computations, landscaping changes, retaining wall, best management practices, etc. Improvements to the service drive will require additional site layout sheets, grading, storm sewer capacity analysis, striping and signage plan, field survey work and adequate outfall analysis of the existing downstream storm sewer system.

Fairfax County and VDOT representatives have been very helpful in developing conceptual solutions to the new design challenges, but additional time is required to revise the current plans and add additional sheets as necessary to prepare an approvable site plan. Due to the additional design effort that has been provided to date and the forthcoming effort that will be required to address the recent new comments, we respectfully request a twelve-month extension to complete site plan approval and commence construction.

Thank you for your consideration of this request. We look forward to a favorable response and do not hesitate to contact us should you have any questions.

Respectfully,
Cervantes & Associates, P.C.

Thomas F. Conlon, Jr. C.L.S.

Attachment:

4229 Lafayette Center Drive, Ste.1125, Chantilly, VA 20151 • (703) 691-4114 • (703) 657-0352

Board Agenda Item
December 2, 2014

ACTION - 1

Approval of a Parking Reduction for the Newington Business Center (Mount Vernon District)

ISSUE:
Board of Supervisors approval of a 20.5 percent reduction in required parking for the Newington Business Center, located at 8350, 8352 and 8354 Terminal Road; Tax Map Nos. 099-3 ((1)) Parcels 44A and 14I (subject property); Mount Vernon District.

RECOMMENDATION:
The County Executive recommends that the Board approve a parking reduction of 20.5 percent (45 fewer spaces) for Newington Business Center, located at 8350, 8352 and 8354 Terminal Road. This recommendation is pursuant to Paragraph 4(B) of Section 11-102 of Chapter 112 (Zoning Ordinance) of the *Code of the County of Fairfax, Virginia,* based on an analysis of the parking requirements for each use on the site and a study of the hourly parking accumulation characteristics, on condition that:

1. A minimum of 174 parking spaces must be maintained on site at all times.

2. The uses permitted per this parking reduction are:
    - a total of 23,043 Gross-Square-Feet (GSF) office uses
    - a total of 48,664 GSF warehouse uses,
    - an establishment for testing with six employees and one company vehicle,
    - a fast food restaurant (accessory service use), and
    - a 10,536 GSF place of worship with 296 seats

3. A maximum of 296 seats are permitted for the place of worship. The place of worship will not hold weekday services before 7:00 P.M., as specified in the applicant's parking reduction request dated June 26, 2014. The services shall be held only during weekday or Saturday evenings after 7:00 P.M. or at any time on Sunday so that the peak parking demands associated with the services occur outside the normal hours of operation of the other uses on the subject property in order to avoid the times when the parking demands associated with all the other uses on the subject property are at their peak.

4. No other parking spaces required to meet the parking requirements for this parking reduction shall be restricted or reserved except for those required to meet the parking requirements of the Americans with Disabilities Act (ADA).

5. The current owners, their successors or assigns of the subject property shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after the request, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking space requirements as specified in Article 11 of the Zoning Ordinance.

6. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of *The Code of the County of Fairfax, Virginia*, and the Zoning Ordinance in effect at the time of said parking utilization study submission.

7. Shared parking with any additional use(s) on the subject property shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the Board's approval.

8. All parking provided on the subject property shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the ADA.

9. The conditions of approval of this parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

10. Unless an extension has been approved by the Board, this parking reduction shall expire without notice 6 months from the date of Board approval if Condition No. 9 has not been satisfied.

TIMING:
Board action is requested on December 2, 2014.

Board Agenda Item
December 2, 2014

BACKGROUND:
The Iglesia La Gran Commission Assemblies De Dios ("The Church") is an existing place of worship located at 8354 Terminal Road, and is proposing to expand from 50 to 296 seats, within the existing Newington Business Center. The subject site is zoned I-6 (Heavy Industrial District) and incorporates a mix of uses, including the place of worship, office, warehouse, fast food restaurant (as an accessory service use), and an establishment for testing.

The submitted parking study, prepared by Arif Hodzic, AIA, Hodzic Architects, P.C., and revised through July 9, 2014, is for the proposed expanded place of worship in conjunction with the other uses on the site. Based on the results of the study, the applicant is requesting that the Board approve a parking reduction to permit the shared parking with the other uses on the site.

Generally, the strict application of Zoning Ordinance dictates that, when the use or building contains a combination of uses, the total number of parking spaces is based on the sum of the required spaces for each use. Pursuant to Paragraph 4(B) of Section 11-102 of the Zoning Ordinance, however, the Board may reduce the total number of parking spaces required by the strict application of the Zoning Ordinance when the applicant has adequately demonstrated that fewer spaces than those required by the Zoning Ordinance will adequately serve two (2) or more uses by reason of the hourly parking accumulation characteristics of such uses and if such reduction will not adversely affect the site or adjacent area. Based on the combined number of spaces required for each use on the site, a strict application of the Zoning Ordinance would require a total of 219 parking spaces. The available parking on the site is 174 parking spaces.

Based on the methodology established in the Urban Land Institute (ULI) publication Shared Parking, 2nd edition (November 2005), individual parking spaces available on a site may be shared by multiple uses when the peak parking demands associated with the different uses occur at different times and/or days of the week. The Church will operate on Sundays from 9 AM to 11 PM, and Mondays through Saturdays from 7PM to 11 PM. Peak parking demand for the Church will occur during Saturday or weekday evening services or during Sunday services, when the majority of the other office and warehouse uses are closed. Based on the different hours of operation, the available on-site parking spaces will be adequate to accommodate the parking demands associated with the different uses operating on the site at any given time.

The parking analysis indicates the expanded church can share the available parking spaces with the other uses on this site based on the hourly parking accumulation

characteristics for each of the uses, without adversely affecting the site. Therefore, the staff supports the applicant's request for a 20.5 percent reduction (45 fewer spaces), subject to the conditions listed above.

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

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Parking Reduction Request and Excerpts from Parking Study No. 5789-PKS-003-1, Prepared by Arif Hodzic, AIA, Hodzic Architects, P.C., Revised Through July 9, 2014.

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Audrey Clark, Acting Director, Land Development Services, DPWES

Hodzic Architects, P.C.

1003 Snapper Cove Lane
Pasadena, MD 21122
Tel: (410) 255-2600
Fax: (410) 255-2680

ah@hodzicarchitects.com
www.hodzicarchitects.com

LETTER OF REQUEST FOR SHARED PARKING June 26, 2014

Property: Newington Business Center
8350, 8352 and 8354 Terminal Road
Lorton, VA 22079
Tax Map: 99-3-001-44A
Mount Vernon District

Reason for the request for shared parking under Paragraph 4 of Zoning Ordinance 11-102:

Iglesia La Gran Commission Assemblies De Dios is church, which operates at limited hours on; Saturday from 7 PM to 11 PM, Sundays from 9 AM to 10 PM, and evenings after 7:00 PM to 11 PM. Church presently has 18 parking spaces all the time, not sharing with anyone. In addition Church would like to use 56 parking spaces, on limited time, which they will share with tenants in Building #4. This will give Church total of 74 parking spaces, which allows for 296 fixed seats in the Sanctuary.

Newington Business Center has predominantly Warehouse and Office type uses. The following spaces have limited hours of operation and will share spaces with the church The following Tenants use their spaces as follows: Monday to Friday 2 AM to 6 PM, and do not use parking spaces on Saturday and Sunday at all. This allows Church to use their 56 spaces during the times other tenants are not using.

Tenants in Building #4 are closed on Saturday and Sunday. Monday to Friday they are open on limited hours as shown in their letters: (all 56 spaces are available for church use):

8352 A-1, A-2 and A-3	Christ Brothers Construction,	9AM to 5 PM	8 spaces
8352 B	Newington Deli	6:30 AM to 4 PM	12 spaces
8352 C-1, C-2 and D	Master Print	8 AM to 5 PM	12 spaces
8352 E-1, E-2, F-2 and F-2	Fairfax Foods	2 AM to 4 PM	14 spaces
8352 G	Vacant Warehouse	8 AM to 6 PM	4 spaces
8352 H	The Davey Tree Company	7 AM to 5 PM	6 spaces
		Total spaces in shift ONE	56 spaces

Church will use the same 56 spaces, from 7 PM to 11 PM Monday to Friday. In addition Church will be open on Saturday from 7 PM to 11 PM and on Sunday from 9AM to 10 PM.

Building #3 and Building #5 (except Church), will not share their parking spaces and therefore we did not include their parking spaces in this calculation for shared spaces.

We surveyed actual use of parking spaces at 4 PM and 6 PM Monday to Friday and at 9 AM, 11 AM on Saturday and Sunday. The chart shows how the spaces will be actually used if Church is allowed to share spaces with the Tenants listed to use spaces on limited time bases.

In conclusion we think that these are adequate reasons to approve shared parking for this site.

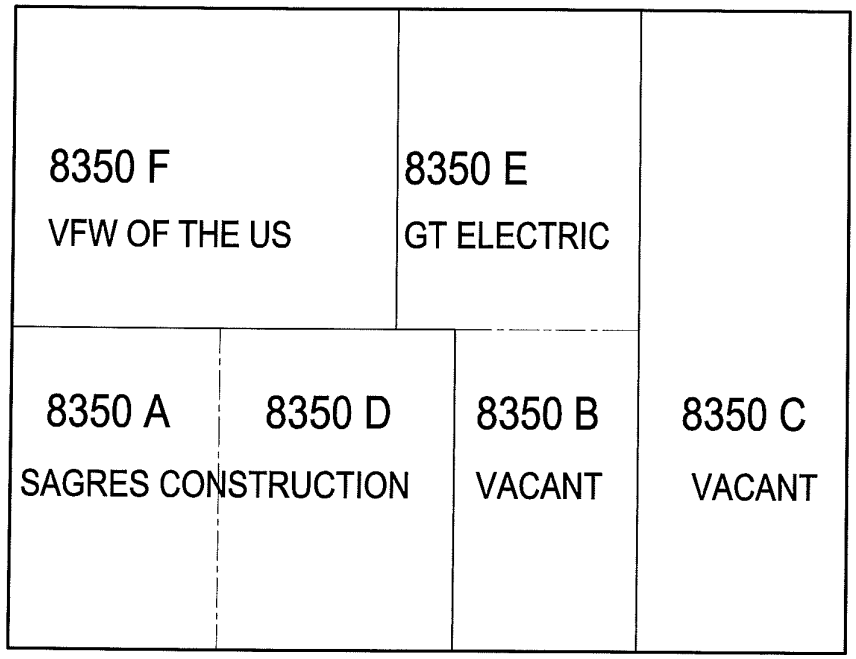
The Following documents are included:

1. This Letter of Request.
2. Previous Parking Tabulation 5789-PS-01.
3. New Parking Tabulation 5789-PS-02.
4. Parking Tabulation Chart.
5. Leasing Floor Plans, showing Tenants spaces. Tenants present Occupancy Permit and Letters from each tenant showing time of operation.
6. Original Site Plan, proposing one ADA van accessible parking space, by converting one HC space into van HC space. No additional paving is required.
7. Survey chart showing actual present parking lot occupancy as observed at 4:00 PM, and 6:00 PM Monday thru Friday and 9:00 AM, 11:00AM, 3:00PM and 6:00 PM Saturday and Sunday.
8. Letter from Building Owner permitting parking spaces to be shared.

If you have any questions please give me a call.

Hodzic Architects, PC

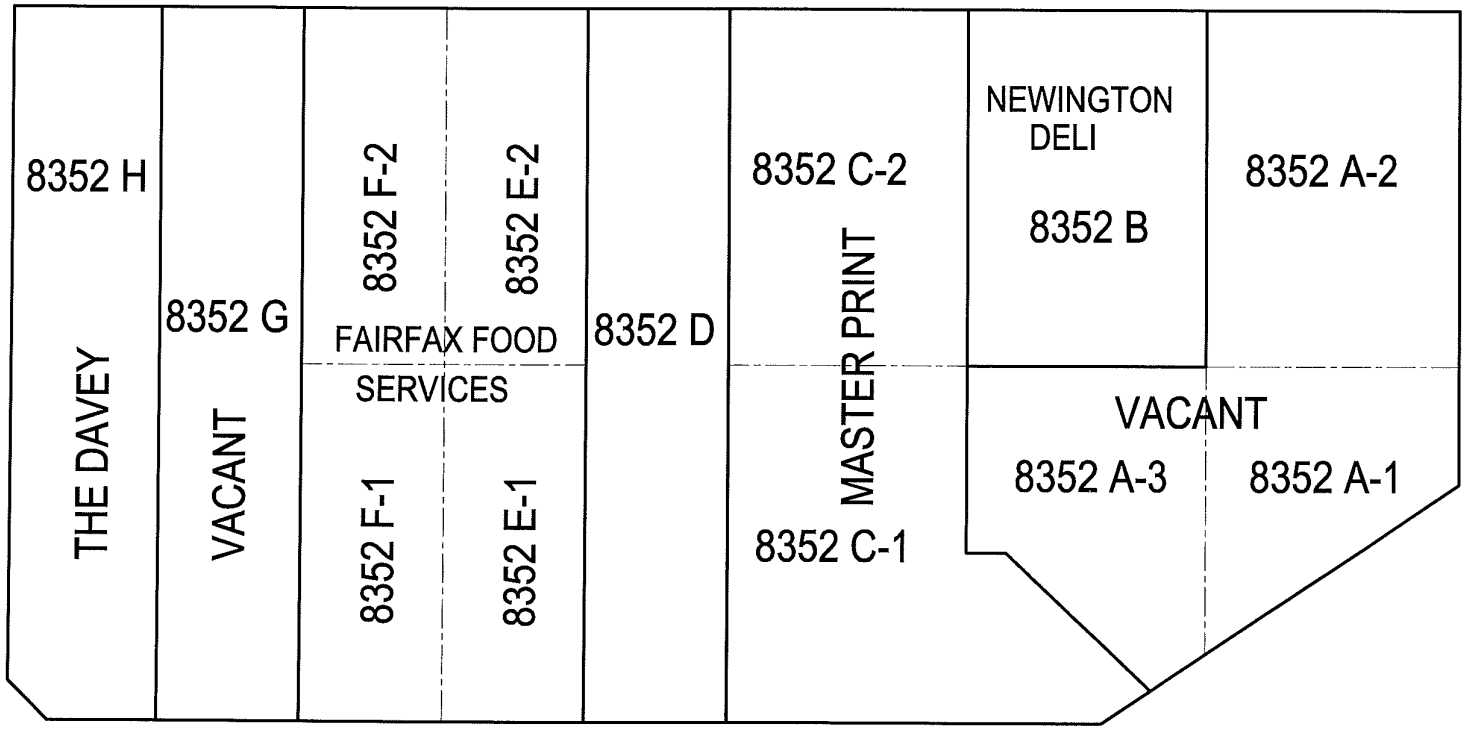
Arif Hodzic, AIA
Cell: 410-271-6733



AREA: 16,273 SF

NEWINGTON BUSINESS CENTER

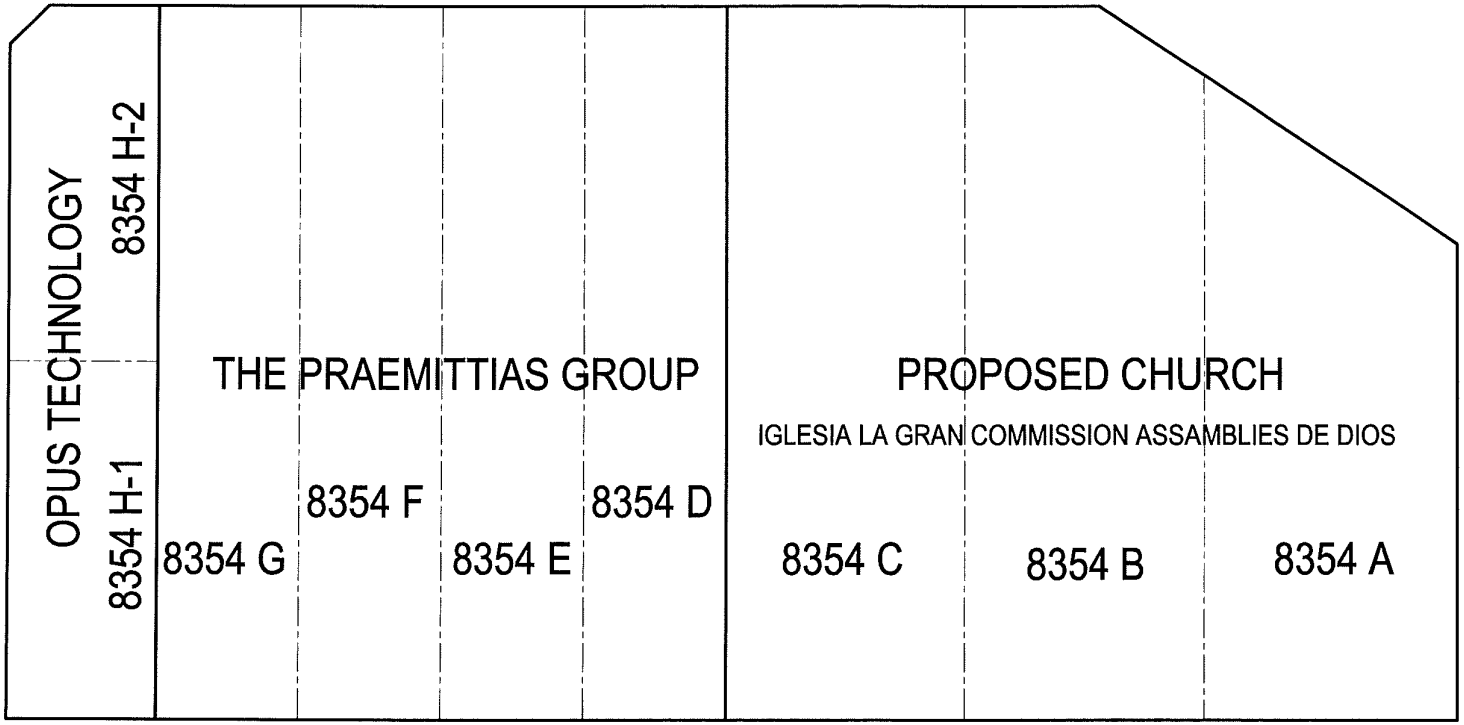
BUILDING #3 8350 TERMINAL ROAD



AREA: 30,568 SF

NEWINGTON BUSINESS CENTER

BUILDING #4 8352 TERMINAL ROAD



AREA: 30,568 SF

NEWINGTON BUSINESS CENTER

BUILDING #5 8354 TERMINAL ROAD

5

ASAMBLEAS de DIOS

IGLESIA LA GRAN COMISION
ASAMBLEAS DE DIOS.

8354-A TERMINAL ROAD, LORTON VIRGINIA 22079
E-MAIL ILGC-AG@LIVE.COM
OFFICE-PHONE (703) 541-0816.

PASTORS
JORGE & SONIA CLAVERIE
E-MAIL JORGE_CLAVERIE @MSN.COM
HOME (703) 541-3007

February 3, 2014.

To whom it may concern:

Iglesias la Gran Comision Asambleas de Dios is a Hispanic Church which will be moving to 8354 A Terminal Road, Lorton VA 22079. The space we will be renting consists of units A,B,and C which contain a total of 10,536 Sq ft. Our hours of operations will be from:

Monday-Friday from 7:00 pm-11:00pm

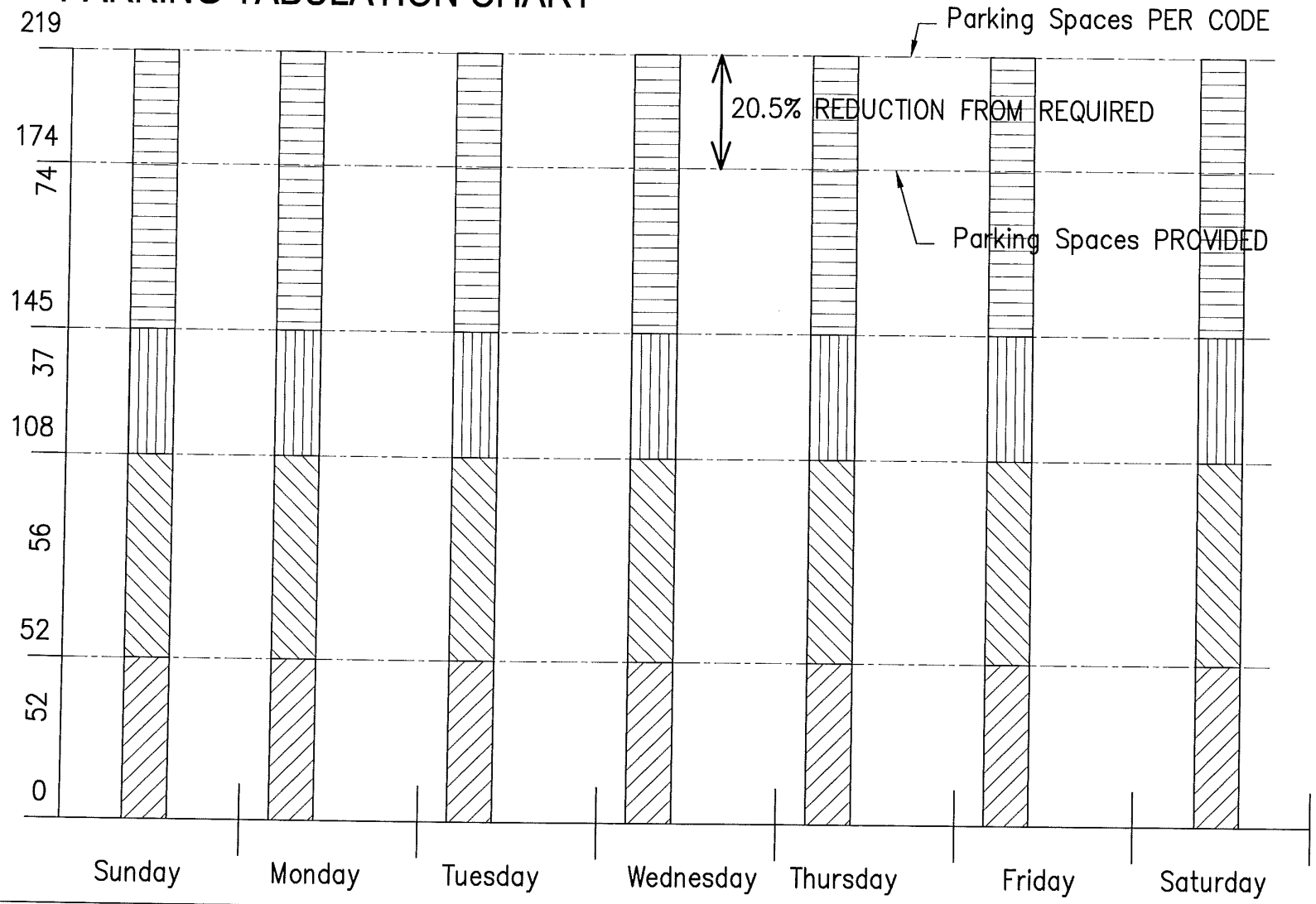
Saturday from 7:00pm-11:00pm

Sunday from 9:00am-10pm

Please feel free to contact me directly if any more detailed information is required

Jorge M Claverie
Senior Pastor.

PARKING TABULATION CHART



BUILDING #3
8350

BUILDING #4
8352

BUILDING #5
8354
LESS CHURCH

CHURCH USE
M–F 7PM–11PM
SAT 7PM–11PM
SAN 9AM–10PM

PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

Engineer: ARIF HODZIC Address: 1003 SNAPPER COVE LN. PASADENA, MD. 21122 Phone #: 410-271-6733

Plan Name: NEWINGTON BUSINESS CENTER Original Site Plan #: 5789-PS-02 Tax Map # 99-3-001-44A

Zoning: I-6 Rezoning Case #: N/A Proffered: ☐ Yes ☒ No Proffered Use Restrictions (See Note 1 below) N/A

ADDRESS	LIST EACH FLOOR (include basement)	SUITE #	USE (See Notes 2, 3 and 4 below)	USE PERMITTED BY: RIGHT	SPECIAL PERMIT	SPECIAL EXCEPTION	SQUARE FEET GROSS FLOOR AREA	SQUARE FEET NET FLOOR AREA	# SEATS AND/OR STOOLS	# COMPANY VEHICLES	# SERVICE BAYS	# OF EMPLOYEES	# STUDENTS	OTHER	PARKING RATE REQUIRED PER CODE (See Note 5 below)	TOTAL PARKING SPACES REQUIRED FOR THIS USE
8350 TERMINAL RD BUILDING #3																52
8352 TERMINAL RD BUILDING #4																56
8354 TERMINAL RD BUILDING #5																111
(If additional space is required use Page 2)															REQUIRED TOTAL FOR ENTIRE SITE PLAN	219
NUMBER OF ACCESSIBLE SPACE(S) PROVIDED	5	+ VAN ACCESSIBLE SPACE(S) PROVIDED					1	= TOTAL ACCESSIBLE PARKING SPACE(S) on site per ADA Act and VUSBC (See Note 6 below)								6
(The total number of parking spaces, including accessible parking spaces, available and useable for vehicular parking on the area covered by this site plan [See Note 6 below])															TOTAL PARKING SPACE(S) PROVIDED	174

COMMONWEALTH OF VIRGINIA
ARIF H. HODZIC
No. 03096
CERTIFIED ARCHITECT

Prepared in accordance to Section 54.1 – 401 of the Virginia State Code

[1] List proffered use Prohibitions or Limitations.
[2] In building where one floor has more than one use (personal services, general office & retail), use a separate line for each use. The uses must correspond to those identified in Article 11 of the Zoning Ordinance, or else documentation of the Zoning Administration determination must be attached to the tabulation.
[3] Units which are vacant shall be included, the intended use shall be indicated and parking allocated.
[4] Developer should make an initial parking assignment for each unit on the site plan. If developer, condominium, association or landlord wishes to make changes to assigned number of spaces after final site plan bond release, a site plan revision for reallocation of parking will be required. This form, when properly completed and certified, is intended to be such a site plan revision.
[5] If use is a Grandfathered use, it may be calculated at previous code parking rate if so identified and justification is submitted with the parking tabulations.
[6] Certification is taken to mean that the number of parking spaces shown as being provided is actually available on the site and useable (not occupied or blocked by dumpsters, air conditioners, incinerators, storage trailers, etc.), that all uses on the site have been included in the above listing, and that the requisite number of spaces and signage for compliance with ADA are provided. The number of parking spaces must be in conformance with the associated rezoning, special exception, special permit and variance.

Certified Correct[6] (Applicant) Engineer's Signature: ARIF HODZIC Date: 6-26-2014

County Approval by: Date:

Property Owners, Landlords, Condominium Association - Concurrence with Tabulation
Print Name & Title (Include company name when appropriate): BRUCE LEVIN, PRESDENT Signature: Date: 6-26-2014

Submit to: Land Development Services, Site and Addressing Center, 12055 Government Center Parkway, Fairfax, Virginia 22035-5503 Number of copies required: One (1) original with Engineer's Seal, Signature and date, plus four (4) copies.
REVISED FORM (3/2012)

Sheet 1 of 4

PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

Engineer: ARIF HODZIC Address: 1003 SNAPPER COVE LN. PASADENA, MD 21122 Phone #: 410-271-6733

Plan Name: NEWINGTON BUSINESS CENTER Original Site Plan #: 5789-PS-02 Tax Map # 99-3-001-44A

Zoning: I-6 Rezoning Case #: N/A Proffered: ☐ Yes ☒ No Proffered Use Restrictions (See Note 1 below) N/A

	ADDRESS	LIST EACH FLOOR (include basement)	SUITE #	USE (See Notes 2, 3 and 4 below)	USE PERMITTED BY: RIGHT	SPECIAL PERMIT	SPECIAL EXCEPTION	SQUARE FEET GROSS FLOOR AREA	SQUARE FEET NET FLOOR AREA	# SEATS AND/OR STOOLS	# COMPANY VEHICLES	# SERVICE BAYS	# OF EMPLOYEES	# STUDENTS	OTHER	PARKING RATE REQUIRED PER CODE (See Note 5 below)	TOTAL PARKING SPACES REQUIRED FOR THIS USE
	8350 TERMINAL RD	1	A,D	OFFICE	✓			4000								3.6/1000	14.4
BUILDING #3	8350 " (VACANT)	1	B	OFFICE	✓			4255								3.6/1000	15.3
BUILDING #3	8350 " (VACANT)	1	C	MEDICAL TESTING	✓			3689			1		6			1/EMP 1/C.V	7.0
BUILDING #3	8350 "	1	E	OFFICE	✓			1500								3.6/1000	5.4
BUILDING #3	8350 "	1	F	OFFICE	✓			2556								3.6/1000	9.2
															TOTAL		52.0

Enter Totals on Sheet 1 of 2. Number of copies required: One (1) original copy with Engineer's Seal and Signature, plus four (4) copies.

Sheet 2 of ~~2~~ 4

PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

Engineer: ARIF HODZIC Address: 1003 SNAPPER COVE LN. PASADENA, MD 21122 Phone #: 410-271-6733

Plan Name: NEWINGTON BUSINESS CENTER Original Site Plan #: 5789-SP-02 Tax Map # 99-3-001-44A

Zoning: I-6 Rezoning Case #: N/A Proffered: ☐ Yes ☒ No Proffered Use Restrictions (See Note 1 below) N/A

ADDRESS	LIST EACH FLOOR (include basement)	SUITE #	USE (See Notes 2, 3 and 4 below)	USE PERMITTED BY: RIGHT	USE PERMITTED BY: SPECIAL PERMIT	USE PERMITTED BY: SPECIAL EXCEPTION	SQUARE FEET GROSS FLOOR AREA	SQUARE FEET NET FLOOR AREA	# SEATS AND/OR STOOLS	# COMPANY VEHICLES	# SERVICE BAYS	# OF EMPLOYEES	# STUDENTS	OTHER	PARKING RATE REQUIRED PER CODE (See Note 5 below)	TOTAL PARKING SPACES REQUIRED FOR THIS USE
8352 TERMINAL RD (VACANT)	1	A-1	WAREH	✓			1942								1/1000	2
8352 " (VACANT)	1	A-2	OFFICE	✓			1000								3.6/1000	4
8352 " (VACANT)	1	A-3	WAREH	✓			1797								1/1000	2
8352 " (ACCESSORY USE)	1	B	FAST FOOD	✓			1342		24						1/2 SEATS	12
8352 "		C-1	WAREH	✓			3432								1/1000	4
8352 "		C-2	OFFICE	✓			1000								3.6/1000	4
8352 "		D	WAREH	✓			3982								1/1000	4
8352 " FAIRFAX FOODS CATERING		E-1	WAREH	✓			2394								1/1000	3
8352 "		E-2	WAREH	✓			2614								1/1000	3
8352 "		F-1	WAREH	✓			2832								1/1000	3
8352 "		F-2	OFFICE	✓			1200								3.6/1000	5
8352 " (VACANT)		G	WAREH	✓			3996								1/1000	4
8352 "		H-1	OFFICE	✓			500								3.6/1000	2
		H-2	WAREH	✓			3,532									4
														TOTAL		56.0

Enter Totals on Sheet 1 of 2. Number of copies required: One (1) original copy with Engineer's Seal and Signature, plus four (4) copies.

Sheet ~~2~~ of ~~2~~ 3 4

PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

Engineer: ARIF HODZIC Address: 1003 SNAPPER COVE LN. PASADENA, MD 21122 Phone #: 410-271-6733

Plan Name: DEWINGTON BUSINESS CENTER Original Site Plan #: 5789-SP-02 Tax Map # 99-3-001-44A

Zoning: I-6 Rezoning Case #: N/A Proffered: ☐ Yes ☒ No Proffered Use Restrictions (See Note 1 below) N/A

ADDRESS	LIST EACH FLOOR (include basement)	SUITE #	USE (See Notes 2, 3 and 4 below)	USE PERMITTED BY: RIGHT	SPECIAL PERMIT	SPECIAL EXCEPTION	SQUARE FEET GROSS FLOOR AREA	SQUARE FEET NET FLOOR AREA	# SEATS AND/OR STOOLS	# COMPANY VEHICLES	# SERVICE BAYS	# OF EMPLOYEES	# STUDENTS	OTHER	PARKING RATE REQUIRED PER CODE (See Note 5 below)	TOTAL PARKING SPACES REQUIRED FOR THIS USE
8354 TERMINAL RD	1	A,B,C	CHURCH	✓			10,536		296						1/4 SEATS	74.0
8354 "	1	D	OFFICE	✓			4,332								3.6/1000	16.0
8354 "	1	E,F,G	WAREH	✓			11,796								1/1000	12.0
8354 "	1	H-1	WAREH	✓			2,507								1/1000	3.0
8354 "	1	H-2	OFFICE	✓			1,500								3.6/1000	6.0
															TOTAL	111.0

Enter Totals on Sheet 1 of 2. Number of copies required: One (1) original copy with Engineer's Seal and Signature, plus four (4) copies.

Sheet 4 of 4

PARKING USAGE PER SURVEY

Monday Feb 3, 2014	8354 #used/Total	8352 #used/Total	8350 #used/Total	TOTAL
4 PM	18/84	18/60	12/30	48/174
6 PM	13/84	13/60	6/30	32/174

Tuseday Feb 4, 2014	8354 #used/Total	8352 #used/Total	8350 #used/Total	TOTAL
4 PM	21/84	15/60	15/30	51/174
6 PM	11/84	12/60	5/30	28/174

Wednesday Feb 5, 2014	8354 #used/Total	8352 #used/Total	8350 #used/Total	TOTAL
4 PM	12/84	22/60	15/30	49/174
6 PM	7/84	11/60	4/30	22/174

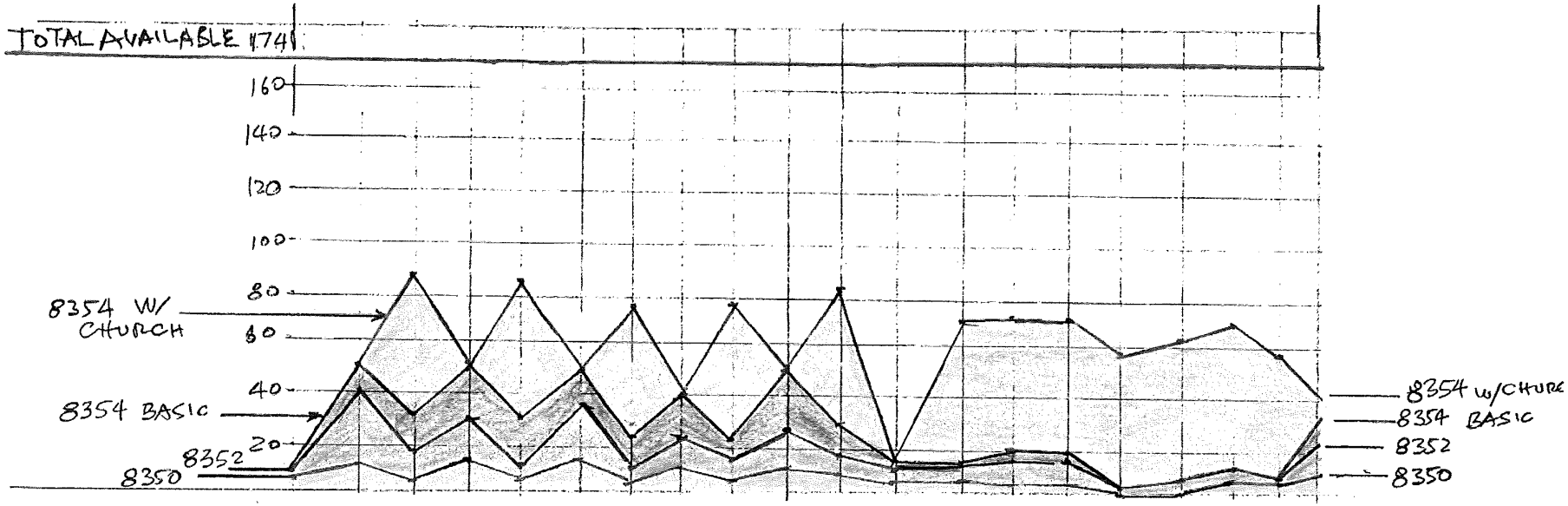
Thursday Feb 6, 2014	8354 #used/Total	8352 #used/Total	8350 #used/Total	TOTAL
4 PM	17/84	12/60	11/30	40/174
6 PM	6/84	13/60	4/30	23/174

Friday Feb 7, 2014	8354 #used/Total	8352 #used/Total	8350 #used/Total	TOTAL
4 PM	20/84	14/60	14/30	48/174
6 PM	10/84	10/60	9/30	29/174

Saturday Feb 8, 2014	8354 #used/Total	8352 #used/Total	8350 #used/Total	TOTAL
9 AM	6/84	6/60	4/30	48/174
11 AM	6/84	6/60	4/30	32/174
3 PM	8/84	10/60	2/30	48/174
6 PM	8/84	10/60	2/30	32/174

Sunday Feb 9, 2014	8354 #used/Total	8352 #used/Total	8350 #used/Total	TOTAL
9 AM	2/84	1/60	0/30	48/174
11 AM	2/84	3/60	0/30	32/174
3 PM	0/84	13/60	2/30	48/174
6 PM	0/84	1/60	2/30	32/174

PARKING TABULATION - PRESENTLY USED AND ADDITIONAL PARKING REQUESTED BY CHURCH



BUILDING #3 8354	18	13	21	11	12	7	17	6	20	10	6	6	8	8	2	2	0	0
BUILDING #4 8352	18	13	15	12	22	11	12	13	14	10	6	6	10	10	1	3	13	1
BUILDING #5 8350	12	6	15	5	15	4	11	4	14	9	4	4	2	2	0	0	2	2
SUB TOTAL	48	32	51	28	49	22	40	23	48	29	16	16	20	20	3	5	15	3
ADDIT. CHURCH	0	56	0	56	0	56	0	56	0	56	0	56	56	56	56	56	56	56
TOTAL W/ CHURCH	48	88	51	84	49	78	40	79	48	85	16	72	76	76	59	61	71	59
	4PM M	6PM	4PM T	6PM	4PM W	6PM	4PM T	6PM	4PM F	6PM	9AM SA	11AM	3PM	6PM	9AM SU	11AM	3PM	6PM

VACANT

8350 C TERMINAL ROAD

LORTON, VA 22079

December 12, 2013

FAIRFAX COUNTY

TO WHOM IT MAY CONCERN

OUR NORMAL BUSINESS HOURS ARE:

EXPECTED
MONDAY-FRIDAY 8-6 pm

SATURDAY Closed

SUNDAY Closed

Renee Sterling NEWINGTON BUSINESS CENTER REPRESENTATIVE

SIGNATURE

Renee Sterling

PRINT NAME

VFW OF SPRINGFIELD

8350 F TERMINAL ROAD

LORTON, VA 22079

December 12, 2013

FAIRFAX COUNTY

TO WHOM IT MAY CONCERN

OUR NORMAL BUSINESS HOURS ARE:

MONDAY-FRIDAY WED-FRIDAY 10:00 A.m - 6pm

SATURDAY 9:00 Am - 2pm

SUNDAY 11:00 AM - 5 pm ?

VFW REPRESENTATIVE

SIGNATURE

WILLIE JANUS

PRINT NAME

GT ELECTRIC

8350 G TERMINAL ROAD

LORTON, VA 22079

December 12, 2013

FAIRFAX COUNTY

TO WHOM IT MAY CONCERN

OUR NORMAL BUSINESS HOURS ARE:

MONDAY-FRIDAY 6:30 a.m - 4pm ?

SATURDAY N/A

SUNDAY N/A

_____ GT ELECTRIC REPRESENTATIVE

SIGNATURE

THOMAS RICE

PRINT NAME

CHRYST BROTHERS

8352 A TERMINAL ROAD

LORTON, VA 22079

December 12, 2013

FAIRFAX COUNTY

TO WHOM IT MAY CONCERN

OUR NORMAL BUSINESS HOURS ARE:

MONDAY-FRIDAY 9-5pm

SATURDAY Closed

SUNDAY Closed

CHRYST BROTHERS REPRESENTATIVE

SIGNATURE

John Chryst

PRINT NAME

NEWINGTON DELI

8352 B TERMINAL ROAD

LORTON, VA 22079

December 12, 2013

FAIRFAX COUNTY

TO WHOM IT MAY CONCERN

OUR NORMAL BUSINESS HOURS ARE:

MONDAY-FRIDAY 6:30 - 4pm

SATURDAY Closed

SUNDAY Closed

Mary S. NEWINGTON DELI REPRESENTATIVE

SIGNATURE

Ench Tuul Lodon

PRINT NAME

MASTERPRINT

8352 C-D TERMINAL ROAD

LORTON, VA 22079

(C-1, C-2, D) 12

December 12, 2013

Fairfax County

TO WHOM IT MAY CONCERN:

Our normal business hours are:

MONDAY-FRIDAY: 8-5

SATURDAY: N/A

SUNDAY: N/A

MASTERPRINT REPRESENTATIVE

SIGNATURE

FAIRFAX FOODS

8352 E-F TERMINAL ROAD

LORTON, VA 22079

December 12, 2013

FAIRFAX COUNTY

TO WHOM IT MAY CONCERN

OUR NORMAL BUSINESS HOURS ARE:

MONDAY-FRIDAY 2am - 4pm

SATURDAY closed

SUNDAY closed

_____ NEWINGTON BUS CTR REPRESENTATIVE

SIGNATURE

Kathryn Draughon

PRINT NAME

VACANT

8352 G TERMINAL ROAD (WAREHOUSE)

LORTON, VA 22079

December 12, 2013

FAIRFAX COUNTY

TO WHOM IT MAY CONCERN

OUR NORMAL BUSINESS HOURS ARE:

EXPECTED
MONDAY-FRIDAY 8am-6pm

SATURDAY closed

SUNDAY closed

Renee Sterling NEWINGTON BUS CTR REPRESENTATIVE

SIGNATURE

Renee Sterling

PRINT NAME

THE DAVEY TREE COMPANY

8352 H TERMINAL ROAD (WAREHOUSE)

LORTON, VA 22079

December 12, 2013

FAIRFAX COUNTY

TO WHOM IT MAY CONCERN

OUR NORMAL BUSINESS HOURS ARE:

MONDAY-FRIDAY 7:00 - 5:00

SATURDAY closed

SUNDAY closed

_____ THE DAVEY TREE REPRESENTATIVE

SIGNATURE

Chris Moushey

PRINT NAME

PRAEMITTIUS GROUP

8354 D,E, F G TERMINAL ROAD

LORTON, VA 22079

December 12, 2013

FAIRFAX COUNTY

TO WHOM IT MAY CONCERN

OUR NORMAL BUSINESS HOURS ARE:

MONDAY-FRIDAY 8a.m - 5p.m

SATURDAY Closed

SUNDAY Closed

PRAEMITTIUS GROUP REPRESENTATIVE

SIGNATURE

Greg Shaffer

PRINT NAME

OPUS INSPECTIONS

8354 H TERMINAL ROAD

LORTON, VA 22079

December 12, 2013

Fairfax County

TO WHOM IT MAY CONCERN:

Our normal business hours are:

Monday-Friday 8AM-4pm

Saturday closed

Sunday closed

Signature, Jack Pierce, Representative from Opus Inspections

8

ADVANCED PROPERTIES, LTD
6551 Loisdale Court
Suite 330
Springfield, VA 22150
(703) 971-7800
Fax (703) 922-6060

June 26, 2014

M E M O R A N D U M

TO: COUNTY OF FAIRFAX

FROM: BRUCE LEVINE, PROPERTY OWNER/MANAGER

RE: GRAND COMMISSION CHURCH

VIA: HAND DELIVERED

Gentlemen;

As owner and Manager of Newington Business Center, I hereby grant GRAND COMMISSION CHURCH permission to apply for and receive a shared parking agreement for their Property at 8354 ABC Terminal Road, Newington, Virginia.

Thank you for your attention to this matter.

Bruce Levine

Board Agenda Item
December 2, 2014

ACTION – 2

Approval of a Resolution to Authorize the Sale of General Obligation Public Improvement Bonds and Public Improvement Refunding Bonds

ISSUE:
Board approval of a resolution to authorize the sale of General Obligation Public Improvement and Public Improvement Refunding Bonds on or about January 14, 2015.

RECOMMENDATION:
The County Executive recommends approval of the sale of General Obligation Public Improvement Bonds that will generate $256.3 million to fund construction of capital facilities and infrastructure as previously approved by the Board.

County staff recommends the Board take the following action:

> Approve the resolution authorizing the issuance of the General Obligation Public Improvement Bonds and Public Improvement Refunding Bonds, which also authorizes the execution and delivery of a Continuing Disclosure Agreement and other documents necessary for sale. This resolution delegates to the County Executive or Chief Financial Officer authority to award the bonds to the lowest responsive bidder. Bond Counsel has advised that this form of authorization is acceptable and provides flexibility for changing market conditions. This resolution also approves the form of the notice of sale and the Official Statement for the Public Improvement Bonds, and authorizes the Chairman, Vice Chairman, County Executive or Chief Financial Officer to sign the Official Statement for the Public Improvement Bonds. In addition, the resolution provides the flexibility that Public Improvement Refunding Bonds (or public improvement bonds) may be sold in a negotiated transaction with a County chosen underwriter (s).

TIMING:
Board action is requested on December 2, 2014.

BACKGROUND:
The Proposed Bond Sale Schedule of Events (Attachment 2) indicates a new money bond sale on or about January 14, 2015. There are many potential market events that could affect the bond sale in the next few months; and therefore, this sale date is

subject to market conditions. The County staff, along with the County's Financial Advisor will revisit and adjust the sale date, as needed. The closing date for the bonds is currently scheduled for the week of January 26, 2015.

Staff is presenting the Board with the necessary documents to proceed with the new money bond sale to meet FY 2015 capital funding requirements for on-going projects. The resolution also lists several outstanding series of bonds that may become future candidates to refund if interest rates remain favorable. The County staff, Bond Counsel, and the County's Financial Advisor have added flexibility to the bond resolution to permit multiple bond sale methodologies and various structural alternatives. This flexibility will allow staff to respond to potentially changing market conditions in order to obtain the lowest possible interest rates. For example, the resolution allows for a negotiated sale for all or a portion of the bonds rather than only a competitive sale. Increasing the County's flexibility is a sound strategy in the current bond market and ensuring the County has market access at favorable interest rates.

New Money Sale

The General Obligation Bond sale totals $256.3 million and is allocated amongst the following categories. The Fairfax County Public Schools will receive $161 million, which includes the annual baseline request of $155 million and an additional one time allotment of $6 million. The latter of which is the local match required from the Fairfax County Public Schools for federal funds approved to construct a new elementary school at Fort Belvoir and to renovate the existing elementary school at the base. The balance of $13.3 million from the 2007 School bond referendum for the Newington Bus Garage and related garage facilities will be expended out of Fund 30010, General Construction and Contributions.

The County will allocate $23 million to the Washington Metropolitan Area Transit Authority (WMATA) as required per WMATA's FY 2015-2020 Adopted Capital Improvement Program. A County allotment of $15 million will fund ongoing Board of Supervisors approved transportation projects such as the widening of Stringfellow Road and Lorton Road. Public Safety funding of $20 million will provide for ongoing construction costs at the Fair Oaks, McLean, and Reston Police Stations; Courtroom renovations; and the Fire and Rescue Training Academy. Funding of $19 million will be provided for the Fairfax County Park Authority, which includes funding for annual capital project requirements as well as funding for land acquisition. Lastly, the Northern Virginia Regional Park Authority will receive $3 million and the Huntington Levee project will receive $2 million.

The Schedule of Bond Purposes notes the remaining balance of voter approved authorized but unissued bond funds by category and is included as Attachment 3. The School Board resolution requesting the sale of bonds on behalf of the School system is

included as Attachment 4. The School Board approved the resolution at its November 17, 2014 School Board meeting.

Staff has structured the size of this sale to the level necessary to support the capital construction program for the current fiscal year, without altering any of the schedules of the projects in progress and previously approved by the Board of Supervisors. The bond sale amount was sized on project cash needs for the current fiscal year. This sale of $256.3 million is within the adjusted total maximum sales allowed in the Ten Principles of Sound Financial Management. The FY 2015 Adopted Budget Plan states that the maximum annual sale of bonds will be $275 million or $1.375 billion over a five-year period, with a technical limit not to exceed $300 million in a single year. Consistent with previous bond sales, the County's Resolution (Attachment 1) includes a provision which would permit the County Executive or Chief Financial Officer to award the bonds, in the event of a competitive sale, to the best responsive bidder within the guidelines established by the Board.

The maximum true interest cost rate permitted on the bonds as established in the Bond Resolution is 5.5 percent. In addition, for a competitive sale, staff will use the electronic bidding system to receive bids and participate in providing on-line public access to the Notice of Sale (Attachment 5), and the Preliminary Official Statement, (Attachment 6).

It should be noted that Attachments 2 through 6 may be subject to minor changes to satisfy final legal review and to provide the most current information possible for bidders. Any material changes will be noted and forwarded to the Board of Supervisors.

Refunding Options – General Obligation Bonds
The County recently conducted a General Obligation Refunding Bond Sale (Series 2014B) in October 2014 that resulted in $15.5 net present value savings. As a result, the County does not expect there to be any further short term refunding savings as part of the planned new money bond sale in January 2015 (Series 2015A). However, the County's bond resolution does include other additional maturities that may become eligible for refunding when callable later in calendar year 2015. The terms of the bond resolution allow for these bonds to be refunded through an additional bond sale up to a year from approval from the Board on December 2, 2014. As interest rates continue to fluctuate and hover at historic lows, this flexibility allows the County to capitalize on potential refunding candidates specifically authorized in the resolution.

FISCAL IMPACT:
The estimated debt service budget requirement for the new money bond sale, based on a conservative 4.0 percent True Interest Cost estimate, is $14.8 million for School purposes and $8.8 million for County purposes, beginning in FY 2016.

The County issued General Obligation bonds as part of combined new money and refunding (Series 2014A) bond sale in the par amount of $316.31 million on January 23, 2014. The bonds were sold to Citigroup Global Markets, at a true interest cost of 2.84. The Series 2014A also included refunding bonds that generated net present value savings of $4.38 million over the life of the bonds. In addition, the County issued General Obligation refunding bonds (Series 2014B) in the par amount of $202.19 million on October 21, 2014 that generated net present value savings of $15.5 million over the life of the bonds.

The reception of Fairfax County bonds in the market continues to compare favorably both nationally and locally. The County has held a Aaa rating from Moody's since 1975, a AAA rating from Standard and Poor's since 1978,and a AAA rating from Fitch Ratings since 1997. As of October 2014, 9 states, 39 counties, and 32 cities have a Triple A bond rating from all three major rating agencies. As a result of the County's excellent Triple-A bond rating, the County has saved an estimated $661.99 million from County bond and refunding sales.

ENCLOSED DOCUMENTS:
Attachment 1: 2015 County Public Improvement Bond Resolution
Attachment 2: 2015 Bond Sale Schedule of Events
Attachment 3: Schedule of Bond Purposes
Attachment 4: School Board Resolution Requesting Sale of Bonds (School Board Approved on November 17, 2014)
Attachment 5: Notice of Sale, Series 2015
Attachment 6: Draft of the Preliminary Official Statement, Series 2015

STAFF:
Susan Datta, Chief Financial Officer and Director, Department of Management and Budget
Joseph LaHait, Debt Coordinator, Department of Management and Budget
Patricia Moody McCay, Assistant County Attorney

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia on December 2, 2014, at which meeting a quorum was present and voting, the following resolution was adopted:

A RESOLUTION AUTHORIZING THE ISSUANCE, IN ONE OR MORE SERIES, OF PUBLIC IMPROVEMENT BONDS AND REFUNDING BONDS, OF FAIRFAX COUNTY, VIRGINIA, PROVIDING FOR THE SALE OF SUCH BONDS AND DELEGATING TO THE COUNTY EXECUTIVE OR THE CHIEF FINANCIAL OFFICER AUTHORITY TO DETERMINE CERTAIN DETAILS OF SUCH BONDS AND ACCEPT OFFERS FOR THE PURCHASE OF SUCH BONDS.

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia:

Section 1(a). Public Improvement Bonds. The Board of Supervisors of Fairfax County, Virginia (the "Board of Supervisors"), has found and determined and does hereby declare that:

(i) **School improvements – $174,290,000.** At an election duly called and held on November 6, 2007, a majority of the qualified voters of Fairfax County, Virginia (the "County"), voting on the question approved contracting a debt, borrowing money and issuing school bonds of the County, in the aggregate principal amount of $365,200,000.

The purpose of the school bonds stated in the election was to provide up to $315,200,000, in addition to funds from school bonds previously authorized and any other available funds, to finance the costs of additional capital improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system and providing up to $50,000,000, in addition to any other available funds, to finance the cost of expanding, renovating, improving, furnishing and equipping facilities for the repair and other servicing of school buses, school vehicles and other County vehicles.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of the County, in the aggregate principal amount of $365,200,000 for such purpose.

The Board of Supervisors, at the request of the School Board of Fairfax County, Virginia (the "County School Board"), has heretofore issued $351,910,000 of the school bonds authorized at the election held on November 6, 2007.

The Board of Supervisors deems it advisable to authorize the issuance of the $13,290,000 balance of such school bonds for financing the costs of expanding, renovating, improving, furnishing and equipping facilities for the repair and other servicing of school busses, school

vehicles and other County vehicles purposes authorized at the November 6, 2007 election, and to sell the bonds.

At an election dully called and held on November 3, 2009, a majority of the qualified voters of the County, voting on the question, approved contracting a debt, borrowing money and issuing school bonds of the County, in the aggregate principal amount of $232,580,000.

The purpose of the school bonds stated in the election was to provide funds, in addition to funds from school bonds previously authorized and any other available funds, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of the County, in the aggregate principal amount of $232,580,000 for such purpose.

The Board of Supervisors at the request of the County School Board has heretofore issued $202,908,200 of the school bonds authorized at the election held on November 3, 2009.

The Board of Supervisors deems it advisable to authorize the issuance of the $29,671,800 balance of school bonds authorized at the November 3, 2009 election and to sell the bonds.

At an election dully called and held on November 8, 2011, a majority of the qualified voters of the County, voting on the question, approved contracting a debt, borrowing money and issuing school bonds of the County, in the aggregate principal amount of $252,750,000.

The purpose of the school bonds stated in the election was to provide funds, in addition to funds from school bonds previously authorized and any other available funds, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of the County, in the aggregate principal amount of $252,750,000 for such purpose.

The Board of Supervisors has not issued any of the $252,750,000 school bonds authorized at the election duly called and held on November 8, 2011.

The Board of Supervisors deems it advisable to authorize the issuance of up to $131,328,800 of school bonds authorized at the November 8, 2011 election and to sell the bonds.

The issuance of such school bonds is contingent upon the adoption by the County School Board of a resolution, in a form acceptable to the County's bond counsel, consenting to the issuance of such school bonds.

(ii) **Transportation improvements and facilities - $38,000,000.** At an election duly held on November 6, 2007, a majority of the qualified voters of the County voting on the question approved contracting a debt, borrowing money and issuing bonds of the County, in addition to the bonds previously authorized for transportation improvements and facilities and any other available funds, in the maximum aggregate principal amount of $110,000,000 for the purpose of providing funds for the cost of constructing, reconstructing, improving and acquiring transportation improvements, including improvements to primary and secondary State highways, off-street parking, pedestrian improvements, and ancillary related improvements and facilities, and including capital costs of necessary land, transit facilities, rolling stock and equipment in the Washington metropolitan area allocable to the County pursuant to the provisions of the Washington Metropolitan Area Transit Authority Compact.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of the County, in the aggregate principal amount of $110,000,000 for such purpose.

The Board of Supervisors has heretofore issued $65,050,500 transportation improvement and facilities bonds authorized at the November 6, 2007 election.

The Board of Supervisors deems it advisable to authorize the issuance of up to $15,000,000 of such transportation improvement and facilities bonds authorized at the November 6, 2007 election and to sell the bonds.

At an election duly held on November 2, 2010, a majority of the qualified voters of the County voting on the question approved contracting a debt, borrowing money and issuing bonds of the County, in addition to the bonds previously authorized for transportation improvements and facilities, in the maximum aggregate principal amount of $120,000,000 for the purpose of providing funds for the cost of constructing, reconstructing, improving and acquiring transportation improvements, including improvements to primary and secondary State highways, off-street parking, pedestrian improvements, and ancillary related improvements and facilities, and including capital costs of necessary land, transit facilities, rolling stock and equipment in the Washington metropolitan area allocable to the County pursuant to the provisions of the Washington Metropolitan Area Transit Authority Compact.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of the County, in the aggregate principal amount of $120,000,000 for such purpose.

The Board of Supervisors has heretofore issued $73,810,000 transportation improvement and facilities bonds authorized at the November 2, 2010 election.

The Board of Supervisors deems it advisable to authorize the issuance of up to $23,000,000 of such transportation improvement and facilities bonds authorized at the November 2, 2010 election and to sell the bonds.

(iii) **Parks and park facilities – $22,012,100.** At an election duly called and held on November 4, 2008, a majority of the qualified voters of the County voting on the question approved contracting a debt, borrowing money and issuing bonds of the County, in addition to the parks and park facilities bonds previously authorized, in the maximum aggregate principal amount of $77,000,000 for the purpose of providing funds to finance the cost of providing additional parks and park facilities including the acquisition, construction, development and equipment of additional parks and park facilities, and the purchase of easements for the preservation of open-space land and the development and improvement of existing parks and park facilities by the Fairfax County Park Authority, and including an amount not to exceed $12,000,000 allocable to the County as its share of the cost of parks and park facilities to be acquired, constructed, developed and equipped by the Northern Virginia Regional Park Authority.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of the County, in the aggregate principal amount of $77,000,000 for such purpose.

The Board of Supervisors has heretofore authorized the issuance of and has issued $50,187,900 parks and park facilities bonds for the Fairfax County Park Authority and $12,000,000 parks and park facilities bonds for the Northern Virginia Regional Park Authority authorized at the November 4, 2008 election.

The Board of Supervisors deems it advisable to authorize the issuance of the $14,812,100 balance of parks and park facilities bonds authorized at the November 4, 2008 election and to sell the bonds.

At an election duly called and held on November 6, 2012, a majority of the qualified voters of Fairfax County, approved contracting a debt, borrowing money and issuing bonds of Fairfax County, Virginia, in addition to the parks and park facilities bonds previously authorized, in the maximum aggregate principal amount of $75,000,000 for the purpose of providing funds with any other available funds to finance the cost of providing parks and park facilities including the acquisition, construction, development and equipment of additional parks and park facilities, and the purchase of permanent easements for the preservation of open-space land and the development and improvement of existing parks and park facilities by the Fairfax County Park Authority, and including an amount not to exceed $12,000,000 allocable to the County as its share of the cost of parks and park facilities to be acquired, constructed, developed and equipped by the Northern Virginia Regional Park Authority.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of the County, in the aggregate principal amount of $77,000,000 for such purpose.

The Board of Supervisors has heretofore not authorized the issuance of and has not issued parks and park facilities bonds for the Fairfax County Park Authority authorized at the election duly called and held on November 6, 2012 and has heretofore authorized the issuance of and has issued $6,000,000 parks and park facilities bonds for the Northern Virginia Regional Park Authority authorized at the November 6, 2012 election.

The Board of Supervisors deems it advisable to authorize the issuance of up to $4,200,000 parks and park facilities bonds for the Fairfax County Park Authority and $3,000,000 parks and park facilities bonds for the Northern Virginia Regional Park Authority authorized at the November 6, 2012 election and to sell the bonds at this time.

(iv) **Public safety facilities -- $20,000,000.** At an election duly called and held on November 7, 2006, a majority of the qualified voters of the County voting on the question approved contracting a debt, borrowing money and issuing bonds of the County, in the maximum aggregate principal amount of $125,000,000, for the purpose of providing funds, in addition to the public safety facilities bonds previously authorized and any other available funds, to finance the cost of providing public safety facilities, including the construction, reconstruction, enlargement, renovation and equipment of detention facilities, animal control facilities, civil and criminal justice facilities, police, fire and rescue training facilities and stations, including fire and rescue stations owned by volunteer organizations, and the acquisition of necessary land.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of the County in the aggregate principal amount of $125,000,000 for such purpose.

The Circuit Court of Fairfax County, Virginia has duly entered a Final Order on October 14, 2014 granting the Board's petition to extend the time period by two years in which the public safety facilities bonds may be issued.

The Board of Supervisors has heretofore authorized the issuance of and has issued $92,722,800 public safety facilities bonds authorized at the November 7, 2006 election.

The Board of Supervisors deems it advisable to authorize the issuance of up to $20,000,000 of such public safety facilities bonds authorized at the November 7, 2006 election and to sell the bonds.

(v) **Storm drainage improvements -- $2,000,000.** At an election duly called and held on November 6, 2012, a majority of the qualified voters of the County, voting on the question approved contracting a debt, borrowing money and issuing bonds of the County, in the maximum aggregate principal amount of $30,000,000 for the purpose of providing funds, with any other available funds, to finance the cost of providing storm drainage improvements to prevent flooding and soil erosion, including the acquisition of necessary land.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of the County, in the aggregate principal amount of $30,000,000 for such purpose.

The Board of Supervisors has not issued any of the $30,000,000 storm drainage improvement bonds authorized at the election held on November 6, 2012.

The Board of Supervisors deems it advisable to authorize the issuance of up to $2,000,000 of such storm drainage improvement bonds authorized at the November 6, 2012 election and to sell the bonds.

Section 1(b). Prior bond issues. The Board of Supervisors has been advised that certain bonds of certain series of its outstanding public improvement bonds and public improvement and refunding bonds, in certain favorable market conditions, may be refunded to achieve substantial present value debt service savings.

The Board of Supervisors deems it advisable to authorize the issuance of public improvement refunding bonds, pursuant to a tax-exempt or taxable bond sale, to achieve such savings, if available.

The Board of Supervisors has further found and determined and does hereby declare that:

(i) **Series 2005 A Bonds.** For the purpose of providing funds, with other available funds, for school improvements, parks and park facilities, public library facilities, transportation improvements and facilities, human services facilities and adult detention facilities, and to refund certain Series 1999 A, Series 2000 A, Series 2000 B, Series 2001 A and Series 2002 A outstanding bonds of the County, the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of $543,585,000, designated "Public Improvement and Refunding Bonds, Series 2005 A" (the "Series 2005 A Bonds"), dated as of August 16, 2005.

The Series 2005 A Bonds that mature on or before October 1, 2015 are not subject to redemption before maturity. Series 2005 A Bonds that mature after October 1, 2015 may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than October 1, 2015, in whole or in part (in integral multiples of $5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(ii) **Series 2008 A Bonds.** For the purpose of providing funds, with other available funds, for school improvements, parks and park facilities, public library facilities, transportation improvements and facilities and public safety facilities the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of $234,475,000, designated "Public Improvement Bonds, Series 2008 A" (the "Series 2008 A Bonds"), dated as of January 30, 2008.

The Series 2008 A Bonds that mature on or before April 1, 2018 are not subject to redemption before maturity. Series 2008 A Bonds that mature after April 1, 2018 may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than April 1, 2018, in whole or in part (in integral multiples of $5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(iii) **Series 2009 A Bonds.** For the purposes of providing funds, with other available funds, for school improvements, parks and park facilities, transportation improvements and facilities, human service facilities, public library facilities and public safety facilities the Board

of Supervisors duly issued bonds of the County in the aggregate principal amount of $199,510,000, designated "Public Improvement Bonds, Series 2009 A" (the "Series 2009 A Bonds"), dated January 28, 2009.

The Series 2009 A Bonds that mature on or before April 1, 2019, are not subject to optional redemption before their maturity. The Series 2009 A Bonds that mature after April 1, 2019, may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than April 1, 2019, in whole or in part (in integral multiples of $5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(iv) **Series 2011A Bonds.** For the purposes of providing funds, with other available funds, for school improvements, transportation improvements and facilities and park and park facilities and to refund certain Series 2002 A outstanding bonds of the County, the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of $190,090,000, designated "Public Improvement and Refunding Bonds, Series 2011A" (the "Series 2011A Bonds"), dated February 10, 2011.

The Series 2011A Bonds that mature on or before April 1, 2021, are not subject to optional redemption before their maturity. The Series 2011A Bonds that mature after April 1, 2021, may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than April 1, 2021, in whole or in part (in integral multiples of $5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(v) **Series 2012A Bonds.** For purposes of providing funds, with other available funds, for school improvements, transportation improvements and facilities, parks and park facilities, public safety facilities, human services facilities and public library facilities the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of $217,655,000, designated "Public Improvement Bonds, Series 2012A" (the "Series 2012A Bonds"), dated February 2, 2012.

The Series 2012A Bonds that mature on or before April 1, 2020, are not subject to optional redemption before their maturity. The Series 2012A Bonds that after April 1, 2020, may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than April 1, 2020, in whole or in part (in integral multiples of $5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(vi) **Series 2013A Bonds**. For purposes of providing funds, with other available funds, for school improvements, transportation improvements and facilities, public safety facilities, parks and park facilities, commercial and redevelopment area improvements and public library facilities the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of $206,335,000, designated "Public Improvement Bonds, Series 2013A" (the "Series 2013A Bonds"), dated January 24, 2013.

The Series 2013A Bonds that mature on or before October 1, 2021, are not subject to optional redemption before their maturity. The Series 2013A Bonds that after October 1, 2021,

may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than October 1, 2021, in whole or in part (in integral multiples of $5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(vii) The Board of Supervisors has determined to provide for the issuance of refunding bonds of Fairfax County, Virginia, for the purpose of providing funds, with other available funds, to refund all or a portion of all or any of the following outstanding bonds of Fairfax County, Virginia (collectively, the "Refunding Candidates"), all as hereinafter provided:

Series 2005 A Bonds that are first subject to, and shall be called for, redemption on October 1, 2015, and

Series 2008 A Bonds that are first subject to, and shall be called for redemption on April 1, 2018, and

Series 2009 A Bonds that are first subject to, and shall be called for redemption on April 1, 2019, and

Series 2011A Bonds that are first subject to, and shall be called for redemption on April 1, 2021, and

Series 2012A Bonds that are first subject to, and shall be called for redemption on April 1, 2020, and

Series 2013A Bonds that are first subject to, and shall be called for redemption on October 1, 2021, and

Any such refunding bonds issued to refund the Refunding Candidates shall not exceed the aggregate principal amount of $425,000,000.

Section 2. Authorization of bonds. The Board of Supervisors has determined that it is in the best interests of the County to consolidate for the purposes of the sale the bond authorizations mentioned above into one or more series of public improvement and/or refunding bonds of the County. The bonds shall be designated as appropriate "Public Improvement [and/or] Refunding Bonds, Series 2015[A], [B]". The bonds shall be dated, shall be stated to mature in certain amounts on such dates, subject to the right of prior redemption, and shall bear interest until their payment at a rate or rates and on such dates as shall hereafter be determined by the Board of Supervisors by resolution or by either the County Executive or Chief Financial Officer pursuant to the delegation to each of them contained in this resolution. The first interest payment date of such bonds shall be no later than thirteen months after the issuance of such bonds. The bonds shall be issuable in fully registered form in the denomination of $5,000 or any integral multiple thereof and shall be appropriately numbered all as hereinafter provided.

The Board of Supervisors deems it advisable at this time to authorize the sale of such bonds pursuant to the terms of this Resolution.

The bonds issued for the purpose of providing funds for school improvements, transportation improvements and facilities, parks and park facilities, public safety facilities and storm drainage improvements shall have an aggregate principal amount not to exceed $256,302,100.

The bonds issued for the purpose of providing funds, with other available funds, to refund all or a portion of all or any of the Refunding Candidates (the Refunding Candidates so refunded, the "Refunded Bonds") shall have such principal amounts as shall hereafter be determined by the Board of Supervisors by resolution or by either the County Executive or Chief Financial Officer pursuant to the delegation to each of them contained in this resolution, to produce overall present value debt service savings for the County. The aggregate principal amount of such bonds issued to refund the Refunded Bonds shall not exceed $425,000,000 and such bonds may be sold on a tax-exempt or taxable basis.

If none of the proceeds of the bonds as authorized should be used for refunding any of the Refunding Candidates, then the bonds shall be designated as appropriate "Public Improvement Bonds, Series 2015, [A], [B]". If a series of bonds is issued and none of the proceeds is used for providing funds for public improvement purposes, then the bonds shall be designated "Public Improvement Refunding Bonds, Series 2015 [A] [B], [C].

The Board of Supervisors hereby determines that in the event that financial market conditions dictate, and it is determined by the County Executive or Chief Financial Officer to be in the best interests of the County, bond anticipation notes may be issued in anticipation of the issuance of the bonds. Any such bond anticipation notes shall have a first interest payment date no later than July 1, 2016 and a final maturity no later than July 1, 2018. All other provisions in this Resolution setting forth the terms and details of bonds as well as delegations provided shall apply to such bond anticipation notes if the context requires.

Each bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated upon an interest payment date in which case it shall bear interest from such interest payment date or (b) authenticated prior to the first interest payment date in which case it shall bear interest from its date; provided, however, that if at the time of authentication interest on any bond is in default, such bond shall bear interest from the date to which interest has been paid.

The principal of and the interest and any redemption premium on the bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof. The principal of and any redemption premium on each bond shall be payable to the registered owner thereof or his registered assigns or legal representative at the office of the Bond Registrar mentioned hereinafter upon the presentation and surrender thereof as the same shall become due and payable. Payment of the interest on each bond shall be made by the Bond Registrar on each interest payment date to the person appearing (hereafter provided) on the registration books of the County as the registered owner of such bond (or the previous bond or bonds evidencing the same debt as that evidenced by such bond) at the close of business on the record date for such interest, which, unless otherwise determined pursuant to the delegation of authority contained in this resolution, shall be the 15th day (whether or not a business day) of the calendar month next

preceding such interest payment date, by check mailed or by wire transfer to such person at his address as it appears on such registration books.

The bonds initially issued will be in fully registered form and registered in the name of Cede & Co., a nominee of The Depository Trust Company, New York, New York ("DTC"), and immobilized in the custody of DTC. One fully registered bond for the original principal amount of each maturity will be registered to Cede & Co. Beneficial owners will not receive physical delivery of bonds. Individual purchases of bonds may be made in book-entry form only in original principal amounts of $5,000 and integral multiples of $5,000. Payments of the principal of and premium, if any, and interest on the bonds will be made to DTC or its nominee as registered owner of the bonds on the applicable payment date.

So long as Cede & Co., or its successor, as nominee of DTC, is the registered owner of the bonds, references in this resolution to the holders of the bonds mean Cede & Co. and do not mean the beneficial owners of the bonds.

Replacement bonds (the "Replacement Bonds") will be issued directly to beneficial owners of bonds rather than to DTC, or its nominee, but only in the event that:

(1) DTC determines not to continue to act as securities depository for the bonds;

(2) The County has advised DTC of its determination that DTC is incapable of discharging its duties; or

(3) The County has determined that it is in the best interests of the beneficial owners of the bonds not to continue the book-entry system of transfer.

Upon occurrence of the events described in clause (1) or (2), the County will attempt to locate another qualified securities depository. If DTC makes the determination described in clause (1) and the County fails to select another qualified securities depository to replace DTC, the County will execute and the Bond Registrar will authenticate and deliver to the participants in DTC ("Participants") the Replacement Bonds to which the Participants are entitled. In the event the County makes the determination described in clause (2) or (3) (the County undertakes no obligation to make any investigation to determine the occurrence of any events that would permit the County to make any such determination) and, in the case of the determination under clause (2), the County has failed to designate another qualified securities depository and has made provisions to notify the beneficial owners of the bonds by mailing an appropriate notice to DTC, the County will execute and the Bond Registrar will authenticate and deliver to the Participants the appropriate Replacement Bonds to which the Participants are entitled. The Bond Registrar is entitled to rely on the records provided by DTC as to the Participants entitled to receive Replacement Bonds.

Section 3. Sale of Bonds. Pursuant to the delegation set forth within this Resolution, bonds (which includes any bond anticipation notes) to be issued may be sold in a competitive sale pursuant to bids received electronically via the PARITY Competitive Bidding System or similar electronic based competitive bidding system or through a negotiated sale to one or more underwriters or financial institutions chosen in compliance with County guidelines and

regulations. Bonds sold through a negotiated sale be sold in a public sale or in a private placement. Bonds authorized to be issued under this Resolution may be sold in one or more series and on one or more dates on any date on or before December 31, 2015. The authorization and approvals of the documents set forth in this Resolution (as long as the documents used in such sale are authorized herein) shall apply to each bond sale.

Section 4. Notice of Sale; Bids. If bonds (or bond anticipation notes) are determined to be sold in a competitive sale, the Clerk of the Board of Supervisors is hereby authorized, if recommended by the Financial Advisor of the County to be beneficial for the sale of the bonds, to cause one or more notices calling for bids for the purchase of the bonds, to be published. Such notices shall be substantially in the form of the Notice of Sale(s) annexed to this resolution. Alternatively, the Clerk may cause to be published a summary of the principal terms of the notices. Bids shall be received electronically via the PARITY Competitive Bidding System or similar electronic based competitive bidding system.

Section 5. Official Statement. The draft of the Preliminary Official Statement of the County relating to the public improvement and refunding bonds presented at the meeting at which this resolution is adopted, and the circulation thereof, the completion thereof with the results of the sale and the printing and delivery to the winning bidder(s) in a competitive sale or the underwriter(s) in a negotiated sale of a reasonable number of copies thereof as so completed (the "final Official Statement(s)") are hereby approved and authorized, and the Chairman, Vice Chairman of the Board of Supervisors, County Executive or the Chief Financial Officer is hereby authorized and directed to deem final the Preliminary Official Statement(s) for purposes of Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended, and to execute and deliver the final Official Statement(s), both the Preliminary Official Statement(s) and the final Official Statement(s) to be in substantially the form of the related draft Preliminary Official Statements presented at this meeting with the changes contemplated hereby and such other changes as the Chairman, Vice Chairman, County Executive or the Chief Financial Officer may approve, his or her signature on the final Official Statement to be conclusive evidence of the signer's approval thereof. The Preliminary Official Statement(s) and the final Official Statement(s) may be disseminated or otherwise made available through electronic means.

Section 6. Delegation and Standard. (a) *Competitive Sale Delegation* -- The Board of Supervisors has determined that there may be unplanned occasions when it is not possible for some of the members of the Board of Supervisors to attend a special meeting for the purpose of receiving bids for the purchase of bonds of the County offered for sale at competitive bidding and that the accepted practice of the bond markets dictates that the lowest bid be speedily determined and the bonds be promptly awarded or that all bids be rejected.

The Board of Supervisors delegates to each of the County Executive and the Chief Financial Officer (each a "delegate"), the authority to accept the lowest bid (determined in accordance with the Notice of Sale) for the bonds (or any bond anticipation notes), being offered for sale by the Board of Supervisors at competitive bidding on a date(s) not later than December 31, 2015, subject to the following conditions: (i) a delegate shall have determined that the bid conforms in all material respects to the requirements of the Notice of Sale, (ii) a delegate shall have determined that the bid to be accepted is the lowest bid conforming to the terms of the

Notice of Sale, (iii) the Financial Advisor to Fairfax County shall have recommended that the lowest conforming bid be accepted, (iv) the true interest cost of such bid shall not exceed 5.50% for any bonds and (v) the Board of Supervisors shall not then be in special session called for the purpose of accepting bids (the Board not to be deemed in special session if less than a quorum is present and voting).

(b) *Negotiated Sale Delegation* – The Board of Supervisors delegates to each of the County Executive and the Chief Financial Officer, the authority to sell the bonds (or any bond anticipation notes) in a negotiated sale to one or more underwriters or financial institutions on a date not later than December 31, 2015, subject to the following conditions: (i) the Financial Advisor to Fairfax County shall have recommended that due to financial market conditions such a negotiated sale best serves the interest of the County, (ii) the true interest cost of such bonds shall not exceed 5.50% for any bonds and (iii) the underwriter(s) or other financial institutions(s) of the bonds shall have been chosen pursuant to County guidelines and regulations.

In the event of a negotiated sale, the Chairman or Vice Chairman of the Board of Supervisors, the County Executive and the Chief Financial Officer, or such other officer or officers of the County as may be designated by any one of them, is hereby authorized and directed to execute a bond purchase agreement, setting forth the terms of the sale of the bonds. Such bond purchase agreement shall only be executed (i) if such agreement does not contain any terms contradictory to the terms of this Resolution and (ii) the Financial Advisor to the County shall recommend to the County the execution of such agreement.

(c) *Additional Delegation* -- The Board of Supervisors hereby further delegates to each of the County Executive and the Chief Financial Officer, subject to the limitations contained herein, powers and duties to determine the following, such delegation to be effective only if the Board of Supervisors shall not then be in session (the Board not to be deemed in session if less than a quorum is present and voting):

(1) The series designations of such bonds;

(2) The aggregate principal amount of the bonds issued for public improvement purposes, such amount not to exceed the sum of the amount required to provide $256,302,100 for such public improvement purposes;

(3) The aggregate principal amount of bonds issued for refunding of the Refunded Bonds; provided, however, that the present value of the debt service savings to be obtained from the refunding of the Refunded Bonds is not less than 3.0% of the principal amount of the Refunded Bonds;

(4) The determination of the bonds as serial or term bonds;

(5) The respective annual maturity dates and any mandatory redemption dates of the bonds, and the respective principal amounts of the bonds to mature or be redeemed on such dates, provided that the first maturity date of bonds for public improvement purposes shall occur no later than December 1, 2016, and the final maturity date shall not be later than December 1, 2035;

(6) The dated date of the bonds provided, however, the bonds shall be dated their date of issue or as of a customary date preceding their date of issue;

(7) The interest payment dates, for the bonds and the record date for the bonds;

(8) The redemption provisions, if any, of the bonds as further set forth in Section 8 of this resolution;

(9) If necessary, upon the refunding of the Refunded Bonds, (i) to approve and execute an escrow agreement, with an escrow agent or letter of instructions (such escrow agreement or letter of instructions to be executed only if such document does not contain any terms contradictory to the terms of this Resolution and only upon the recommendation of Bond Counsel to Fairfax County and the Financial Advisor to Fairfax County), (ii) to appoint a verification agent and an escrow agent and (iii) to determine the particular escrow securities and the form thereof and the terms of any related agreement (including a forward purchase agreement for the delivery of open-market escrow securities), with respect thereto that in his judgment, upon the recommendation of the County's Financial Advisor, will improve the efficiency of the escrow securities in defeasing the Refunded Bonds.

The Board of Supervisors hereby further delegates to each of the County Executive and the Chief Financial Officer authority to allocate any premium received upon the sale of the bonds to (i) fund interest payments on the bonds which relate to projects financed that are under construction through a time period no later than December 1, 2015, (ii) pay costs of issuance of the bonds or (iii) as to any or all of the public improvement bonds, taking into account, among other things, the reoffering prices for the various maturities of the bonds, reduce the principal amount of the bonds to which such allocation is made proportionately as to produce proceeds approximately equal to the respective amounts authorized to be issued for such purposes by Section 1(a) and paragraph (c)(2) of this Section 6.

Section 7. Forms of bonds. The bonds shall bear the facsimile signatures of the Chairman or Vice Chairman and the Clerk of the Board of Supervisors and a facsimile of the official seal of the Board shall be imprinted on the bonds. The certificate of authentication of the Bond Registrar to be endorsed on all bonds shall be executed as provided hereinafter.

In case any officer of Fairfax County whose facsimile signature shall appear on any bonds shall cease to be such officer before the delivery of such bonds, such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if she or he had remained in office until such delivery, and any bond may bear the facsimile signatures of such persons at the actual time of the execution of such bond shall be the proper officers to sign such bond although at the date of such bond such persons may not have been such officers.

No bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

The bonds and the endorsement thereon shall be substantially in the following form:

[Depository Legend]

(Face of Bond)

No. ____ **$_____**

United States of America
Commonwealth of Virginia

FAIRFAX COUNTY
Public Improvement [and/or Refunding] Bond, Series 2015 [A], [B], [C]

Maturity Date	**Interest Rate**	**Dated Date**	**CUSIP**
[_____]	_____%	_____, 2015	_____ __

Fairfax County, Virginia, is justly indebted and for value received hereby promises to pay to

_____

or registered assigns or legal representative on the date specified above (or earlier as hereinafter referred to), upon the presentation and surrender hereof, at the office of the Director of the Department of Finance of Fairfax County, Virginia (the "Bond Registrar"), in Fairfax County, Virginia, the principal sum of

_____ DOLLARS

and to pay interest on such principal sum from the date hereof or from the [_____ 1 or _____ 1] next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is an [_____ 1 or a _____ 1] to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on the 1st days of _____ and _____ in each year, the first interest payment date being _____, 2015, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the person in whose name this bond (or the previous bond or bonds evidencing the same debt as that evidenced by this bond) is registered at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by wire transfer, at the discretion of the County, or check mailed to such person at his address as it appears on the bond registration books of the County. Both the principal of and the interest on this bond shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof. For the prompt payment hereof, both principal and interest as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged.

This bond and the bonds of the series of which it is one are issued under and pursuant to a resolution duly adopted by the Board of Supervisors of Fairfax County, Virginia on December 2, 2014 (the "Resolution"), for [(i) the purpose of providing funds, with other available funds, for school improvements, transportation improvements and facilities, parks and park facilities, public safety facilities and storm drainage improvements [and/or (ii) refunding portions of [ ] outstanding series of bonds of Fairfax County, Virginia designated [ ].

The bonds of this series that mature on or before _____, 20__ are not subject to redemption before maturity. Bonds that mature after _____ 1, 20__ may be redeemed, at the option of the County, before their respective maturities on any date not earlier than _____ 1, 20__, in whole or in part (in integral multiples of $5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.]

Term bonds of this series purchased or redeemed pursuant to a partial optional redemption by the County may be credited against the amortization requirements therefor as the County in its sole discretion may determine.

If less than all of the bonds of any one maturity shall be called for redemption, the particular bonds or portions of bonds of such maturity to be redeemed shall be selected by lot by the County in such manner as the County in its discretion may determine; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of $5,000 or some multiple thereof and that, in selecting bonds for redemption, the County shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by $5,000.

Bonds may be redeemed only in increments of $5,000 or whole multiples thereof. If a portion of a Bond is called for redemption, a new Bond in a principal amount equal to the unredeemed portion thereof will be issued to the bondholder upon the surrender thereof.

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any bonds to be redeemed, whether such redemption be in whole or in part, the County shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each bond to be redeemed in whole or in part at his address appearing upon the registration books of the County, but failure to mail such notice or any defect therein shall not affect the validity of the redemption. If a portion of this bond shall be called for redemption, a new bond or bonds in principal amount equal to the unredeemed portion hereof will be issued to the registered owner hereof or his legal representative upon the surrender hereof.

Any notice of optional redemption of the bonds may state that it is conditioned upon there being available an amount of money sufficient to pay the redemption price plus interest accrued and unpaid to the redemption date, and any conditional notice so given may be rescinded at any time before the payment of the redemption price of any such condition so specified is not satisfied. If a redemption does not occur after a conditional notice is given due to an insufficient amount of funds on deposit by the County, the corresponding notice of redemption shall be deemed to be revoked.

If the County gives an unconditional notice of redemption, then on the redemption date the Bonds called for redemption will become due and payable. If the County gives a conditional notice of redemption, and the amount of money to pay the redemption price of the affected Bonds shall have been set aside with the Trustee or a depositary (either, a "depositary") for the purpose of paying such bonds, then on the redemption date the bonds will become due and payable. In either case, if on the redemption date the County holds money to pay the bonds called for redemption, thereafter no interest will accrue on those bonds, and a bondholder's only right will be to receive payment of the redemption price upon surrender of those bonds.

The County shall give notice as contemplated by Securities Exchange Act of 1934 Release No. 34-23856, dated December 3, 1986, including the requirement that notice be given to all organizations registered with the Securities and Exchange Commission as securities depositories, and to one or more information services of national recognition which disseminate redemption information with respect to municipal securities.

The bonds are issuable in fully registered form in the denomination of $5,000 or any multiple thereof. At the office of the Bond Registrar, in the manner and subject to the conditions provided in the Resolution, bonds may be exchanged for an equal aggregate principal amount of bonds of the same series and maturity, of authorized denominations and bearing interest at the same rate.

The Bond Registrar shall keep at its office the books of the County for the registration of transfer of bonds. The transfer of this bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new bond or bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this bond, of the same series and maturity and bearing interest at the same rate.

The Bond Registrar shall not be required to exchange or register the transfer of any bond called for redemption in whole or in part pursuant to the Resolution.

This bond is one of a series issued under the authority of and in full compliance with the Constitution and laws of Virginia, particularly the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia, 1950, as amended, and pursuant to votes of a majority of the qualified voters of Fairfax County, Virginia, voting at elections duly called and held under the provisions of the Code of Virginia, 1950, as amended, and under orders of the Circuit Court of Fairfax County, Virginia, authorizing the Board of Supervisors of the County to proceed to carry out the wishes of the voters as expressed at such elections, and pursuant to resolutions duly adopted by the Board of Supervisors and the School Board of the County.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of Virginia to happen, exist and be performed precedent to and in the issuance of this bond have happened, exist and have been performed in due time, form and manner as so required, that the total indebtedness of Fairfax County, Virginia, including this

bond, does not exceed any constitutional or statutory limitation thereon, and that provision has been made for the levy and collection of an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and the interest on this bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the resolution mentioned hereinafter until this bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the Board of Supervisors of Fairfax County, Virginia, has caused this bond to be issued in the name of Fairfax County, Virginia, and the Board has caused this bond to bear the facsimile signatures of its Chairman and Clerk and a facsimile of the official seal of the Board to be imprinted hereon, all as of the ____ day of _____, 2015.

(Facsimile signature) (Facsimile signature)

_____ _____

Clerk, Board of Supervisors of Fairfax County, Virginia

Chairman, Board of Supervisors of Fairfax County, Virginia

(Facsimile seal)

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds of the series designated herein and described in the within mentioned Resolution.

Director of the Department of Finance of Fairfax County, Virginia as Bond Registrar

By_____
Authorized Signature

Date of authentication: _____ __, 2015

(Form of Assignment)

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned registered owner hereby sells, assigns and transfers unto

Please insert social security or
other identifying number of assignee

_____

_____

(Please Print or Typewrite Name and Address of Transferee)

the within bond, and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to register the transfer of the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:_____ _____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

Signature Guaranteed* by:_____

*Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Trustee which requirements will include membership or participation in STAMP or such other "signature guarantee program" as may be determined by the Trustee in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

Section 8(a). Optional redemption. The Board of Supervisors hereby delegates to each of the County Executive and the Chief Financial Officer the authority, subject to the limitations contained herein, to determine the optional redemption provisions of any bonds pursuant to the delegation set forth in Section 6(c)(8). The first optional call date for the bonds must be no earlier than 5 years and no later than 10.5 years after the date of issue of such bonds. The maximum redemption price for the bonds may not exceed 102% of the principal amount of the bonds to be redeemed. Bonds of a different series may contain different optional redemption provisions. Such delegation shall be effective only if the Board of Supervisors shall not then be in session (the Board of Supervisors not to be deemed in session if less than a quorum is present and voting). The bonds which are subject to optional redemption may be redeemed, at the option of Fairfax County, Virginia, before their respective maturities on any date not earlier than the optional redemption date, determined as set forth above, in whole or in part (in integral multiples of $5,000), upon payment of the redemption price, determined as set forth above, plus accrued interest to the redemption date. The County Executive or the Chief Financial Officer, upon the recommendation of the Financial Advisor to the County, may determine that the public improvement refunding bonds shall not be subject to optional redemption prior to their maturity.

Section 8(b). Mandatory redemption. The term bonds, if any, shall be called for redemption, in part, in the principal amounts equal to the respective amortization requirements for the term bonds of such series (less the principal amount of any term bond of this series retired by purchase or optional redemption) at a price of par plus accrued interest thereon to the date fixed for redemption on a date specified pursuant to the delegation of authority contained in this resolution, preceding their maturity for which there is an amortization requirement.

In the event of a partial optional redemption or purchase of any such term bonds, the County will credit the principal amount of such term bonds so purchased or redeemed against the amortization requirements for the remaining term bonds outstanding in such amount and in such years as it in its sole discretion shall determine.

Section 8(c). Redemption provisions in general. If less than all of the bonds of any one maturity shall be called for redemption, the particular bonds or portions of bonds of such maturity to be redeemed shall be selected by lot by the County in such manner as the County in its discretion may determine; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of the minimum authorized denomination or some multiple thereof and that, in selecting bonds for redemption, the County shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by such minimum authorized denomination.

In the case of redemptions of bonds at the option of the County, the County will select the maturities of the bonds to be redeemed.

The Board of Supervisors hereby delegates to each of the County Executive and the Chief Financial Officer the authority to modify the redemption provisions relating to the bonds based upon the recommendation of the County's financial advisor of current financial market considerations.

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any bonds to be redeemed, whether such redemption be in whole or in part, the County shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each bond to be redeemed in whole or in part at his address appearing upon the registration books of the County, but failure to mail such notice or any defect therein shall not affect the validity of the redemption. Each such notice shall set forth the date designated for redemption, the redemption price to be paid, the maturities of the bonds to be redeemed and, if less than all of the bonds of any one maturity then outstanding shall be called for redemption, the distinctive numbers and letters, if any, of such bonds to be redeemed and, in the case of any bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed. If any bond is to be redeemed in part only, the notice of redemption shall state also that on or after the redemption date, upon surrender of such bond, a new bond or bonds in principal amount equal to the unredeemed portion of such bond will be issued.

Any notice of optional redemption of the Bonds may state that it is conditioned upon there being available an amount of money sufficient to pay the redemption price plus interest accrued and unpaid to the redemption date, and any conditional notice so given may be rescinded at any time before the payment of the redemption price of any such condition so specified is not satisfied. If a redemption does not occur after a conditional notice is given due to an insufficient amount of funds on deposit by the County, the corresponding notice of redemption shall be deemed to be revoked.

If the County gives an unconditional notice of redemption, then on the redemption date the Bonds called for redemption will become due and payable. If the County gives a conditional notice of redemption, and the amount of money to pay the redemption price of the affected Bonds shall have been set aside with the escrow agent or a depositary (either, a "depositary") for the purpose of paying such Bonds, then on the redemption date the Bonds will become due and payable. In either case, if on the redemption date the County holds money to pay the Bonds called for redemption, thereafter no interest will accrue on those Bonds, and a bondholder's only right will be to receive payment of the redemption price upon surrender of those Bonds.

The County shall give notice as contemplated by Securities Exchange Act of 1934 Release No. 34-23856, dated December 3, 1986, including the requirement that notice be given to all organizations registered with the Securities and Exchange Commission as securities depositories, and to one or more information services of national recognition which disseminate redemption information with respect to municipal securities.

On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar to pay the principal of and the redemption premium, if any, on the bonds or portions thereof called for redemption as well as the interest accruing thereon to the redemption date thereof.

If a portion of a bond shall be called for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such bond to the Bond Registrar for payment of the principal amount thereof so called for redemption and the redemption premium, if any, on such principal amount, and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the bond so surrendered, a bond or bonds of the same series and maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

Section 9. Exchange; registration of transfer; Bond Registrar. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of bonds of the same series and maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any bond may be registered only upon the registration books of the County upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for such bond a new bond or bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such bond so surrendered, of the same series and maturity and bearing interest at the same rate.

In all cases in which bonds shall be exchanged or the transfer of bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time bonds in accordance with the provisions of this resolution. All bonds surrendered in any such exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The County or the Bond Registrar may make a charge for any governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of bonds under this resolution. The Bond Registrar shall not be required to exchange or register the transfer of any bond called for redemption in whole or in part pursuant to Section 8 of this resolution.

As to any bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal or redemption price of any such bond and the interest on any such bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such bond, including the redemption premium, if any, and the interest thereon, to the extent of the sum or sums so paid.

The County shall appoint such registrars, transfer agents, depositaries or other agents as may be necessary for the registration, registration of transfer and exchange of bonds within a reasonable time according to then current commercial standards and for the timely payment of principal, interest and any redemption premium with respect to the bonds. The Director of the Department of Finance of Fairfax County, Virginia, is hereby appointed the registrar, transfer agent and paying agent for the bonds (collectively the "Bond Registrar"), subject to the right of the Board of Supervisors of the County to appoint another Bond Registrar, and as such shall keep at his office the books of the County for the registration, registration of transfer, exchange and payment of the bonds as provided in this resolution.

Section 10. Full faith and credit pledged. For the prompt payment of the principal of and the interest on the bonds authorized by this resolution as the same shall become due, the full faith and credit of Fairfax County, Virginia, are hereby irrevocably pledged, and each year while any of the bonds shall be outstanding, to the extent other funds of the County are not lawfully available and appropriated for such purpose, there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and the interest on the bonds as such principal and interest shall become due, which tax shall be without limitation and in addition to all other taxes authorized to be levied in the County.

Section 11. **Continuing Disclosure Agreement.** The Chairman or Vice Chairman of the Board of Supervisors, the County Executive and the Chief Financial Officer, or such officer or officers of the County as may be designated, is hereby authorized and directed to execute a Continuing Disclosure Agreement, in the form contained in the draft Preliminary Official Statement presented at this meeting, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended.

Section 12. **Tax covenant.** The County covenants to take all action, and to refrain from taking any action, necessary under the Internal Revenue Code of 1986, as amended, to ensure that interest on any tax-exempt bonds will remain not includable in gross income for Federal income tax purposes to the same extent as it is not includable on the date of closing on such bonds.

Section 13. Certificate concerning delegation. The County Executive or the Chief Financial Officer shall execute a Certificate or Certificates evidencing determinations or other actions taken pursuant to the authority granted in this resolution, and any such Certificate shall be conclusive evidence of the action or determination of such County Executive or the Chief

Financial Officer as stated therein. The delegations of authority in this resolution to the County Executive and the Chief Financial Officer are to each of them severally, and any action taken by either the County Executive or the Chief Financial Officer pursuant to such delegations of authority is sufficient for all purposes of this resolution.

Section 14. Authority of officers. The officers and agents of Fairfax County are hereby authorized and directed to do all the acts and things required of them by the bonds and by this resolution for the full, punctual and complete performance of all of the terms, covenants, provisions and agreements contained in the bonds and in this resolution.

Section 15. **Certification and filing.** The Clerk of the Board of Supervisors is hereby authorized and directed to file a certified copy of this resolution and a certified copy of the resolution of the School Board of the County with the Circuit Court of Fairfax County, Virginia.

A Copy - Teste:

_____

Clerk to the Board of Supervisors

Attachment 2

***DRAFT* Critical Path Events**
Fairfax County, Virginia
General Obligation Public Improvement Bonds, Series 2015

October 2014						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November 2014						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

December 2014						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

January 2015						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Week of	Activity & Event	Responsible Party
November 3rd	Comments due on Rating Agency Presentation Comments due on Bond Documents Monday, November 3rd – Board Item Due	FX SA FX, PFM
November 10th	Tuesday, November 11th – Veteran's Day (County Offices Closed) Send Draft Bond Documents to School Board Second Draft of Rating Agency Presentation Distributed	SA -- FX PFM
November 17th	Comments due on Rating Agency Presentation Monday, November 17th – School Board considers Bond Documents Rating Prep Meeting	FX -- FX, PFM
November 24th	Tuesday, November 25th – Budget Forecast to Board and School Board Thursday, November 27th – Thanksgiving Holiday (County Offices Closed) Friday, November 28th – County Offices Closed	FX -- --
December 1st	Tuesday, December 2nd – Board considers Bond Documents Tuesday, December 2nd – FY2014 CAFR Published Finalize Rating Agency Presentation Draft Bond Documents sent to Rating Agencies	FX FX FX, PFM PFM
December 8th	Monday, December 8th – Meeting with S&P in Fairfax Wednesday, December 10th – Meeting with Moody's in Fairfax	FX, PFM FX, PFM
December 17th	Tuesday, December 18th – Meeting with Fitch in Fairfax	FX, PFM
December 22nd	Wednesday, December 24th – Christmas Eve (County Offices Closed @ Noon) Thursday, December 25th – Christmas Day (County Offices Closed) Friday, December 26th – County Offices Closed	-- --
December 29th	Thursday, January 1st – New Year's Day (County Offices Closed) Friday, January 2nd – County Offices Closed	--
January 5th	Ratings Received Wednesday, January 7th – POS and NOS posted	-- FX SA
January 12th	Tuesday, January 13th – County Board Meeting Wednesday January 14th - Competitive Bond Sale	FX, PFM
January 19th	Monday, January 19th – Martin Luther King, Jr. Day (County Offices Closed) Finalize and Mail OS and Closing Documents	- All
January 26th	Wednesday, January 28th – Closing and investment of bond proceeds	All

Legend:
FX = Fairfax County
PFM = Public Financial Management, Financial Advisor
SA = Sidley Austin, Bond Counsel

Prepared by Public Financial Management 11/5/14 12:57 PM

Schedule of Bond Purposes
FY 2015 Bond Sale - Series 2015A (New Money)

Fund	Category	Referendum Date	BEGIN Authorized But Unissued	FY 2015 Bond Sale Projection	END Authorized But Unissued Balance
County					
300-C30030	Library Facilities	11/6/12	25,000,000	-	25,000,000
300-C30010	NVRPA	11/6/12	6,000,000	3,000,000	3,000,000
300-C30010	Newington Bus Garage*	11/6/07	13,290,000	13,290,000	-
300-C30050	Road Bond Construction	11/6/07	44,949,500	15,000,000	29,949,500
	Road Bond Construction	11/4/14	100,000,000	-	100,000,000
300-C30000	Transportation Facilities (WMATA)	11/2/10	46,190,000	23,000,000	23,190,000
300-C30070	Public Safety Facilities	11/7/06	32,277,200	20,000,000	12,277,200
	Public Safety Facilities	11/6/12	55,000,000	-	55,000,000
300-C30400	Park Authority	11/4/08	14,812,100	14,812,100	-
	Park Authority	11/6/12	63,000,000	4,200,000	58,800,000
400-C40100	Flood Control	11/6/12	30,000,000	2,000,000	28,000,000
Subtotal County			**$430,518,800**	**$95,302,100**	**$335,216,700**
Schools					
390		11/3/09	29,671,200	29,671,200	-
390		11/8/11	252,750,000	131,328,800	121,421,200
390		11/6/13	250,000,000	-	250,000,000
Subtotal Schools			**$532,421,200**	**$161,000,000**	**$371,421,200**
TOTAL COUNTY AND SCHOOLS			**$962,940,000**	**$256,302,100**	**$706,637,900**

* Newington School Bus Garage renovation funding approved as part of 11-6-07 School Bond Referendum

Printed on 11/5/2014 10:05 AM

A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, TO ISSUE AND SELL SCHOOL BONDS OF FAIRFAX COUNTY, VIRGINIA, TOTALING $174,290,000 AND APPROVING THE FORM OF A TAX CERTIFICATE AND AUTHORIZING THE EXECUTION THEREOF

WHEREAS, at an election duly called and held on November 6, 2007, a majority of the qualified voters of Fairfax County, Virginia, voting on the question, approved contracting a debt, borrowing money and issuing school bonds of Fairfax County, Virginia, in the aggregate principal amount of $365,200,000 (the "2007 Referendum"); and

WHEREAS, the stated purpose of the school bonds authorized in the referendum was for purposes of providing up to $315,200,000, in addition to funds from school bonds previously authorized and any other available funds, to finance the costs of additional capital improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system and providing up to $50,000,000, in addition to any other available funds, to finance the cost of expanding, renovating, improving, furnishing and equipping facilities for the repair and other servicing of school buses, school vehicles and other County vehicles; and

WHEREAS, the Board of Supervisors of Fairfax County, Virginia (the "Board of Supervisors") has heretofore issued $351,910,000 of the bonds authorized by the 2007 Referendum, leaving a balance of $13,290,000 authorized but unissued bonds; and

WHEREAS, at an election dully called and held on November 3, 2009, a majority of the qualified voters of Fairfax County, Virginia, voting on the question, approved contracting a debt, borrowing money and issuing school bonds of Fairfax County, Virginia, in the aggregate principal amount of $232,580,000 (the "2009 Referendum"); and

WHEREAS, the stated purpose of the school bonds authorized in the referendum was for purposes of providing funds, in addition to funds from school bonds previously authorized and any other available funds, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system; and

WHEREAS, the Board of Supervisors has heretofore issued $202,908,800 of the bonds authorized by the 2009 Referendum, leaving a balance of $29,671,200 authorized but unissued bonds; and

WHEREAS, at an election dully called and held on November 8, 2011, a majority of the qualified voters of the County, voting on the question, approved contracting a debt, borrowing money and issuing school bonds of the County, in the aggregate principal amount of $252,750,000 (the "2011 Referendum"); and

WHEREAS, the stated purpose of the school bonds authorized in the referendum was for purposes of providing funds, in addition to funds from school bonds previously authorized and any other available funds, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system; and

WHEREAS, the Board of Supervisors has heretofore issued none of the bonds authorized by the 2011 Referendum, leaving a balance of $252,750,000 authorized but unissued bonds; and

WHEREAS, the School Board of Fairfax County, Virginia (the "School Board") deems it advisable for the Board of Supervisors to (i) issue school bonds from the November 6, 2007 referendum from which the proceeds from the sale of such school bonds will equal $13,290,000, issue school bonds from the November 3, 2009 referendum from which proceeds from the sale of such school bonds will equal $29,671,200 and issue school bonds from the November 8, 2011 referendum from which proceeds from the sale of such school bonds will equal $131,328,800 (collectively the "School Bonds"); (ii) to determine certain pricing and sale details of the School Bonds and (iii) to determine whether to refund any prior public improvement bonds of Fairfax County, Virginia which were issued for school improvements (the "Board of Supervisors Actions"); and

WHEREAS, the School Board recognizes that it will be necessary for it to make certain certifications regarding the use of the proceeds of the School Bonds and any refunding bonds for federal income tax purposes;

NOW, THEREFORE, BE IT RESOLVED by the School Board of Fairfax County, Virginia:

Section 1. For the purpose of providing funds, in addition to funds from school bonds previously authorized and any other available funds, to finance, including reimbursement to the County for temporary financing for, the costs of additional capital school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system and providing funds, in addition to any other available funds, to finance the cost of expanding, renovating, improving, furnishing and equipping facilities for the repair and other servicing of school buses, school vehicles and other County vehicles, the Board of Supervisors is hereby requested to issue the School Bonds, subject to the Board of Supervisors Actions, from which the proceeds from the sale of such School Bonds will equal $174,290,000 and provide for the sale of such bonds and any refunding bonds at this time.

Section 2. The form of a certificate attached to this resolution as Appendix A (the "School Board Tax Certificate") to be executed by the School Board in connection with the issuance of the School Bonds and any refunding bonds is approved in all respects and the Chairman, Vice Chairman or any other member or officer of the School Board designated in writing by the Chairman of the School Board is hereby authorized and directed to approve, by

execution and delivery, the School Board Tax Certificate in substantially the form presented to this meeting together with such changes, modifications, insertions and deletions as the Chairman, Vice Chairman or such designated member or officer, with the advice of counsel, may deem necessary and appropriate; such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the School Board.

Section 3. The Clerk of the School Board is hereby authorized and directed to file two certified copies of this resolution with the Board of Supervisors.

CERTIFICATE OF THE SCHOOL BOARD

This certificate is provided to the County of Fairfax, Virginia (the "County") by the School Board of the County of Fairfax, Virginia (the "School Board") in connection with the issuance by the County of its [$___,___,000 Public Improvement Bonds, Series 2015 [_] [_] and $_____ Public Improvement Refunding Bonds, Series 2015 [__] [__] (collectively, the "Bonds")], the proceeds of which will be used to finance the cost of constructing, furnishing, acquiring and equipping school improvements (the "[New] School Projects") [and to refinance school projects that were financed with the proceeds of the County's _____ Bonds and _____ Bonds (the "Refunded School Projects" and together with the New School Projects, the "School Projects")],

_____

_____

_____

The School Board recognizes that some of the representations made by the County in its Tax Certificate dated _____ __, 2015 and executed in connection with the issuance of the Bonds (the "Tax Certificate") must be based on the representations and certifications of the School Board and that the exclusion from gross income of the interest on the Bonds for federal income tax purposes depends on the use of proceeds of the Bonds.

Accordingly, the School Board certifies that it has reviewed the representations set forth in Section 1 of Part B of the Tax Certificate to which this certificate is attached regarding the use of proceeds of the Bonds and the School Projects and that such representations, to the extent they relate to the School Projects, are true and correct, except as follows: (i) with respect to paragraph (d) ("Definition of Private Use"), in the second paragraph, fourth line, after ("General Public Use"), there shall be deemed to be inserted "or other than as is excepted as private use by U.S. Treasury Regulations," and (ii) with respect to paragraph (e) ("Management and Service Contracts"), the references to Revenue Procedure 97-13 shall be deemed to include "or other applicable law." Furthermore, such representations are hereby incorporated by reference in this certificate and shall be treated as representations made by the School Board with respect to the School Projects as if set forth herein. The School Board shall not take any action that is inconsistent with such representations.

The School Board further covenants that:

(a) it shall not sell or otherwise dispose of the School Projects prior to the final maturity date of the Bonds of [____ 1, 20__] except as shall be permitted in the opinion of an attorney or firm of attorneys, acceptable to the County, nationally recognized as experienced with respect to matters pertaining to the exclusion of interest on obligations of States and political subdivisions from gross income for federal income tax purposes; and

(b) it shall not knowingly take any action which will, or fail to take any action which failure will, cause the interest on the Bonds to become includable in the gross income of the owners of the Bonds for federal income tax purposes pursuant to the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations promulgated thereunder in effect on the date of

original issuance of the Bonds and for purposes of assuring compliance with Section 141 of the Code.

School Board of the County of Fairfax, Virginia

_____

Name:
Title:

Date: _____, 2014

* * * * * * * * * * * * *

I hereby certify the above is a true and correct copy of a resolution adopted by the School Board of Fairfax County, Virginia, at a regular meeting held on _____ _, 2014 at _____, _____, Virginia.

_____	_____
Date	Pamela Goddard, Clerk School Board of Fairfax County, Virginia

ACTIVE 204357176v.1

Attachment 5

NOTICE OF SALE

$_____*

FAIRFAX COUNTY, VIRGINIA

Public Improvement Bonds, Series 2015A

Electronic Bids, BiDCOMP/Parity Competitive Bidding System ("BiDCOMP/Parity") only, will be received by the Board of Supervisors of Fairfax County, Virginia, until ____ a.m. Fairfax, Virginia Time, on

January __, 2015*

for the purchase of all, but not less than all, of the $_____* Public Improvement Bonds, Series 2015A (the "Bonds"), of Fairfax County, Virginia (the "County"), dated the date of their delivery and maturing, subject to the right of prior redemption as hereinafter set forth, on the 1st day of [October] in the following years and in the following amounts, respectively:

Initial Maturity Schedule for the Bonds*

Year of Maturity	Principal Amount*	Year of Maturity	Principal Amount*
2015	$	2025	$
2016		2026	
2017		2027	
2018		2028	
2019		2029	
2020		2030	
2021		2031	
2022		2032	
2023		2033	
2024		2034	

The County reserves the right to change the date for receipt of bids (the "Scheduled Bid Date") in accordance with the section of this Notice of Sale entitled "Change of Bid Date and Closing Date; Other Changes to Notice of Sale."

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* Preliminary, subject to change.

Attachment 5

BID PARAMETERS TABLE FOR THE BONDS*

INTEREST		PROCEDURAL	
Dated Date:	Date of Delivery	Sale Date and Time:	Bids due _____, 2015 at 10:45 AM Local Time
Anticipated Delivery Date:	_____, 2015	Bid Submission:	Electronic bids through PARITY Only
Interest Payments Dates:	April 1 and October 1	All or None?	Yes
First Interest Payment Date:	[October 1, 2015]	Bid Award Method:	Lowest TIC
Coupon Multiples:	1/8 or 1/20 of 1%	Good Faith Deposit:	1% of the Bid Maturity Schedules, as more fully described on page 6, under "Good Faith Deposit"
Zero Coupons:	Not Permitted		
Split Coupons:	Not Permitted		
PRINCIPAL		**PRICING**	
Optional Redemption:	Due after October 1, 20__, callable on October 1, 20__ and thereafter at par	Max. Aggregate Bid Price:	110%
Post-bid Principal Increases in Aggregate:	10%	Min. Aggregate Bid Price:	101%
Post-bid Principal Reductions in Aggregate:	10%	Max. Price per Maturity:	No Limit
Term Bonds:	Any two or more consecutive maturities may be designated as term bonds	Min. Price per Maturity:	[10/1/__ – 10/1/__: No Limit 10/1/__ – 10/1/__ : __%]
		High Coupon per Maturity:	5.0%
		Low Coupon per Maturity:	No Limit

* Subject to the detailed provisions of this Notice of Sale.

Changes to Initial Maturity Schedule for the Bonds

The Initial Maturity Schedule for the Bonds set forth on page 1 above represents an estimate of the principal amount of Bonds to be sold. The County hereby reserves the right to change the Initial Maturity Schedule, based on market conditions prior to the sale, by announcing any such change not later than 30 minutes prior to the announced time and date for receipt of bids via TM3 (www.tm3.com). The resulting schedule of maturities will become the "Bid Maturity Schedule for the Bonds." If no such change is announced, the Initial Maturity Schedule will become the Bid Maturity Schedule.

Changes to Bid Maturity Schedule

The County hereby further reserves the right to change the Bid Maturity Schedule after the determination of the winning bidder, by increasing or decreasing the aggregate principal amount of the Bonds, subject to the limitation of no more than a 10% increase or decrease in the aggregate principal amount of the Bonds.

THE SUCCESSFUL BIDDER MAY NOT WITHDRAW ITS BID OR CHANGE THE INTEREST RATES BID OR THE INITIAL REOFFERING TERMS (AS HEREAFTER DEFINED) AS A RESULT OF ANY CHANGES MADE TO THE PRINCIPAL AMOUNTS WITHIN THESE LIMITS. The dollar amount bid by the successful bidder will be adjusted to reflect any adjustments in the final aggregate principal amount of the Bonds. Such adjusted bid price will reflect changes in the dollar amount of the underwriters' discount and original issue discount/premium, if any, but will not change the selling compensation per $1,000 of par amount of the Bonds from the selling compensation that would have been received based on the purchase price in the winning bid and the Initial Reoffering Terms. The interest rates specified by the successful bidder for the various maturities at the Initial Reoffering Terms will not change. The County anticipates that the final annual principal amounts and the final aggregate principal amount of the Bonds will be communicated to the successful bidder within twenty-four hours of the County's receipt of the initial public offering prices and yields of the Bonds (the "Initial Reoffering Terms").

Book-Entry System

The Bonds will be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. The book-entry system will evidence beneficial ownership interests of the Bonds in the principal amount of $5,000 and any multiple thereof, with transfers of beneficial ownership interests effected on the records of DTC participants and, if necessary, in turn by DTC pursuant to rules and procedures established by DTC and its participants. The successful bidder, as a condition to delivery of the Bonds, shall be required to deposit the bond certificates with DTC, registered in the name of Cede & Co., nominee of DTC. Interest on the Bonds will be payable on each April 1 and October 1, the first interest payment date being [October 1, 2015], and principal of and any redemption premium on the Bonds will be payable at maturity or upon prior redemption, to DTC or its nominee as registered owner of the Bonds. Transfer of principal, interest and any redemption payments to participants of DTC will be the responsibility of DTC, and transfer of principal, interest and any redemption payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. The County will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

If (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the County determines that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the County will discontinue the book-entry system with DTC. If the County fails to select another qualified securities depository to replace DTC, the County will deliver replacement Bonds in the form of fully registered certificates.

The Bonds

The Bonds will be general obligations of Fairfax County, Virginia, and all taxable property therein will be subject to the levy of an annual ad valorem tax sufficient in amount to provide for the payment of the principal of and the interest on the bonds as the same become due, which tax will be without limitation as to rate or amount and will be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purposes.

The Bonds are being issued as one series of bonds authorized for the purpose of providing funds, with other available funds, for providing funds for School Improvements ($174,290,000), Transportation Improvements and Facilities ($38,000,000), Parks and Park Facilities ($22,012,100), Public Safety Facilities ($20,000,000) and Storm Drainage Improvements ($2,000,000).

Term Bonds and Mandatory Redemption

The successful bidder of the Bonds may designate two or more of the consecutive serial maturities to be a term bond maturity equal in aggregate principal amount, and with sinking fund requirements corresponding, to such designated serial maturities.

Optional Redemption

The Bonds maturing on or before October 1, 20__, are not subject to optional redemption before their maturity. The Bonds maturing after October 1, 20__, are subject to redemption prior to maturity, at the option of the County, from any money available for such purpose on any date not earlier than October 1, 20__, in whole or in part (in integral multiples of $5,000) at any time, at a redemption price equal to the principal amount thereof, together with the interest accrued to the redemption date on the principal amount to be redeemed.

Electronic Bidding and Bidding Procedures

Registration to Bid

All prospective bidders must be contracted customers of i-Deal LLC's BiDCOMP/Parity Competitive Bidding System. If you do not have a contract with BiDCOMP/Parity, call (212) 404-8102 to inquire about becoming a customer. By submitting a bid for the Bonds, a prospective bidder represents and warrants to the County that such bidder's bid for the purchase of the Bonds (if a bid is submitted in connection with the sale) is submitted for and on behalf of such prospective bidder by an officer or agent who is duly authorized to bind the prospective bidder to a legal, valid and enforceable contract for the purchase of the Bonds. By contracting with BiDCOMP/Parity a prospective bidder is not obligated to submit a bid in connection with the sale.

IF ANY PROVISIONS OF THIS NOTICE OF SALE SHALL CONFLICT WITH INFORMATION PROVIDED BY BiDCOMP/Parity AS APPROVED PROVIDER OF

ELECTRONIC BIDDING SERVICES, THIS NOTICE OF SALE, AS IT MAY BE AMENDED BY THE COUNTY AS DESCRIBED WITHIN, SHALL CONTROL. Further information about BiDCOMP/Parity, including any fee charged, may be obtained from BiDCOMP/Parity at (212) 404-8102.

Disclaimer

Each prospective bidder shall be solely responsible to register to bid via BiDCOMP/Parity. Each qualified prospective bidder shall be solely responsible to make necessary arrangements to access BiDCOMP/Parity for purposes of submitting its bid in a timely manner and in compliance with the requirements of the Notice of Sale. Neither the County nor BiDCOMP/Parity shall have any duty or obligation to undertake such registration to bid for any prospective bidder or to provide or assure such access to any qualified prospective bidder, and neither the County nor BiDCOMP/Parity shall be responsible for a bidder's failure to register to bid or for proper operation of, or have any liability for any delays or interruptions of, or any damages caused by, BiDCOMP/Parity. The County is using BiDCOMP/Parity as a communication mechanism, and not as the County's agent, to conduct the electronic bidding for the Bonds. The County is not bound by any advice and determination of BiDCOMP/Parity to the effect that any particular bid complies with the terms of this Notice of Sale and in particular the "Bid Specifications" hereinafter set forth. All costs and expenses incurred by prospective bidders in connection with their registration and submission of bids via BiDCOMP/Parity are the sole responsibility of the bidders, and the County is not responsible, directly or indirectly, for any of such costs or expenses. If a prospective bidder encounters any difficulty in registering to bid or submitting, modifying or withdrawing a bid for the Bonds, it should telephone BiDCOMP/Parity and notify Public Financial Management, Inc., the County's financial advisor, by telephone at (703) 741-0175. After receipt of bids is closed, the County through BiDCOMP/Parity will indicate the apparent successful bidder. Such message is a courtesy only for viewers and does not constitute the award of the Bonds. Each bid will remain subject to review by the County to determine its true interest cost rate and compliance with the terms of this Notice of Sale.

Bidding Procedures

Bids must be submitted electronically for the purchase of all, but not less than all, of the Bonds by means of the Fairfax County, Virginia AON (all or none) Bid Form (the "Bid Form") via Parity. Bids must be communicated electronically to Parity by 10:45 a.m., Fairfax, Virginia Time on the Scheduled Bid Date unless postponed as described herein (see "Change of Bid Date and Closing Date"). Prior to that time, a prospective bidder may input and save the proposed terms of its bid in BiDCOMP. Once the final bid has been saved in BiDCOMP, the bidder may select the final bid button in BiDCOMP to submit the bid to Parity. Once the bids are released electronically via Parity to the County, each bid will constitute an irrevocable offer to purchase the Bonds on the terms therein provided. For purposes of the electronic bidding process, the time as maintained on BiDCOMP shall constitute the official Fairfax, Virginia Time. For information purposes only, bidders are requested to state in their bids the true interest cost to the County, as described under "Award of Bonds" below, represented by the rate or rates of interest and the bid price specified in their respective bids.

No bids will be accepted in written form, by facsimile transmission or in any other medium or on any system other than by means of the Bid Form via Parity. No bid will be received after the time for receiving such bids specified above.

Good Faith Deposit

After receipt of bids is closed and prior to the award, the apparent successful bidder indicated on BidCOMP/Parity must submit a good faith deposit (the "Deposit") for 1% of the Bid Maturity Schedules to the County by wire transfer. The award to the apparent successful bidder is contingent upon receipt of the Deposit, and the Bonds will not be awarded to such bidder until the County has confirmation of receipt of the Deposit.

Wire instructions for the Deposit are as follows:

Bank Name: Bank of America VA/Rich
ABA: 026 009 593
Account Name: County of Fairfax, Deposit Account
Account Number: 0000 7902 5799
Attention: Tammy Kennedy-Nichols, 410-547-4320
Reference your company, company contact, phone number or other helpful identification

Award or rejection of bids will be made by or on behalf of the Board of Supervisors of Fairfax County, Virginia, on the date above stated for the receipt of bids. The proceeds of the Deposit will be held as security for the performance of the successful bidder's bid and applied to the purchase price of the Bonds, but, in the event the successful bidder shall fail to comply with the terms of its bid, the Deposit will be retained as and for full liquidated damages. No interest will be allowed thereon.

Award of Bonds

Award or rejection of bids will be made by the County prior to 4:45 p.m., Fairfax, Virginia Time on the date of receipt of bids. ALL BIDS SHALL REMAIN FIRM UNTIL 4:45 P.M., FAIRFAX, VIRGINIA TIME, ON THE DATE OF RECEIPT OF BIDS. An award of the Bonds, if made, will be made by the County within such six-hour period of time (10:45 a.m. – 4:45 p.m.).

The Bonds will be awarded to the bidder offering to purchase the Bonds at the lowest "True or Canadian" interest cost ("TIC"), such cost to be determined by doubling the semiannual interest rate (compounded semiannually) necessary to discount the aggregate price bid of the Bonds, the payments of the principal of and the interest on the Bonds from their payment dates to the dated date of the Bonds. If two or more bidders offer to purchase the Bonds at the same lowest TIC, the Bonds may be apportioned between such bidders if it is agreeable to each of the bidders who have offered the bids producing the same lowest TIC, provided, that if

apportionment is not acceptable to such bidders the County will have the right to award the Bonds to one of such bidders. There will be no auction.

Right of Rejection

The County expressly reserves the right (i) to waive any informalities, (ii) to reject all bids, any incomplete bid or any bid not fully complying with all of the requirements set forth herein, and (iii) to solicit new bids or proposals for the sale of the Bonds or otherwise provide for the public sale of the Bonds if all bids are rejected or the winning bidder defaults, including, without limitation, sale of the Bonds to one or more of the losing or rejected bidders without regard to their original bid or its relationship to any other bid.

The County reserves the right to reject bids on the Bonds.

Change of Bid Date and Closing Date; Other Changes to Notice of Sale

The County reserves the right to postpone, from time to time, the date and time established for the receipt of bids and will undertake to announce any such change via TM3 (www.tm3.com).

Any postponement of the bid date will be announced via TM3 not later than one hour prior to the announced time for receipt of the bids. An alternative bid date and time will be announced via TM3 at least 18 hours prior to such alternative bid date.

On such alternative bid date and time, the County will accept bids for the purchase of the Bonds, such bids to conform in all respects to the provisions of this Notice of Sale, except for the changes in the date and time for bidding and any other changes announced via TM3 at the time the bid date and time are announced.

The County may change the scheduled delivery date for the Bonds by notice given in the same manner as set forth for a change in the date for the receipt of bids.

The County reserves the right to otherwise change this Notice of Sale. The County anticipates that it would communicate any such changes via TM3 by 4:00 p.m., Fairfax, Virginia Time on the date prior to the scheduled date for receipt of bids but no later than 30 minutes prior to the scheduled time and date for receipt of bids.

Conflict Waiver

Sidley Austin LLP is serving as Bond Counsel in connection with the issuance and sale of the Bonds. By placing a bid, each bidder represents that it understands that Sidley Austin LLP, in its capacity as Bond Counsel, represents the County, and the successful bidder waives any conflict of interest that Sidley Austin LLP's involvement in connection with the issuance and sale of the Bonds to such successful bidder presents.

Undertakings of the Successful Bidder

The successful bidder shall make a bona fide public offering of all of the Bonds to the general public (excluding bond houses, brokers, or similar persons acting in the capacity of underwriters or wholesalers who are not purchasing for their own account as ultimate purchasers without a view to resell) and will, within 30 minutes after being notified of the award of the Bonds, advise the County in writing (via facsimile transmission) of the Initial Reoffering Terms. Prior to the delivery of the Bonds, the successful bidder will furnish a certificate acceptable to Bond Counsel as to the "issue price" of the Bonds within the meaning of Section 1273 of the Internal Revenue Code of 1986, as amended. It will be the responsibility of the successful bidder to institute such syndicate reporting requirements, to make such investigation, or otherwise to ascertain the facts necessary to enable it to make such certification with reasonable certainty.

Delivery

The Bonds will be delivered on or about ___, 2014, in New York, New York, at DTC against payment of the purchase price therefor (less the amount of the Deposit) in Federal Reserve funds.

The approving opinion of Sidley Austin LLP, Washington, D.C., in substantially the form appearing in the Preliminary Official Statement, will be furnished without cost to the successful bidder. There will also be furnished the usual closing papers, including certifications as to the Official Statement and no-litigation.

CUSIP Numbers

CUSIP numbers are to be applied for by the successful bidder with respect to the Bonds. The County will assume no obligation for the assignment of such numbers or for the correctness of such numbers, and no error with respect thereto shall constitute cause for failure or refusal by the successful bidder to accept delivery or make payment for the Bonds.

Official Statements

Copies of the Preliminary Official Statement may be obtained without cost via the Internet at www.i-dealprospectus.com. The Preliminary Official Statement at its date is "deemed final" by the County for purposes of the Securities and Exchange Commission Rule 15c2-12 adopted under the Securities Exchange Act of 1934, as amended (the "Rule"), but is subject to revision, amendment and completion.

After the award of the Bonds, the County will prepare copies of the Official Statement (no more than 300) and will include therein such additional information concerning the reoffering of the Bonds as the successful bidder may reasonably request; provided, however, that the County will not include in the Official Statement a "NRO" ("not reoffered") designation with respect to any maturity of the Bonds. The successful bidder will be responsible to the County in all respects for the accuracy and completeness of information provided by such successful bidder with respect to such reoffering. The County expects the successful bidder to deliver copies of

such Official Statement to persons to whom such bidder initially sells the Bonds and to The Electronic Municipal Market Access System ("EMMA") administered by the Municipal Securities Rulemaking Board. The successful bidder will be required to acknowledge receipt of such Official Statement, to certify that it has made delivery of the Official Statement to EMMA and to acknowledge that the County expects the successful bidder to deliver copies of such Official Statement to persons to whom such bidder initially sells the Bonds and to certify that the Bonds will only be offered pursuant to such Official Statement and only in states where the offer is legal. The successful bidder will be responsible to the County in all respects for the accuracy and completeness of information provided by such successful bidder with respect to such reoffering.

In general, the Rule prohibits an underwriter from purchasing or selling municipal securities, such as the Bonds, unless it has determined that the issuer of such securities has committed to provide annually certain information, including audited financial information, and notice of various events described in the Rule, if material. The County will provide to EMMA annual information respecting the County, including audited financial statements. In addition, the County will provide to EMMA the required notice of the occurrence of any events described in the Rule.

Official Statements will be provided within seven (7) business days after the date of the award of the Bonds in such quantities as may be necessary for the successful bidder's regulatory compliance.

Further information will be furnished upon application to Public Financial Management, Inc. at (703) 741-0175.

Reservation of Rights

The right to reject any or all bids and to waive any irregularity or informality in any bid is reserved.

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

By: Catherine A. Chianese, Clerk

Attachment 6

PRELIMINARY OFFICIAL STATEMENT DATED _____, 2015

This Preliminary Official Statement and the information contained herein are subject to completion or amendment. The Bonds may not be sold nor may an offer to buy be accepted prior to the time the Official Statement is delivered in final form. Under no circumstances shall this Preliminary Official Statement constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds, in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of such jurisdiction.

NEW ISSUE – Full Book Entry

RATINGS: Fitch: ___
Moody's: ___
Standard & Poor's: ___
(See "RATINGS" herein)

In the opinion of Bond Counsel, under existing law and assuming continuing compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), as described herein, interest on the Bonds will not be includable in the gross income of the owners thereof for federal income tax purposes. Under existing law, the interest on the Bonds is excluded from Virginia taxable income for purposes of the individual income tax and the income taxation of corporations by the Commonwealth of Virginia under Sections 58.1-322 and 58.1-402 of the Code of Virginia of 1950, as amended, to the extent that such interest is excludable from gross income for federal income tax purposes. See "TAX MATTERS" herein for certain provisions of the Code that may affect the tax treatment of interest on the Bonds for certain bondholders.

$_____*
FAIRFAX COUNTY, VIRGINIA
PUBLIC IMPROVEMENT BONDS, SERIES 2015A

Dated Date of Delivery **Due [October] 1, as shown on the inside cover page**

Interest on the Bonds will be payable on each April 1 and October 1, commencing October 1, 2015.

The Bonds are being issued, subject to favorable market conditions, to refund certain outstanding bonds of the County and to pay costs of issuing the Bonds.

The Bonds maturing after [October] 1, 20__, are subject to redemption prior to maturity as a whole or in part at any time on or after [October] 1, 20__, at a redemption price of par plus accrued interest.

The Bonds will be general obligations of Fairfax County, Virginia, for the payment of which the Board of Supervisors of the County is unconditionally obligated to levy and collect an annual ad valorem tax, unlimited as to rate or amount, upon all property in the County subject to local taxation.

This page and the inside cover page contain certain information for quick reference only. They are not a summary of this issue. Investors must read the entire Official Statement to obtain information essential to making an informed investment decision.

The Bonds are offered for delivery when, as, and if issued, subject to the approving opinion of Sidley Austin LLP, Washington, D.C., Bond Counsel. The Bonds will be available for delivery in New York, New York, through the facilities of DTC on or about January _, 2015.

January __, 2015

---

* Preliminary, subject to change.

Attachment 6

FAIRFAX COUNTY, VIRGINIA
PUBLIC IMPROVEMENT BONDS, SERIES 2015A

MATURITY DATES, PRINCIPAL AMOUNTS, INTEREST RATES AND PRICES/YIELDS

Base CUSIP† Number 30382A

$_____* SERIES 2015A BONDS

Maturity Date [October 1]	Principal Amount	Interest Rate	Yield	CUSIP† Suffix
2015	$	%	%	
2016				
2017				
2018				
2019				
2020				
2021				
2022				
2023				
2024				
2025				
2026				
2027				
2028				
2029				
2030				
2031				
2032				
2033				
2034				

† CUSIP® is a registered trademark of the American Bankers Association. The CUSIP numbers listed above are being provided solely for the convenience of bondholders only, and the County does not make any representation with respect to such numbers or undertake any responsibility for their accuracy. The CUSIP numbers are subject to change after the issuance of the Bonds.

* Preliminary, subject to change.

Fairfax County, Virginia

BOARD OF SUPERVISORS
Sharon Bulova, *Chairman*
Penelope A. Gross, *Vice Chairman*
John C. Cook
John W. Foust
Michael R. Frey
Patrick S. Herrity
Catherine M. Hudgins
Gerald W. Hyland
Jeff C. McKay
Linda Q. Smyth

COUNTY OFFICIALS
Edward L. Long Jr., *County Executive*
Patricia D. Harrison, *Deputy County Executive*
David J. Molchany, *Deputy County Executive*
David M. Rohrer, *Deputy County Executive*
Robert A. Stalzer, *Deputy County Executive*
David P. Bobzien, *County Attorney*
Christopher Pietsch, *Director, Department of Finance*
Susan W. Datta, *Chief Financial Officer*

PAYING AGENT
Fairfax County Director of Finance
12000 Government Center Parkway, Suite 214
Fairfax, Virginia 22035-0074
(703) 324-3120

FINANCIAL ADVISOR
Public Financial Management, Inc.
4350 North Fairfax Drive, Suite 580
Arlington, Virginia 22203-1547
(703) 741-0175

BOND COUNSEL
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8350

For information relating to this Official Statement please contact:
Susan W. Datta, Chief Financial Officer
Fairfax County, Virginia
12000 Government Center Parkway, Suite 561
Fairfax, Virginia 22035-0074
(703) 324-2391

No person has been authorized by Fairfax County (the "County") to give any information or to make any representations with respect to the County or the Bonds other than those contained in this Official Statement, and, if given or made, such other information or representations may not be relied upon as having been authorized by the County. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation, or sale. The information herein is subject to change without notice, and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the County since the date hereof. This Official Statement is not to be construed as a contract or agreement between the County and the purchasers or owners of any of the Bonds. Any electronic reproduction of this Official Statement may contain computer generated errors or other deviations from the printed Official Statement. In any such case, the printed version controls.

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OFFICIAL STATEMENT

FAIRFAX COUNTY, VIRGINIA

Regarding

$_____* Public Improvement Bonds, Series 2015A

INTRODUCTION

The purpose of this Official Statement, which includes the cover page, the inside cover pages and the appendices hereto, is to furnish information in connection with the sale by Fairfax County, Virginia (the "County" or "Fairfax County"), of its $_____* Public Improvement Bonds, Series 2015A (the "Bonds").

THE BONDS

Authorization And Purposes

The Bonds will be issued under a resolution (the "Resolution") adopted by the Board of Supervisors of Fairfax County (the "Board of Supervisors") on December 2, 2014, pursuant to Article VII, Section 10(b) of the Constitution of Virginia and the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended (the "Act").

A portion of the Bonds will be issued to provide funds1 in the following amounts* for the following purposes (collectively, the "Public Improvements"):

School Improvements	$174,290,000
Transportation Improvements and Facilities	38,000,000
Parks and Park Facilities	22,012,100
Public Safety Facilities	20,000,000
Storm Drainage Improvements	2,000,000
Total	$256,302,100

The sources and uses of the proceeds of the Bonds are summarized below.

1 For purposes of this Preliminary Official Statement it is assumed that proceeds of the Bonds will include a net bond premium in order to fund the purposes described above.

* Preliminary, subject to change.

Sources

Par amount of the Bonds	$
Net offering premium	
Total Sources	$_____

Uses

Public Improvements	$
Underwriters' discount	
Other issuance expenses	
Total Uses	$_____

Description

The Bonds will be dated the date of their delivery, will bear interest from their delivery date, payable on each April 1 and October 1, commencing [October] 1, 2015, at the rates, and will mature in amounts on October 1 in each of the years 2015 through 2033, inclusive, as set forth on the inside cover page of this Official Statement. The Bonds will be issued in denominations of $5,000 and integral multiples thereof under the book-entry system of the Depository Trust Company ("DTC"), and principal and interest on the Bonds will be payable in the manner described in Appendix V, "BOOK-ENTRY ONLY SYSTEM." The Fairfax County Director of Finance is serving as bond registrar and paying agent for the Bonds.

Optional Redemption∗

The Bonds maturing on or before October 1, 20__*, are not subject to optional redemption before their maturity. The Bonds maturing after October 1, 20__*, are subject to redemption prior to maturity, at the option of the County, from any money available for such purpose on any date not earlier than October 1, 2024, as a whole or in part (in integral multiples of $5,000) at any time, at a redemption price equal to the principal amount thereof, together with the interest accrued to the redemption date on the principal amount to be redeemed.

Mandatory Sinking Fund Redemption∗

This caption and one or more of the following paragraphs will be included in the final Official Statement only if the successful bidder elects to combine, in accordance with the Notice of Sale, two or more consecutive serial maturities into any number of term bonds.

The Bonds maturing October 1, 20__ and October 1, 20__ are subject to mandatory redemption in part, on a pro rata basis, on _____ 1 in the years shown below, at a Redemption Price equal to the principal amount thereof, plus accrued interest, if any, to the date of redemption in an amount equal to the sinking fund installments for such Bond for such date:

∗ Preliminary, subject to change.

Term Bond Maturing October 1, 20__

Years	Sinking Fund Installments
20__	$
20__	
20__†	

Term Bond Maturing October 1, 20__

Years	Sinking Fund Installments
20__	$
20__	
20__	
20__†	

† Final Maturity

Selection of Bonds for Redemption

Bonds may be redeemed only in increments of $5,000 or integral multiples thereof. If less than all of the Bonds of a maturity are called for redemption, the Bonds or portions thereof to be redeemed will be selected by the paying agent and bond registrar in such manner as the paying agent and bond registrar in its sole discretion may determine, each $5,000 increment being counted as one Bond for such purpose. If a portion of a Bond is called for redemption, a new Bond in a principal amount equal to the unredeemed portion thereof will be issued to the bondholder upon the surrender thereof.

In the case of redemption of Bonds at the option of the County, the County will select the maturities of the bonds to be redeemed.

Notice of Redemption

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the County will cause a notice of such redemption to be filed with the bond registrar and to be mailed, postage prepaid, to the registered owner of each Bond to be redeemed in whole or in part at his address appearing upon the registration books of the County, but failure to mail such notice or any defect therein will not affect the validity of the redemption. Each such notice is to set forth the date designated for redemption, the redemption price to be paid, the maturities of the Bonds to be redeemed and, if less than all of the Bonds of any one maturity then outstanding shall be called for redemption, the distinctive numbers and letters, if any, of such Bonds to be redeemed and, in the case of any Bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed. If any Bond is to be redeemed in part only, the notice of redemption will state also that on or after the redemption date, upon surrender of such Bond, a new Bond or Bonds in principal amount equal to the unredeemed portion of such Bond will be issued.

Any notice of optional redemption of the Bonds may state that it is conditioned upon there being available an amount of money sufficient to pay the redemption price plus interest accrued and unpaid to the redemption date, and any conditional notice so given may be rescinded at any time before the payment of the redemption price if any such condition so specified is not satisfied. If a redemption does not occur after a conditional notice is given due to an insufficient amount of funds on deposit by the County, the corresponding notice of redemption will be deemed to be revoked.

Security

The Bonds are general obligations of the County for which its full faith and credit are irrevocably pledged. The Act requires that the Board of Supervisors shall, in each year while any of the Bonds shall be outstanding, levy and collect an ad valorem tax, unlimited as to rate or amount, upon all property in the County subject to local taxation sufficient to pay the principal of and the interest on the Bonds as the same shall become due, which tax shall be in addition to all other taxes authorized to be levied in the County.

State Aid Intercept

The provisions of Section 15.2-2659 of the Act, in substance, direct the Governor of Virginia (the "Governor"), upon satisfactory proof of default by the County in the payment of principal of or interest on the Bonds, immediately to order the Comptroller of Virginia (the "Comptroller") to withhold all further payment to the County of all funds, or any part thereof, appropriated and payable by the Commonwealth of Virginia (the "Commonwealth" or "State") to the County for any and all purposes until such default is remedied. For as long as the default continues, the law directs the Governor to require the Comptroller to pay to the holders of such Bonds or the paying agent therefor all of the withheld funds or as much as are necessary to cure, or to cure insofar as possible, the default on such Bonds. The Governor shall, as soon as practicable, give notice of such default and of the availability of funds with the paying agent or with the Comptroller by publication one time in a daily newspaper of general circulation in the City of Richmond, Virginia, and by mail to the registered owners of such Bonds. Although the provisions of Section 15.2-2659 have never been tested in a Virginia court, the Attorney General of Virginia has opined that appropriated funds can be withheld pursuant to its provisions.

Remedies

The Bonds do not specifically provide any remedies that would be available to a bondholder if the County defaults in the payment of principal of or interest on the Bonds, nor do they contain a provision for the appointment of a trustee to protect and enforce the interests of the bondholders upon the occurrence of such default. If a bondholder does not receive payment of principal or interest when due, the holder could seek to obtain a writ of mandamus from a court of competent jurisdiction requiring the Board of Supervisors to levy and collect an ad valorem tax, unlimited as to rate or amount, upon all property in the County subject to local taxation sufficient to pay the principal of and the interest on the Bonds as the same shall become due. The mandamus remedy, however, may be impracticable and difficult to enforce. The enforceability of rights or remedies with respect to the Bonds (but not the validity of the Bonds) may be limited by bankruptcy, insolvency, or other Commonwealth or federal laws, heretofore or hereafter enacted, and equitable principles affecting the enforcement of creditors' rights.

No Litigation Respecting the Bonds

No litigation is pending or, to the best of the County's knowledge, threatened (a) to restrain or enjoin the issuance, sale, or delivery of any of the Bonds, the application of the proceeds thereof, or the pledge of tax revenues for payment of the Bonds, (b) in any way contesting or affecting any authority for the issuance or validity of the Bonds, (c) in any way contesting the existence or powers of the County or (d) that, if determined adversely against the County, would have a material adverse effect on the County. See "CONTINGENT LIABILITIES AND CLAIMS" for a description of litigation affecting the County.

FAIRFAX COUNTY

GENERAL DESCRIPTION

Overview

The County is located in the northeastern corner of the Commonwealth of Virginia (the "Commonwealth") and encompasses an area of 407 square miles. Its current estimated population exceeds one million. The County is part of the Washington, D.C., metropolitan area, which includes jurisdictions in Maryland, the District of Columbia and Northern Virginia.

The Fairfax County government is organized under the Urban County Executive form of government (as defined under Virginia law). The governing body of Fairfax County is the Board of Supervisors, which makes policies for the administration of the County. The Board of Supervisors is comprised of ten members: the Chairman, elected at large for a four year term, and one member from each of nine districts, each elected for a four year term by the voters of the district in which the member resides. The Board of Supervisors appoints a County Executive to act as the administrative head of the County. The County Executive serves at the pleasure of the Board of Supervisors, carries out the policies established by the Board of Supervisors, directs business and administrative procedures, and recommends officers and personnel to be appointed by the Board of Supervisors. (See Appendix I.)

In Virginia, cities and counties are discrete units of government and do not overlap. Fairfax County completely surrounds the City of Fairfax and is adjacent to the City of Falls Church and the City of Alexandria. (See Appendix II.) Property within these cities is not subject to taxation by Fairfax County, and the County generally is not required to provide governmental services to their residents. The County does, however, provide certain services to the residents of certain of these cities pursuant to agreements with such cities.

In Fairfax County there are three incorporated towns, Clifton, Herndon and Vienna, which are underlying units of government within the County, and the ordinances and regulations of the County are, with certain limitations prescribed by Virginia law, generally effective in them. (See Appendix III.) Property in these towns is subject to County taxation, and the County provides certain services to their residents. These towns may incur general obligation bonded indebtedness without the prior approval of the County (more fully discussed in "DEBT ADMINISTRATION – Underlying Bonded Indebtedness").

Population

Fairfax County's estimated 2013 population was 1,130,924. In 1980, Fairfax County was the third most populous jurisdiction in the Washington, D.C., primary metropolitan statistical area, as defined by the U.S. Bureau of the Census. By 1990, Fairfax County, with 818,584 residents, had become the most populous jurisdiction in the Washington, D.C. area, adding an average of 22,170 people per year in the 1980s. Population growth during the 1990s and 2000s slowed; on average, the County gained about 12,400 people per year during 2000-2013.

Fairfax County Population

Calendar Year	Population
1940	40,929
1950	98,557
1960	248,897
1970	454,275
1980	596,901
1990	818,584
2000	969,749
2001	984,366
2002	1,004,435
2003	1,012,090
2004	1,022,298
2005	1,033,646
2006	1,037,311
2007	1,041,507
2008	1,050,315
2009	1,074,227
2010	1,081,726
2011	1,104,147
2012	1,118,683
2013	1,130,924

Sources: U.S. Bureau of the Census (1940-2000, 2010) and the Fairfax County Department of Neighborhood and Community Services

The following table reflects the population age distribution of County residents, based on the U.S. Census Bureau's 2010 Decennial Census. The survey estimated the County's total population in 2010 at 1,081,726.

Household Population Age Distribution
Fairfax County

	2010	
Age Group	**Number**	**Percent (%)**
Under 20 years	285,405	26.4
20 – 34	218,781	20.2
35 – 54	339,757	31.4
55 – 64	131,493	12.2
65 and Over	106,290	9.8
Total	1,081,726	100.0

Sources: U.S. Bureau of the Census, 2010 Decennial Census and Virginia Employment Commission

Based on the latest data released by the U.S. Census Bureau, Fairfax County's median household income was $107,096 and median family income was $124,831 in 2012. Over 32.0% of the County's households and 39.8% of families had annual incomes of $150,000 or more. The following table shows the 2012 household and family income distribution in the County.

2012 Household and Family Income Distribution[1]

Income Level	Household	Family
Under $25,000	7.2%	5.1%
$25,000 – 49,999	11.4%	10.2%
$50,000 – 74,999	14.2%	11.3%
$75,000 – 99,999	13.3%	12.0%
$100,000 – 149,999	21.3%	21.6%
$150,000 or more	32.6%	39.8%
Median Income	$107,096	$124,831

Source: Fairfax County Department of Neighborhood and Community Services, Demographic Reports 2013

[1] Household Income is defined as that income which is available to all residents of a housing unit, regardless of relationship. Income is from all sources, before taxes and deductions, and includes wages, business, retirement, SSI, alimony, child support, interest, etc. Family Income is derived by including only those households containing two or more persons related by blood, marriage or adoption.

Certain County Administrative and Financial Staff Members

Edward L. Long Jr., County Executive, joined the County in 1977 as a Budget Analyst. He served as a Senior Budget Analyst from 1980 to 1983 and as Assistant Director from 1983 to 1989. He was appointed Director of the Office of Management and Budget in October 1989 and Deputy County Executive-Chief Financial Officer ("DCE-CFO") in 1997. Mr. Long retired as DCE-CFO in May, 2011. Mr. Long was appointed County Executive effective April 25, 2012. Mr. Long has a Bachelor's Degree in Political Science from Emory & Henry College, Emory, Virginia and a Master's Degree in Urban Studies from the University of Maryland at College Park. He has served on the Fairfax-Falls Church Community Services Board and is active and has held offices in numerous professional organizations in the Northern Virginia region. Mr. Long serves as an adjunct professor at George Mason University and American University. He served on the Government Finance Officers Association ("GFOA") Standards Committee on Governmental Budgeting and Management. In 1993 Mr. Long was recognized by the Washington Metropolitan GFOA with the Anna Lee Berman Award for Outstanding Leadership in Governmental Finance. In 2006, Mr. Long was awarded the A. Heath Onthank Award, the County's highest employee award, in recognition of his achievements in advancing and improving public service in Fairfax County. In 2012, Mr. Long received the 2012 Distinguished Local Government Leadership Award from the Association of Government Accountants.

Patricia D. Harrison, Deputy County Executive, has worked in the field of human services since her graduation from Slippery Rock University, Slippery Rock, Pennsylvania in 1980 where she obtained a Bachelor's Degree in Therapeutic Recreation. She joined Fairfax County Government in 1986 and directed the creation of inclusive and therapeutic recreation services for people with disabilities. Prior to joining the County Executive's office, she served as Director for the Department of Community and Recreation Services for ten years. Ms. Harrison also holds a Master's Degree with a concentration in Therapeutic Recreation Administration from University of Maryland, College Park campus and obtained a Certificate of Public Management from George Washington University. She maintains her credentials as a Certified Therapeutic Recreation Specialist.

David J. Molchany, Deputy County Executive, joined the County in 1995. In 2003 Mr. Molchany was recognized by Governing magazine as one of the top ten Public Officials of the Year. He is also active in professional organizations at the international, national, state, and local levels of government. Previous employers have included Sallie Mae, American Management Systems, and Electronic Data Systems. Mr. Molchany is a 1983 graduate of Juniata College and holds a Bachelor of Science degree in Marketing and Computer Science.

David M. Rohrer, Deputy County Executive, has worked with the Fairfax County Police Department for almost 32 years and was appointed chief in 2004. In addition, Mr. Rohrer has also served as deputy chief for investigations and operations support; Patrol Bureau commander; Special Operations Division and district commander; SWAT first-line supervisor; and first-line patrol supervisor. Mr. Rohrer has served two terms as chairman of the Metropolitan Washington Council of Governments Police Chiefs' Committee, and he is a member of numerous organizations, including the International Association of Chiefs of Police; the Major Cities Chiefs' Association; the Police Executive Research Forum; and the Virginia Association of Chiefs of Police. Mr. Rohrer holds a bachelor's degree in administration of justice from George Mason University.

Robert A. Stalzer, Deputy County Executive, joined Fairfax County Government on June 5, 2000. Mr. Stalzer previously served as Town Manager for the Town of Herndon, Virginia from 1988 until June 2000. He was Director of Planning and Zoning for Roanoke County, Virginia from 1983 until 1988. Mr. Stalzer holds a Bachelor of Arts degree from Clark University, Worcester, Massachusetts, a Master of Regional and City Planning degree from the University of Oklahoma, and a Master of Business Administration degree from Syracuse University. Mr. Stalzer is a past president of the Virginia Local Government Management Association and recognized as a credentialed manager by the International City/County Management Association. Mr. Stalzer has served as an adjunct professor at Virginia Polytechnic Institute and State University, Roanoke College, and George Mason University.

David P. Bobzien was appointed County Attorney by the Fairfax County Board of Supervisors effective January 1993, after serving as a member of the Fairfax County Planning Commission and as the Chairman of the Fairfax County Goals Advisory Commission. He is a past chair of the Local Government Law Section of the Virginia State Bar, a past president of the Local Government Attorneys of Virginia, a past president of Lawyers Helping Lawyers, the organization that assists lawyers in Virginia suffering from substance abuse or mental illness, and the Immediate Past President of the Virginia Law Foundation. In 2004-2005 he served as the president of the Virginia State Bar. Mr. Bobzien is the current Chairman of the Virginia Continuing Legal Education Committee of the Virginia Law Foundation and a board member of the Fairfax Law Foundation. He also serves as a member of the American Bar Association's Commission on Domestic and Sexual Violence and as the Fairfax Bar Association's delegate in the American Bar Association's House of Delegates. Mr. Bobzien is a fellow of both the Virginia Law Foundation and the American Bar Foundation. Prior to assuming his present County position, he served as an assistant counsel in the Office of Professional Responsibility of the United States Department of Justice. From 1975 to 1979 Mr. Bobzien was an associate in the Fairfax law firm of Fitzgerald and Smith. He served as a captain in the Judge Advocate General's Corps in the United States Army from 1971 to 1975. Mr. Bobzien is a graduate of Holy Cross College Worcester, Massachusetts and holds a J.D. from the University of Virginia and an LL.M. in Taxation from George Washington University.

Christopher J. Pietsch was appointed Director of Finance for Fairfax County effective December 30, 2013. From 2003 until his appointment as Director of Finance, Mr. Pietsch served as the Director of the Fairfax County Internal Audit Office. Prior to that, Mr. Pietsch spent 16 years working in bank auditing as well as governmental auditing with the Commonwealth of Virginia. Mr. Pietsch is a graduate of James Madison University, Harrisonburg, Virginia, with a degree in Finance. In addition, he is a Certified Internal Auditor and a Certified Bank Auditor.

Susan W. Datta was appointed as the Chief Financial Officer of the County in May 2011. In addition, she is Director of the County Department of Management and Budget. Ms. Datta received her Bachelor's Degree in American Government from the University of Virginia and a Masters of Public Administration from the University of North Carolina at Chapel Hill. Ms. Datta worked as Assistant to

the County Manager in Catawba County, North Carolina, from 1984 to 1987. She joined the Fairfax County Department of Management and Budget in May 1987 as a budget analyst.

County Employees

As of July 2014, the School Board supported 23,843.3 full time equivalent positions. Other than school board employees 11,282 County employees were employed in activities funded directly or supported by the General Fund of the County and 1,032 employees were employed in activities not supported by the General Fund, principally the County's Integrated Sewer System (the "Integrated Sewer System"). Fairfax County employees are not represented by unions. Fairfax County public school employees have, however, organized the Fairfax Education Association and the Fairfax County Federation of Teachers to represent the interests of its members at public hearings and meetings before the School Board and the Board of Supervisors. General County employees' interests are represented at these types of meetings by the Employees Advisory Council and other groups such as police, fire, and sheriff employee organizations. None of these organizations is empowered to serve as negotiating agent for its members for collective bargaining purposes. Collective bargaining by public employees in Virginia is prohibited by law, a restriction upheld by the Supreme Court of Virginia.

GOVERNMENT SERVICES

Reflecting its urban character, Fairfax County provides a comprehensive range of public services characteristic of its form of government under Virginia law and its integral position within the Washington metropolitan area. The following subsections describe principal governmental services and services performed in conjunction with other governmental entities.

General Government Administration

The County government center complex is located in the Fairfax Center area and is accessible by U.S. Routes 50 and 29, near Interstate Highway 66. The 675,000 square foot government center houses core County services and agencies. Two adjacent County office buildings provide an additional 486,000 square feet of space and house primarily human services and community development agencies and departments of the County. The County also occupies a 135,000 square foot governmental center for delivery of County services in the southeast part of the County, and has six remote governmental centers throughout the County. The centers provide office space for members of the Board of Supervisors, personnel, police, and building inspectors, and provide meeting rooms for community activities.

From FY 2004 through FY 2013, the International City/County Management Association ("ICMA") recognized Fairfax County's performance measurement efforts with its "Certificate of Distinction." In 2009, ICMA created its third and highest level of recognition, called the "Certificate of Excellence," which Fairfax County has received from 2009 and through 2013 for its consistent efforts to incorporate performance data into decision-making, sustain the program through training and process improvement, and providing a high level of accountability and transparency while obtaining and sharing community input.

Fairfax County's Comprehensive Annual Financial Report for the fiscal year ended June 30, 2012, received the Certificate of Achievement for Excellence in Financial Reporting for the 36th consecutive year from the Government Finance Officers Association (GFOA). Fairfax County has also earned GFOA's Distinguished Budget Presentation Award for the past 29 years. This award represents the highest form of recognition in governmental budgeting and reflects the commitment of the governing body and staff to meet the highest principles of public budgeting. The Association of Public Treasurers of the United States and Canada ("APT") has awarded the County certification for its investment policy

every year since 1998, confirming that the County meets the high public investment standards set forth by the Association. Written investment policies submitted to the APT received vigorous peer team review for conformity with principles of sound investment management, careful public stewardship, and adoption of the profession's best practices.

Public Schools

Fairfax County Public Schools ("FCPS") is the largest educational system in the Commonwealth of Virginia and the eleventh largest school system nationwide, ranked by enrollment. The system is directed by a twelve person School Board elected by County residents to serve four-year terms. A student representative with a one-year term participates in the School Board's discussions but does not vote. Because the School Board is not empowered to levy taxes or to incur indebtedness, the operating costs of FCPS are provided by transfers to the School Board from the General Fund of the County and the federal and Commonwealth governments (see the "FINANCIAL INFORMATION – General Fund Summary" herein). Capital construction funding for public school facilities is provided primarily by the sale of general obligation bonds of the County.

The FCPS system is a high quality system offering a variety of programs. There is a strong academic program for college-bound students. Almost 96% of FCPS graduates enroll in post-secondary educational programs. In addition to the traditional academic curriculum, the Thomas Jefferson High School for Science and Technology provides a four-year college preparatory program for students who have a strong interest and high aptitude in mathematics, science, computer science, engineering, or related professional fields. The school is designated as one of the Governor's magnet schools for science and technology, and students from other Northern Virginia counties are admitted on a tuition-paying basis.

FCPS also offers an extensive program for students pursuing opportunities in technical careers, with courses in business, health occupations, industrial technology, marketing, trade and industrial, and family and consumer sciences studies. In addition, there are special programs offered for gifted children and for students with disabilities spanning ages 2 through 21. FCPS also provides an extensive adult education program offering basic education courses and general education, vocational, and enrichment programs. Annually, over 40,000 community members participate in continuing education through more than 4,200 academic, career, and life skill classes offered through the Adult and Community Education program.

As of FY 2014, the School Board operates 189 schools and 7 special education centers:

Fairfax County Public Schools

Type of School	Number of Public Schools
Elementary School	139
Middle School	23
High School	22
Secondary Schools[1]	3
Alternative High Schools	2
Special Education Centers	7
Total	196

Source: Fairfax County Public Schools
[1] Grades 7-12.

As shown below, the number of students attending Fairfax County Public Schools increased overall between FY 2005 and FY 2014. Enrollment for FY 2014 was 183,895, an increase of 19,487 students over the FY 2005 enrollment, and 2,636 over the FY 2013 enrollment.

Fairfax County Public Schools Enrollment

Fiscal Year	Number of Public School Students	% Change
2005	164,408	-
2006	164,284	(.08)
2007	164,486	0.12
2008	166,307	1.12
2009	169,538	1.94
2010	172,391	1.68
2011	174,933	1.48
2012	177,918	1.71
2013	181,259	1.88
2014	183,895	1.45

Source: Fairfax County Public Schools FY 2015 Approved Budget

The average per pupil expenditures based on FY 2015 approved budget operating costs for several Washington metropolitan area jurisdictions are as follows:

Washington Metropolitan Per Pupil Expenditures

Jurisdiction	Per Pupil Expenditures
Arlington County	$18,687
Falls Church City	16,991
Alexandria City	16,880
Montgomery County (Md.)	15,326
Fairfax County	13,472
Manassas City	11,984
Loudoun County	11,638
Prince George's County (Md.)	11,563
Manassas Park	10,173
Prince William County	10,158

Source: FY 2015 Washington Area Boards of Education Guide

Of the Advanced Placement (AP) tests taken by FCPS students in 2013, 71% rated a score of 3 or above (on a grading scale of 1 to 5). Students who score a 3 or above on at least three AP exams are recognized by the College Board as AP Scholars; the total number of FCPS students recognized as AP Scholars rose from 5,737 in 2012 to 6,502 in 2013. In 2013, 35,759 AP tests were given, an increase of 5.2% from 2011. As a result of increasing both student participation and performance, FCPS was one of 388 school districts in the U. S. to be named an Advanced Placement Achievement District by the College Board in 2011. The Virginia Standards of Learning pass rates for FCPS students in the 2013-14 school year were 81% in English and 81% in mathematics.

FCPS students also score above average in all areas of the Scholastic Aptitude Test as compared to both the Commonwealth and the country.

2012 Average Scholastic Aptitude Test Scores

	Critical Reading	Writing	Math	Total
United States	496	488	514	1498
Virginia	510	495	512	1517
Fairfax County	554	541	568	1663

Source: The College Board SAT Percentile Ranks, 2013 College-Bound Seniors

Public Works

The Department of Public Works and Environmental Services (DPWES) provides essential management, professional engineering, design, and construction services in support of the construction of roads, sidewalks, trails, storm drainage, sewers, street lights, bus shelters and public facilities (except schools, housing, and parks). DPWES is also responsible for the acquisition of land for, and timely construction of, public facilities projects contained in bond referenda questions approved by the voters of Fairfax County. See "DEBT ADMINISTRATION – Bond Referenda Authorization" herein.

Wastewater generated in the County is treated at one County-owned treatment facility (Noman M. Cole, Jr. Pollution Control Plant), four inter-jurisdictional treatment facilities (District of Columbia Water and Sewer Authority's Blue Plains Facility, and plants operated by the Upper Occoquan Sewage Authority, Arlington County, and the Alexandria Renew Enterprises), and one private treatment facility (Harbor View Wastewater Treatment Plant). The County's treatment capacity in the six facilities totals approximately 157.18 million gallons per day ("mgd"). In addition, the County has purchased 0.1 mgd of capacity from the Prince William County Service Authority for future flow needs in the southern portion of the County.

DPWES manages and operates the I-95 Sanitary Landfill located on approximately 500 acres in the southern portion of the County. This facility is operated on a "special fund" basis, which utilizes tipping fees to pay for the operation and capital expenditures of the landfill. Since January 1, 1996, the landfill has been dedicated to the disposal of ash generated primarily by the incineration of municipal solid waste at the Arlington/Alexandria Energy-from-Waste Facility and the Fairfax County I-95 Energy/Resource Recovery Facility ("E/RRF"). On older portions of the landfill, the County has initiated closure activities which involve placing a synthetic or low permeability soil cap over the closed section of the landfill along with installation of landfill gas extraction wells and leachate collection systems. Capping activity has been completed on approximately 260 acres of the site. The closure project is a multi-phase construction project to continue through the remaining life of the facility. The County has established reserves for this purpose and has met the financial assurance requirements established by the Virginia Department of Environmental Quality regarding closure and post-closure care. Additional landfill requirements, whether debris or municipal solid waste, are met through separate contracts.

The E/RRF burns solid waste delivered to the facility from the County as well as portions of the District of Columbia, Prince William County, and Loudoun County. The facility has a dependable electric capacity rating of 63 megawatts for sale to Dominion Virginia Power, although it has the ability to generate over 80 megawatts. Fairfax County and the Fairfax County Solid Waste Authority, which was created by the County, entered into a service contract (the "Covanta Contract") in August 1987 with Ogden Martin Systems of Fairfax (now Covanta Fairfax, Inc.), under which Covanta Fairfax, Inc., was obligated to design, construct, operate, and maintain a 3,000 ton per day resource recovery facility at the I-95 Landfill Site. The County, under the Covanta Contract, is obligated to deliver certain minimum annual tonnages of solid waste to the E/RRF and to pay Covanta Fairfax, Inc., tipping fees for the disposal of such waste to provide funds sufficient to pay the operating costs of the E/RRF. Covanta

Energy Corporation, of which Covanta Fairfax, Inc., is an indirectly wholly-owned subsidiary, has guaranteed the obligations of Covanta Fairfax, Inc., under the Covanta Contract.

During FY 2014, the E/RRF processed over 947,080 tons of material towards the County's delivery commitment, exceeding the guaranteed requirements by 66,299 tons. Covanta Fairfax, Inc., processed in excess of 1,013,379 tons of waste in FY 2014. The current Covanta Contract remains in effect through February 1, 2016. On April 11, 2014, the County and Covanta Fairfax, Inc. entered into a Waste Disposal Agreement (WDA) that is effective February 2, 2016, and has an initial five year term. Under the WDA, the County's delivery commitment is 650,000 tons (as may be adjusted under the terms of the WDA).

Transportation

General

Fairfax County is served by various highway, rail and air transportation facilities. The Capital Beltway (Interstate Highways 95 and 495), Interstate Highways 395 and 66, and the Dulles Toll Road provide access to all parts of the Washington metropolitan area and major surface transportation corridors along the eastern seaboard. The Washington Metropolitan Area Transit Authority ("WMATA") Metrorail system provides area residents with one of the largest and most modern regional transit systems in the world.

Two major airports serve the County with daily national and international service. Washington Dulles International Airport ("Dulles Airport"), located along the County's western boundary, is also the site of a designated Foreign Trade Zone. Ronald Reagan Washington National Airport, located a few miles east of the County, is accessible by Interstate Highways 66 and 395. In 1987, control of these facilities was transferred by a 50-year lease from the federal government to the Metropolitan Washington Airports Authority ("MWAA"), a public authority created by inter-jurisdictional compact between the Commonwealth and the District of Columbia. In June 2003, the lease was extended to 2067.

Ground transportation receives significant attention from the County, primarily in an effort to relieve traffic congestion along the major arterials leading to Washington, D.C. and also to facilitate cross-County movement, connecting established and developing centers of commerce and industry. Recent efforts have included increased local funding for highway improvements, establishment of transportation improvement districts, creation of County transit systems, continued participation in WMATA, and other improvements which encourage increased use of Metrorail, bus services, and carpooling. The County also participates in a regional commuter rail system to expand transportation services available to County residents. In Virginia, the Commonwealth is generally responsible for highway construction and maintenance. However, highway improvement needs in Fairfax County far exceed the highway revenues available from the Commonwealth.

Since 1993, funding for County transportation projects has been received from Commonwealth bond financing, Federal Highway Reimbursement Anticipation Notes, Commonwealth general funds, fuel tax collections, County bond financing, Northern Virginia Transportation Authority tax collections and other revenue sources. A few of the many projects supported by these funding sources have included the Fairfax County Parkway, the County's share of capital costs for the WMATA's Metrorail system, the Dulles Toll Road, and improvements to U.S. Route 1, U.S. Route 29, I-66, I-95, I-495, the Fairfax County Parkway, State Route 7 and State Route 28.

Metro Transit System

Since 1970, Fairfax County and the other major political subdivisions in the Washington, D.C., metropolitan area have contracted with WMATA to finance, construct and operate a 103-mile Metrorail subway and surface rail transit system. Funding for the construction of the Metrorail system has come from direct Congressional appropriations and by direct local contributions. Five Interim Capital Contributions Agreements between WMATA and the participating political jurisdictions were executed to fully fund and complete the 103-mile adopted regional system. By 2018, 23 additional miles are expected to be added to the system with construction of the Silver Line, with new tracks connecting downtown Washington, D.C., to Washington Dulles International Airport. As of July 2014, 11.7 miles of the Silver Line were complete and in operation.

WMATA's Board of Directors periodically adopts a Capital Improvement Plan ("CIP"), which prioritizes and maintains the existing capital plant and rolling stock of the Metrobus and Metrorail systems. The regional counter-parties to WMATA periodically agree to updated funding agreements regarding their portion of capital priorities and infrastructure renewal projects. The County issues bonds as the primary source of the County's share of WMATA's CIP.

The County's operating assistance to WMATA is funded from the General Fund, gasoline tax receipts, and State aid. Fairfax County's share of the bus and rail operating subsidies for FY 2004-FY 2015 are shown in the following table:

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Fairfax County WMATA Operating Subsidies
(Millions of Dollars)

Fiscal Year	Bus Operations[1,2]	Rail Operations[1]	ADA Para-transit[1]	Less State Aid[3]	Less Gas Tax Receipts[4]	Adjust-ments and Interest Applied	Net General Fund
2004	$27.060	$18.582	$4.936	$22.112	$11.815	$5.174	$11.477
2005	29.662	17.375	5.945	22.033	14.748	0.000	16.201
2006	31.687	18.849	5.841	19.809	17.971	1.200	17.397
2007	37.368	17.496	5.803	19.406	20.885	1.990	18.386
2008	36.745	19.267	7.088	21.375	22.610	1.287	17.828
2009	45.292	17.665	7.565	39.836	23.490	0.000	7.196
2010	40.204	22.622	9.164	46.003	17.799	0.300	7.888
2011	45.387	15.598	11.347	44.745	21.838	0.300	5.449
2012	47.458	19.481	12.410	46.252	26.163	2.259	4.675
2013	48.829	26.209	12.424	49.734	28.568	0.056	9.104
2014	51.270	27.520	13.046	56.617	25.907	0.300	9.012
2015	57.330	38.447	14.019	72.789	27.500	0.150	9.357

Sources: Fairfax County Department of Transportation and Department of Management and Budget

[1] The amounts shown for operating subsidies represent actual disbursements in those years. Adjustments based on final WMATA annual audited figures are incorporated in the fiscal year in which the credit for an overpayment was applied or a debited amount was paid rather than the fiscal year in which the credit or debit was earned. Fiscal Years 2014 and 2015 are adopted budget amounts.

[2] Includes other service enhancements.

[3] Virginia law permits the use of State aid for transportation to fund transit program operating costs in addition to transit program capital costs.

[4] A 2% retail gasoline tax is dedicated to mass transit costs in those Northern Virginia jurisdictions covered by the Northern Virginia Transportation Commission ("NVTC"). The receipts from this tax are paid to NVTC which then allocates these funds to participating jurisdictions for payment of transit operating, capital and debt service costs.

Tax Districts

Transportation improvement districts provide another source of funding for transportation improvements in the County. The County, together with Loudoun County, a neighboring jurisdiction, formed the Route 28 Highway Transportation Improvement District (the "Route 28 District") in 1987 to accelerate highway improvements proposed by the Commonwealth to State Route 28. State Route 28 runs approximately parallel to the County's western border and connects State Route 7 in eastern Loudoun County to U.S. Route 50 and Interstate Highway 66 in western Fairfax County. The initial improvements, which consisted of expanding State Route 28 from two to six lanes, with additional turning lanes, are now complete. State Route 28 provides access to Washington Dulles International Airport, as do the Dulles Access Road and the Dulles Toll Road, both of which connect the Capital Beltway to Dulles Airport. Such improvements were financed from proceeds of a special improvements tax (the "Route 28 Special Improvements Tax") collected from owners of real property zoned for commercial and industrial use in the Route 28 District and bonds issued by the Fairfax County Economic Development Authority (the "EDA") secured by the Route 28 Special Improvements Tax collections.

In 2001, the Virginia General Assembly enacted legislation permitting the creation of one or more special transportation taxing districts located between the West Falls Church Metrorail station and the Dulles Airport area to provide a means of financing an extension of rail service in the Dulles Corridor. The structure of any such district is modeled after the existing Route 28 District. In February 2004, pursuant to a petition submitted by landowners representing a majority of the assessed value of property

zoned for commercial or industrial use in the Tysons and Reston commercial districts, the Board of Supervisors formed the Phase I Dulles Rail Transportation Improvement District (the "Phase I District") to provide funds to support the County's share of Phase I of a proposed expansion of the Metrorail system to Dulles Airport and beyond ("Phase I"). Funds for financing the County's $400 million share of the Phase I expansion of the Metrorail system are provided from a real estate tax levy on all property zoned for commercial and industrial use in the Phase I District (the "Phase I Special Improvements Tax"). As of December, 2013 the County has provided to MWAA its required $400 million share for the Phase I Project from the proceeds of the Phase I Special Improvements Tax and from bonds issued by the EDA secured by the Phase I Special Improvements Tax collections. The County provided approximately $68 million in additional funds for the completion of the Phase I Project from financing sources other than the Phase I Special Improvements Tax. Metrorail service for Phase I began in July 2014. Phase II of the proposed expansion of the Metrorail system ("Phase II") will complete the 23-mile line to Dulles Airport and beyond into Loudoun County. In October 2009, the County received a valid petition to form another special tax district comprised of the Reston-Herndon-Dulles commercial districts to provide $330 million toward the County's portion of the Phase II financing. The Phase II tax district was approved by the Herndon Town Council on November 11, 2009, and by the Fairfax County Board of Supervisors on December 7, 2009. On May 9, 2014 the United States Department of Transportation ("USDOT") approved an application of the County to receive loans in the aggregate principal amount of up to $403,274,894 to fund county obligated Phase II project costs (the "TIFIA loan). The County is currently negotiating the terms of the TIFIA loan with USDOT.

County Transit Systems

Within the County, the Fairfax Connector System provides feeder bus service to Metrorail Stations. The Fairfax Connector operates 85 routes to 13 Metrorail Stations which include the Dunn Loring, Franconia-Springfield, Greensboro, Huntington, McLean, Pentagon, Pentagon City, Spring Hill, Tysons Corner, Van Dorn Street, Vienna, West Falls Church, and Wiehle-Reston East stations. Private contractors operate and maintain the service and have the responsibility to employ and supervise all transit personnel, while the Board of Supervisors maintains control and approves all policies for bus service such as routes and service levels, fare structures, and funding assistance. The Fairfax Connector System is supported from General Fund and fare box revenues. The FY 2015 Adopted Budget Plan also includes support of $20.8 million from State aid. The Fairfax Connector carried approximately 10.7 million passengers in FY 2013. Fairfax Connector System expenditures totaled approximately $84.9 million in FY 2014, including capital expenditures. The County runs three permanent maintenance and garage facilities for the Fairfax Connector System, with bus operations management provided by a third-party contractor.

Commuter Rail

Fairfax County is a member of the Northern Virginia Transportation Commission and, in cooperation with the Potomac and Rappahannock Transportation Commission, is a participating jurisdiction in the operation of the Virginia Railway Express ("VRE") commuter rail service. As of December 2013, the service consisted of seven peak period trips from south of the County in the City of Fredericksburg to north of the County in the District of Columbia and six peak trips that run from west of the County in the City of Manassas to north of the County in the District of Columbia. Under a Master Agreement among VRE's participating jurisdictions, the County is to contribute to capital, operating, and debt service costs of the VRE on a pro rata basis according to its share of ridership. The County's share of the FY 2015 commuter rail operating and capital budget is $4.7 million.

Parks, Recreation and Libraries

Fairfax County provides a variety of recreational, educational, and cultural activities and services. In FY 2013, the Fairfax County Public Library (the "Library") made more than 13.1 million loans and recorded more than 5.2 million visits to its 23 branches, and reported more than 4.6 million user visits to its web site. The Library offers free events and activities, including puppet shows for toddlers, story time for school-aged children, book discussion groups for teens, author visits for adults, and English conversation classes for English for Speakers of other Languages customers (or new arrivals). The Library also makes library services available and accessible to people who have disabilities or are homebound.

The Department of Community and Recreation Services provides a variety of recreational, community, and human services for County residents. These services include senior adult programs and centers, therapeutic recreation services for individuals with disabilities, a variety of youth programs including recreational activities at youth centers, community-based recreational opportunities, support for Fairfax County's various volunteer sports councils and leagues, and a variety of volunteer opportunities.

Fairfax County also operates an extensive park system that provides a variety of recreational activities and facilities. Under the direction of a 12-member Park Authority Board appointed by the Board of Supervisors, the Fairfax County Park Authority ("FCPA") works with constituents, government leaders and appointees to implement Park Authority Board policies, preserve and protect natural and cultural resources, and facilitate the development of park and recreation programs and facilities. FCPA oversees operation and management of a 23,265-acre County park system with 421 parks, nine recreation centers with swimming pools, fitness centers, racquetball courts, program space, eight golf courses, an ice skating rink, skateparks, campgrounds, 203 playgrounds, 668 public gardens, five nature centers, an equestrian center, 731 athletic fields including 31 synthetic turf fields, ten historic sites, two waterparks, a horticultural center, and more than 320 miles of trails. In FY 2013, FCPA welcomed over 16.5 million visitors to parks, groomed fields for 174,000 competitors, and worked to control non-native invasive plants, promote native species and preserve woodlands and green open spaces.

FCPA charges fees for the use of certain park facilities including the recreation and fitness centers and golf courses, which are operated on a cost recovery basis, and represent approximately 60% of FCPA's funding. The remaining operating funds are appropriated by the Board of Supervisors from the County's combined general fund, providing the main operating funds for natural and cultural preservation and protection, administrative tasks, general access parks, planning and development, and park maintenance and operations. User fees do not cover the cost of new development of facilities, land acquisition, or the major renovation of existing facilities. These improvements are funded primarily through revenue bonds and general obligation bonds. General obligation bonds are primarily used for the renovation of existing facilities.

The Northern Virginia Regional Park Authority ("NVRPA"), an independent entity in which the County participates, operates 21 parks covering approximately 10,000 acres throughout Northern Virginia including the County. NVRPA is continually in the process of completing, acquiring, developing, or expanding its regional park facilities.

Community Development

The Fairfax County Redevelopment and Housing Authority ("FCRHA") was established in 1966 to meet low and moderate income family housing needs. It owns or administers housing developments in Fairfax County with staff and funding provided from County, federal, Commonwealth, and private sources. As of January 2012, the FCRHA owned 75 properties, which are comprised of over 3,600

apartments, townhouses, senior retirement homes, and assisted living facilities, as well as specialized housing such as mobile home pads and beds in group homes. The FCRHA also administers 3,527 federal Housing Choice Vouchers. In FY 2013, 17,450 people were served through the FCRHA's three major affordable housing programs: Public Housing, the Housing Choice Voucher program, and the Fairfax County Rental Program (FCRP). In FY 2012, the average income of households served in these three programs was approximately $26,387, or 27% of Area Median Income for a family of three (the average size of the households served). This meets the U.S. Department of Housing and Urban Development's (HUD) definition of "extremely low income."

FCRHA has provided financing with low-income housing tax credits for privately owned developments that reserve a total of 1,135 units for lower income tenants. Fairfax County's Workforce Housing policy, adopted by the Board of Supervisors in 2007, is a proffer-based incentive system designed to encourage the voluntary development of new housing affordable to a range of moderate-income workers in Fairfax County's high-rise/high-density areas. The County's Comprehensive Plan provides for a density bonus of up to one unit for every workforce unit provided by a developer, with the expectation that at least 12% of units in new developments be affordable or workforce housing.

In April 2004, the Board of Supervisors adopted its Affordable Housing Preservation Initiative to preserve affordable housing units. The centerpiece of the Initiative was the creation of the "Penny for Affordable Housing Fund." Beginning in FY 2006, the County's budget each year included the equivalent of one penny on the County's real estate tax rate for the preservation and production of affordable housing in the County. In FY 2010, the Penny Fund was reduced to the equivalent of half of one penny. In FY 2013, this funding equated to $9,975,000 for affordable housing.

Other County services include efforts to increase local employment opportunities by encouraging and retaining business and industrial development through the County's Economic Development Authority. On July 1, 2007, the County established an Office of Community Revitalization and Reinvestment ("OCRR"). The mission of the OCRR is to facilitate strategic redevelopment and investments within targeted commercial areas of the County that align with the community vision, and improve the economic viability, appearance and function of those areas. Among other initiatives, the OCRR is charged with working with property owners and the community to facilitate interest and participation in commercial development activities, and to develop public/private partnerships that further the County's revitalization, redevelopment, and reinvestment efforts.

Health and Welfare

The County provides services designed to protect, promote, and improve the health and welfare of Fairfax County citizens through a decentralized human services program. Based on individual needs, County human service centers define a comprehensive assistance plan that utilizes the services provided by all County departments. The County operates human service centers in locations convenient to residents to provide financial, medical, vocational, and social services. The Fairfax-Falls Church Community Services Board ("CSB") responsible for planning, organizing, and providing services to individuals who have a mental illness, intellectual disability, or a substance use disorder. The CSB provides state mandated services to assist, improve, and maximize the potential of individuals affected by these conditions and strengthen their capacity for living self-determined, productive, and valued lives. The CSB is part of the Fairfax County Human Services System providing its services at many sites throughout the County, including six community mental health centers, several outpatient sites, a detoxification center, group homes, consumer-operated drop in centers, and several specialized residential treatment sites.

The County also provides subsidized day care programs for older adults and children of low-income families, two special needs centers that serve emotionally disturbed or physically challenged children, and group homes for youth with serious emotional disturbances. Residential treatment services are also offered in the areas of substance abuse as well as substance abuse outpatient and specialized day treatment programs. Vocational and residential programs are also available for adults with intellectual disabilities and serious mental illness.

Financial assistance and social services are available to eligible residents. For low-income families and individuals, the Department of Family Services ("DFS") administers federal, Commonwealth, and local programs, such as public assistance, employment and training, and subsidized child care, as well as programs targeted to at-risk children, such as child abuse prevention, Child Protective Services, Foster Care and Adoption, and services purchased under the Comprehensive Services Act. For older adults, DFS also administers programs that include federal funds granted to localities, Commonwealth funds and additional support from the County. The federal and state governments partially reimburse DFS for the cost of administering the programs based on an annual allocation to the County as well as program costs. DFS operates the County's after school child care program in over 130 school-age child centers (located in the public schools and one recreational center) that serve more than 10,000 children during the school year and more than 2,500 children during the summer. Since FY 1986, the County has provided a comprehensive County transportation service, Fastran, for qualified elderly, disabled, and low-income persons. Transportation is provided by bus, van, or cab on a door-to-door basis to County programs, medical care, grocery stores, and other destinations.

Judicial Administration

Fairfax County's court system is one of the most sophisticated systems in Virginia in its use of advanced case management techniques and rehabilitation programs. The County uses automated systems to support case docketing and record retrieval, electronic filing and imaging in the land recordation process, juror selection, service of notices and subpoenas, and the processing of criminal and traffic warrants and collecting delinquent tax obligations.

The County has undertaken rehabilitation efforts through the Juvenile and Domestic Relations District Court and the Office of the Sheriff. These efforts include work training programs and counseling services for both adult and juvenile offenders. Additionally, residential treatment services are provided for juvenile offenders, and a work release program is provided for offenders confined in the County's Adult Detention Center.

Public Safety

A number of agencies share responsibility for public safety in Fairfax County. The Police Department, which is responsible for law enforcement, had an authorized strength of 1,335 police officers, 31 animal control officers, and 354 civilian personnel, with 6 positions supported by grant funding, effective July 1, 2014. The agency is accredited by the Virginia Law Enforcement Professional Standards Commission, which signifies the Department's compliance with standards that are specific to Virginia law enforcement operations and administration. The commanders of the eight police district stations located throughout the County have considerable latitude to tailor their operations to provide police services in ways most responsive to the needs of their respective communities, including community policing endeavors. The department has specialized units that operate as both standing (staffed full time) and non-standing units (staffed as needed), including the Helicopter Division, which operates two helicopters to provide support to general police operations, traffic monitoring, emergency medical evacuation, and rescue support; the Criminal Intelligence Unit, which provides an effective response to organized criminal activity including terrorist-related, gang, and bias crimes; the Gang Unit,

which provides regional leadership directed at combating gang crime through prevention and enforcement initiatives; and the Language Skills Support Unit, which serves to bridge the gap in the diverse cultures in the community by providing language support for the successful resolution of major criminal investigations.

Over the past 10 years, the County has maintained one of the lowest rates of serious crimes among jurisdictions in the Washington, D.C., metropolitan area and among comparable suburban jurisdictions throughout the United States. Additionally, the Police Department has continually attained a clearance rate for violent crimes such as murder, rape, and robbery far above the national averages for such offenses. At the same time, Fairfax County has maintained one of the lowest per capita costs for police services of all the local jurisdictions in the Washington metropolitan area.

Fire and rescue services are provided by 1,379 paid uniformed personnel, 189 paid civilian support personnel, and approximately 200 operational volunteers as of April 2014. The County operates 38 fire and rescue stations. The department operates various specialty units, including paramedic engine companies, a hazardous materials response unit, a technical rescue operations team, an arson canine unit, and a water rescue team whose members are certified in swift water rescue. The department also supports regional, national, and international emergency response operations through maintaining and supporting the Urban Search and Rescue Team ("US&R"). US&R operates under the auspices of the Department of Homeland Security for domestic responses and is sponsored by the United States Agency for International Development/Office of Foreign Disaster Assistance for international deployments. In addition to emergency response, the department provides various non-emergency services.

In May 2004, the Office of Emergency Management was established as a separate agency serving as the County's focal point for emergency preparedness and internal and external coordination to respond to natural, technological, and terrorist-related emergencies. In FY 2013, thirteen employees provided emergency management services for Fairfax County, including the Towns of Clifton, Herndon and Vienna. The major areas of focus include emergency management planning and policy, the County-wide emergency training and exercise program, public preparedness and education, and enhancement of response and recovery capabilities.

Water Supply Service

Fairfax Water ("FW") provides water service to residents of Fairfax County, the City of Fairfax, the City of Falls Church, the Town of Herndon and the Town of Vienna. FW, which operates the largest water system in the Commonwealth of Virginia, was established by the Board of Supervisors in 1957 to develop a comprehensive, Countywide water supply system through the acquisition of existing systems and the construction of new facilities. FW is an independent body administered by a ten-member board appointed by the Fairfax County Board of Supervisors. FW finances its capital improvements through the issuance of revenue bonds that are not backed by the full faith and credit of the County but principally repaid by revenues derived from charges for services rendered. FW's basic retail water charge is currently $2.42 per 1,000 gallons, plus a quarterly service charge (currently $9.80 for most single-family homes and townhouses). To pay for treatment and pumping capacity which is used only during periods of high demand, FW also levies a peak use charge of an additional $3.55 per 1,000 gallons on customers who exceed their winter quarter consumption by 6,000 gallons or 33%, whichever is greater. There also are fees for initial connection to the system and for opening, closing, or transferring an account.

FW utilizes two sources of water supply (Occoquan and Potomac Rivers), operates associated treatment, transmission, storage, and distribution facilities, and provides service to approximately 235,000 retail customers in Fairfax County, with an average daily consumption of about 79 million gallons per day ("mgd"). In addition, FW supplies about 66 mgd to other suppliers for resale, principally in the City of

Alexandria, Loudoun County, and Prince William County. The average population served by FW is estimated at 1,700,000 persons and the combined maximum daily capacity of the supply and treatment facilities is 345 mgd, which is sufficient to meet current demand.

Under an agreement with the Board of Supervisors, FW annually submits a 10-year capital improvement program which is reviewed and approved by the Board of Supervisors as part of the County's total capital improvement program. FW's 10-year Capital Improvement Program for FY 2013-2022 includes projects totaling $644,137,000.

On January 2, 2014, the City of Falls Church sold the Falls Church Water Utility to FW, and the City of Fairfax sold its water utility to FW. These transactions added approximately 46,000 customers to FW.

ECONOMIC FACTORS

Economic Development

Economic development activities of the County are carried out through the Fairfax County Economic Development Authority ("EDA"), whose seven commissioners are appointed by the Board of Supervisors. EDA promotes Fairfax County as a premier location for business start-up, relocation and expansion, and capital investment. It works with new and existing businesses to help identify their facility and site needs, and assist in resolving County-related issues and provide other business assistance. Pursuant to its enabling legislation, EDA encourages investment in the County with tax-exempt conduit revenue bond financing.

The total inventory of office space in the County was estimated at 114.8 million square feet at the end of 2013. At year end, 11 buildings totaling just under 2.7 million square feet of space were under construction. During 2013, over 1 million square feet of office space was delivered of which 600,000 square feet was speculative. The direct vacancy rate for the office market was 14.4% as of year end 2013. Including sublet space, the office vacancy rate was 16.7 percent.

The base of technology-oriented companies, particularly in computer software development, computer systems integration, telecommunications, and Internet-related services, has served as a ~~strong~~ magnet for the expansion and attraction of business and professional services. Government contractors, as well as diversified business and financial services, have added to the demand for prime office space in a number of key employment centers throughout the County.

Federal civilian employment in the County makes up 4.1% of the total jobs in the County. Federal jobs declined slightly in 2013. Due to sequestration, federal procurement spending in the County decreased from $26.4 billion in FY 2012 to $23.1 billion in FY 2013. However, this decreased level of federal procurement was still over 12% higher than the 2008 level. County General Fund revenue rose 2.5 percent in FY 2014, primarily due to an increase of 4.5% in current year real estate tax receipts. Personal property tax revenue was flat in FY 2014, while Business Professional and Occupational License (BPOL) revenue fell 2.7%. The decline in BPOL was primarily due to a decline in consultant category as a result of federal sequestration. Many BPOL categories, such as retail, builders and developers and real estate brokers, experienced growth.

There are 100 hotels with 75 or more rooms in the County, totaling over 17,400 hotel rooms and over 11 million square feet of space. Hotel development parallels commercial construction in terms of diversity of concept and design with a variety of product and service mixes (all-suites, business meeting facilities, and leisure facilities) in the marketplace.

Improvements to the County's transportation system, including increased service levels at Washington Dulles International Airport, has helped increase corporate activities dependent on immediate access to travel throughout the region, country, and world. The Metrorail service extension (the Silver Line) from the East Falls Church station, through Tysons through Dulles Airport, to Route 772 in Loudoun County will continue to help foster economic growth.

The Board of Supervisors and the County actively support revitalization and redevelopment throughout the County, particularly in its more mature business areas. Many enhancements have been made to the residential and commercial neighborhoods in Annandale, Bailey Crossroads/Seven Corners, the Lake Anne section of Reston, the Springfield and McLean central business districts, Merrifield, and the Richmond Highway corridor in the southeastern portion of the County. A number of capital improvement projects and other construction in process or already completed have improved the appearance and quality of life of these communities.

The most notable area of redevelopment in the County, Tysons—Fairfax County's "downtown"—is undergoing a transformative land-use replanning effort. Spurred by the Metrorail expansion project, the County is working to set the stage for Tysons's evolution into a more urban-scale, pedestrian-friendly environment, with more housing, recreation and open space in addition to more-dense office and retail development. Tysons currently has over 38.7 million square feet of office, retail, and other commercial space and is behind only downtown Washington's Central Business District and the East End submarkets in the entire Washington D.C. metropolitan area in total office inventory, and has 11.2 million square feet of residential space. Now that Phase I of the Metrorail expansion has been completed, it is expected that Tysons will continue to have significant growth in population, employment and commercial, retail and residential space over the next several decades. County staff continues to evaluate potential arrangements for financing the public share of Tysons infrastructure improvements and to facilitate co-operative funding agreements with the private sector. County staff, in cooperation with private participants, created a new 501(c)(6) membership organization known as the Tysons Partnership in January 2011. The Tysons Partnership provides a comprehensive approach to tasks that include marketing and branding, transportation, urban design/planning, public facilities and community amenities and finance. On January 8, 2013, the Board of Supervisors established, by ordinance, the Tysons Transportation Service District No. 1 (the "Tysons Service District") to provide transportation infrastructure and transit services within Tysons. As the governing board of the Tysons Service District, the Board of Supervisors is empowered to levy and collect a tax on any property within Tysons Service District's boundaries to finance the transportation infrastructure and transit services projects. The tax rate of $0.04 per $100 of assessed value was adopted by the Board of Supervisors as part of the FY 2014 Adopted Budget Plan, and this rate remains unchanged as part of the FY 2015 Adopted Budget.

Employment

More than 34,100 payroll business establishments (units) including global, corporate and regional headquarters, technology firms, sales and marketing offices, and business services are located in Fairfax County, employing over 585,000. Local businesses create employment in diversified areas like computer software development and systems integration, technical services, management consulting, government contracting, Internet-related services, wholesale and retail trade, and financial services. The following table presents data on the average number of payroll establishments and employment by major industry classification in Fairfax County as of fourth quarter 2013.

Businesses and Employment by Industry
Fairfax County, Virginia[1]

Industrial Classification	Number of Establishments	Average Payroll Employment for Quarter
Agriculture, Forestry, Fishing and Hunting	15	63
Mining, quarrying, and oil and gas extraction	10	260
Utilities	18	1,048
Construction	2,315	24,358
Manufacturing	447	6,346
Wholesale Trade	1,241	13,483
Retail Trade	2,647	54,927
Transportation and Warehousing	399	7,026
Information	804	21,731
Finance and Insurance	1,614	23,376
Real Estate and Rental and Leasing	1,505	9,676
Professional and Technical Services[2]	10,066	154,073
Management of Companies and Enterprises	346	21,681
Administrative and Waste Services	1,928	39,475
Educational Services	595	10,292
Health Care and Social Assistance	3,670	48,692
Arts, Entertainment, and Recreation	347	6,396
Accommodation and Food Services	2,081	40,483
Other Services except Public Administration	4,775	20,971
Unclassified	3	3
Total	34,826	504,360

Source: U.S. Bureau of Labor Statistics, Quarterly Census of Employment and Wages, Fairfax County, fourth quarter 2013
[1] Excludes self-employed business owners.
[2] The Services category includes professional and technical services, health care and social assistance, management services, educational services, accommodation and food services, arts, entertainment and recreation, administrative and waste services, and membership organizations and trade associations.

The following is a list of the largest private, base sector (non-retail) employers in Fairfax County as of June 2014. Companies are alphabetized in their size category.

Largest Private Employers in Fairfax County

4,000-7,000+ Employees

Company Name	Type of Business
Booz Allen Hamilton	Professional, Scientific and Technical Services
Federal Home Loan Mortgage Corp. (Freddie Mac)	Finance and Insurance
General Dynamics	Professional, Scientific and Technical Services
Inova Health System	Health Care and Social Assistance
Northrop Grumman	Professional, Scientific and Technical Services
SAIC*	Professional, Scientific and Technical Services

* SAIC employment reported prior to the September 2013 split into two independent companies (SAIC and Leidos).

1,000-3,999 Employees

Company Name	Type of Business
AECOM	Professional, Scientific and Technical Services
AT&T	Information (Telecommunications)
BAE Systems	Professional, Scientific and Technical Services
CACI International	Professional, Scientific and Technical Services
Capital One	Finance and Insurance
Catholic Diocese of Arlington	Educational Services/Other Services
CGI	Professional, Scientific and Technical Services
CSC	Professional, Scientific and Technical Services
Deloitte	Professional, Scientific and Technical Services
Erickson Living (Greenspring)	Health Care and Social Assistance
ExxonMobil	Wholesale Trade (Petroleum/Oil)
EY (Ernst & Young)	Professional, Scientific and Technical Services
HCA Virginia	Health Care and Social Assistance
HP	Professional, Scientific and Technical Services/Information
IBM	Professional, Scientific and Technical Services
ICF International	Professional, Scientific and Technical Services
Insperity	Administrative Services
Kaiser Foundation Health (Kaiser Permanente)	Health Care and Social Assistance
Lockheed Martin	Professional, Scientific and Technical Services
ManTech International Corp.	Professional, Scientific and Technical Services
MicroStrategy	Professional, Scientific and Technical Services
MITRE	Professional, Scientific and Technical Services
Navy Federal Credit Union	Finance and Insurance
Oracle	Professional, Scientific and Technical Services
PricewaterhouseCoopers	Professional, Scientific and Technical Services
Quest Diagnostics	Health Care and Social Assistance
SI Organization	Professional, Scientific and Technical Services
Sprint	Information (Telecommunications)
SRA International	Professional, Scientific and Technical Services
TASC	Professional, Scientific and Technical Services
Time Warner Cable	Information (Telecommunications)
Verizon	Information (Telecommunications)
Wells Fargo Bank	Finance and Insurance

500-999 Employees

Company Name	Type of Business
The Boeing Company	Professional, Scientific and Technical Services
Exelis	Professional, Scientific and Technical Services
Hilton Worldwide	Accommodation and Food Services
L-3 Communications	Professional, Scientific and Technical Services
MV Contract Transportation	Health Care and Social Assistance
Securitas Security Services USA	Administrative and Support Services
SODEXHO USA	Accommodation and Food Services
Sunrise Senior Living	Health Care and Social Assistance
USIS	Administrative and Support Services
Washington Gas	Utilities

Source: Fairfax County Economic Development Authority, June 2014

Unemployment in the County has historically been, and continues to be, well below the national average, even in challenging economic times. The average unemployment rate in Fairfax County in 2013 was 4.3%. The average Virginia and U.S. unemployment rates during 2013 were 5.5% and 7.4%, respectively. Reflecting the global recession that began in late 2007 and escalated a year later, Fairfax County's average annual unemployment rate rose to a high of 5.0% in 2010 but has since declined, reflecting an overall leveling out of the economic downturn. The following table shows the average annual unemployment rate in Fairfax County as compared to Virginia and national averages in the past decade as well as the July 2014 unemployment rates.

Average Annual Unemployment Rates

Calendar Year	Fairfax County	Virginia	United States
2004	2.7%	3.7%	5.5%
2005	2.5	3.5	5.1
2006	2.2	3.0	4.6
2007	2.2	3.1	4.6
2008	2.9	4.0	5.8
2009	4.9	6.9	9.3
2010	5.0	7.1	9.6
2011	4.5	6.4	8.9
2012	4.2	5.9	8.1
2013	4.3	5.5	7.4
July 2014	4.2	5.4	6.2

Source: U.S. Bureau of Labor Statistics

According to the Bureau of Labor Statistics, the total number of jobs in the County was 576,400 in the first quarter of 2014. Self-employed persons are not included in these counts. The following table presents total covered employment in recent years:

Covered Employment[1]

First Quarter	Covered Employment in Fairfax County	% Change	First Quater	Covered Employment in Fairfax County	% Change
2003	525,100	-	2009	568,500	(2.8)
2004	533,900	1.7%	2010	563,100	(0.9)
2005	555,900	4.1	2011	572,900	1.7
2006	568,400	2.2	2012	585,100	2.1
2007	579,500	2.0	2013	586,200	0.2
2008	585,000	0.9	2014	576,400	(1.7)

Source: U.S. Department of Labor, Bureau of Labor Statistics, Quarterly Census of Employment Wages
[1] Covered employment means employees covered by state and federal unemployment laws.

Construction Activity

The following table includes data for residential and commercial construction activity in the County:

	Building Permits				Estimated Housing Units Started
	Residential Properties		Industrial and Commercial Properties		
Fiscal Year	Number	Estimated Value (000s)	Number	Estimated Value (000s)	Number
2004	16,442[1]	$ 800,358	4,034[1]	$ 405,788	6,780
2005	23,253[1]	1,145,145	4,013[1]	460,814	4,353
2006	17,168[1]	918,839	4,413[1]	450,382	2,784
2007	11,419[1]	757,848	4,974[1]	1,297,296	1,599
2008	10,719[1]	548,759	5,046[1]	619,613	2,238
2009	8,780[1]	327,454	4,361[1]	413,719	1,361
2010	8,977	428,941	3,946	375,126	1,150
2011	9,371	480,268	4,595	397,435	1,797
2012	9,454	538,307	4,308	602,444	3,023
2013	10,610	509,957	3,907	710,488	1,930

Sources: Building permits provided by Fairfax County Department of Public Works and Environmental Services, and estimated housing units started provided by Weldon Cooper Center, University of Virginia.
[1] Includes new and alteration/repair permits issued. Does not include trade permits issued.

A partial list of major new or expanded office projects within the County announced in 2013 is shown below:

New or Expanded Commercial Projects

Name of Company	Nature of Operations	Projected New/Additional Employment
Amazon Web Services	Information Technology	500
Blackbag Technologies	Software	6
China Unicom Americas	Telecommunications	4
comScore	Social Media/Internet	75
Dimension Data	Information Technology	85
DLT Solutions	Information Technology	22
FrontPoint Security Solutions	Information Technology/ Security Services	179
Mandiant Corporation	Information Technology	80
OBXtek	Information Technology	65
Salient Federal Solutions	Information Technology	530
TCoombs Associates	Information Technology	100

Source: Fairfax County Economic Development Authority

Housing

In 2013 single-family detached housing units represented 47.6% of the total housing units within Fairfax County. Single-family attached housing accounted for 24.3%, and multi-family housing made up the remaining 28.0%. As of January 2014, the median market value of all owned housing units, including condominiums, in Fairfax County was estimated by the Department of Neighborhood and Community Services to be $442,370.

Housing Units by Type of Structure

	1980		1990		2000		2013	
	No.	%	No.	%	No.	%	No.	%
Single-Family:								
Detached[1]	125,580	59.3	163,029	53.9	181,591	50.6	194,786	47.6
Attached[2]	30,833	14.6	67,306	22.3	87,171	24.3	99,683	24.3
Multi-Family[3]	55,333	26.1	72,129	23.8	90,198	25.1	114,603	28.0
Total	211,746	100.0	302,464	100.0	358,960	100.0	409,072	100.0

Sources: U.S. Bureau of the Census, U.S. Census of Housing (1980) and Fairfax County Department of Neighborhood and Community Services
[1] Single-family detached includes all single-family homes and mobile homes.
[2] Single-family attached includes duplexes, townhouses, and multiplex units.
[3] Multi-family includes condominiums, apartments and other units in structures with a common entryway.

The average sale price of housing units within the County is listed below:

Average Sale Price Housing Units

Type of Structure	2011	2012	% change
All Homes	$471,317	$492,480	4.5%
Detached Homes	624,355	641,066	2.7
Attached Homes	313,458	332,435	6.1

Source: Realestate Business Intelligence, an MRIS Company

Colleges and Universities

Sixteen institutions of higher education are located in Fairfax County: Averett University, Central Michigan University, Everest College, George Mason University, ITT Technical Institute, Marymount University, Missouri State University (Department of Defense Studies), Northern Virginia Community College, Potomac College, Sanford-Brown College, Stratford University, University of Phoenix, the Virginia Polytechnic Institute and State University (Virginia Tech), two campuses of the University of Virginia (both Virginia Tech and the Falls Church campus of the University of Virginia are located in the Northern Virginia Graduate Center) and Webster University. George Mason University, with an enrollment of more than 32,000 students, offers over 195 degree programs. The Northern Virginia Community College serves more than 72,000 students in credit courses and non-credit workforce and professional development programs at six campuses and two centers throughout Northern Virginia. American University, George Washington University, Catholic University, and Virginia Commonwealth University also operate programs in the County's secondary schools and on military installations within the County.

Cultural Amenities

Wolf Trap Farm Park for the Performing Arts, a cultural facility internationally renowned for its ballet, symphony, concert, and opera offerings, and the only national park for the performing arts in the U.S., is located in north-central Fairfax County. Nearly 300 cultural organizations – theater and opera companies, music and dance groups, community arts centers, festivals, and other activities – are based in and around the County. The County also assists in supporting the Fairfax Symphony, an internationally recognized orchestra that provides a variety of musical programs and outreach services to County residents. Other well-known attractions in the County include Mount Vernon, the home of George Washington; Woodlawn Plantation, George Washington's wedding gift to his nephew; and Gunston Hall, home of George Mason, author of the U.S. Bill of Rights and the first Constitution of Virginia. The region also boasts professional baseball, basketball, football, ice hockey and soccer.

DEBT ADMINISTRATION

Statement of Bonded Indebtedness

Pursuant to the Constitution of Virginia and the Act, a county in Virginia is authorized to issue general obligation bonds secured by a pledge of its full faith and credit. For the payment of such bonds, the Board of Supervisors of the County is required to levy, if necessary, an annual ad valorem tax on all property in the County subject to local taxation.

As of June 30, 2013, the County had outstanding the following amounts of general obligation bonds:

Purpose	Total General Obligation Bonds
School	$1,310,858,900
General Government	737,981,100
Total General Obligation Bonded Indebtedness[1]	$2,048,840,000

Source: Fairfax County Comprehensive Annual Financial Report FY 2013
[1] See "Debt Service on Tax Supported Debt Obligations" herein for outstanding general obligation debt service as of June 30, 2014.

The County does not rely upon short-term borrowings to fund operating requirements. The County has never defaulted in the payment of either principal or interest on any general obligation indebtedness.

Limits on Indebtedness

There is no legal limit on the amount of general obligation bonded indebtedness that Fairfax County can at any time incur or have outstanding. However, all such indebtedness must be approved by voter referendum prior to issuance. Since 1975, the Board of Supervisors has established as a financial guideline a self-imposed limit on the average annual amount of bond sales. In May 2006, the Board of Supervisors increased the bond sale target to $1.375 billion over a 5-year period, or an average of $275 million annually, with the flexibility to expand to a maximum of $300 million based on market conditions and/or priority needs in any given year. The actual amount of bond sales will be determined by construction funding requirements and municipal bond market conditions.

The Board of Supervisors also has imposed limits which provide that the County's long-term debt should not exceed 3% of the total market value of taxable real and personal property in the County. The limits also provide that annual debt service should not exceed 10% of annual General Fund disbursements. These limits may be changed by the Board of Supervisors, and they are not binding on future Boards of Supervisors of the County.

Bond Referenda Authorization

The following chart presents by purpose Fairfax County's authorized but unissued general obligation bond indebtedness as of October 1, 2014:

Authorized Purpose	Amount Authorized but Unissued as of October 1, 2014
School Improvements	$551,711,200
Transportation Improvements and Facilities	85,139,500
Parks and Park Facilities	83,812,100
Public Safety Facilities	87,277,200
Library Facilities	25,000,000
Flood Control	30,000,000
Total	$862,940,000

Source: Fairfax County Department of Management and Budget

Other Tax Supported Debt Obligations

The Board of Supervisors of the County directly or indirectly appoints all or a portion of the governing body of several legally independent local and regional authorities that provide services to the

County and its constituents. Such authorities include those that issue revenue bonds that are not general obligations of the County and issue debt supported directly or contingently by appropriations of tax revenues by the County. The full faith and credit of the County are not pledged to secure such bonds.

In March 1994, the Fairfax County Economic Development Authority ("EDA") issued $116,965,000 of lease revenue bonds to finance the County's acquisition of two office buildings occupied by County agencies and departments. In October 2003, EDA issued $85,650,000 of lease revenue refunding bonds to refund $88,405,000 of the 1994 lease revenue bonds. As of October 1, 2014, $35,150,000 of such lease revenue bonds are still outstanding. The County is absolutely and unconditionally obligated by the terms of a lease agreement with EDA to pay amounts equal to debt service on EDA's bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the bonds and the lease agreement extend to November 15, 2018.

Beginning in 1996, the Fairfax County Redevelopment and Housing Authority ("FCRHA") has issued $42,460,000 of revenue bonds in seven series to finance the construction or renovation of five community center buildings, two adult day health care centers, one Head Start facility and one senior center. The County was obligated by the terms of triple net lease agreements or payment agreements with FCRHA to pay amounts equal to debt service on FCRHA's bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of funds for such purpose. The coincidental terms of the various bonds, lease agreements and payment agreements extend to May 1, 2029. On March 10, 2010, EDA issued $43,390,000 revenue bonds (Six Public Facilities Projects) (the "2010 Bonds") and provided a portion of the proceeds of the 2010 Bonds to the County to enable the County pursuant to its lease agreements with FCRHA to purchase five facilities financed from FCRHA bond issuances in 1996, 1998, 1999 and 2004. FCRHA used the funds provided by the County to redeem or defease the four series of bonds that financed the applicable facilities. As of October 1, 2014, $33,085,000 of the 2010 Bonds are still outstanding. Two original series issued by FCRHA in 2003, and 2005 financing respectively a head start facility and a senior center remain outstanding.

In July 2000, the Fairfax County Board of Supervisors entered into a Master Development Agreement with a private developer to finance and construct a 135,000 square foot government center in the southeastern region of the County. In November 2000, $29,000,000 of Certificates of Participation ("Certificates" or "COPs") were issued, secured by a triple net lease on the property between the developer and the County. The County was obligated by the terms of the lease agreement to pay an amount equal to the debt service on the Certificates. The County accepted the government center as substantially complete in February 2002. A portion of the proceeds of EDA's 2010 Bonds were provided to the County to enable the County to exercise an option to purchase the government center (the "South County Government Center Purchase"). The purchase price provided by the County was used to defease the COPs. The County is obligated by the terms of a contract with the EDA to pay amounts equal to debt service on the EDA's 2010 Bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of EDA's 2010 Bonds and the contract extend to April 2032.

In June 2003, EDA issued $70,830,000 of revenue bonds (Laurel Hill Public Facilities Project), backed by a contract with the County. Approximately $55,300,000 of the bonds were allocable to the financing of a new public secondary school in the southern part of the County and $15,530,000 of the bonds were allocable to the financing of a new 18 hole public golf course in the southern part of the County. The County is obligated by the terms of a contract with EDA to pay amounts equal to debt service on EDA's bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the bonds and the contract extend to June 2033. In April 2012, EDA issued its $47,745,000 Revenue

Refunding Bonds (Laurel Hill Public Facilities Projects) to refund a portion of the bonds. As of October 1, 2014, $44,005,000 of such bonds issued in 2012 are still outstanding.

On January 27, 2005, EDA issued $60,690,000 of revenue bonds (School Board Central Administration Building Project Phase I) (the "School Board Building Bonds"), backed by a contract with the County. The bonds were issued to finance the purchase of certain property, including an existing office building thereon, the purchase of certain land adjacent thereto and the improvement of the existing building for use by the School Board as an administration building. The County is obligated by a contract with EDA to pay amounts equal to debt service on the School Board Building Bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the School Board Building Bonds and the contract extend to April 2035. In June, 2014, EDA issued $170,690,000 Fairfax County Facilities Revenue and Refunding Bonds Series 2014 A (County Facilities Projects) to refund a portion of the School Board Building Bonds. As of October 1, 2014, $1,470,000 of the School Board Building Bonds are still outstanding.

On December 27, 2005, the Fairfax County Park Authority ("FCPA") issued two promissory notes in the aggregate amount of $12,900,000 for the purpose of providing a portion of the purchase price of a conservation easement for preservation purposes on an approximately 41 acre parcel of land, and options to purchase certain land. This land is known as "Salona," an historic site within the County. The County is obligated by the terms of a contract with FCPA to pay amounts sufficient to pay the principal and interest installments on the promissory notes when due. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the promissory notes and contract extend to December 2025.

On February 16, 2006, FCRHA issued a $40,600,000 Bond Anticipation Note (Affordable Housing Acquisition) Series 2006 (the "Series 2006 Note"). The Series 2006 Note was issued for the purpose of providing a portion of the funds required for the purchase of a multi-family rental housing complex, known as Crescent Apartments, to further FCRHA's goal of preserving existing affordable housing in Fairfax County. In 2007, 2008, 2011 and 2013 FCRHA issued bond anticipation notes, each time to refinance previous bond anticipation notes issued for the financing or refinancing of the Crescent Apartments project that were not paid from County money set aside to promote affordable housing. The currently outstanding Bond Anticipation Notes (Affordable Housing Acquisition) Series 2013A (the "2013A Notes") were issued in the principal amount of $24,650,000. The final maturity of the Series 2013A Notes is March 1, 2015. The County is obligated by a contract with FCRHA to make payments equal to the debt service on the 2013A Notes. The County's obligation to make such payments is subject to annual appropriation. As of October 1, 2014, $21,465,000 of the 2013A Notes remain outstanding.

On November 28, 2007, FCRHA issued $105,485,000 Bond Anticipation Notes (Affordable Housing Acquisition) Series 2007B (the "Series 2007B Notes"). The Series 2007B Notes were issued for the purpose of providing a portion of the funds required for the purchase of a multi-family rental housing complex located in Annandale, Virginia. In 2008, FCRHA issued bond anticipation notes to refinance the Series 2007B Notes. On August 20, 2009, FCRHA issued its Revenue Bonds (Affordable Housing Acquisition) Series 2009 in the aggregate amount of $94,950,000 (the "Series 2009 Bonds") to pay a portion of the principal amount of the 2008 outstanding bond anticipation notes. A portion of the principal amount of the 2008 bond anticipation notes, and the interest due on such notes, was paid from money set aside to promote affordable housing. The County is obligated by the terms of a payment agreement with FCRHA, subject to the appropriation of funds for the purpose, to pay amounts equal to the interest on and the principal of the Series 2009 Bonds. The coincidental terms of the Series 2009 Bonds and the related payment agreement extend to October 2039. As of October 1, 2014, $85,520,000 of the Series 2009 Bonds remain outstanding.

In July 2011, EDA issued $99,430,000 of Revenue Bonds (Wiehle Avenue Metrorail Station Parking Project). The bonds were issued to finance a portion of the costs of construction of a public parking facility to serve the Wiehle Avenue Metrorail Station that is being constructed as part of the extension of Washington Metropolitan Area Transit Authority's Metrorail System in the Dulles Corridor. The County is obligated by contract with EDA to pay amounts equal to debt service on EDA's bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the bonds and the contract extend to August 2034. As of October 1, 2014, $99,430,000 of such bonds remain outstanding.

In May 2012, EDA issued $65,965,000 of Revenue Bonds (Community Services Facilities Projects) backed by a contract between the County and EDA. The bonds were issued to finance the improvement of certain properties to be used by the County as a mental health facility and as a neighborhood community center. The County is obligated by a contract with EDA to pay amounts equal to debt service on such bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the bonds and the contract extend to March 2042. As of October 1, 2014, $63,580,000 of such bonds remain outstanding.

In November 2013, the County issued a $11,085,000 special subfund revenue bond (the "2013 VRA Bond") to Virginia Resources Authority ("VRA"). In return for issuing the 2013 VRA Bond, VRA provided the County with a portion of the proceeds realized from its autumn 2013 pooled financing bond transaction. The 2013 VRA Bond was issued to finance renovations to a complex that serves as a senior housing and assisted living facility, a senior center and an adult day health care center in the County. The County is obligated by a contract with VRA to pay amounts equal to the debt service on the 2013 VRA Bond. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the 2013 VRA Bond and the contract extend to October 2033. As of October 1, 2014, $10,530,000 of the 2013 VRA Bond remains outstanding.

In December 2013, EDA and the County entered into a master credit agreement with Bank of America, N.A., pursuant to which a revolving line of credit in an amount of up to $100,000,000 is made available to the County to provide interim financing for projects within the County's Capital Improvement Program or other similar projects.

In December 2013, EDA and the County entered into a loan agreement with T.D. Bank, N.A. (the "2013 Loan"), pursuant to which the proceeds of the loan in the amount of $25,000,000 are made available to the County to provide financing for the costs of the planned replacement of County-owned building subsystems such as roofs, electrical systems, HVAC, plumbing systems, carpet replacement, parking lot and garage repairs, fire alarm replacement and emergency generator replacement that have reached the end of their useful life. The County is obligated by a contract with EDA to pay amounts equal to the debt service on the loan. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose.

In June 2014, EDA issued $170,690,000 of Fairfax County Facilities Revenue and Refunding Bonds Series 2014 A (County Facilities Projects) (the "2014A County Facilities Projects Bonds"). The 2014 A County Facilities Projects Bonds were issued to provide funds to finance the costs of the construction of a building to serve as a public safety facility for the County and the construction of a related parking garage, to refund and redeem prior to their respective maturities certain outstanding School Board Building Bonds and to capitalize interest on a portion of the Series 2014A County Facilities Projects Bonds up to and including the October 1, 2016, interest payment date. The County is obligated by a contract with EDA to pay amounts equal to debt service on such bonds. The County's obligation to

make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the Series 2014A County Facilities Projects Bonds and the contract extend to October, 2034. As of October 1, 2014, $170,690,000 of the Series 2014A County Facilities Projects Bonds remain outstanding.

In June 2014, EDA issued $30,175,000 of Fairfax County Facilities Revenue Bonds Series 2014 B (Federally Taxable) (County Facilities Projects) (the "2014B County Facilities Projects Bonds, and together with the 2014A County Facilities Projects Bonds, the "2014 County Facilities Projects Bonds") to provide funds to permanently finance the leasehold acquisition from LAF, LLC, of the Workhouse Arts Center located in the southeastern corner of the County, for a price sufficient to enable the lessee to retire all of its indebtedness relating to the Workhouse Arts Center. The County leased the 55-acre site and existing historic structures of the Lorton Correctional Complex to the lessee in 2006, and the lessee incurred over $50 million in debt through EDA to finance improvements to convert the Complex into a center for visual and performing arts. The County plans to provide for the continuation of the existing educational and cultural programs at the Center, while the County conducts a study of the optimum uses of and develops plans for further improvements to the Center. The County is obligated by a contract with EDA to pay amounts equal to debt service on such bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the bonds and the contract extend to October, 2033. As of October 1, 2014, $28,770,000 of such bonds remain outstanding.

Lease Commitments and Contractual Obligations

The County leases certain real estate, equipment, and sewer facilities under various long-term lease agreements. In addition, pursuant to contracts with Arlington County, the Alexandria Sanitation Authority, the District of Columbia, and the Upper Occoquan Sewage Authority, the County is obligated to share the capital costs and associated debt service of certain facilities.

In 1989 and 1990, EDA issued $26,765,000 of parking revenue bonds to finance construction of parking structures near the Vienna Metrorail Station and the Huntington Metrorail Station in Fairfax County. All obligations relating to the construction of such parking structures have now been paid. EDA issued $25.735 million in bonds on November 10, 1999, to finance a second parking structure at the Vienna Metrorail Station. In August 2005, EDA issued $18,695,000 in bonds to refund all of the callable 1999 parking revenue bonds. The parking revenue bonds are payable under a lease with WMATA from revenues to be derived by WMATA from parking surcharges at these and other parking facilities in Fairfax County. In the event such revenues are not sufficient to pay debt service on the parking revenue bonds and under certain other conditions, the County is, in effect, obligated, subject to annual appropriation by its Board of Supervisors, to make payments to EDA sufficient to pay such debt service. As of October 1, 2014, $10,920,000 of such bonds remain outstanding.

In February 1990, the Northern Virginia Transportation Commission ("NVTC") issued $79.4 million of bonds to finance certain costs associated with the establishment of commuter rail services (the Virginia Railway Express) in the area of Northern Virginia bordering Washington, D.C. Fairfax County has joined with other jurisdictions through a Master Agreement to bear certain costs associated with operating and insuring the rail service as well as servicing the debt issued by NVTC. The Master Agreement requires that the County's governmental officers charged with preparing its annual budget include an amount equal to its share of the costs of the Virginia Railway Express. Each jurisdiction's share is determined by a formula set out in the Master Agreement. Fairfax County's share of this cost was $4.5 million in FY 2013. An additional $23 million in NVTC commuter rail revenue bonds were issued in early 1997 to purchase new rail coaches. Debt service on these bonds is being funded predominantly by Commonwealth and federal funds and VRE revenues.

On October 29, 2003, EDA issued $33,375,000 transportation contract revenue bonds to provide $30,000,000 to the Commonwealth Transportation Board (CTB) for construction of certain interchanges on Route 28 in the Route 28 Highway Transportation District, which is partly in Fairfax County and partly in Loudoun County. EDA on August 26, 2004, issued $57,410,000 transportation contract revenue bonds to provide an additional $60 million for construction of additional interchanges. The bonds issued in 2003 and 2004 financed the construction of six interchanges. In March 2007, EDA issued $41,505,000 transportation contract revenue bonds to finance a portion of constructing an additional four interchanges in the Route 28 Highway Transportation District. In July 2008, EDA issued $51,505,000 transportation contract revenue bonds to finance additional costs of constructing the additional four interchanges on Route 28. See also the discussion of taxes levied by the County in the Route 28 Highway Transportation Improvement District, located partly in the County, to pay debt service on CTB and EDA bonds in "GOVERNMENT SERVICES – Transportation – *Tax Districts*" herein. In May, 2012, EDA issued bonds to refund a portion of the bonds issued in 2003 and 2004. As of October 1, 2014, $41,505,000 of the bonds issued in 2007 remain outstanding, $50,755,000 of the bonds issued 2008 remain outstanding and $85,275,000 of the bonds issued in 2012 remain outstanding.

On May 26, 2011, EDA issued $205,705,000 Transportation District Improvement Revenue Bonds (Silver Line Phase I Project) Series 2011 which provided $220 million to provide a portion of the financing for the expansion of Metrorail of approximately 11.5 miles of rail line through the County's primary urban center, Tysons to Reston. As of October 1, 2014, $189,740,000 of such bonds remain outstanding. On October 10, 2012, EDA issued an additional $42,390,000 Transportation District Improvement Revenue Bonds (Silver Line Phase I Project) Series 2012 to provide $48,400,000 for this purpose. Debt service on the bonds is paid from a special improvements tax levied by the County on commercial and industrial use property located in the Phase I Dulles Rail Transportation Improvement District within the County. As of October 1, 2014, $40,220,000 of such bonds remain outstanding.

On June 9, 2011, the Mosaic District Community Development Authority (the "CDA") issued $46,980,000 Revenue Bonds, Series 2011A, and the CDA issued in July, 2011 an additional $18,670,000 Revenue Bonds, Taxable Series 2011A-T (collectively, the "CDA Bonds"). Proceeds from the CDA Bonds were used to finance certain public infrastructure improvements within the Mosaic District Community Development Authority District (the "Mosaic District") to support a mixed-use development to be constructed within the Mosaic District. The CDA Bonds are payable primarily from certain incremental real estate tax revenues collected by the County in the District and certain special assessments imposed and collected within the by the County within the Mosaic District. The payment of incremental real estate tax revenues and special assessments, as applicable, by the County to the CDA to be used for debt service payments on the CDA Bonds is subject to appropriation by the County. As of October 1, 2014, $46,980,000 of the CDA Bonds issued in June 2011 remain outstanding and $18,670,000 of the CDA Bonds issued in July 2011 remain outstanding.

[Placeholder for TIFIA paragraph]

[Debt Service on Tax Supported Debt Obligations – to be updated]

Total principal and interest payments on the County's outstanding tax supported debt obligations, including general obligation bonds and other tax supported debt obligations are presented in the following table:

Fiscal Year Ending June 30	General Obligation Bonds Principal	General Obligation Bonds Interest[2]	Other Tax Supported Debt Obligations[1] Principal	Other Tax Supported Debt Obligations[1] Interest	Total[3]
2015	$181,790,000	$92,767,780	$ 48,534,502	$ 24,248,379	$347,340,661
2016	175,455,000	83,417,601	29,759,094	25,263,898	313,895,593
2017	168,750,000	75,976,969	30,438,849	24,250,772	299,416,590
2018	158,800,000	68,558,979	36,553,773	22,958,772	286,871,524
2019	156,990,000	61,156,234	37,198,872	21,320,878	276,665,984
2020	148,690,000	54,222,875	24,059,151	20,050,361	247,022,387
2021	141,425,000	47,758,824	24,609,618	18,980,624	232,774,065
2022	132,490,000	41,760,909	25,165,278	17,870,211	217,286,398
2023	123,740,000	35,737,056	25,766,139	16,729,010	201,972,205
2024	114,035,000	30,084,399	22,653,724	15,636,359	182,409,482
2025	108,650,000	24,292,649	23,250,000	14,622,266	170,814,915
2026	98,970,000	20,169,269	23,552,500	13,588,846	156,280,615
2027	90,265,000	16,505,615	23,885,000	12,536,687	143,192,302
2028	78,215,000	12,956,488	24,585,000	11,467,314	127,223,801
2029	66,495,000	9,552,630	25,320,000	10,360,909	111,728,539
2030	56,520,000	6,488,375	26,030,000	9,200,538	98,238,913
2031	43,035,000	4,223,475	26,865,000	7,994,105	82,117,580
2032	34,405,000	2,421,375	27,730,000	6,735,521	71,291,896
2033	23,530,000	1,050,775	26,685,000	5,421,092	56,686,867
2034-2042	13,215,000	264,300	99,615,000	14,633,046	127,727,346
Total[3]	$2,115,465,000	$689,366,575	$632,256,501	$313,869,585	$3,750,957,661

Source: Fairfax County Department of Management and Budget

[1] Does not reflect anticipated payments by the United States Treasury with respect to the County's Public Improvement Bonds Series 2009E (Federally Taxable - Build America Bonds).

[2] Includes the debt service on the Series 2013A Notes relating to the purchase of the Crescent Apartments complex, including the $21,465,000 principal amount of the Series 2013A Notes due on March 1, 2015, which is expected to be refinanced.

[3] Totals may not add due to rounding.

[4] [Amounts listed are as of June 30, 2013. Does include, however, debt service on the County's Public Improvement Refunding Bonds, Series 2014B, the 2013 VRA Bond, the 2013 Loan and the 2014 County Facilities Projects Bonds each of which were incurred after June 30, 2013.]

Sewer Revenue Bonds

In 1986, the County issued $75 million of an authorized $179 of million sewer revenue bonds pursuant to a General Bond Resolution adopted by the Board of Supervisors (the "General Bond Resolution"). The proceeds were expended to finance the expansion of the wastewater treatment facilities at the Noman M. Cole, Jr., Pollution Control Plant from 36 mgd to 54 mgd and the County's share of the cost of expanding facilities at the District of Columbia's Blue Plains Wastewater Treatment Plant. The treatment capacity of the Blue Plains Plant expanded from 309 mgd to 370 mgd, and the County's share increased from 16.02 mgd to 31.0 mgd. In 1993, the County issued $72.1 million sewer revenue refunding bonds to advance refund for debt service savings a portion of its outstanding sewer revenue bonds. In July 1996, the County issued the remaining authorized but unissued $104 million sewer revenue bonds to finance additional expansion and improvements to its Noman M. Cole, Jr., Pollution Control Plant. On November 15, 2003, the County redeemed from available funds of the Integrated Sewer System the outstanding balance of its 1993 sewer revenue refunding bonds. On October 14, 2004, the County issued its $94.005 million sewer revenue refunding bonds to advance refund for debt service savings all of the callable 1996 sewer revenue bonds. On June 17, 2009, the County issued its $152.255 million sewer revenue bonds to finance a portion of the upgrade costs allocable to the County at

certain wastewater treatment facilities that are owned by, or that provide service to, the County, the purchase of additional capacity at certain wastewater treatment facilities for the benefit of the County and the costs of certain additions, extensions and improvements to the County's sewage collection, treatment and disposal systems. On August 8, 2012, the County issued its $90.710 million sewer revenue bonds to finance a portion of capital improvement costs allocable to the County at certain wastewater facilities that are owned by or that provide service to, the County, which are required by the Commonwealth to reduce nitrogen discharge, the purchase of additional capacity at certain wastewater treatment facilities for the benefit of the County and the costs of certain additions, extensions and improvements to the County's sewage collection, treatment and disposal systems. On April 16, 2014, the County issued its $61.755 million sewer revenue refunding bonds to advance refund for debt service savings a portion of the callable 2004 sewer revenue bonds.

Wastewater treatment capacity and services are also provided to the Integrated Sewer System pursuant to contracts with Arlington County, the Alexandria Renew Enterprises ("ARE"), the District of Columbia, and the Upper Occoquan Sewage Authority ("UOSA"), whereby the County is obligated to share the capital costs and associated debt service of certain facilities. The County's obligations to such entities are payable solely from the revenues of the Integrated Sewer System on a basis, under the General Bond Resolution, subordinate to its sewer revenue bonds, and are not general obligations of the County. Further information concerning these obligations is included in Notes J and K to the Basic Financial Statements shown in Appendix IV.

The County has entered into a service agreement with ARE that obligates the County for 60% of the cost of capacity of the ARE wastewater treatment plant and a joint use system, including debt service on ARE bonds issued for ARE system improvements where the County does not otherwise provide for its share of the capital cost of such improvements. The County's share of previous upgrades was $200 million. The County's share of additional upgrades, as estimated by ARE, is approximately $80 million. The County obtained permanent funding from the Virginia Water Facilities Revolving Fund in FY 2001 and again in FY 2002 for a portion of its share of the initial costs from the proceeds of two loans aggregating $90 million. The County issued to the Virginia Water Facilities Revolving Fund the County's $40 million subordinated sewer revenue bonds which now bear interest at the rate of 2.35% per annum and $50 million subordinated sewer revenue bonds which now bear interest at the rate of 2.35% per annum, in evidence of its obligation to repay the loans. The County expects to provide the balance of its share of the costs of ARE's improvement project from other borrowings and available Integrated Sewer System funds.

In January 1996, UOSA issued $330.86 million of bonds: $288.60 million to finance the cost of expanding its advanced wastewater treatment plant from 32 mgd to 54 mgd and $42.26 million to refinance certain of its outstanding bonds. In January 2004, UOSA refunded a portion of this debt for debt service savings and accordingly revised the participating member jurisdictions' debt service schedules. In November 2004, July 2005, and again in February 2007, UOSA refunded additional portions of its outstanding debt. In February of 2007, UOSA issued $90,315,000 of Regional Sewer System Revenue Refunding Bonds to advance refund another portion of the outstanding bonds issued in 1996. In December 2007, UOSA issued $119,715,000 in bonds to finance the expansion and replacement of certain systems within its wastewater treatment plant. In December 2010, UOSA issued $85.18 million in bonds to finance UOSA capital improvements including interceptor and pump delivery systems, nutrient reduction projects and miscellaneous plant and hydraulic improvements. See the table below for the County's debt service obligations on outstanding UOSA bonds. In 2013 UOSA issued two series of refunding bonds for debt service savings and accordingly reduced the participating member jurisdictions' debt service payment requirements.

The debt service on the County's outstanding sewer revenue bonds, its subordinated sewer revenue bonds payable to the Virginia Water Facilities Revolving Fund evidencing loans for a portion of the County's costs associated with the ARE improvement project, and its subordinated obligations payable for capacity under its contract with UOSA, is reflected in the following table.

	Sewer Revenue Bonds		Other Sewer Debt Service Obligations		
Fiscal Year Ending June 30	**Principal**	**Interest**	**SRF/VRA[1]**	**UOSA[2]**	**Total[3]**
2015	$7,615,000	$12,909,756	$6,203,277	$20,604,047	$47,332,080
2016	7,655,000	13,241,350	6,203,277	20,728,134	47,827,761
2017	7,980,000	12,938,500	6,203,277	20,726,324	47,848,101
2018	8,365,000	12,562,625	6,203,277	20,718,077	47,848,980
2019	8,810,000	12,133,250	6,203,277	20,704,969	47,851,497
2020	9,295,000	11,680,625	6,203,277	20,695,221	47,874,124
2021	9,780,000	11,203,750	6,203,278	20,336,891	47,523,919
2022	10,295,000	10,701,875	3,412,199	23,310,214	47,719,287
2023	10,835,000	10,173,625	-	20,862,983	41,871,608
2024	11,410,000	9,617,500	-	20,848,373	41,875,873
2025	11,985,000	9,055,650	-	20,889,455	41,930,105
2026	12,510,000	8,542,325	-	28,398,071	49,450,396
2027	13,020,000	8,058,950	-	21,703,416	42,782,366
2028	13,530,000	7,548,713		21,682,488	42,761,201
2029-2043	153,495,000	51,546,163	-	125,721,516	330,762,679
Total	$296,580,000	$201,914,656	$46,835,141	$427,930,179	$973,259,975

Source: Fairfax County Department of Public Works and Environmental Services

[1] Debt service on the County's subordinated sewer revenue bonds issued to the Virginia Water Facilities Revolving Fund evidencing the County's obligation to repay $90 million in loans made to the County by Virginia Resources Authority from the Fund.

[2] Based on the County's share of scheduled UOSA debt service. Does not reflect any anticipated payments by the United States Treasury on outstanding UOSA Build America Bonds.

[3] Totals may not add due to rounding.

[4] Amounts are as of June 30, 2014.

Debt Ratios

The following data show trends in the relationship of the general obligation bond indebtedness of the County to the estimated market value of taxable property in the County and to its estimated population and the trend of general obligation debt service requirements as a percentage of General Fund disbursements.

Trend of Debt as a Percentage of Estimated Market Value of Taxable Property (in 000s)

Fiscal Year Ended June 30	Bonded Indebtedness[1]	Estimated Market Value[2]	Percentage
2004	$1,814,517	$144,009,286	1.26%
2005	1,931,008	159,587,438	1.21
2006	1,963,218	194,378,020	1.01
2007	2,045,423	235,106,092	0.87
2008	2,109,908	245,338,140	0.86
2009	2,131,273	244,973,908	0.87
2010	2,318,699	222,951,827	1.04
2011	2,554,051	204,324,080	1.25
2012	2,734,135	210,318,077	1.30
2013	2,514,452	211,298,487	1.19

[1] *Source*: Fairfax County Comprehensive Annual Financial Report FY 2013. Bonded Indebtedness for Fiscal Year 2013 included herein differs from the data shown in Tables 3.1, 3.2 and 3.4 of the Statistical Section of the County's Fiscal Year 2013 Comprehensive Annual Financial Report based on the treatment of bond premium and discounts. In the Comprehensive Annual Financial Report, Fiscal Year 2013 Bonded Indebtedness represents principal outstanding plus unamortized premium (minus unamortized discount). In the table above, Bonded Indebtedness is based on outstanding principal without adjustment for unamortized premium or discount. The total includes General Obligation Bonds and other tax supported debt payable from the General Fund including the County's obligation to make payments with respect to "Other Tax Supported Debt Obligations."

[2] Estimated market value is based on recorded values as of January 1 of the prior fiscal year, and reflects the original book value and does not reflect any adjustments made during the fiscal year.

Debt Per Capita

Fiscal Year Ended June 30	Bonded Indebtedness (in 000s)[1]	Estimated Population (in 000s)[2]	Bonded Indebtedness Per Capita	Fairfax County Per Capita Income[3]	Debt Per Capita as Percentage of Per Capita Income[4]
2004	$1,814,517	1,022	$1,775	57,547	3.08%
2005	1,931,008	1,034	1,868	61,837	3.02
2006	1,963,218	1,037	1,893	64,698	2.93
2007	2,045,423	1,042	1,964	67,691	2.90
2008	2,109,908	1,046	2,018	70,822	2.85
2009	2,131,273	1,052	2,026	69,241	2.93
2010	2,318,699	1,082	2,144	67,094	3.10
2011	2,554,051	1,104	2,313	64,637	3.45
2012	2,734,135	1,119	2,444	68,847	3.78
2013	2,514,452	1,131	2,223	68,847	3.23

[1] *Source*: Fairfax County Comprehensive Annual Financial Report FY 2013. Bonded Indebtedness for Fiscal Year 2013 included herein differs from the data shown in Tables 3.1, 3.2 and 3.4 of the Statistical Section of the County's Fiscal Year 2013 Comprehensive Annual Financial Report based on the treatment of bond premium and discounts. In the Comprehensive Annual Financial Report, Fiscal Year 2013 Bonded Indebtedness represents principal outstanding plus unamortized premium (minus unamortized discount). In the table above, Bonded Indebtedness is based on outstanding principal without adjustment for unamortized premium or discount.
[2] U.S. Census Bureau, 1970, 1980, 1990, 2000 and 2010 Decennial Censuses, 2001 to 2025 estimates and forecasts, Fairfax County Department of Neighborhood and Community Services.
[3] Source: Bureau of Economic Analysis (BEA), U.S. Department of Commerce, 2002-2008 and Fairfax County Department of Management and Budget 2009-2013.

Debt Service Requirements as a Percentage of General Fund Disbursements (in 000s)

Fiscal Year Ended June 30	Debt Service Requirements[1]	General Fund Disbursements	Percentage
2004	$213,027	$2,594,726	8.21%
2005	224,544	2,799,800	8.02
2006	239,326	3,033,283	7.89
2007	253,433	3,224,338	7.86
2008	267,624	3,320,397	8.06
2009	276,105	3,354,860	8.23
2010	277,370	3,309,905	8.38
2011	285,551	3,343,689	8.54
2012	288,302	3,419,953	8.43
2013	289,714	3,533,098	8.20

Source: Fairfax County Comprehensive Annual Financial Report FY 2013
[1] The Debt Service Requirements include total principal and interest payments on the County's outstanding tax supported debt obligations, including all debt listed under the heading "Other Tax Supported Debt Obligations."

Underlying Bonded Indebtedness

The following table shows the underlying bonded indebtedness of towns within the boundaries of Fairfax County as of June 30, 2013:

Town of Vienna	Storm Drainage/Street Improvement/Water and Sewer/Public Buildings	$16,638,379
Town of Herndon	Recreational Complex/Water and Sewer/Recreational Facilities	15,459,658
Total Underlying Indebtedness		$32,098,037

Source: Fairfax County Comprehensive Annual Financial Report 2013, Town of Vienna, Town of Herndon

These underlying general obligation bonds are obligations of the respective towns only and are not obligations of Fairfax County.

The bonds, notes and other obligations of Fairfax Water, the Fairfax County Park Authority, the Fairfax County Industrial Development Authority, the Fairfax County Economic Development Authority, the Fairfax County Redevelopment and Housing Authority, the Northern Virginia Health Center Commission, the Northern Virginia Transportation Commission, and the Mosaic District Community Development Authority are not obligations of the County.

TAX BASE DATA

Fairfax County annually reassesses approximately 359,034 parcels of real property employing a computer assisted mass reassessment program for both residential and non-residential properties. The County uses a statistic called the coefficient of dispersion (the "Coefficient of Dispersion") which measures the uniformity of assessment to sale ratios among properties. The lower the coefficient of dispersion, the more uniform the assessment. The overall Coefficient of Dispersion in Fairfax County for tax year 2012 (FY 2013) was 4.0%, and the assessment to sales price ratio was 0.93. A Coefficient of Dispersion of 15% is considered good by professional assessing standards. The County falls into the excellent category, indicating a high degree of assessment uniformity and equity.

The assessed value for FY 2015 of the real estate tax base, as reported for calendar year 2014 assessments in the main tax book for Fairfax County, increased by 5.4% in value from the prior year.

The data in the following five tables are presented to illustrate trends and characteristics of the assessed value of real and personal property which are major sources of County-derived revenue:

Assessed Value of All Taxable Property[1]

Fiscal Year	Real Property	Personal Property	Total
2004	$129,215,116,649	$14,005,217,597	$143,220,334,246
2005	144,643,064,429	13,618,244,620	158,261,309,049
2006	177,877,141,169	14,310,177,208	192,187,318,377
2007	217,461,663,192	14,885,684,962	232,347,348,154
2008	226,344,848,687	14,968,086,737	241,312,935,424
2009	226,983,531,614	15,516,080,309	242,499,611,923
2010	204,047,166,164	14,502,191,112	218,549,357,276
2011	185,755,271,151	14,767,968,334	200,523,239,485
2012	192,062,068,734	15,265,499,862	207,327,568,596
2013	198,178,754,789	16,053,881,534	214,232,636,323
2014	205,045,008,994	16,420,356,751	221,465,365,745
2015[2]	216,866,568,287	16,489,443,036	233,356,011,323

Source: Fairfax County Department of Tax Administration. All years included figures for the Public Service Corporation. All Public Service Corporation real property assessments are required under Virginia law to be made at 100% of estimated market value annually by the State Corporation Commission.
[1] Figures are net of exonerated assessments and tax relief for the elderly and disabled.
[2] FY Adopted Budget Plan estimate per Fairfax County Department of Management and Budget.

Tax Rates per $100 Assessed Value
(Fiscal Year)

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Real Estate – Regular and Public Service	$1.00	$.89	$.89	$ .92	$1.04	$1.09	$1.07	$1.075	$1.085	$1.09
Personal Property – Regular	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57
Personal Property – Public Service	1.00	.89	.89	.92	1.04	1.09	1.07	1.075	1.085	1.085
Personal Property – Machinery and Tools	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57
Personal Property – Development	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57
Personal Property – Mobile Homes	1.00	.89	.89	.92	1.04	1.09	1.07	1.075	1.085	1.09
Personal Property – Special[1]	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01

Source: Fairfax County Adopted Budgets, FY 2005-FY 2015
[1] Includes vehicles specially equipped for the handicapped, privately owned vans used for van pools, vehicles belonging to volunteer fire and rescue squad members, vehicles owned by auxiliary police and reserve deputy sheriffs, certain property of homeowners associations, antique cars, aircraft, including flight simulators, and motor vehicles owned by qualified elderly or disabled individuals, and boats.

Commercial-Industrial Percentage of the Total Assessed Value of Real Property[1]

Fiscal Year[2]	Percent (%)[3]
2006	17.36
2007	17.22
2008	19.23
2009	21.06
2010	22.67
2011	19.70
2012	19.64
2013	20.77
2014	19.96
2015	19.01

Source: Fairfax County Department of Tax Administration
[1] Assessed values are reported by State of Virginia Land Use Codes. Vacant land is defined according to zoning classification.
[2] Fiscal year property taxes are levied on prior year assessments.
[3] Includes the Towns of Vienna, Herndon and Clifton.

The following data show the assessed value of real property of the 25 largest holders of real property in the County (as of January 1, 2014).

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Top 25
Holders of Real Property in Fairfax County
As of January 1, 2014

Rank	Property Owner	Property Type	Total Assessment[1]
1	Tysons Corner Property Holdings LLC	Tysons Corner Regional Shopping Mall	$1,295,238,660
2	Fairfax Company Of Virginia LLC	Fair Oaks Mall	403,630,310
3	Cesc Skyline LLC	Commercial & Industrial	343,114,760
4	Camden Summit Partnership LP	Apartments	336,172,190
5	Federal Home Loan Mortgage Corp.	Office and Residential	331,851,560
6	Washington Gas Light Co	Public Utility	302,803,787
7	Sri Seven Fair Lakes LLC	Commercial & Industrial	252,124,340
8	Reston Town Center Property LLC	Commercial & Retail	249,389,560
9	Ps Business Parks LP	Industrial Parks	248,863,520
10	Patriot Village Owner	Apartments	241,747,820
11	Homart Newco One Inc	Commercial & Industrial	235,017,410
12	South Office Market LLC	Office	222,125,960
13	Writ LP	Office, Apartments, Industrial, and Shopping Centers	218,227,900
14	Aimco Riverside Park LLC	Apartments	215,936,300
15	Home Properties Mount Vernon LLC	Apartments and Office	213,670,510
16	Capital One Bank	Office	196,585,130
17	Mobil Fairfax Inc	HQ Office and Various Commercial	192,964,470
18	Mitre Corporation	Office	189,845,830
19	Gannett Co Inc	Office	184,413,120
20	Eqr-Skyline Towers LLC	Apartments and Office	179,418,760
21	Fairfax Owner LLC	Office	173,018,150
22	Metropark 2345 LLC	Office	172,652,220
23	Franconia Two LP	Office	165,990,870
24	Brandywine Acquisition Partners LP	Office	165,235,820
25	Springfield Station LLC	Office	160,187,230
		Total	**$6,890,226,187**

Source: Fairfax County Department of Tax Administration, January 1, 2014, tax rolls

[1] As of January 1, 2014, the assessed value of the real property of the 25 largest holders of real property in the County represented 3.39% of the total assessed value of all real property in Fairfax County, excluding tax-exempt properties. January 1, 2014, assessments generate tax revenue in FY 2014.

Real and Personal Property
Tax Levies and Tax Collections

Fiscal Year	Total Levy[1]	Current Collections[2]	% of Total Levy Collected[3]	Collection of Delinquent Taxes	Total Current & Delinquent Taxes	% of Total Levy & Delinquent Taxes
2006	$2,270,001,560	$2,253,875,705	99.29%	$27,523,583	$2,281,399,288	100.50%
2007	2,445,217,224	2,436,800,582	99.66%	25,358,430	2,462,159,012	100.69%
2008	2,526,532,291	2,517,345,644	99.64%	22,348,830	2,539,694,474	100.52%
2009	2,616,413,372	2,597,768,048	99.29%	23,406,200	2,621,174,248	100.18%
2010	2,617,630,834	2,611,825,961	99.78%	21,900,682	2,633,726,643	100.61%
2011	2,529,322,489	2,519,767,097	99.62%	22,696,208	2,542,463,305	100.52%
2012	2,578,579,112	2,563,131,721	99.40%	22,034,282	2,585,166,003	100.26%
2013	2,685,186,192	2,679,668,935	99.79%	18,659,978	2,698,328,913	100.49%
2014	2,789,010,004	2,776,199,493	99.54%	21,735,390	2,797,934,883	100.32%
2015	2,934,520,721	2,919,651,406	99.49%	19,221,607	2,938,873,013[4]	100.15%

Sources: Fairfax County Department of Management and Budget and Department of Tax Administration
[1] The total levy is the levy for General Fund real and personal property taxes and does not include the property tax levy for Special Revenue Funds, *e.g.* for refuse collection and community centers.
[2] Current collections do not include tax collections for the Special Revenue Funds or payments in lieu of taxes. As a result of revised accounting procedures, the collection of penalty and interest payments for late payments of current taxes is included in the collection of current taxes rather than under the collection of back taxes.
[3] The percentage of levy is not the collection rate since current collections also include penalty and interest payments for late payments of current taxes.
[4] FY 2015 Adopted Budget per Fairfax County Department of Management and Budget and Department of Tax Administration.

Section 58.1-3916 of the Code of Virginia authorizes Fairfax County, pursuant to Section 4-10-1 of the County Code, to impose a penalty of 10% for failure to pay taxes when due, with interest to be due on such taxes and penalty following the day such taxes are due at the rate of 10% per annum the first year and at the greater of 10% per annum and the rate established pursuant to Section 6621 of the Internal Revenue Code for the second and subsequent years of delinquency.

FINANCIAL INFORMATION

[Five Year Summary of Revenues, Expenditures and Fund Balances for General, Special Revenue and Debt Service Funds – update]

The financial data shown in the following table represent a summary for the five fiscal years ended June 30, 2013, of the revenues, expenditures, and fund balances accounted for in the County's General Fund, Special Revenue Funds, and Debt Service Funds, and, in accordance with Statement No. 14 of the Governmental Accounting Standards Board, in the comparable, primary government-appropriated funds of the discretely reported component units. The summaries for the five fiscal years ended June 30, 2013, have been compiled from the financial statements of the County for the respective years and should be read in conjunction with the related financial statements and notes thereto.

	Fiscal Years Ended June 30,				
	2009	2010	2011	2012	2013
Revenues:					
Taxes[1]	$2,843,368,005	$2,889,531,062	$2,848,580,425	$2,898,255,803	$3,026,313,822
Permits, privilege fees, and regulatory licenses	41,148,793	47,681,442	55,402,463	59,935,796	62,411,104
Fines and forfeitures	16,507,756	15,065,700	16,645,115	17,230,369	16,842,952
Revenue from the use of money and property	61,527,372	38,959,091	37,124,786	35,234,063	36,081,802
Charges for services and recovered costs	485,293,893	411,214,184	428,046,963	441,423,501	449,653,765
Intergovernmental	1,014,053,353	1,042,227,100	1,106,149,358	1,113,147,729	1,226,117,736
Miscellaneous	12,010,402	11,687,915	11,248,827	13,780,036	12,797,703
Total revenues	$4,473,909,574	$4,456,366,494	$4,503,197,937	$4,579,007,297	$4,830,218,884
Expenditures and transfers:					
General governmental administration	$ 147,666,875	$ 141,269,734	$ 165,348,601	$ 178,269,343	$ 179,785,573
Judicial administration	43,241,720	37,838,681	49,781,817	49,461,933	45,919,569
Public safety	581,163,408	575,374,119	573,438,199	595,235,346	642,126,633
Public works	199,877,925	203,795,365	205,652,599	210,031,358	214,679,613
Health and welfare	488,089,767	487,497,996	540,186,138	555,316,485	540,103,616
Parks, recreation and cultural	110,841,317	98,359,159	80,116,456	84,076,869	83,966,114
Community development	197,475,489	210,638,852	364,724,482	408,614,331	365,399,785
Education[2]	2,263,603,776	2,196,207,759	2,213,823,884	2,324,927,087	2,497,492,021
Debt service	301,160,663	301,280,384	320,697,058	330,670,748	343,425,315
Net transfers to other funds[3]	(2,863,061)	22,318,350	23,347,426	69,324,474	39,320,313
Total expenditures and transfers	$4,330,257,879	$4,274,580,399	$4,537,116,660	$4,805,927,974	$4,952,218,552
Excess (deficiency) of revenues over expenditures and transfers	$143,651,695	$181,786,095	($33,918,723)	(226,920,677)	(121,999,668)
Other Financing Sources:					
Revenue bonds issued			266,704,702	107,645,374	48,709,053
Fund balance, beginning of year[4]	719,469,009	863,218,017	1,016,824,844	1,257,018,819	1,167,930,245
Adjustment of fund balance, beginning of year	-	10,538,045	37,439,914	30,031,918	-
Increase (decrease) in reserve for inventories of supplies	97,313	(1,277,399)	-	154,811	(95,516)
Fund balance, end of year	$ 863,218,017	$1,043,726,713	$1,287,050,737	$1,167,930,245	$1,094,544,114

Source: Fairfax County Comprehensive Annual Financial Reports for the fiscal years ended June 30, 2009-2013.

[1] Taxes include real estate, personal property, sales, recordation, business, professional, and other licenses and miscellaneous other taxes.

[2] Teachers' salaries accounted for in the School Operating Fund are paid by contract over a twelve-month period ending in August. Consequently, in order to reflect the total teachers' salaries in the fiscal year the services are rendered, an accrual is made at the end of each fiscal year for the payroll liability arising from those teachers' salaries to be paid in the first two months of the succeeding fiscal year.

[3] The inter-fund transfers among the funds presented have been eliminated.

[4] Fund balance includes amounts reserved for inventories of supplies. Beginning in FY 2011, inventories of supplies were reported as an increase or decrease in fund balance only if the inventories deemed significant in relation to the total fund balance.

Financial Policies

The Board of Supervisors has been guided by long-standing financial policies and guidelines in the conduct of financial management. The governing statement of financial policy is contained within the Ten Principles of Sound Financial Management ("Ten Principles"). Adopted by the Board of Supervisors in 1975 and amended as needed to address changing economic conditions and management practices, the Ten Principles have been reaffirmed and have guided each succeeding Board of Supervisors to establish strong fiscal management tools and practices. The Ten Principles provide for the integration of land use planning with capital and operating budgets; establish guidelines for the development of annual balanced budgets; stress the importance of maintaining positive cash balances; establish firm not to exceed limits to debt ratios; provide guidance on cash management, internal controls, and performance measurement; provide guidelines restricting the proliferation of underlying debt and use of moral obligation financing; and encourage the development of a diversified economy within the County.

Other policies and tools that have been designed to enhance the impact of the Ten Principles include annual adoption of budgetary guidelines, formal establishment of various expenditure, revenue, and special purpose reserves, capital improvement planning guidelines, policies for risk management, guidelines for acceptance of grant awards, and planning for information technology. Various tools in active use by the County include the annual budget, the Capital Improvement Program, revenue and financial forecasts, and management initiatives such as a performance measurement program, a pay-for-performance management system, workforce planning, and various information technology initiatives.

Certain Financial Procedures

Description of Funds

The County's annual audited financial statements include the funds administered by the Board of Supervisors and the School Board. The accounts of the County are organized on the basis of funds, each of which is considered to be a separate accounting entity. The transactions in each fund are accounted for by providing a separate set of self-balancing accounts which comprise its assets, liabilities, fund balance, revenues, and expenditures.

Annual Financial Statements

The County has no legal authority to borrow in anticipation of future years' revenues, except by the issuance of bonds or bond anticipation notes.

Prior to the beginning of each fiscal year, the Board of Supervisors adopts a budget plan consisting of contemplated expenditures and estimated revenues for such fiscal year. On the basis of the adopted budget plan, the Board of Supervisors appropriates funds for the expenditures, and establishes tax rates sufficient to produce the revenues, contemplated in the budget plan.

The annual budgeting process for a fiscal year begins in the first quarter of the previous fiscal year with the submission by agency directors of budget requests to the Department of Management and Budget. During the second quarter, budget requests are reviewed and meetings between the County Executive, Deputy County Executives, and agency directors are held to discuss agency requests. Upon receipt of the preliminary budget of the School Board in the third quarter, the County Executive prepares an initial budget for submission to the Board of Supervisors and proposes tax rates sufficient to produce revenues needed to meet expenditures contemplated in the initial budget. After work sessions with the Board of Supervisors and public hearings on the proposed budget, changes are made and the final budget is adopted. Tax rates are established prior to the beginning of the fiscal year for which the budget is prepared.

During the fiscal year, quarterly reviews of revenue and expenditures are undertaken by the County Department of Management and Budget. On the basis of these reviews, the Board of Supervisors revises appropriations as needed or desired.

In 1982, the Board of Supervisors adopted a financial policy requiring maintenance of a "managed reserve" in the General Fund beginning on July 1, 1982, at a level not less than 2% of General Fund disbursements. This reserve has been incorporated in the budget each fiscal year. This reserve was implemented to provide for temporary financing of unforeseen needs of an emergency nature and to permit orderly adjustment to changes resulting from termination of revenue sources through actions of other governmental bodies. In 1985, the Board of Supervisors adopted a policy on appropriations during quarterly budget reviews, which provides that non-recurring revenues should be used for either capital expenditures or other non-recurring expenditures and that quarterly review adjustments are not to exceed

2% of the General Fund disbursements. In addition, on September 13, 1999, the Board of Supervisors established a Revenue Stabilization Fund with a goal of reaching 3% of General Fund disbursements. As of the FY 2006 Third Quarter Review, the Revenue Stabilization Fund was fully funded at 3% of General Fund disbursements. This reserve continues to be fully funded and currently totals $102.8 million. This reserve is designed to address ongoing requirements in years of significant economic downturn. Criteria for withdrawals from the Revenue Stabilization Fund include (1) projected revenues must reflect a decrease of greater than 1.5% from the current fiscal year estimate, (2) withdrawals must not exceed one-half of the fund balance in any fiscal year, and (3) withdrawals must be used in combination with spending cuts or other measures.

Investment Management Policy

The County's Division of Investments and Cash Management operates under the direction of the Investment Committee comprised of the Chief Financial Officer/Director of the Department of Management and Budget, the Director of the Department of Finance, the Director of the Department of Tax Administration, and the Deputy Director of the Department of Finance. Guided by a formal investment policy, the Committee continually reviews the County's investment policies and strategies and monitors daily investment activity.

During FY 2013, the County's average portfolio size (which includes investments in the General Fund, Special Revenue Funds, and Enterprise Funds) was approximately $2.85 billion. The funds are invested in U.S. Treasury obligations, obligations of the Federal Home Loan Mortgage Corporation, Federal Home Loan Banks, Federal Farm Credit Bank, and Fannie Mae, bankers' acceptances, commercial paper (rated A1/P1 or higher), negotiable and non-negotiable and insured certificates of deposit, money market mutual funds limited to government obligations, corporate notes, bank notes, and other investments permitted under Virginia law for these purposes.

The County's investment policy, which governs the pooled cash, and general obligation bond proceeds, portfolios prohibits investment in instruments generally referred to as derivatives, and the County does not employ leverage in its investments.

The Association of Public Treasurers of the United States and Canada has awarded the County a certification for its investment policy each year since 1998. To achieve certification, an investment policy must establish standards recognized in the profession as fostering prudent management of public funds.

General Fund Revenues, Expenditures, Transfers and Beginning Fund Balance

The General Fund is maintained by the County to account for revenue derived from Countywide ad valorem taxes, other local taxes, licenses, fees, permits, charges for services, certain revenue from federal and State governments, and interest earned on invested cash balances of the General Fund and Capital Project Funds. General Fund expenditures and transfers include the costs of general County government, transfers to the School Operating Fund to pay the local share of operating Fairfax County public schools, and transfers to the Debt Service and Capital Projects Funds to pay debt service on County general obligation bonds and for certain capital improvement projects.

General Fund Summary

Shown below are the County's revenues, expenditures, transfers, and beginning fund balance of the General Fund for FY 2009 through FY 2013.

General Fund Revenues, Transfers, and Beginning Fund Balance
(in thousands)

	Fiscal Year Ended June 30				
	2009	2010	2011	2012	2013
General Property Taxes	$2,364,260	$2,412,143	$2,321,809	$2,364,202	$2,477,040
Other Local Taxes	460,417	460,147	505,518	517,376	530,960
Permits, Privilege Fees, and Regulatory Licenses	24,494	28,666	34,267	36,844	38,201
Fines and Forfeitures	16,477	14,943	16,563	17,147	16,792
Revenue from the Use of Money and Property	42,554	22,641	19,988	19,624	18,555
Charges for Services and Recovered Costs	70,237	68,916	64,103	66,804	76,242
Intergovernmental	355,798	343,997	348,640	347,751	339,758
Miscellaneous	826	673	13,932	13,497	1,305
Transfers In and Beginning Fund Balance	297,758	306,064	396,482	388,970	363,702
Total	$3,632,821	$3,658,190	$3,721,302	$3,772,215	$3,862,555

Source: Fairfax County Comprehensive Annual Financial Reports for FY 2009-FY 2013

General Fund Expenditures and Transfers
(in thousands)

	Fiscal Year Ended June 30				
	2009	2010	2011	2012	2013
Transfer to School Operating Fund	$1,626,601	$1,626,601	$1,611,590	$1,610,835	$1,683,322
Costs of General County Government	1,354,845	1,304,385	1,372,007	1,444,498	1,474,374
Transfer to Debt Service Funds	267,801	274,700	281,869	276,520	281,610
Transfer to Capital Project Funds	21,907	20,895	15,908	19,627	17,055
Transfer to Metro Construction and Operations Fund	7,510	7,410	7,410	11,298	11,298
Other Transfers	74,974	58,744	56,119	55,766	65,628
Total	$3,353,638	$3,292,735	$3,344,903	$3,418,544	$3,533,287

Source: Fairfax County Comprehensive Annual Financial Reports for FY 2009-FY 2013

Revenues

The following is a discussion of the General Fund revenue structure.

General Property Taxes – An annual ad valorem tax is levied by the County on the assessed value of real and tangible personal property located within the County as of January 1 preceding the fiscal year in which such tax is due. The personal property tax on motor vehicles that acquire situs within the County or have title transferred on or after January 2 is prorated on a monthly basis. Real property and personal property are assessed at 100% of fair market value. Real property taxes are due on July 28 and December 5 of the fiscal year in which they are levied. The payment date for personal property taxes is October 5. The penalty for late payment is 10% of the amount due, and interest on delinquent taxes and

penalties accrues at a rate of 1% per annum for real estate taxes and 5% per annum for personal property taxes. In cases of property on which delinquent taxes are not paid within three years, the County may sell the property at public auction to pay the amounts due. There is no legal limit at the present time on the property tax rates that may be established by the County. Property taxes (including delinquent payments, penalties, and interest) accounted for 70.8% of total General Fund revenues in FY 2013. However, this percentage does not include the reimbursement from the Commonwealth of Virginia for a portion of the personal property tax. Including the reimbursement reflected in Intergovernmental revenue, the percentage of revenue from property taxes in FY 2013 79.5%. A discussion concerning the Commonwealth's plan to reduce personal property taxes follows.

During its 1998 Special Session, the General Assembly of Virginia enacted legislation to reduce personal property taxes applicable to individually owned motor vehicles. The reduction, which applies to the first $20,000 in assessed value, was scheduled to be phased in over a five year period. The legislation states that the Commonwealth will reimburse local governments for the revenue lost from the reduction in personal property tax collections. In fiscal years subsequent to the legislation personal property taxes paid by citizens steadily reduced until such reduction equaled 70% in 2002. Due to Commonwealth budget constraints, the 2003 Virginia General Assembly temporarily froze the tax reduction at 70%. The 2005 General Assembly revised this measure further to limit its tax relief payments to all localities to a total of $950 million per tax year beginning with 2006 (fiscal year 2007). The County's fixed share of the $950 million is $211,313,944, as determined by its share of the total payments made to all localities by the Commonwealth during calendar years 2004 and 2005 for tax year 2004 (fiscal year 2005). The County's total personal property tax collections for FY 2013 were $564.9 million, comprised of $353.6 million paid by taxpayers and $211.3 million reimbursed by the Commonwealth of Virginia.

Other Local Taxes – The County levies various other local taxes, including a 1% local sales tax (collected by the Commonwealth and remitted to the County), a tax on consumer utility bills based on consumption for gas and electric services and a 5% communications sales tax which is imposed on the charge for or sale of communications services. Also included in this category is a cigarette tax of $0.30 per pack, property recordation taxes, an automobile license tax, and various businesses, professional, and occupational licenses taxes. These taxes accounted for 15.2% of total General Fund revenues in FY 2013.

Permits, Privilege Fees, and Regulatory Licenses – The County requires that licenses or permits be obtained in order to perform certain activities in the County and that fees be paid for services provided by certain County departments. These revenues represented 1.1% of total General Fund revenues for FY 2013.

Fines and Forfeitures – The sources of revenue in this category include court fines and penalties from the Circuit Court and the General District Court and court fines, costs from the Juvenile and Domestic Relations District Court and fines for traffic violations, misdemeanors, and felonies. In addition, the County receives revenues from parking violations as authorized under the County Code. Revenues in this category represented 0.5% of General Fund revenues in FY 2013.

Revenue from the Use of Money and Property – The principal sources of revenue to the General Fund from the use of money and property are interest on General Fund and Capital Project Fund investments and minor amounts of revenue from the sale and lease of County equipment and property. These revenues represented 0.5% of General Fund revenues in FY 2013.

Charges for Services and Recovered Costs – The principal sources of revenue to the General Fund from charges for services are County Clerk fees, school age child care fees, recreation fees, publication sales and various other services for which the County charges a fee. Revenues in this category represented 2.2% of General Fund revenues in FY 2013.

Intergovernmental Revenue – Intergovernmental revenue is comprised of revenue from the Commonwealth and revenue from the federal government. Revenues in this category represented 10.3% of General Fund revenues in FY 2013. This percentage includes the revenue that the County receives from the Commonwealth as reimbursement for the County's personal property tax. Each revenue source within intergovernmental revenue is discussed below.

Revenue from the Commonwealth – The County is reimbursed by the Commonwealth of Virginia for a portion of shared expenses, including certain expenditures for social services, the sheriff's office, courts, the Office of the Commonwealth Attorney, and other constitutional offices. Additionally, the County receives a share of the net profits from the State Alcoholic Beverage Control Board's liquor sales and state contributions to assist in meeting law enforcement expenditures. As mentioned in the section concerning General Property Taxes, the Commonwealth also reimburses the County for a portion of its personal property tax on vehicles. Including the reimbursement for the County's personal property tax, revenues from this category represented 9.7% of total General Fund revenues in the fiscal year ended June 30, 2013. Excluding this reimbursement, revenue from this category represented 3.6% of General Fund revenue in FY 2013. The County receives a significant amount of additional State aid in support of public school operations. These revenues are credited directly to the School Operating and School Lunch Funds, however, and are not reflected in the General Fund.

Revenue from the Federal Government – The principal sources of categorical federal aid to the General Fund are federal grant money supporting human service programs such as supplemental nutrition, temporary assistance for needy families, foster care, adoption assistance, and medical assistance for clients of the Department of Family Services. This revenue category represented 0.9% of General Fund revenues in FY 2013.

Miscellaneous Revenues – The sources of revenue in this category include the sale of land and buildings, contract rebates, and other miscellaneous sources. These revenue sources accounted for less than 0.1% of General Fund revenue in FY 2013.

Expenditures and Transfers

The following is a discussion of the major classifications of General Fund expenditures and transfers.

Transfer to School Operating Fund – The County transfers money from the General Fund to the School Operating Fund to pay the County's share of the costs of operating public schools in Fairfax County. This transfer represented approximately 47.6% of total disbursements from the General Fund in the fiscal year ended June 30, 2013. The transfer to the School Operating Fund was approximately 71.9% of total receipts of the School Operating Fund. Other revenues credited directly to the School Operating and School Lunch Funds include revenue from the Federal Government, the Commonwealth of Virginia, the City of Fairfax (representing tuition of students residing in the City of Fairfax who attend Fairfax County schools), and other revenue derived locally from sale of textbooks, school lunches, etc.

Costs of General County Government – The County pays the costs of general County government from the General Fund. These costs include expenditures for general government administration, judicial administration, public safety, public works, health and welfare, parks, recreational and cultural programs, and community development. This classification was approximately 41.7% of total General Fund disbursements in FY 2013.

Transfer to Debt Service Fund – The County transfers from the General Fund to the Debt Service Fund amounts sufficient to pay principal and interest on outstanding County and School debt including

general obligation bonds and EDA and FCRHA revenue bonds. Transfers to the Debt Service Fund represented 8.0% of total General Fund disbursements in FY 2013. Effective FY 2006, Fairfax County Public Schools (FCPS) transfers from its operating fund to the County's Debt Service Fund an amount sufficient to pay principal and interest on the outstanding School Board Building Bonds and the applicable portion of the 2014A County Facilities Projects Bonds.

Transfer to Capital Project Funds – The County transfers money from the General Fund to the Capital Project Funds to pay the cost of certain capital improvements. The General Fund transfer to the Capital Project Funds (except for the General Fund transfer for Fairfax County's obligations to WMATA, which is discussed below) represented 0.5% of total General Fund disbursements in FY 2013.

Transfer to Metro Construction and Operations Fund – The County is a member jurisdiction of WMATA and as such has agreed to make certain capital contributions in support of the construction by WMATA of a rail transit system to serve the Washington metropolitan area (which includes the County) and to pay a portion of the deficit incurred by WMATA in the operation of its bus system and rail system. The County generally has used bond proceeds to fund its capital contributions to WMATA and has transferred money from the General Fund to pay its share of the bus and rail operating subsidies. The General Fund transfer to the Metro Construction and Operations Fund to pay the County's share of the system's operating subsidies represented 0.3% of total General Fund disbursements in FY 2013. See the subsection herein entitled "GOVERNMENT SERVICES – Transportation" for a more complete discussion of the County's obligations with respect to WMATA.

Other Funds – The County transfers money from the General Fund to other funds for a variety of purposes. The General Fund transfer to other funds includes transfers to the County Transit Systems, Information Technology, Aging Grants and Programs, Community-Based Funding Pool, Housing Programs for the Elderly, Health Benefits Trust, and Equipment Management and Transportation Agency. Transfers to other funds were 1.9% of total General Fund disbursements in FY 2013.

Transfer to Revenue Stabilization Fund – Beginning in FY 2000, the County began setting aside money in the General Fund for a Revenue Stabilization Fund to address significant revenue reductions during severe, prolonged economic downturns. The Revenue Stabilization Fund represented 32.7% of the total fund balance in the General Fund as of June 30, 2013.

[FY 2015 Budget

On April 29, 2014, the Fairfax County Board of Supervisors approved the Fiscal Year 2015 Adopted Budget. The FY 2015 budget is based on General Fund Revenue increase of 4.2% over the FY 2014 Adopted Budget Plan. General Fund Disbursements total $3.72 billion, an increase of $129.9 million or 3.62% from the FY 2014 Adopted Budget Plan. The budget includes a real estate tax rate of $1.09 per $100 of assessed value, which is a half cent increase from the rate of $1.085 per $100 of assessed value as part of the FY 2014 Adopted Budget Plan. The total County transfer to support School Operating and Debt Service is $1.95 billion or 52.4% of total County disbursements. Updated projections in September 2014 provide for the FY 2015 budget to remain in balance.]

[FY 2016 Budget

As of September 2014, the County projects a $71.4 million shortfall in FY 2016, or approximately 2% of the FY 2015 Adopted Budget Plan. The FY 2016 Budget projection contemplates expenses for additional compensation adjustments of County employees and takes into consideration updated revenue data received to date. The FY 2016 Budget also assumes no change from the FY 2015 Adopted Budget Plan's real estate tax rate of $1.09 per $100 of assessed value, a 3% increase in the

transfer to schools, and an increase in the Pension Corridor Funding from 93% to 95%. The County Executive's budget is expected to be presented to the Board of Supervisors in February 2015.]

CAPITAL IMPROVEMENT PROGRAM

In connection with the County's adopted comprehensive land use plan, the Fairfax County Planning Commission annually prepares and submits to the Board of Supervisors a capital improvement program ("CIP") for the ensuing five-year period. The CIP is designed to balance the need for public facilities as expressed by the County's land use plan with the fiscal capability of the County to provide for those needs.

The CIP is an integral element of the County's budgeting process. The five-year document serves as a general planning guide for the construction of general purpose, school and public utility projects in the County. The CIP is updated and approved by the Board of Supervisors each year. This annual review process prompts careful attention to the development of reliable capital expenditure and revenue estimates and the timely scheduling of bond referenda.

In connection with the CIP process, the Board of Supervisors has adopted certain policy guidelines for the development and financing of the CIP. These guidelines include self-imposed restrictions on the issuance of general obligation bonds designed to keep General Fund supported debt service expenditures less than 10% of total Combined General Fund disbursements, and to maintain the ratio of bonded indebtedness to the market value of taxable property in the County at a level less than 3.0%.

The Board of Supervisors continues to review the County's debt program in light of current fiscal conditions and capital needs. Currently, general obligation bond sales for new money projects are limited to an average of $275 million per year with a maximum limit of $300 million in a single year. The CIP for fiscal years 2015-2019 (along with estimates for fiscal years 2020 to 2034) was approved by the Board of Supervisors on April 30, 2013. The County program includes new construction, renovation and renewal of school facilities, parks, housing development, revitalization, storm water management, public safety and courts, libraries, human services, solid waste, sewers, and transportation. Significant capital construction activity from FY 2015-2024 totaling $7.89 billion is anticipated for the County, in addition to $1.0 billion in regional parks, and water supply projects which are undertaken within the County to benefit County residents, but is not managed or funded directly by the County. The total capital construction activity to be financed by the County totals $8.89 billion from FY 2015-2024.

RETIREMENT SYSTEMS

Fairfax County administers four separate public employee retirement systems that provide pension benefits for various classes of County employees: Fairfax County Employees' Retirement System (ERS), Fairfax County Police Officers Retirement System (PORS), Fairfax County Uniformed Retirement System (URS), and the Educational Employees' Supplemental Retirement System of Fairfax County (ERFC). In addition, professional employees of the Fairfax County Public Schools participate in a plan sponsored and administered by the Virginia Retirement System.

The Fairfax County retirement systems investments are managed by independent professional investment managers. Investments in derivatives are not made for speculative purposes but may be used by investment managers to gain access to markets, to reduce risk, or to reduce transaction costs.

As of July 1, 2012 (December 31, 2012, for the Educational Employees' Supplemental Retirement System), the date of the latest actuarial valuations, membership in the reporting entity's plans consisted of the following:

Description	Primary Government			Component Unit – Public Schools
	ERS	PORS	URS	ERFC
Retirees and beneficiaries receiving benefits	6,888	876	1,109	9,788
Terminated employees entitled to, but not yet receiving, benefits	1,542	33	44	3,099
DROP participants	629	73	119	n/a
Active employees	14,107	1,276	1,870	21,519
Total number of plan members	**23,166**	**2,258**	**3,142**	**34,406**

Source: Fairfax County Comprehensive Annual Financial Report for FY 2013

Fairfax County Employees' Retirement System (ERS)

Plan Description

The Fairfax County Employees' Retirement System (ERS) is a cost-sharing multiple-employer defined benefit pension plan. The plan covers full-time and certain part-time employees of the reporting entity who are not covered by other plans of the reporting entity or the Virginia Retirement System (VRS).

Benefit provisions are established and may be amended by County ordinances. All benefits vest at five years of creditable service. To be eligible for normal retirement, an individual must meet the following criteria: (a) attain the age of 65 with five years of creditable service, or (b) attain the age of 50 with age plus years of creditable service being greater than or equal to 80. The normal retirement benefit is calculated using average final compensation (i.e., the highest 78 consecutive two week pay periods or the highest 36 consecutive monthly pay periods) and years (or partial years) of creditable service at date of termination. In addition, if normal retirement occurs before Social Security benefits are scheduled to begin, an additional monthly benefit is paid to retirees. The plan provides that unused sick leave credit may be used in the calculation of average final compensation by projecting the final salary during the unused sick leave period. The benefit for early retirement is actuarially reduced and payable at early termination.

Funding Policy

The contribution requirements of ERS members are established and may be amended by County ordinances. Members may elect to join Plan A or Plan B. Plan A requires member contributions of 4.0% of compensation up to the Social Security wage base and 5.33% of compensation in excess of the wage base. Plan B requires member contributions of 5.33% of compensation.

The County is required to contribute at an actuarially determined rate; the rate for the year ended June 30, 2013, was 18.49% of annual covered payroll. The Board of Supervisors decided to commit additional funding and adopted a rate of 19.05% for fiscal year 2013. In the event the ERS's funded ratio (the ratio of the actuarial value of assets to the actuarial accrued liability) exceeds 120% or falls below 90%, the contribution rate will be adjusted to bring the funded ratio back within these parameters.

Schedule of Fund Progress

Actuarial Valuation Date	Actuarial Value of Assets (000) (a)	Actuarial Accrued Liability (AAL) – Entry Age (000) (b)	Unfunded AAL (UAAL) (Funding Excess) (000) (b-a)	Funded Ratio (a/b)	Covered Payroll (000) (c)	UAAL (Funding Excess) as a Percentage of Covered Payroll ((b-a) / c)
7/1/2010	$2,636,052	$3,771,060	$1,135,008	69.90%	629,249	180.38%
7/1/2011	2,841,466	4,018,924	1,177,458	70.70	642,073	183.38
7/1/2012	3,053,412	4,264,175	1,210,763	71.61	642,639	188.40

Source: Fairfax County Comprehensive Annual Financial Report for FY 2013

Administration

There are ten members of the ERS Board of Trustees. Four members are appointed by the Board of Supervisors. Three members are elected representing the following groups: County employees, Schools employees, and retired employees. The Fairfax County Director of Human Resources and the Director of Finance serve as ex-officio members of the board, along with an appointee from the Schools.

Professional Services

An independent auditor and actuary are hired to provide service to the fund.

Fairfax County Police Officers Retirement Systems (PORS)

Plan Description

The Fairfax County Police Officers Retirement System (PORS) is a legally separate single-employer defined benefit pension plan established under the Code of Virginia. The plan covers County police officers who are not covered by other plans of the reporting entity or the VRS and former Park Police officers who elected to transfer to the PORS from the Uniformed Retirement System effective January 22, 1983.

Benefit provisions are established and may be amended by County ordinances. All benefits vest at five years of creditable service. To be eligible for normal retirement, an individual must meet the following criteria: (a) if employed before July 1, 1981, attain the age of 55 or have completed 20 years of creditable service, or (b) if employed on or after July 1, 1981, attain the age of 55 or have completed 25 years of creditable service. The normal retirement benefit is calculated using average final compensation and years (or partial years) of creditable service at date of termination. The plan provides that unused sick leave credit may be used in the calculation of average final compensation by projecting the final salary during the unused sick leave period. To be eligible for early retirement, the employee must have 20 years of creditable service (does not apply if hired before July 1, 1981). The benefit for early retirement is actuarially reduced and payable at early termination.

Funding Policy

The contribution requirements of PORS members are established and may be amended by County ordinances. Member contributions are based on 10.0% of compensation. The County contributes at a fixed rate as determined by an annual actuarial valuation, unless the PORS's funding ratio falls outside of a pre-determined range. Once outside the range, the rate is either increased or decreased to accelerate or decelerate the funding until the ratio falls back within the range. The range for the PORS is a minimum funding ratio of 90% and a maximum funding ratio of 120%. The actuarial rate for the year ended June 30, 2013, was 32.04% of annual covered payroll. The Board of Supervisors decided to commit additional funding and adopted a rate of 33.15% for fiscal year 2013.

Schedule of Fund Progress

Actuarial Valuation Date	Actuarial Value of Assets (000) (a)	Actuarial Accrued Liability (AAL) – Entry Age (000) (b)	Unfunded AAL (UAAL) (Funding Excess) (000) (b-a)	Funded Ratio (a/b)	Covered Payroll (000) (c)	UAAL (Funding Excess) as a Percentage of Covered Payroll ((b-a) / c)
7/1/2010	$899,543	$1,135,015	$235,472	79.25%	100,500	234.30%
7/1/2011	982,154	1,219,609	237,455	80.53	99,070	239.68
7/1/2012	1,035,444	1,286,841	251,397	80.46	101,121	248.61

Source: Fairfax County Comprehensive Annual Financial Report for FY 2013

Administration

There are seven members of the PORS Board of Trustees. Three members are appointed by the Board of Supervisors. Two members are active employee elected representatives, and one member is a retiree elected representative. The Fairfax County Director of Finance serves as an ex-officio member of the board.

Professional Services

Independent auditor, actuary and investment consultants are hired to provide service to the fund.

Fairfax County Uniformed Retirement System (URS)

Plan Description

The Fairfax County Uniformed Retirement System (URS) is a single-employer defined benefit pension plan. The plan covers uniformed employees including non-clerical employees of the Fire and Rescue Department and Office of Sheriff, Park Police, Helicopter Pilots, Animal Wardens and Game Wardens who are not covered by other plans of the reporting entity or the VRS.

Benefit provisions are established and may be amended by County ordinances. All benefits vest at five years of creditable service. To be eligible for normal retirement an individual must meet the following criteria: (a) attain the age of 55 with six years of creditable service, or (b) complete 25 years of creditable service. The normal retirement benefit is calculated using average final compensation and

years (or partial years) of creditable service at date of termination. Annual cost-of-living adjustments are provided to retirees and beneficiaries equal to the lesser of 4.0% and the percentage increase in the Consumer Price Index for the Washington-Baltimore Metropolitan Statistical Area. The plan provides that unused sick leave credit may be used in the calculation of average final compensation by projecting the final salary during the unused sick leave period. To be eligible for early retirement, employees must have 20 years of creditable service. The benefit for early retirement is actuarially reduced and payable at early termination.

Funding Policy

The contribution requirements of URS members are established and may be amended by County ordinances. Plan A members were given the opportunity to enroll in Plan B as of July 1, 1981 and to enroll in Plan C as of April 1, 1997. From July 1, 1981 through March 31, 1997, all new hires were enrolled in Plan B. Plan B members were given the opportunity to enroll in Plan D as of April 1, 1997. From April 1, 1997 forward all new hires are enrolled in Plan D. Plan A requires member contributions of 4.0% of compensation up to the Social Security wage base and 5.75% of compensation in excess of the wage base. Plan B requires member contributions of 7.08% of compensation up to the Social Security wage base and 8.83% of compensation in excess of the wage base. Plan C requires member contributions of 4.0% of compensation. Plan D requires contributions of 7.08% of compensation.

The County contributes at a fixed rate as determined by an annual actuarial valuation, unless the URS's funding ratio falls outside of a pre-determined range. Once outside the range, the rate is either increased or decreased to accelerate or decelerate the funding until the ratio falls back within the range. The range for the URS is a minimum funding ratio of 90% and a maximum funding ratio of 120%. The County is required to contribute at an actuarially determined rate; the rate for the year ended June 30, 2013, was determined actuarially to be 34.04% of annual covered payroll. The Board of Supervisors decided to commit additional funding and adopted a rate of 35.00% for fiscal year 2013.

Schedule of Fund Progress

Actuarial Valuation Date	Actuarial Value of Assets (000) (a)	Actuarial Accrued Liability (AAL) – Entry Age (000) (b)	Unfunded AAL (UAAL) (Funding Excess) (000) (b-a)	Funded Ratio (a/b)	Covered Payroll (000) (c)	UAAL (Funding Excess) as a Percentage of Covered Payroll ((b-a) / c)
7/1/2010	$1,095,080	$1,427,617	$332,537	76.71%	146,777	226.56%
7/1/2011	1,185,594	1,526,218	340,624	77.68	147,326	231.20
7/1/2012	1,247,526	1,613,654	366,128	77.31	148,236	246.99

Source: Fairfax County Comprehensive Annual Financial Report for FY 2013

Administration

There are eight members of the URS Board of Trustees. Three members are appointed by the Board of Supervisors. Three members are employee elected representatives comprised of two members from the Fire and Rescue Department, and one member from the Sheriff's Department. The Fairfax County Director of Finance and Director of Human Resources serve as ex-officio members of the board.

Professional Services

An independent auditor and actuary are hired to provide service to the fund.

Educational Employees' Supplementary Retirement System of Fairfax County (ERFC)

Plan Description

The Educational Employees' Supplementary Retirement System of Fairfax County (ERFC) is a legally separate single-employer retirement system established under the Code of Virginia. The ERFC covers all full-time educational and civil service employees who are employed by the Fairfax County Public Schools and who are not covered by other plans of the reporting entity. The ERFC contains two plans, ERFC and ERFC 2001. ERFC is the original defined benefit plan effective July 1, 1973, and remains in effect, although closed to new members. Effective July 1, 2001, all new-hire fulltime educational and civil service employees are enrolled in the ERFC 2001 plan.

The ERFC and ERFC 2001 plans provide retirement, disability, and death benefits to plan members and their beneficiaries. Annual post-retirement increases of 3.0% are effective each March 31. All benefits vest after five years of creditable service. Benefit provisions are established and may be amended by the School Board. The ERFC plan supplements the Virginia Retirement System plan. The benefit structure is designed to provide a level retirement benefit through a combined ERFC/VRS benefit structure. The ERFC 2001 plan has a stand-alone structure. Member contributions for the ERFC and ERFC 2001 plans are made through an arrangement which results in a deferral of taxes on the contributions.

The ERFC and ERFC 2001 plans provide for a variety of benefit payment types. Minimum eligibility conditions for receipt of full benefits for ERFC members are either attaining the age of 55 with 25 years of creditable service or completing five years of creditable service at age 65. Minimum eligibility conditions for receipt of full benefits for ERFC 2001 members are either completing five years of creditable service prior to age 60 or any age with 30 years of creditable service.

Funding Policy

The contribution requirements for ERFC and ERFC 2001 members are established and may be amended by the ERFC Board of Trustees with the approval of the School Board. All members are required to contribute 4.0% of their covered salaries. The employer is required to contribute at an actuarially determined rate. For fiscal year 2013, the School Board was required to contribute 5.34% of annual covered payroll for educational employees and civil service employees.

Schedule of Fund Progress

Actuarial Valuation Date	Actuarial Value of Assets (000) (a)	Actuarial Accrued Liability (AAL) – Entry Age (000) (b)	Unfunded AAL (UAAL) (Funding Excess) (000) (b-a)	Funded Ratio (a/b)	Covered Payroll (000) (c)	UAAL (Funding Excess) as a Percentage of Covered Payroll ((b-a) / c)
12/31/2010	$1,822,603	$2,384,061	$561,458	76.45	$1,191,290	47.13%
12/31/2011	1,866,952	2,470,964	604,012	75.56	1,246,973	48.44
12/31/2012	1,935,292	2,566,128	630,836	75.42	1,297,537	48.62

Source: Fairfax County Comprehensive Annual Financial Report for FY 2013

Administration

The Board is composed of seven members: three are appointed by the School Board, and three are elected by active ERFC members. The six combined Board members recommend someone who is not affiliated with FCPS for the seventh position, which is subject to approval by the School Board.

Virginia Retirement Systems (VRS)

Plan Description

Fairfax County Public Schools contributes to the Virginia Retirement System (VRS) on behalf of covered professional FCPS employees. VRS is a cost-sharing multiple-employer public employee defined benefit pension plan administered by the Commonwealth of Virginia for its political subdivisions. All full-time, salaried, permanent employees of participating employers must participate in the VRS. In accordance with the requirements established by State statute, the VRS provides retirement and disability benefits, annual cost-of-living adjustments, and death benefits to plan members and beneficiaries.

Funding Policy

Plan members are required by State statute to contribute 5.0% of their annual covered salary to the VRS. If a plan member leaves covered employment, the accumulated contributions plus interest earned may be refunded. In accordance with State statute, FCPS is required to contribute at an actuarially determined rate or a rate approved by the General Assembly. In fiscal year 2013, the General Assembly adopted a higher VRS employer contribution rate of 11.66% compared to the prior year rate of 6.33%. In fiscal years 2011 and 2012, the General Assembly approved significantly lower VRS rates in order to mitigate state budget cuts to localities. By doing so, Virginia school districts are essentially deferring a portion of the recommended employer contributions in those years. FCPS will have to repay these deferred contributions beginning in fiscal year 2013. The School Board committed $16.9 million of June 30, 2013, fund balance toward this purpose. In addition, the General Assembly approved an employer rate increase from 0.6% in fiscal year 2012 to 1.11% in fiscal year 2013 for the VRS Retiree Health Insurance Credit. State statute may be amended only by the Commonwealth of Virginia Legislature. FCPS employer and member contributions to VRS, including the Retiree Health Insurance Credit, for the years ended June 30, 2013, 2012, and 2011, were $242,343,488, $146,454,888, and $112,157,560 respectively, equal to the required contributions for each year.

VRS issues publicly available annual reports and financial statements that can be obtained through their website or writing directly to the agency.

Fairfax County Retirement Systems – Plan Revisions from the Board of Supervisors

As directed by the Board of Supervisors, the Fairfax County Department of Human Resources contracted with a benefits consultant to conduct a comprehensive retirement study. Based on the results of this study, the Board of Supervisors, as part of their mark-up of the FY 2013 Adopted Budget Plan on April 24, 2012, reaffirmed the County's commitment to a defined benefit plan model for current employees and for new hires. The Board also directed staff to prepare revisions to the Fairfax County Code to incorporate several modifications to the retirement systems, to apply only to new employees who are hired after January 1, 2013. These changes included increasing the minimum retirement age from 50 to 55 in the Employees' system, increasing the rule of 80 to the rule of 85 in the Employees' system, removing the pre-Social Security Supplement from DROP accounts in the Employees' system and the Uniformed system, and placing a cap on the use of sick leave for retirement purposes at 2,080 hours for all three retirement systems.

Other Post-Employment Benefits (OPEB)

In fiscal year 2008, the County and FCPS implemented the Governmental Accounting Standards Board Statement No. 45, Accounting and Financial Reporting by Employers for Benefits Postemployment Benefits Other Than Pensions. The County provides health care and life insurance benefits to eligible retirees and their spouses. Fairfax County is one of the founding participants in the Virginia Pooled OPEB Trust Fund sponsored by the Virginia Municipal League and the Virginia Association of Counties (VML/VACo). The Virginia Pooled OPEB Trust Fund was established as an investment vehicle for participating employers to accumulate assets to fund Other Public Employment Benefits (OPEB).

At June 30, 2013, the County had actuarial plan assets of $103.3 million and reported a net OPEB asset of $1.5 million, representing that the annual required contributions (ARC) were slightly in excess of actual contributions. As of the July 1, 2012, actuarial valuation, the County had an actuarial accrued liability of $503.8 million and an ARC of $38.9 million.

FCPS also provides health insurance benefits to eligible retirees and their spouses and is a participant in the Virginia Pooled OPEB Trust Fund. At June 30, 2013, FCPS had actuarial plan assets of $53.4 million in the pooled trust fund and reported a net OPEB asset of $13.4 million. As of the July 1, 2012, actuarial valuation, FCPS had an actuarial accrued liability of $448.8 million and an ARC of $31.1 million.

CONTINGENT LIABILITIES AND CLAIMS

The County is contingently liable with respect to lawsuits and other claims that arise in the ordinary course of its operations. See Note L in the County's Financial Statements in Appendix IV to this Official Statement for details as of the end of Fiscal Year 2013.

APPROVAL OF LEGAL PROCEEDINGS

Legal matters incident to the authorization and issuance of the Bonds are subject to the approval of Sidley Austin LLP, Washington, D.C., Bond Counsel, the proposed form of whose opinion is included herein as Appendix VI.

TAX MATTERS

Opinion of Bond Counsel

In the opinion of Sidley Austin LLP, Bond Counsel, except as provided in the following sentence, interest on the Bonds will not be includable in the gross income of the owners of the Bonds for federal income tax purposes under existing law. Interest on the Bonds will be includable in the gross income of the owners thereof retroactive to the date of issue of the Bonds in the event of a failure by the County or the School Board to comply with applicable requirements of the Internal Revenue Code of 1986, as amended (the "Code"), and their respective covenants regarding the use, expenditure, and investment of the proceeds of the Bonds and the timely payment of certain investment earnings to the United States Treasury; and no opinion is rendered by Bond Counsel as to the effect on the exclusion from gross income of the interest on the Bonds for federal income tax purposes of any action taken or not taken without the approval of Bond Counsel or upon the advice or approval of counsel other than Bond Counsel.

Interest on the Bonds will not be an item of tax preference for purposes of the federal individual or corporate alternative minimum tax under the Code. Interest on the Bonds will, however, be included in the calculation of alternative minimum tax liability imposed on corporations under the Code. The Code contains other provisions (some of which are noted below) that could result in tax consequences, as to which no opinion will be rendered by Bond Counsel, as a result of (i) ownership of the Bonds or (ii) inclusion in certain computations of interest that is excluded from gross income.

Original Issue Discount

The excess, if any, of the amount payable at maturity of any maturity of the Bonds purchased as part of the initial public offering over the issue price thereof constitutes original issue discount. The amount of original issue discount that has accrued and is properly allocable to an owner of any maturity of the Bonds with original issue discount (a "Discount Bond") will be excluded from gross income for federal income tax purposes to the same extent as interest on the Bonds. In general, the issue price of a maturity of the Bonds is the first price at which a substantial amount of Bonds of that maturity was sold (excluding sales to bond houses, brokers, or similar persons or organizations acting in the capacity of underwriters, placement agents, or wholesalers) and the amount of original issue discount accrues in accordance with a constant yield method based on the compounding of interest. A purchaser's adjusted basis in a Discount Bond is to be increased by the amount of such accruing discount for purposes of determining taxable gain or loss on the sale or other disposition of such Discount Bonds for federal income tax purposes.

A portion of the original issue discount that accrues in each year to an owner of a Discount Bond which is a corporation will be included in the calculation of the corporation's federal alternative minimum tax liability. In addition, original issue discount that accrues in each year to an owner of a Discount Bond is included in the calculation of the distribution requirements of certain regulated investment companies and may result in some of the collateral federal income tax consequences discussed herein. Consequently, an owner of a Discount Bond should be aware that the accrual of original issue discount in each year may result in an alternative minimum tax liability, additional distribution requirements or other collateral federal income tax consequences although the owner of such Discount Bond has not received cash attributable to such original issue discount in such year.

The accrual of original issue discount and its effect on the redemption, sale, or other disposition of a Discount Bond that is not purchased in the initial offering at the first price at which a substantial amount of such Bonds is sold to the public may be determined according to rules that differ from those

described above. Owners of a Discount Bond should consult their tax advisors with respect to the determination for federal income tax purposes of the amount of original issue discount with respect to such Discount Bond and with respect to state and local tax consequences of owning and disposing of such Discount Bond.

Bond Premium

The excess, if any, of the tax basis of Bonds purchased as part of the initial public offering to a purchaser (other than a purchaser who holds such Bonds as inventory, stock in trade, or for sale to customers in the ordinary course of business) over the amount payable at maturity is "Bond Premium." Bond Premium is amortized over the term of such Bonds for federal income tax purposes (or, in the case of a bond with bond premium callable prior to its stated maturity, the amortization period and yield may be required to be determined on the basis of an earlier call date that results in the lowest yield on such bond). Owners of such Bonds are required to decrease their adjusted basis in such Bonds by the amount of amortizable Bond Premium attributable to each taxable year such Bonds are held. The amortizable Bond Premium on such Bonds attributable to a taxable year is not deductible for federal income tax purposes; however Bond Premium on such Bonds is treated as an offset to qualified stated interest received on such Bonds. Owners of such Bonds should consult their tax advisors with respect to the determination for federal income tax purposes of the treatment of Bond Premium upon sale, redemption or other disposition of such Bonds and with respect to state and local income tax consequences of owning and disposing of such Bonds.

Backup Withholding

Interest paid on the Bonds is subject to information reporting in a manner similar to interest paid on taxable obligations. While this reporting requirement does not, by itself, affect the excludability of interest on the Bonds from gross income for federal income tax purposes, the reporting requirement causes the payment of interest on the Bonds to be subject to backup withholding if such interest is paid to beneficial owners who (i) are not "exempt recipients," and (ii) either fail to provide certain identifying information (such as the beneficial owner's taxpayer identification number) in the required manner or have been identified by the Internal Revenue Service as having failed to report all interest and dividends required to be shown on their income tax returns. Generally, individuals are not exempt recipients, whereas corporations and certain other entities generally are exempt recipients. Amounts withheld under the backup withholding rules from a payment to a beneficial owner would be allowed as a refund or a credit against such beneficial owner's federal income tax liability provided the required information is furnished to the Internal Revenue Service.

Other Tax Consequences

Under existing law, the interest on the Bonds is excluded from Virginia taxable income for purposes of the individual income tax and the income taxation of corporations by the Commonwealth of Virginia under Sections 58.1-322 and 58.1-402 of the Code of Virginia of 1950, as amended (the "Virginia Code"), to the extent that such interest is excludable from gross income for federal income tax purposes.

The Code and the Virginia Code contain other provisions (some of which are noted below) that could result in tax consequences, upon which Bond Counsel expresses no opinion, as a result of ownership of the Bonds or the inclusion in certain computations of interest on the Bonds that is excluded from gross income for purposes of federal income taxation.

PROSPECTIVE PURCHASERS OF THE BONDS SHOULD CONSULT THEIR TAX ADVISORS AS TO THE APPLICABILITY AND IMPACT OF ANY SUCH COLLATERAL TAX CONSEQUENCES.

Ownership of tax-exempt obligations may result in collateral federal income tax consequences to certain taxpayers, including, without limitation, financial institutions, property and casualty insurance companies, certain foreign corporations doing business in the United States, certain S Corporations with excess passive income, individual recipients of Social Security or Railroad Retirement benefits, taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry tax-exempt obligations and taxpayers who may be eligible for the earned income tax credit.

Future Tax Developments

Future or pending legislative proposals, if enacted, regulations, rulings or court decisions may cause interest on the Bonds to be subject, directly or indirectly, to federal income taxation or to State or local income taxation, or may otherwise prevent beneficial owners from realizing the full current benefit of the tax status of such interest. Legislation or regulatory actions and future or pending proposals may also affect the economic value of the federal or state tax exemption or the market value of the Bonds. Prospective purchasers of the Bonds should consult their tax advisors regarding any future, pending or proposed federal or State tax legislation, regulations, rulings or litigation as to which Bond Counsel expresses no opinion.

For example, various proposals have been made in Congress and by the President (the "Proposed Legislation") which, if enacted, would subject interest on bonds that is otherwise excludable from gross income for federal income tax purposes, including interest on the Bonds, to a tax payable by certain bondholders that are individuals, estates or trusts with adjusted gross income in excess of thresholds specified in the Proposed Legislation. It is unclear if the Proposed Legislation will be enacted, whether in its current or an amended form, or if other legislation that would subject interest on the Bonds to a tax or cause interest on the Bonds to be included in the computation of a tax, will be introduced or enacted. Prospective purchasers should consult their tax advisors as to the effect of the Proposed Legislation, if enacted, in its current form or as it may be amended, or such other legislation on their individual situations.

FINANCIAL ADVISOR

The County has retained Public Financial Management, Inc., Arlington, Virginia, as financial advisor (the "Financial Advisor") in connection with the issuance of the Bonds. Although the Financial Advisor assisted in the preparation and review of this Official Statement, the Financial Advisor is not obligated to undertake, and has not undertaken to make, an independent verification or to assume responsibility for the accuracy, completeness, or fairness of the information contained in this Official Statement. The Financial Advisor is a financial advisory, investment management, and consulting organization and is not engaged in the business of underwriting municipal securities.

RATINGS

The Bonds have been rated "____" (___ outlook) by Fitch Ratings ("Fitch"), "___" (____ outlook) by Moody's Investors Service, Inc. ("Moody's"), and "___" (____e outlook) by Standard & Poor's Ratings Services, a division of The McGraw-Hill Companies, Inc. ("Standard & Poor's"). The County requested that the Bonds be rated and furnished certain information to Fitch, Moody's, and Standard & Poor's, including certain information that is not included in this Official Statement.

These ratings are not a recommendation to buy, sell, or hold the Bonds. Generally, rating agencies base their ratings on such materials and information provided by the County, as well as investigations, studies, and assumptions of the rating agencies. Such ratings may be changed at any time and no assurance can be given that they will not be revised downward or withdrawn entirely by any or all of such rating agencies, if, in the judgment of any or all, circumstances so warrant. Such circumstances may include, without limitation, change in or unavailability of information relating to the County. Any such downward revision or withdrawal of any of such ratings may have an adverse effect on the market price of the Bonds.

SALE AT COMPETITIVE BIDDING

The Bonds will be offered for sale at competitive bidding on a date determined pursuant to the provisions of the Notice of Sale relating to the Bonds (See Appendix VIII). After the Bonds have been awarded, the County will issue an Official Statement in final form to be dated the date of the award. The County will deem the Official Statement in final form as of its date, and the Official Statement in final form will be a "Final Official Statement" within the meaning of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended. The Official Statement in final form will include, among other matters, the identity of the winning bidder (the "Underwriter"), the expected selling compensation to the Underwriter and other information on the interest rates and offering prices or yields of the Bonds, all as supplied by the Underwriter.

CERTIFICATE CONCERNING OFFICIAL STATEMENT

Concurrently with the delivery of the Bonds, the Chairman of the Board of Supervisors and the County Executive of the County will certify that, to the best of their knowledge, the Official Statement did not as of its date, and does not as of the date of delivery of the Bonds, contain any untrue statement of a material fact or omit to state a material fact that should be included therein for the purpose for which the Official Statement is to be used, or that is necessary in order to make the statements contained therein, in the light of the circumstances under which they were made, not misleading. Such certificate will also state, however, that the Chairman of the Board of Supervisors and the County Executive of the County did not independently verify the information indicated in this Official Statement as having been obtained or derived from sources other than the County and its officers but that they have no reason to believe that such information is not accurate.

MISCELLANEOUS

Any statements in this Official Statement involving matters of opinion or estimates, whether or not expressly so stated, are intended as such and not as representations of fact. No representation is made that any of the estimates will be realized.

FUTURE FINANCIAL INFORMATION

The Securities and Exchange Commission has adopted Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (the "Rule"). In general, the Rule prohibits an underwriter from purchasing or selling municipal securities such as the Bonds, unless it has determined that the issuer of such securities and/or other persons deemed to be material "obligated persons" have committed to provide to The Electronic Municipal Market Access ("EMMA") system administered by the Municipal Securities Rulemaking Board (i) on an annual basis, certain financial information and operating data ("Annual Reports"), and, if available, audited financial statements, and (ii) notice of various events described in the Rule, if material ("Event Notices").

The County will covenant in the Continuing Disclosure Agreement (the form of which appears in Appendix VII), to be dated the date of delivery of the Bonds, for the benefit of the holders of the Bonds, to provide to EMMA, annually, not later than March 31 of each year, commencing March 31, 2015, Annual Reports with respect to itself, as issuer. Similarly, the County will provide Event Notices with respect to the Bonds to EMMA.

In accordance with continuing disclosure undertakings (the "Sewer Undertakings") relating to the County's sewer revenue bonds, the County agreed to provide and file certain annual financial and statistical information ("Sewer System Annual Disclosure Reports") relating to the County's sanitary sewer system (the "System") as well as the County's audited financial statements for the System ("Sewer System Annual Financial Statements"). For the Fiscal Years ended June 30, 2009 and June 30, 2010, the County prepared and filed the Sewer System Annual Disclosure Reports for each year. Such filings, however, inadvertently did not include the prepared Sewer System Annual Financial Statements (the "2009 and 2010 Sewer System Annual Financial Statements") required to be included in such filings pursuant to the terms of the Continuing Disclosure Undertakings, although the 2009 and 2010 Sewer System Annual Financial Statements were timely posted to the County's website. As of June 5, 2014, the County has filed the 2009 and 2010 Sewer System Annual Financial Statements. In addition, as a condition to the issuance of various series of revenue bonds ("UOSA Bonds") issued by the Upper Occoquan Service Authority for the benefit of the County and other jurisdictions, the County has agreed pursuant to continuing disclosure undertakings (the "UOSA Undertakings") to provide and file the Sewer System Annual Disclosure Reports and Sewer System Annual Financial Statements. The 2009 and 2010 Sewer System Annual Financial Statements were filed pursuant to the UOSA Undertakings but not in a timely manner and other filings were complete and timely but were not correctly cross-referenced to the UOSA Bonds. The County has implemented procedures to ensure the inclusion of necessary information in a timely manner in future filings required by the Sewer Undertakings and the UOSA Undertakings.

Pursuant to several continuing disclosure undertakings entered into relating to the Fairfax County Economic Development Authority's Transportation Contract Revenue Bonds (Route 28 Project), the County provided all required information, except that it inadvertently did not include in its annual information required under such undertakings a description of the twenty largest owners of real property by assessed value in the State Route 28 Highway Transportation Improvement District. The County has implemented procedures to ensure the inclusion of such information in future filings.

It should be noted, however, that while the County has timely filed each annual financial report required by its continuing disclosure undertakings (except as described under this caption), the filings with respect to certain bond issues were not cross-referenced to such bonds. Although such cross-references are not specifically required by the undertakings, the County has implemented procedures to ensure such cross-references in future filings.

Except as described under this caption, the County is currently in compliance with all of its previous undertakings with regard to Rule 15c-2-12.

PRELIMINARY OFFICIAL STATEMENT DEEMED FINAL

The distribution of this Preliminary Official Statement has been duly authorized by the Board of Supervisors of the County. The County deems this Preliminary Official Statement final as of its date within the meaning of Rule 15c2-12 of the Securities and Exchange Commission except for the omission of certain pricing and other information permitted to be omitted by Rule 15c2-12.

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

By: _____, Chairman

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Appendix I

[Insert Organization Chart here]

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Appendix II

[Insert Regional map here]

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Appendix III

[Insert County Map here]

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FAIRFAX COUNTY, VIRGINIA

MANAGEMENT'S DISCUSSION AND ANALYSIS AND BASIC FINANCIAL STATEMENTS
(Fiscal Year Ended June 30, 2014)

BOOK-ENTRY ONLY SYSTEM

The Depository Trust Company ("DTC"), New York, New York, will act as securities depository for the Bonds. The Bonds will be issued as fully registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully registered Bond certificate will be issued for each principal amount of Bonds of a Series bearing interest at a specified interest rate, each in the aggregate principal amount of such quantity of Bonds, and will be deposited with DTC.

DTC, the world's largest depository, is a limited purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com and www.dtc.org.

Purchases of the Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds on DTC's records. The ownership interest of each actual purchaser of the Bonds ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interest in the Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive bond certificates representing their ownership interests in the Bonds, except in the event that use of the book entry system for the Bonds is discontinued.

To facilitate subsequent transfers, all Bonds deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of the Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC's records reflect only the identity of the Direct Participants to whose accounts such Bonds are credited, which may or may

not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of Bonds may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Bonds, such as redemptions, tenders, defaults, and proposed amendments to the Bond documents. For example, Beneficial Owners of the Bonds may wish to ascertain that the nominee holding the Bonds for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the registrar and request that copies of notices be provided directly to them.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to the Bonds unless authorized by a Direct Participant in accordance with DTC's Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the County as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal, premium, if any, and interest payments on the Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detailed information from the County, on a payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC or the County, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions, and dividend payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC is the responsibility of the County, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners shall be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as depository with respect to the Bonds at any time by giving reasonable notice to the County. Under such circumstances, in the event that a successor depository is not obtained, certificates for the Bonds are required to be printed and delivered.

The County may decide to discontinue use of the system of book-entry transfers through DTC (or a successor securities depository). In that event, certificates for the Bonds will be printed and delivered.

The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the County believes to be reliable, but the County takes no responsibility for the accuracy thereof.

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FOUNDED 1866

January _, 2015

Board of Supervisors
of Fairfax County, Virginia
Fairfax, Virginia

As bond counsel to Fairfax County, Virginia (the "County"), we have examined certified copies of the legal proceedings, including the election proceedings and other proofs submitted, relative to the issuance and sale of

$_____
Fairfax County, Virginia
Public Improvement Bonds, Series 2015A (the "Bonds")

The Bonds are dated the date of their delivery, mature in annual installments on October 1 in each of the years 2015 to 2033, inclusive, and bear interest, payable on the 1st days of April and October in each year, commencing October 1, 2015. The Bonds are subject to redemption prior to their respective maturities in the manner and upon the terms and conditions set forth in the resolution authorizing the issuance of the Bonds adopted by the Board of Supervisors of Fairfax County on December 2, 2014.

From such examination, we are of the opinion that:

(1) Such proceedings and proofs show lawful authority for the issuance and sale of the Bonds pursuant to the Constitution and laws of Virginia, and the Bonds constitute valid and binding general obligations of the County, for the payment of which the full faith and credit of the County are pledged, and all taxable property in the County is subject to the levy of an ad valorem tax, without limitation as to rate or amount, for the payment of the Bonds and the interest thereon, which tax shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

(2) Except as provided in the following sentence, interest on the Bonds is not includable in the gross income of the owners thereof for federal income tax purposes under existing law. Interest on the Bonds will be includable in the gross income of the owners thereof retroactive to the date of issue of the Bonds in the event of a failure by the County or the school board of the County to comply with applicable requirements of the Internal Revenue Code of 1986, as amended (the "Code"), and their respective covenants regarding use, expenditure, and investment of the proceeds of the Bonds and the timely payment of certain investment earnings to the United States Treasury, and we render no opinion as to the effect on the exclusion from gross income of the interest on the Bonds for federal income tax purposes of any action taken or not taken without our approval or upon the advice or approval of counsel other than us.

(3) Interest on the Bonds is not an item of tax preference for purposes of the federal individual or corporate alternative minimum tax.

The Code contains other provisions that could result in tax consequences, as to which we render no opinion, as a result of ownership of the Bonds or the inclusion in certain computations (including without limitation those related to the corporate alternative minimum tax) of interest that is excluded from gross income.

Respectfully submitted,

CONTINUING DISCLOSURE AGREEMENT

This Continuing Disclosure Agreement (the "Disclosure Agreement") is executed and delivered by Fairfax County, Virginia (the "County"), in connection with the issuance by the County of $____ aggregate principal amount of its Public Improvement Bonds, Series 2015A (the "Bonds") pursuant to the provisions of a resolution (the "Resolution") adopted on December 2, 2014, by the Board of Supervisors of the County. The proceeds of the Bonds are being used by the County to finance various public improvements in the County. The County hereby covenants and agrees as follows:

SECTION 1. Purpose of the Disclosure Agreement. This Disclosure Agreement is being executed and delivered by the County for the benefit of the holders of the Bonds and in order to assist the Participating Underwriters (defined below) in complying with the Rule (defined below). The County acknowledges that it is undertaking primary responsibility for any reports, notices, or disclosures that may be required under this Agreement.

SECTION 2. Definitions. In addition to the definitions set forth in the Resolution, which apply to any capitalized term used in this Disclosure Agreement unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

"Annual Report" shall mean any Annual Report provided by the County pursuant to, and as described in, Sections 3 and 4 of this Disclosure Agreement.

"Dissemination Agent" shall mean the County, acting in its capacity as Dissemination Agent hereunder, or any successor Dissemination Agent designated in writing by the County and which has filed with the County a written acceptance of such designation.

"Filing Date" shall have the meaning given to such term in Section 3(a) hereof.

"Fiscal Year" shall mean the twelve month period at the end of which financial position and results of operations are determined. Currently, the County's Fiscal Year begins July 1 and continues through June 30 of the next calendar year.

"Holder" or "holder" shall mean, for purposes of this Disclosure Agreement, any person who is a record owner or beneficial owner of a Bond.

"Listed Events" shall mean any of the events listed in subsection (b)(5)(i)(C) of the Rule, which are as follows:

principal and interest payment delinquencies;

non-payment related defaults; if material;

unscheduled draws on debt service reserves reflecting financial difficulties;

unscheduled draws on credit enhancements reflecting financial difficulties;

substitution of credit or liquidity providers, or their failure to perform;

adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 570-TEB) or other material notices or determinations with respect to or events affecting the tax-exempt status of the Bonds;

modifications to rights of holders, if material;

bond calls, if material, and tender offers;

defeasances;

release, substitution, or sale of property securing repayment of the Bonds, if material;

rating changes;

bankruptcy, insolvency, receivership or similar event of the County; which event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the County in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets of business of the County, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court of governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the County;

the consummation of a merger, consolidation, or acquisition involving the County or the sale of all or substantially all of the assets of the County, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating any such actions, other than pursuant to its terms, if material; and

appointment of a successor or additional paying agent or the change of name of a paying agent, if material.

"Participating Underwriter" shall mean any of the original underwriters of the County's Bonds required to comply with the Rule in connection with the offering of such Bonds.

"Repository" shall mean The Electronic Municipal Market Access ("EMMA") system administered by the Municipal Securities Rulemaking Board. EMMA is recognized as a National Repository for purposes of the Rule.

"Rule" shall mean Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

SECTION 3. Provision of Annual Reports.

A. The County shall, or shall cause the Dissemination Agent to, provide to each Repository an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Agreement. Such Annual Report shall be filed on a date (the "Filing Date") that is not later than March 31 after the end of any Fiscal Year (commencing with its Fiscal Year ended [June 30, 2014**]**). Not later than ten (10) days prior to the Filing Date, the County shall provide the Annual Report to the Dissemination Agent (if applicable). In such case, the Annual Report (i) may be submitted as a single document or as separate documents comprising a package, (ii) may cross-reference other information as provided in Section 4 of

this Disclosure Agreement, and (iii) shall include the County's audited financial statements or, if audited financial statements are not available, such unaudited financial statements as may be required by the Rule. In any event, audited financial statements of the County must be submitted, if and when available, together with or separately from the Annual Report.

B. The annual financial statements of the County shall be prepared on the basis of generally accepted accounting principles and will be audited. Copies of the audited annual financial statements, which may be filed separately from the Annual Report, will be filed with the Repositories when they become publicly available.

C. If the County fails to provide an Annual Report to the Repository by the date required in subsection (A) hereto or to file its audited annual financial statements with the Repository when they become publicly available, the County shall send a notice to the Repository in substantially the form attached hereto as Exhibit B.

SECTION 4. Content of Annual Reports. Except as otherwise agreed, any Annual Report required to be filed hereunder shall contain or incorporate by reference, at a minimum, annual financial information relating to the County, including operating data, updating such information relating to the County as described in Exhibit A, all with a view toward assisting Participating Underwriters in complying with the Rule.

Any or all of such information may be incorporated by reference from other documents, including official statements of securities issues with respect to which the County is an "obligated person" (within the meaning of the Rule), which have been filed with the Repository or the Securities and Exchange Commission. If the document incorporated by reference is a final official statement, it must be available from the Municipal Securities Rulemaking Board. The County shall clearly identify each such other document so incorporated by reference.

SECTION 5. Reporting of Listed Events. The County will provide within 10 business days to the Repository notice of any of the Listed Events.

SECTION 6. Termination of Reporting Obligation. The County's obligations under this Disclosure Agreement shall terminate upon the earlier to occur of the legal defeasance or final retirement of all the Bonds.

SECTION 7. Dissemination Agent. The County may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Agreement and may discharge any such Agent, with or without appointing a successor Dissemination Agent. If at any time there is not any other designated Dissemination Agent, the County shall be the Dissemination Agent.

SECTION 8. Amendment. Notwithstanding any other provision of this Disclosure Agreement, the County may amend this Disclosure Agreement, if such amendment is supported by an opinion of independent counsel with expertise in federal securities laws, to the effect that such amendment is permitted or required by the Rule.

SECTION 9. Additional Information. Nothing in this Disclosure Agreement shall be deemed to prevent the County from disseminating any other information, using the means of dissemination set forth in this Disclosure Agreement or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Agreement. If the County chooses to include any information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is specifically required by this

Disclosure Agreement, the County shall have no obligation under this Agreement to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

SECTION 10. Default. Any person referred to in Section 11 (other than the County) may take such action as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the County to file its Annual Report or to give notice of a Listed Event. The holders of not less than a majority in aggregate principal amount of Bonds outstanding may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to challenge the adequacy of any information provided pursuant to this Disclosure Agreement, or to enforce any other obligation of the County hereunder. A default under this Disclosure Agreement shall not be deemed an event of default under the Resolution or the Bonds of the County, and the sole remedy under this Disclosure Agreement in the event of any failure of the County to comply herewith shall be an action to compel performance. Nothing in this provision shall be deemed to restrict the rights or remedies of any holder pursuant to the Securities Exchange Act of 1934, the rules and regulations promulgated thereunder, or other applicable laws.

SECTION 11. Beneficiaries. This Disclosure Agreement shall inure solely to the benefit of the County, the Participating Underwriters, and holders from time to time of the County's Bonds, and shall create no rights in any other person or entity.

Date: January __, 2015

FAIRFAX COUNTY, VIRGINIA

By: _____
Susan W. Datta
Chief Financial Officer

EXHIBIT A

CONTENT OF ANNUAL REPORT

(a) **Financial Information**. Updated information concerning General Fund revenues, expenditures, categories of expenditures, fund balances, assessed value of taxable property, tax rates, major taxpayers, and tax levies and collections.

(b) **Debt Information**. Updated information concerning general obligation bonds indebtedness, including bonds authorized and unissued, bonds outstanding, the ratios of debt to the market value of taxable property, debt per capita, and debt service as a percentage of General Fund disbursements.

(c) **Demographic Information**. Updated demographic information respecting the County such as its population, public school enrollment, and per pupil expenditure.

(d) **Economic Information**. Updated economic information respecting the County such as income, employment, unemployment, building permits, and taxable sales data.

(e) **Retirement Plans**. Updated information respecting pension and retirement plans for County employees, including a summary of membership, revenues, expenses, and actuarial valuation(s) of such plans.

(f) **Contingent Liabilities**. A summary of material litigation and other material contingent liabilities pending against the County.

In general, the foregoing will include information as of the end of the most recent fiscal year or as of the most recent practicable date. Where information for the fiscal year just ended is provided, it may be preliminary and unaudited. Where information has historically been provided for more than a single period, comparable information will in general be provided for the same number of periods where valid and available. Where comparative demographic or economic information for the County and the United States as a whole is contemporaneously available and, in the judgment of the County, informative, such information may be included. Where, in the judgment of the County, an accompanying narrative is required to make data presented not misleading, such narrative will be provided.

EXHIBIT B

NOTICE OF FAILURE TO FILE ANNUAL REPORT
[AUDITED ANNUAL FINANCIAL STATEMENTS]

Re: FAIRFAX COUNTY VIRGINIA
PUBLIC IMPROVEMENT BONDS,
SERIES 2015A

CUSIP NOS.:

Dated: _____ __, 20__

NOTICE IS HEREBY GIVEN that Fairfax County, Virginia has not provided an Annual Report [Audited Annual Financial Statements] as required by Section 3 of the Continuing Disclosure Agreement, which was entered into in connection with the above-named bonds issued pursuant to that certain Resolution adopted on December 2, 2014, by the Board of Supervisors of the County, the proceeds of which were used to finance and refinance various public improvements in the County. [The County anticipates that the Annual Report [Audited Annual Financial Statements] will be filed by _____.]

Dated: _____

FAIRFAX COUNTY, VIRGINIA

By

Appendix VIII

NOTICE OF SALE

Board Agenda Item
December 2, 2014

ACTION – 3

Endorsement of the Chief Administrative Officers Task Force's Recommendations Regarding the Preliminary FY 2016 Virginia Railway Express Budget

ISSUE:
Board endorsement of the Chief Administrative Officers (CAO) Task Force's initial recommendations regarding the proposed FY 2016 Virginia Railway Express (VRE) budget.

RECOMMENDATION:
The County Executive recommends that the Board endorse the CAO Task Force's primary recommendations on the FY 2016 VRE budget. The recommendations are:

1. VRE should balance the FY 2016 budget without a jurisdictional subsidy increase.
2. In an effort to help VRE produce a balanced budget for FY 2016, support a three percent fare increase beginning January 1, 2016.

TIMING:
The Board should act on this item on December 2, 2014, because this is the last Board meeting before the VRE Operations Board considers adoption of the FY 2016 VRE budget on December 19, 2014.

DISCUSSION:
The VRE Chief Executive Officer presented the preliminary FY 2016 budget to the VRE Operations Board on September 19, 2014. The FY 2016 budget included an unfunded amount of approximately $3.9 million. The shortfall was primarily attributed to lower than budgeted federal and state operating and capital revenue to VRE; other revenue decreases due to the FY 2014 surplus funds used for capital match on railcars and one-time operating expenses; and an increase in track access fees due to a new Fredericksburg Line train for the new Spotsylvania County Station to open in FY 2016.

The budget was referred to the local jurisdictions for review and comment. Beginning July 15, 2014, a staff task force, organized by CAOs of the VRE jurisdictions, has reviewed the preliminary budget, and met with VRE staff to discuss it in detail.

Board Agenda Item
December 2, 2014

The CAO Task Force is preparing a final report summarizing its review of the FY 2016 budget, and offering any further recommendations that may be developed. The Task Force and VRE staff met on August 19, September 16, October 14, and November 18, 2014, to discuss recommendations. The CAOs will meet in early December 2014, before the December VRE Operations Board meeting, to officially review the Task Force's recommendations and receive the VRE staff response. After the multiple meetings, phone conversations and on-line discussions between the Task Force and VRE staff, it is anticipated that VRE will deliver a balanced budget by the December 19, 2014, VRE Operations Board meeting. The VRE staff's strategies to balance the budget do not include an increase in local jurisdictional subsidies. However, due to further reductions in state operating assistance that were announced in late October 2014, and revised downward by ten percent from FY 2015, VRE's initial assistance estimate of $8.7 million was reduced to $8.1 million; a $600,000 reduction. Considering that this state assistance reduction is permanent, VRE staff and the CAO Task Force determined that a fare increase was inevitable, considering all other strategies to reduce VRE's deficit had been previously explored. Although the Task Force's report is not finalized, it will contain two primary recommendations for the budget. The recommendations are as follows:

1) <u>Balance the FY 2016 Budget Without an Increase to the Local Subsidy</u>

In July 2014, VRE staff calculated a projected shortfall for the FY 2016 budget of $3.9 million. The shortfall was primarily attributed to lower than budgeted state operating and capital revenue to VRE, a net decrease in federal funds for operations that was a federal match on the Capital Cost of Contracting, and an increase as the result of contractual increases to Amtrak, Keolis, Norfolk Southern and CSX Railroads. At the onset, all VRE participating jurisdictions emphasized to VRE that they could not afford a subsidy increase for FY 2016, due to the national economic crisis, exacerbated by their own forecasted financial problems. In response, the VRE Chief Executive Officer agreed to try and maintain the total FY 2015 jurisdictional subsidy level. However, doing so did not affect the incorporation of changes which will occur as a result of the October 2014 passenger survey.

2) <u>Support a Mid-Year FY 2016 Three Percent Fare Increase To Begin January 1, 2016</u>

As the budget continues to develop and progress towards the VRE Operations Board proposed adoption on December 19, 2014, various factors will continue to be forthcoming in the interim. An example is the latest announcement from the Virginia Department of Rail and Public Transportation (DRPT) to have all transit agencies budget for ten percent less than their FY 2015 award as explained above. It is anticipated that that reduction will be recurring. Another factor that will not be known

until early December is the renewal of VRE's maintenance of locomotives and railcars contract. There may be a potential savings if Keolis, its current maintenance and operating provider, is awarded the contracts, but not enough to cover the deficit to balance the budget. In response to the additional factors and the strategies already used to help reduce VRE's deficit, a three percent fare increase is recommended beginning January 1, 2016. This will generate approximately $300,000 to help mitigate the shortfall in FY 2016, and a full increase in subsequent years to help offset anticipated future shortfalls.

FISCAL IMPACT:
The preliminary FY 2016 VRE budget includes an estimated total jurisdictional subsidy of $18,110,000. Based on the most recent information received, Fairfax County's portion of the total FY 2016 local subsidy is not expected to exceed $4,853,000, which is approximately the same amount as the FY 2015 subsidy included in Fund 40000 County Transit Systems. Fairfax County's FY 2016 subsidy level should be available in mid-December 2014.

When the final amount of Fairfax County's share is known, the County Executive will include that amount in the FY 2016 Advertised Budget Plan. The Board is not being asked to approve Fairfax County's FY 2016 VRE subsidy at this time.

ENCLOSED DOCUMENTS:
None

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Department of Transportation, FCDOT
Todd Wigglesworth, Acting Division Chief, Coordination and Funding Division, FCDOT
Mike Lake, Senior Transportation Planner, Coordination and Funding Division, FCDOT

Board Agenda Item
December 2, 2014

ACTION - 4

Authorization for the Department of Transportation to Apply for FY 2021 Regional Surface Transportation Program and Congestion Mitigation and Air Quality Program Funds

ISSUE:
Board authorization is requested for the Department of Transportation to apply for: FY 2021 Regional Surface Transportation Program (RSTP) and Congestion Mitigation and Air Quality Program (CMAQ) Funds. These funds would be used to advance the projects listed below and described in Attachment I.

- Countywide Transit Stores
- Implementation of Route 1 (Richmond Highway) Multimodal Alternatives Analysis
- Tysons Corner Roadway Improvements
- Reston Roadway Improvements
- Rolling Road Widening (Old Keene Mill Road to Fairfax County Parkway)
- Route 7 Widening (Dulles Toll Road to Reston Avenue)
- Route 236/Beauregard Street Intersection Improvements
- Virginia Railway Express Backlick Road Station Platform Improvements

RECOMMENDATION:
The County Executive recommends that the Board authorize the Fairfax County Department of Transportation (FCDOT) to apply for FY 2021 RSTP and CMAQ funds. There is no Local Cash Match (LCM) required for the RSTP and CMAQ funds.

TIMING
The NVTA is requesting that jurisdictions endorse applications for RSTP and CMAQ funding prior to its January 2015 meeting. The Commonwealth Transportation Board will subsequently consider the NVTA-approved list of projects in May or June 2015.

Unless otherwise directed by the Board of Supervisors, staff will assume endorsement of these projects by the Board, and will pursue funding under these programs.

BACKGROUND:
The CMAQ Program provides federal funds for regions that are determined to be in non-attainment for air quality to assist them in complying with Clean Air Act

requirements. The RSTP Program provides federal formula funds to the region to assist with the implementation of a diversity of transportation capital projects. The project requests for FY 2021 are a continuation of funding for projects that are included in the County's Transportation Priorities Plan adopted by the Board of Supervisors on January 28, 2014, for FY 2015 to FY 2020. No new projects are being recommended. Also, the Board previously approved RSTP and CMAQ allocations for FY 2020 in September 2013; and the NVTA has allocated RSTP and CMAQ funding through FY 2020. For FY 2021, VDOT estimates that in Northern Virginia, $40.3 million will be available for distribution in the RSTP Program, and $29.5 million will be available in the CMAQ Program.

FISCAL IMPACT:
There is no LCM required for the RSTP and CMAQ funds; as the state provides the matching funds. There is no impact to the General Fund.

ENCLOSED DOCUMENTS:
Attachment I: List of Projects for RSTP and CMAQ

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
Ray Johnson, Sr. Transportation Planner, Coordination and Funding Division, FCDOT
Noelle Dominguez, Legislative Liaison, Coordination and Funding Division, FCDOT
Todd Minnix, Chief, Transportation Design Division, FCDOT
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT

Attachment I

Projects for Regional Surface Transportation Program (RSTP) and Congestion Mitigation and Air Quality (CMAQ) Program FY 2021 Funding

CMAQ/RSTP (proposed request in millions)	
Countywide Transit Stores - These stores provide transit information, trip planning, fare media, and ridesharing information to area residents and visitors seeking alternatives to driving alone. From FY 2002 through FY 2020, CMAQ funding has been allocated to the operation of the countywide transit stores.	$0.62
Implementation of Route 1 (Richmond Highway) Multimodal Alternatives Analysis – The Route 1 (Richmond Highway) Multimodal Alternatives Analysis recommended a series of roadway and transit-related improvements in the Richmond Highway corridor. The analysis also may include the implementation of transit amenities to support a Bus Rapid Transit system, from the Huntington Metrorail Station to Fort Belvoir.	$10.0
Tysons Corner Roadway Improvements – This series of roadway improvements in the Tysons area will improve/increase access to the future development planned for Tysons and the Metrorail Silver Line. Some of these projects may also include pedestrian and bicycle improvements. This request does not include funding for the planned grid of streets. RSTP allocations to Tysons Roadway Improvements serve as federal contributions to the Tysons Funding Plan, approved by the Board of Supervisors on January 8, 2013.	$9.0
Reston Roadway Improvements – Similar to the Tysons Roadway Improvements, a series of roadway, bicycle, and pedestrian improvements is planned for Reston that will enhance access to future developments in this ever-growing area, particularly around the new Silver Line stations.	$9.0
Route 7 Widening (Dulles Toll Road to Reston Avenue) - This project is to implement the widening of Route 7 from four to six lanes from the Dulles Toll Road to Reston Avenue; a length of approximately 6.9 miles. Upon completion, this project aims to increase capacity, decrease congestion, and improve safety along Route 7, in conformance with the Fairfax County Comprehensive Plan.	$9.0
Rolling Road Widening (Old Keene Mill to Fairfax County Parkway - This project will widen Rolling Road from two to four lanes from Old Keene Mill Road to the Fairfax County Parkway; a length of approximately 1.4 miles. The project will include left and right turn lanes, stormwater management facilities, provide accommodations for pedestrian and bicyclists, and improve safety along the corridor. Traffic demand on this road is expected to increase over the next 20 years, due to the regional population and employment growth expected as the result of the Base Realignment and Closure (BRAC) Commission implementation in the Fort Bevoir area. This project is currently in the design phase and partially funded with federal funds.	$10.0

Route 236/Beauregard Street Intersection Improvements - The intersection of Little River Turnpike (Route 236) and Beauregard Street is likely to be impacted by increased demand over the next 20 years, due to the regional population and employment growth expected as the result of the Base Realignment and Closure (BRAC) Commission implementation in the Fort Bevoir area. Specifically, Beauregard Street is anticipated to be a popular route to the Mark Center for those looking to avoid I-395. This project will involve improvements to the roads providing for additional capacity.	$5.0
Virginia Railway Express Backlick Road Station Platform Improvements – The VRE System Plan 2040 identified VRE system capacity improvements to accommodate current and future passenger demand with the goal of doubling ridership by 2040. At 405 feet in length the Backlick Rd. platform was designed to accommodate train consists up to 5 cars in length. Current VRE consists using the Backlick Rd. station are between 6 and 8 cars in length which precludes passengers from boarding or alighting the train from all cars and increases station dwell times. This project will design and construct an extension to the station platform to accommodate train consists up to 8 cars in length and assess the feasibility of extending it farther to service trains up to 10 cars in length, which is the maximum train length anticipated in the future. The conceptual location for a second, off-side platform to increase Manassas Line operational flexibility and serve future, bi-directional VRE service will also be identified.	$2.0
Total CMAQ/RSTP Requested	**$54.62**

Board Agenda Item
December 2, 2014

ACTION - 5

Approval of Fairfax Connector January 2015 Service Changes

ISSUE:
Board of Supervisors' approval of Fairfax Connector's January 2015 service changes that address needed service reliability improvements on new Silver Line/Dulles Corridor routes, improves connectivity, reduces bus bay congestion at the Spring Hill and Tysons Corner Metro stations, and addresses a change to the hours of operation of a portion of Route 335 to Fort Belvoir.

RECOMMENDATION:
The County Executive recommends that the Board approve the January 2015 service change proposal as outlined below.

TIMING:
Board approval is requested on December 2, 2014, so that service changes can be programmed and implemented on January 24, 2015.

BACKGROUND:
Fairfax County Department of Transportation staff has been monitoring Fairfax Connector service since the commencement of Silver Line, Phase 1 service on July 26, 2014. The majority of the proposed changes are schedule adjustments to bus running times that reflect actual travel times in current traffic conditions, extensions for Routes 401/402 and 574 to the Tysons Westpark Transit Station to address bus bay congestion at the Spring Hill and Tysons Corner Metrorail stations. In addition, the service changes formalize adjustments to service after the start of Silver Line, which were necessary due to longer than anticipated bus travel times on some routes and traffic congestion near the Wiehle-Reston East Metrorail station.

To inform the public of the service changes and receive feedback from passengers, staff posted detailed information on the Fairfax Connector website, held two public meetings, and reviewed and responded to rider comments and questions. Public comment was reviewed and rider requests were incorporated into the proposal, where feasible. A summary of the public feedback is included as Attachment I.

Fairfax Connector ridership in the Dulles Corridor continues to change in response to Silver Line. Dulles Corridor/Silver Line ridership for September 2014 showed an approximately two percent weekday ridership increase over FY-2014. Ridership in October 2014 continued this trend with an almost four percent weekday ridership increase over FY-2014. In addition, weekend ridership is up at least seven percent.

Board Agenda Item
December 2, 2014

Proposal Details

Routes 401,402 – Backlick Road-Gallows Road (Braddock, Lee, Mason, Providence)

- A new schedule will reflect travel times adjusted for current traffic conditions and to reduce passenger crowding during peak travel periods.
    - Buses carry, on average, approximately 44 passengers per trip, making Route 401/402 the highest ridership line in the Fairfax Connector system.
    - The new schedule implemented for the start of Silver Line did not provide enough time in the schedule for buses to travel the route between Springfield and Tysons.
    - Time will be added to the schedule to improve on-time performance and allow for service to a new Dunn Loring-Merrifield Metrorail Station bus facility and the redeveloped Springfield Town Center (former Springfield Mall).
- Buses will serve the Tysons West*Park Transit Station via Greensboro Drive and Spring Hill Road providing connections to Route 574, making a trip between Springfield, Tysons, Merrifield, Annandale, and Reston possible by bus.
    - Extending Route 401/402 service will reduce bus bay congestion at the Tysons Corner Metrorail Station (south side), allowing Route 422 buses to directly serve the Metrorail station, and improve connectivity in Tysons.
    - This extension will also provide additional circulation within Tysons.

Route 422 – Boone Boulevard-Howard Avenue (Providence)

- Buses will directly serve the Tysons Corner Metrorail Station south side (dependent on the Route 401/402 service extension to Tysons West*Park Transit Station).
- Directly serving the Tysons Corner Metrorail Station responds to passenger requests, eliminates the need for passengers to walk to and from a bus stop along northbound Chain Bridge Road, increasing Silver Line connectivity with existing service.

Route 463 – Maple Avenue-Vienna (Hunter Mill, Providence)

- A new schedule will reflect travel times adjusted for current traffic conditions.
    - Too much time was provided in the schedule for buses to travel between the Vienna Metrorail Station and the intersection of Maple Avenue and Horse Shoe Lane.

Routes 493,494,495 – Tysons-495 Express Lanes (Braddock, Lee, Mount Vernon, Providence)

- Buses will directly serve the Spring Hill Metrorail Station bus lane along westbound Leesburg Pike (dependent on the Route 574 service extension to the Tysons West*Park Transit Station).

- Directly serving the Spring Hill Metrorail Station addresses passenger requests

and eliminates the need for riders to walk to and from a bus stop along Tyco Road north of Leesburg Pike, increasing Silver Line connectivity with existing service.

Route 505 – Reston Town Center (Hunter Mill)

- A new schedule will reflect travel times adjusted for current traffic conditions.
- Departures on routes 505, 981, and 983 will be timed to provide an even spacing of buses between Reston Town Center and the Wiehle-Reston East Metrorail Station.
- This change is necessary to formalize changes implemented after the start of Silver Line service to address traffic and poor on-time performance. Not enough time was provided in the schedule for buses to travel between Reston Town Center and the Wiehle-Reston East Metrorail Station.

Routes 551,557,559 – Reston South (Hunter Mill)

- A new schedule will reflect travel times adjusted for current traffic conditions.
- One additional morning rush hour trip will be added on Route 557 departing Reston South Park and Ride Lot at approximately 5:40 a.m. in response to passenger requests.

Routes 552,554,558 – Reston North (Hunter Mill)

- A new schedule will reflect travel times adjusted for current traffic conditions.
- One additional morning rush hour trip will be added on Routes 552 and 554 in response to passenger requests.
- The schedule will be revised to improve connections with Route 599.

Route 574 – Reston-Tysons (Dranesville, Hunter Mill, Providence)

- A new schedule will reflect travel times adjusted for current traffic conditions.
- Buses will serve the Tysons West*Park Transit Station via Spring Hill Road providing connections to Route 401/402, making a trip between Springfield, Tysons, Merrifield, Annandale, and Reston possible by bus.
    - Serving the Tysons West*Park Transit Station will reduce bus bay and bus lane congestion at the Spring Hill Metrorail Station along westbound Leesburg Pike.

    - Extending Route 574 service will allow Route 493, 494, and 495 buses to directly serve the Spring Hill Metrorail Station, eliminating the need for passengers to access the station via a bus stop on Tyco Road north of Leesburg Pike.

Route 585 – Franklin Farm-Reston South (Hunter Mill, Sully)

- A new schedule will reflect travel times adjusted for current traffic conditions.
    - Too much time is in the schedule between Franklin Farm Road and Reston South Park and Ride Lot.

Route 599 – Pentagon-Crystal City (Hunter Mill)

- A new schedule will reflect travel times adjusted for current traffic conditions between Crystal City, Pentagon City, and the Pentagon and minor route modification at the Pentagon.
- To address vehicle crowding at Reston North Park and Ride Lot and passenger requests, all morning service will be shifted to begin and end 30 minutes earlier than in the present schedule.
- To improve connectivity with the Wiehle-Reston East Metrorail Station, and facilitate transfers from and to other local Reston area bus service, morning and afternoon buses will serve stops along Sunset Hills Road between Metro Center Drive/Isaac Newton Square and Wiehle Avenue.

Route 605 – Fair Oaks-Reston (Hunter Mill, Providence, Springfield, Sully)

- A new schedule will reflect travel times adjusted for current traffic conditions.
- The time between buses will change from every 60 minutes to every 45 minutes on weekdays and from every 60 minutes to every 70 minutes on Saturdays and Sundays.
- Buses will travel to and from Fair Oaks Mall via West Ox Road, Post Forest Drive, Government Center Parkway, the Fairfax County Government Center, and Monument Drive.
    - Buses will serve Fair Lakes Promenade via bus stops on Monument Drive at Fair Lakes Parkway.

Route 721 – Chain Bridge Road-McLean (Dranesville, Providence)

- A new schedule will reflect travel times adjusted for current traffic conditions.
- Bus layover along Beverly Road near Old McLean Village Drive in central McLean will be eliminated.
    - Buses will travel “through” Beverly Road to and from the McLean Metrorail Station and Tysons Corner Center.

Routes 924,926 – Dranesville Road-Worldgate (Dranesville, Hunter Mill)

- A new schedule will reflect travel times adjusted for current traffic conditions.

Route 927 – Dulles Corner-McNair Farms (Dranesville, Hunter Mill)

- A new schedule will reflect travel times adjusted for current traffic conditions.
- Two additional afternoon rush hour trips will be added to the schedule, departing Herndon-Monroe Park and Ride Facility at approximately 3 and 8 p.m.

Route 929 – Centreville Road (Dranesville, Hunter Mill, Sully)

- A new schedule will reflect travel times adjusted for current traffic conditions.
- Buses will travel via McLearen Road, Park Center Drive, Towerview Road, EDS Drive, and Centreville Road to and from Kinross Circle.

Route 950 – Herndon-Reston (Dranesville, Hunter Mill)

- A new schedule will reflect travel times adjusted for current traffic conditions and

to improve Silver Line connections.

- Departures on routes 950 and 980 will be timed to provide an even spacing of buses between Herndon-Monroe Park and Ride Facility and the Wiehle-Reston East Metrorail Station.
- An additional late evening trip will be added to the schedule in both directions to improve connectivity between Herndon and Reston.

Routes 951,952 – Sunrise Valley Drive-Sunset Hills Road (Dranesville, Hunter Mill)

- A new schedule will reflect travel times adjusted for current traffic conditions.
- This change is necessary to formalize changes implemented after the start of Silver Line service to address traffic and poor on-time performance. Not enough time was provided for buses to travel between Herndon-Monroe Park and Ride Facility, US Geological Survey (USGS) and the Wiehle-Reston East Metrorail Station.
- Route 951 buses will serve the USGS campus on all morning rush hour, midday, and afternoon rush hour trips via Sunrise Valley Drive.

Route 980 – Herndon-Monroe (Dranesville, Hunter Mill)

- A new schedule will reflect travel times adjusted for current traffic conditions.
- Departures on routes 950 and 980 will be timed to provide an even spacing of buses between Herndon-Monroe Park and Ride Facility and the Wiehle-Reston East Metrorail Station.
- Trips will be added during the busiest rush hour travel times to reduce passenger crowding between the Wiehle-Reston East Metrorail Station and Herndon-Monroe Park and Ride Facility.

Routes 981,983 – Dulles Airport/Udvar-Hazy Air & Space Museum-Reston Town Center (Dranesville, Hunter Mill, Sully)

- A new schedule will reflect travel times adjusted for current traffic conditions.
- Departures on routes 505, 981, and 983 will be timed to provide an even spacing

  of buses between Reston Town Center and the Wiehle-Reston East Metrorail Station.
- This change is necessary to formalize changes implemented after the start of
- Silver Line service to address traffic during weekday afternoon rush hours on Route 28 between Dulles Airport and the Udvar-Hazy Center.

Route 985 – Dulles Corner-Wall Road (Dranesville, Hunter Mill, Sully)

- A new schedule will reflect travel times adjusted for current traffic conditions.

Route 335 – Fort Belvoir (Lee, Mount Vernon)

- The trip departing the Franconia-Springfield Metrorail Station at 6 p.m. will travel as far south as the intersection of Morning View Lane and View Lane in the Island Creek community.
- This change is necessary due to the 6 p.m. closure of Fort Belvoir's Telegraph Gate and formalizes service currently in place to accommodate the gate closure.

As noted above, the majority of these service changes are in response to Fairfax Connector's Silver Line service.

FISCAL IMPACT:
This plan expands service by approximately 25,000 annual revenue hours. While some service adjustments were implemented in August 2014 to address traffic conditions and immediate operational issues, the planned implementation of the remaining service changes will begin January 24, 2015. FCDOT staff anticipated that service changes would be needed after the initial service plan went into effect. Only partial year operating funding is needed to incorporate the above changes. Based on five months of operation, and service adjustments implemented in August 2014, approximately $1,300,000 is required in FY 2015 and is included in the FY 2015 Fund 40000 (County Transit Fund) budget. The net cost for partial year FY 2015 implementation and full year FY 2016 will be funded by state aid.

ENCLOSED DOCUMENTS:
Attachment I – Public comment summary
Attachment II – News release and public meeting information
Attachment III – Maps for service with proposed route changes

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Dwayne Pelfrey, Chief, Transit Services Division, FCDOT
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT
Nick Perfili, Section Chief, Transit Services Division, FCDOT
Stuart Boggs, Transportation Planner, Transit Services Division, FCDOT
Ray Johnson, Transportation Planner, Coordination and Funding Division, FCDOT

Attachment I

Public Comment Summary

Route(s)	Comment Summary	Response
401,402	Service operates late, especially in the afternoon. Extend in to Tysons to eliminate the need to transfer. Add bi-directional bus service.	The January 2015 service changes include a new Route 401/402 schedule with added time for buses to travel along the route. Buses will be extended to the Tysons West*Park Transit Station to improve connectivity in Tysons and to allow Route 422 buses to directly serve the Tysons Corner Metrorail Station. In addition, time will be added to the schedule
422	Buses need to serve the Tysons Corner Metrorail Station. The bus stop along Chain Bridge Road is not convenient and there are no sidewalks to transfer to the Silver Line.	Dependent on the extension of Route 401/402 service to the Tysons West*Park Transit Station, there will be bus bay and bus lane capacity at the Tysons Corner Metrorail Station for Route 422 buses to directly serve the station.
463	Buses depart the Vienna Metrorail Station late.	Buses are currently holding after the scheduled departure to prevent running early along the route. Too much time was allotted in the schedule between the Vienna Metrorail Station and the intersection of Maple Avenue and Horse Shoe Lane. The schedule will be adjusted to reflect traffic conditions.
493,494,495	Buses need to serve the Spring Hill Metrorail Station.	Dependent on the extension of Route 574 service to the Tysons West*Park Transit Station, there will be bus bay and bus lane capacity at the Spring Hill Metrorail Station for Route 493, 494, and 495 buses to directly serve the station.
505	Buses operate late and trips are being missed. Coordinate the Route 505, 981, and 983 schedules between the Wiehle-Reston East Metrorail Station and Reston Town Center.	The schedule is being changed to provide time for buses to travel between Reston Town Center and the Wiehle-Reston East Metrorail Station. In August 2014, an additional bus was added to the 505 service at most times of the day to improve on time performance and provide enough time for buses to travel the route. This was in response to passenger and bus operator complaints. Route 505, 981, and 983 service will be coordinated to provide an even spacing of buses between Reston Town Center and the Wiehle-Reston East Metro Station.
552,554	Morning service does not begin until 6:30 a.m.; buses do not allow for connections to Route 599 service.	Service will be coordinated to allow for transfer connections. One additional trip will be added to the Route 552 and 554 schedule.
557	Morning service does not begin until after 6 a.m.	An additional Route 557 trip will be added to the schedule, departing Reston South Park and Ride Lot at approximately 5:40 a.m.
585	Buses are holding at the Reston South Park and Ride in the evening before serving Franklin Farm.	Buses are currently holding after the scheduled departure to prevent running early along the route. Buses were provided too much time in the afternoon/evening schedule.

		The schedule will be adjusted to have travel times reflect traffic conditions.
599	Improve bus routing near the Pentagon. Afternoon buses depart the Pentagon late. The Reston North Park and Ride fills to capacity.	The schedule will be adjusted to account for current traffic conditions between Crystal City and Pentagon and a minor routing change near the Pentagon. All morning service will be shifted approximately 30 minutes earlier to better accommodate bus riders at Reston North Park and Ride. Buses will serve stops along Sunset Hills Road to improve transfer connections from Route 552 and 554 service, in addition to the Wiehle-Reston East Metrorail Station.
605	Service operates late. Buses arrive up to 20-25 minutes behind schedule. The first bus does not arrive to Reston until almost 8 a.m. on weekdays.	A new schedule will reflect bus travel times adjusted for traffic conditions. Added service will provide earlier connections to Reston and the Dulles Corridor on weekdays. To improve on time performance, the southern last stop will be changed from the Fairfax County Government Center to Fair Oaks Mall. Buses will continue to serve both locations.
721	Buses are holding on Beverly Road.	Buses were provided too much time in the schedule to travel between the McLean Metrorail Station and the end of the route at Beverly Road and Old McLean Village Drive. A new schedule will adjust bus travel times to reflect traffic conditions and will be structures such that all layover will occur at either the McLean Metrorail Station or Tysons Corner Center.
927	Service was cut back from all-day weekday service to rush hours only with the Silver Line changes. Buses do not operate late enough into the evening.	Two additional trips will be added to the afternoon/evening schedule to address passenger requests and service demand and have buses operate closer to the pre-Silver Line span of operation.
929	Service to bus stops along Park Center Drive was removed with the Silver Line changes. Employees with disabilities are having to walk up to 1.2 miles to reach jobs along Park Center Drive. Staff with the Fairfax-Falls Church Community Services Board requested service be restored to accommodate employees in the Herndon area.	Service will be restored to Park Center Drive bus stops by way of McLearen Road, Towerview Road, and EDS Drive to and from Kinross Circle. A new schedule will reflect traffic conditions and service to bus stops along Park Center Drive.
950	Buses do not operate as late as they used to. Add a service from Reston to Herndon.	The schedule will be adjusted to reflect traffic conditions. Added late night trips will bring the time buses operate back to the level of service prior to Silver Line.
951	Buses are late to US Geological Survey (USGS). Buses are not serving the bus stops along Sunrise Valley Drive at Edmund Halley Drive.	The schedule will be adjusted to reflect traffic conditions and improve on time performance. Not enough time was provided for buses to travel along the route. Buses will serve USGS via Sunrise Valley Drive on all morning rush, midday, and afternoon rush trips; allowing

		buses to serve both USGS and bus stops along Sunrise Valley Drive near Edmund Halley Drive.
980	Buses are crowded. The passenger waiting platform at the Wiehle-Reston East Metrorail Station is crowded during afternoon rush hours.	Additional trips will be added to the schedule during the busiest rush hour travel times. In addition, Route 950 and 980 service will be coordinated to provide an even spacing of buses between the Herndon-Monroe Park and Ride Lot and the Wiehle-Reston East Metrorail Station.
981,983	Provide an even spacing of buses with Route 505 service at Reston Town Center.	Route 505, 981, and 983 service will be coordinated to provide an even spacing of buses between Reston Town Center and the Wiehle-Reston East Metrorail Station.

Attachment II

FCDOT news release and public meeting information, 10/15/2014

Fairfax Connector Seeks Feedback on Proposed Service Changes

Changes to 29 Fairfax Connector routes are proposed to take place in January 2015 to improve on-time performance, enhance connectivity between routes, and serve new development in the Merrifield and Springfield areas.

Highlights of the service proposal include:

- A new schedule to reduce passenger crowding and add extra time for buses to serve the new Springfield Town Center and new bus facility constructed as part of new development at the Dunn Loring-Merrifield Metro station on routes 401 and 402
- A new schedule and added weekday trips on service between Fair Oaks and Reston on Route 605
- Schedule adjustments on most routes serving the Wiehle-Reston East Metro station

Since the launch of Metro's Silver Line service in July, Fairfax Connector has been monitoring traffic conditions, schedule adherence, and ridership on routes serving the Dulles Corridor. Over the past two months, ridership has increased approximately 2 percent on weekdays and 7 percent on weekends, with strong ridership on routes connecting Springfield and Tysons, as well as routes connecting the Wiehle Metro station with Reston Town Center, Dulles International Airport, and the National Air and Space Museum Udvar-Hazy Center in Chantilly. In addition, weekday Dulles Corridor park and ride use has increased as much as 15 percent.

The majority of proposed schedule changes in the Dulles Corridor adjust bus travel times to reflect current traffic conditions.

Routes with proposed service changes: 335, 401, 402, 422, 463, 493, 494, 495, 505, 551, 552, 557, 558, 559, 574, 585, 599, 605, 721, 924, 926, 927, 929, 950, 951, 952, 980, 981, 983, and 985. Details by route are listed below.

Fairfax Connector will host two meetings to explain the proposed changes and take comments from the public:

Tysons – Monday, November 3, 2014
11 a.m. – 2 p.m.
Fairfax County/Tysons Community Room
Tysons Corner Center – Level 2
1961 Chain Bridge Road; Tysons, VA 22102
Presentation at 12:30 p.m.
Transit access: Fairfax Connector 401, 402, 463, 721; Metrobus 2T, 23A, 28A; Tysons Corner Metro Station

Reston – Wednesday, November 5, 2014
6:30 – 8:30 p.m.
Southgate Community Center
12125 Pinecrest Road; Reston, VA 20191
Presentation at 7 p.m.
Transit access: Fairfax Connector 551, RIBS 1, RIBS 3

For more information or to comment on the proposed service changes, riders should visit fairfaxconnector.com, attend a public meeting, e-mail questions or comments to fairfaxconnector@fairfaxcounty.gov, or call 703-339-7200, TTY 703-339-1608. Public comment will be accepted until 5 p.m. Friday, November 7, 2014.

PROPOSAL DETAILS

Route 335 – Fort Belvoir

- The trip departing the Franconia-Springfield Metro station at 6 p.m. will travel as far south as Morning View Lane and View Lane due to an earlier closure of Fort Belvoir Telegraph Gate.

Routes 401,402 – Backlick Road-Gallows Road

- A new schedule will reflect travel times adjusted for current traffic conditions.
- Departure times will be shifted to reduce passenger crowding.
- Time will be added to the schedule in both directions to allow for service to new development at the Dunn Loring Metro station and the redeveloped Springfield Town Center (former Springfield Mall).
- Buses will serve the Tysons Westpark transit station via Greensboro Drive and Spring Hill Road providing connections to Route 574, making a trip between Springfield, Tysons, Merrifield, Annandale, and Reston possible by bus.

Route 422 – Boone Boulevard-Howard Avenue

- Buses will serve the Tysons Corner Metro station bus lane along northbound Chain Bridge Road.

Route 463 – Maple Avenue-Vienna

- A new schedule will reflect travel times adjusted for current traffic conditions.

Routes 493,494,495 – Tysons-495 Express Lanes

- Buses will serve the Spring Hill Metro station bus lane along westbound Leesburg Pike.

Route 505 – Reston Town Center

- A new schedule will reflect travel times adjusted for current traffic conditions.
- Departures on routes 505, 981, and 983 will be timed to provide an even spacing of buses between Reston Town Center and the Wiehle Metro station.

Routes 551,557,559 – Reston South

- A new schedule will reflect travel times adjusted for current traffic conditions.

Routes 552,558 – Reston North

- A new schedule will reflect travel times adjusted for current traffic conditions.

Route 574 – Reston-Tysons

- A new schedule will reflect travel times adjusted for current traffic conditions.
- Buses will serve the Tysons Westpark transit station via Spring Hill Road providing connections to Route 401/402, making a trip between Springfield, Tysons, Merrifield, Annandale, and Reston possible by bus.

Route 585 – Franklin Farm-Reston South

- A new schedule will reflect travel times adjusted for current traffic conditions.

Route 599 – Pentagon-Crystal City

- A new schedule will reflect travel times adjusted for current traffic conditions.

Route 605 – Fair Oaks-Reston

- A new schedule will reflect travel times adjusted for current traffic conditions.
- The time between buses will change from every 60 minutes to every 45 minutes on weekdays and from every 60 minutes to every 70 minutes on Saturdays and Sundays.

- Buses will travel to and from Fair Oaks Mall via West Ox Road, Post Forest Drive, Government Center Parkway, the Fairfax County Government Center, and Monument Drive.
- Buses will serve Fair Lakes Promenade and Pender Creek via bus stops on Monument Drive at Fair Lakes Parkway.

Route 721 – Chain Bridge Road-McLean

- A new schedule will reflect travel times adjusted for current traffic conditions.

Routes 924,926 – Dranesville Road-Worldgate

- A new schedule will reflect travel times adjusted for current traffic conditions.

Route 927 – Dulles Corner-McNair Farms

- A new schedule will reflect travel times adjusted for current traffic conditions.
- Two additional afternoon rush hour trips will be added to the schedule.

Route 929 – Centreville Road

- A new schedule will reflect travel times adjusted for current traffic conditions.
- Buses will travel via Park Center Drive, Towerview Road, EDS Drive, and Centreville Road to or from Kinross Circle.

Route 950 – Herndon-Reston

- A new schedule will reflect travel times adjusted for current traffic conditions and to improve Silver Line connections.
- Departures on routes 950 and 980 will be timed to provide an even spacing of buses between Herndon-Monroe Park & Ride and the Wiehle Metro station.

Routes 951,952 – Sunrise Valley Drive-Sunset Hills Road

- A new schedule will reflect travel times adjusted for current traffic conditions.
- Route 951 buses will serve the US Geological Survey campus on all trips via Sunrise Valley Drive.

Route 980 – Herndon-Monroe

- A new schedule will reflect travel times adjusted for current traffic conditions.
- Departures on routes 950 and 980 will be timed to provide an even spacing of buses between Herndon-Monroe Park & Ride and the Wiehle Metro station.
- Trips will be added during the busiest rush hour travel times to reduce passenger crowding between the Wiehle Metro station and Herndon-Monroe Park & Ride.

Routes 981,983 – Dulles Airport/Udvar-Hazy Air & Space Museum-Reston Town Center

- A new schedule will reflect travel times adjusted for current traffic conditions.
- Departures on routes 505, 981, and 983 will be timed to provide an even spacing of buses between Reston Town Center and the Wiehle Metro station.

Route 985 – Dulles Corner-Wall Road

- A new schedule will reflect travel times adjusted for current traffic conditions.

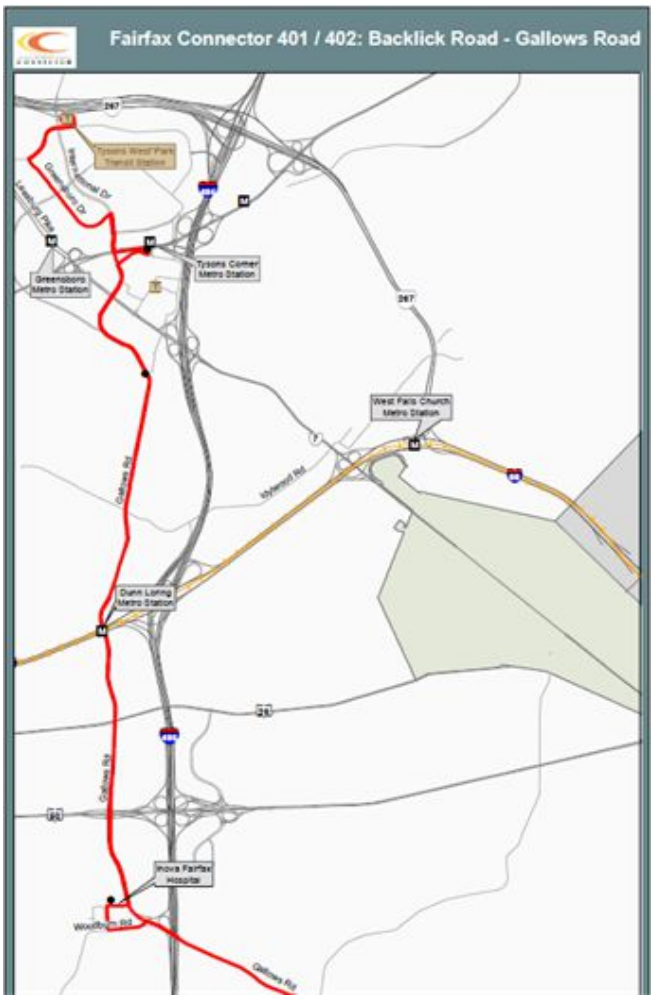
For more information about this news release, contact Beth Francis in the Fairfax County Department of Transportation at 703-877-5602, TTY 711.

##

Attachment III – Proposed Route Changes

Routes 401,402 – Backlick Road-Gallows Road

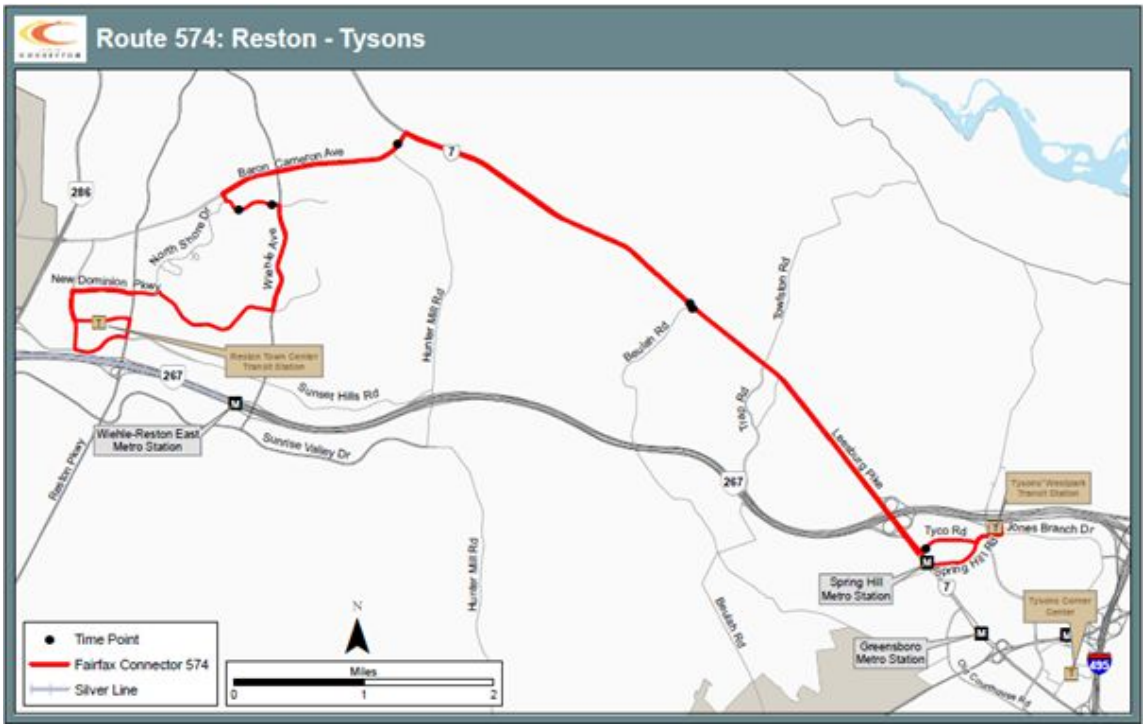
Service extended to Tysons West*Park Transit Station via Greensboro Drive and Spring Hill Road.



(map continued above right)

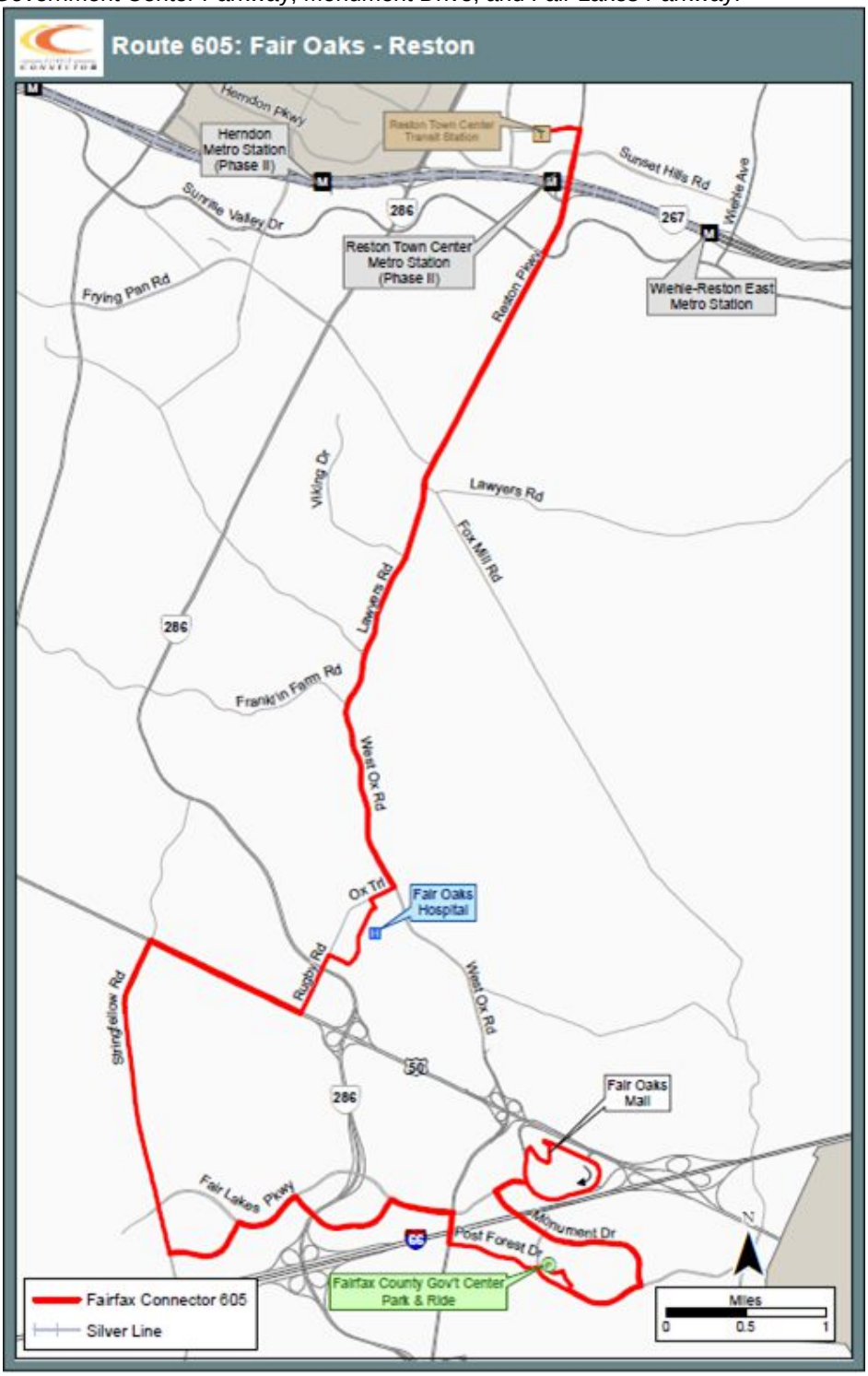
Route 574 – Reston-Tysons

Service extended to Tysons West*Park Transit Station via Spring Hill Road.



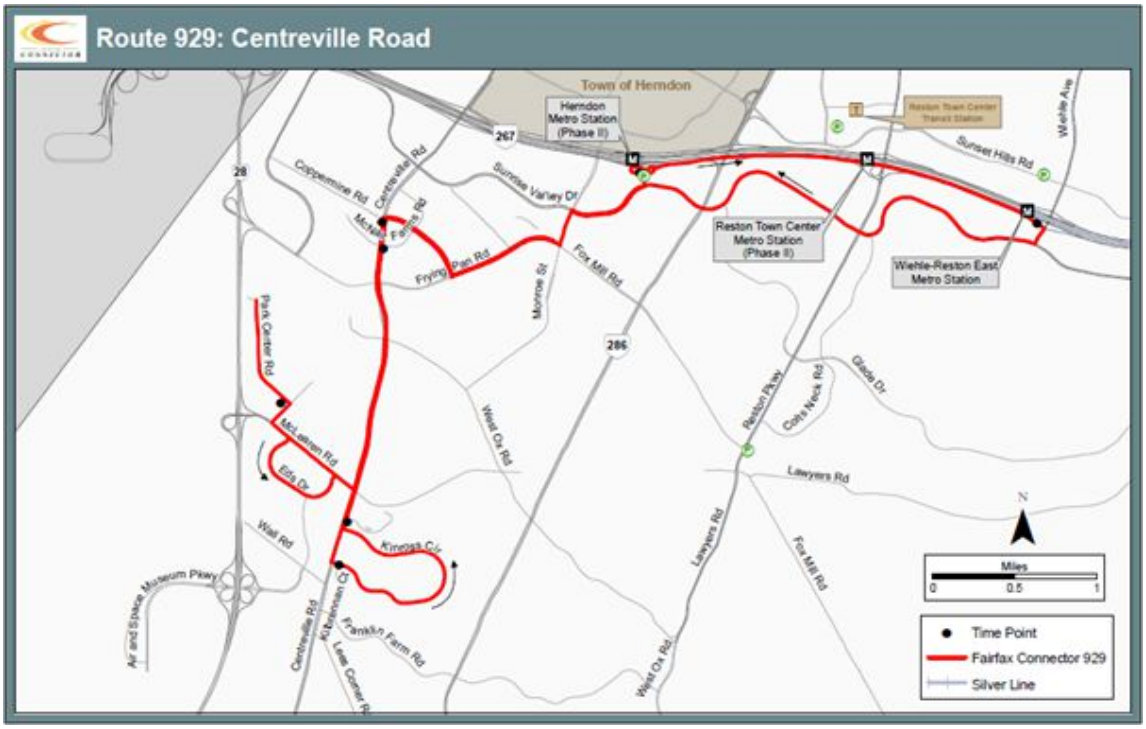
Route 605 – Fair Oaks-Reston

Buses will serve Fair Oaks Mall via West Ox Road, Post Forest Drive, the Fairfax County Government Center, Government Center Parkway, Monument Drive, and Fair Lakes Parkway.



Route 929 – Centreville Road

Buses will travel via McLearen Road, Towerview Road, Park Center Drive, EDS Drive, and Centreville Road to and from Kinross Circle.



Board Agenda Item
December 2, 2014

INFORMATION – 1

Presentation of the Fiscal Year 2014 Comprehensive Annual Financial Report (CAFR)

Annually, pursuant to the *Code of Virginia* (Code), Section 15.2-2511, as amended, Fairfax County's financial statements are audited by an independent certified public accountant. This audit is conducted in accordance with auditing standards generally accepted in the United States; the standards applicable to financial audits contained in the Government Auditing Standards issued by the Comptroller General of the United States; and the Specifications for Audits of Counties, Cities, and Towns issued by the Auditor of Public Accounts of the Commonwealth of Virginia. The Code also requires that an independent certified public accountant present a detailed written report to the local governing body at a public session by December 31. The County's financial statements for Fiscal Year 2014 have been audited by KPMG LLP (KPMG), and KPMG's unqualified opinion, with respect thereto, is presented on page 1 of the Financial Section of the County's CAFR. A representative from KPMG is with us today.

In addition to meeting the requirements of the Code, the audit was designed to meet the requirements of the U. S. Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations and the related Circular A-133 Compliance Supplement. Known as the Single Audit, this is a special type of compliance audit applicable to specific federal grant programs. The requirements of the Single Audit are established by federal legislation and regulation and are very stringent. KPMG's reports related specifically to this audit activity are included in a separate Single Audit Act Report.

Auditing standards generally accepted in the United States require that the auditors communicate, in writing, to those charged with governance all significant deficiencies, including material weaknesses. In a letter addressed to the Board of Supervisors, KPMG reports that no material weaknesses were noted. This has been the case for the past 19 consecutive years, which is quite an achievement considering the size and complexity of the County's financial operations.

The CAFRs presented today will be submitted for rigorous peer review by the Government Finance Officers Association of the United States and Canada (GFOA). The 2013 CAFR for the County was awarded the GFOA's Certificate of Achievement for Excellence in Financial Reporting, the highest honor conferred by the GFOA.

Board Agenda Item
December 2, 2014

A comprehensive package was delivered directly to the offices of each member of the Board of Supervisors on or before November 30, 2014. The package included:

- The Fiscal Year 2014 Comprehensive Annual Financial Report.
- KPMG's required communications letter pertaining to the conduct of the audit addressed to the Board.
- KPMG's letter reporting no material weaknesses addressed to the Board.
- The Single Audit Act Report.

In compliance with the Code, a copy of the Fiscal Year 2014 CAFR is being provided to the Clerk to the Board of Supervisors where it shall remain open to public inspection. The CAFR is being made available for public use in the reference sections of the County's regional and community libraries as well as on Fairfax County's Web site.

ENCLOSED DOCUMENTS:
None. Documents have been delivered as noted above.

STAFF:
Susan W. Datta, Chief Financial Officer, Department of Management and Budget
Christopher J. Pietsch, Director, Department of Finance
Deirdre M. Finneran, Deputy Director, Department of Finance
Richard M. Modie Jr., Chief, Financial Reporting Division, Department of Finance

Board Agenda Item
December 2, 2014

INFORMATION - 2

Contract Award – Consulting Support for an NCR Study for Regional Next Generation 9-1-1 Design

The Department of Public Safety Communications (DPSC) has a requirement for consulting support for a National Capital Region (NCR) study for Regional Next Generation (NG) 9-1-1 Design. Currently, there are no NG9-1-1 capabilities in the NCR, and the existing 9-1-1 infrastructure and equipment is dated and reaching end of life. In addition, within the next few years the current 9-1-1 equipment in many of the Public Safety Answering Points (PSAPs) will no longer be supported by the current 9-1-1 service provider. The consultant will provide the following deliverables:

- A high level plan, capabilities gap analysis, and the statements of GIS and network technology requirements that are needed to support the regional procurement efforts of NCR PSAPs as the migration to a Next Generation 9-1-1 technology platform unfolds.
- Highlight potential changes in governance issues or policies for regionally operated NG9-1-1 systems that will differ from the way 9-1-1 systems operate today in a disparate state tariff environment.
- Publish a Request for Information (RFI) to industry to gather preliminary cost and technical approaches which allow input to the funding needs of the 2015 UASI grant request process for NG9-1-1.
- Establish a collaborative discussion with the MWCOG 9-1-1 Directors Committee and other key stakeholders in the NCR GIS community and the NCR IP network community to discuss and consider how existing GIS and network resources can be used to selectively route 9-1-1 calls over a new or enhanced network (called an ESInet) required by NG9-1-1.
- Conduct a feasibility assessment to make a recommendation to the NCR on how to best implement an Emergency Services Internet Protocol network (ESInet) for the future migration to a NG9-1-1 solution.
-

In accordance with the County's policy on the use of General Services Administration Multiple Award Schedules, the Department of Purchasing and Supply Management solicited offers from three qualified GSA contractors. The County received four proposals in response to the solicitation. DPSC staff evaluated the proposals in accordance with the criteria established in the GSA solicitation request, and upon completion of the final evaluation and negotiations, DPSC staff recommended contract award to Mission Critical Partners (MCP).

The Fairfax County Department of Tax Administration has verified that Mission Critical Partners (MCP) has a Fairfax County Business, Professional & Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the County Purchasing Agent will proceed to award this contract to Mission Critical Partners (MCP) for consulting support for an NCR Study for Regional NG9-1-1 Design.

FISCAL IMPACT:
The value of this UASI grant-funded term contract is $413,000.

ENCLOSED DOCUMENTS:
Attachment 1 - List of Offerors

STAFF:
Cathy A. Muse, Director, Department of Purchasing and Supply Management
Wanda Gibson, Director, Department of Information Technology
Steve Souder, Director, Department of 9-1-1 / Public Safety Communications

ATTACHMENT 1

List of Offerors

NAME	SWAM STATUS
Mission Critical Partners	Small Business
RCC Consultants	Large Business
Winbourne Consulting, LLC	Small Business
Zillion Technoligies, Inc.	Minority Owned

Board Agenda Item
December 2, 2014

11:00 a.m.

Matters Presented by Board Members

Board Agenda Item
December 2, 2014

11:50 a.m.

CLOSED SESSION:

(a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).

(b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).

(c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).

1. *Equity Trustees, L.L.C., Substitute Trustee v. Board of Supervisors of Fairfax County, Fairfax County Redevelopment and Housing Authority, and Lisa N. Grande*, Case No. CL-2014-0008568 (Fx. Co. Cir. Ct.) (Sully District)

   Samuel I. White, P.C., Substitute Trustee v. Fairfax County Redevelopment and Housing Authority, Board of Supervisors of Fairfax County, Tiwanna Saunders, Westbrook Court Condominium Unit Owners Association, CACH LLC, and Fairfax Oral and Maxillofacial Surgery, P.C., Case No. CL-2014-0007210 (Fx. Co. Cir. Ct. (Braddock District)

   Equity Trustees, L.L.C., Substitute Trustee v. Fairfax County Redevelopment and Housing Authority, Board of Supervisors of Fairfax County, Rida Saadiq, Sayyida Rahim-Saadiq, and Great Falls Crossing Community Association, Inc., Case No. CL-2014-0010803 (Fx. Co. Cir. Ct.) (Hunter Mill District)

2. *Walgreen Co. v. County of Fairfax, Virginia*, Case No. 2013-0019234 (Fx. Co. Cir. Ct.) (Mt. Vernon)

3. *Angela Pledger v. Fairfax County*, Case No. 14-1590 (U.S. Ct. of App. for the Fourth Cir.)

4. *Dora E. Caudle v. Christopher D. Colandene, David P. Bobzien, the Fairfax County Retirement Administration Agency, and Does 1 through 20*, Case No. 5:14cv00031 (W.D. Va.)

5. *In Re: November 20, 2013, Decision Of The Fairfax County Board of Zoning Appeals In BZA Appeal No. A-2013-SU-024*, Case No. CL-2013-0018953 (Fx. Co. Cir. Ct.) (Sully District)

6. *Marco Mendoza v. State Building Code Technical Review Board and Audrey Clark, Building Official for Fairfax County, Virginia*, Case No. CL-2009-0008980 (Fx. Co. Cir. Ct.) (Hunter Mill District)

7. *James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. Edward Caine and Susan Power*, Case No. CL-2013-0008131 (Fx. Co. Cir. Ct.) (Dranesville District)

8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George Daamash*, Case No. CL-2011-0000818 (Fx. Co. Cir. Ct.) (Mount Vernon District)

9. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Helen M. Parker-Smith*, Case No. CL-2014-0001775 (Fx. Co. Cir. Ct.) (Providence District)

10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Steven C. Bryant*, Case No. CL-2009-0005546 (Fx. Co. Cir. Ct.) (Sully District)

11. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Robert E. Stroup***,** Case No. CL-2012-0000352 (Fx. Co. Cir. Ct.) (Providence District)

12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sergio Andrade*, Case No. CL-2008-0016277 (Fx. Co. Cir. Ct.) (Sully District)

13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Donald O. Bussard, Jr.*, Case No. CL-2009-0006891 (Fx. Co. Cir. Ct.) (Mount Vernon District)

14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Randal S. Cordes*, Case No. CL-2013-0000441 (Fx. Co. Cir. Ct.) (Dranesville District)

15. *Board of Supervisors of Fairfax County, Virginia v. Zafar Ansari and Erum Nazli*, Case No. CL-2014-0004394 (Fx. Co. Cir. Ct.) (Lee District)

16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Luis J. Palacios and Cristina Palacios*, Case No. CL-2014-0012055 (Fx. Co. Cir. Ct.) (Mason District)

17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Russell M. Jaffe*, Case No. CL-2014-0014124 (Fx. Co. Cir. Ct.) (Hunter Mill District)

18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert E. Willkie*, Case No. CL-2014-0014330 (Fx. Co. Cir. Ct.) (Providence District)

19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ana Caballero*, Case No. CL-2014-0014446 (Fx. Co. Cir. Ct.) (Providence District)

20. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Nazari Living Trust, Majid Nazari, Trustee, or his Successors in Trust Under the Nazari Living Trust*, Case Nos. GV14-007894, GV14-007895, and GV14-007988 (Fx. Co. Gen. Dist. Ct.) (Mason District)

21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ming Yang, Xin Yu, and Fan Yang*, Case No. GV14-012591 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. JPMorgan Chase Bank, N.A.*, Case No. GV14-021529 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

23. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. JPMorgan Chase Bank, N.A.*, Case No. GV14-021528 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

24. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Juan Onofre Augusto D. Alvarez, II, and Anita Sanchez-Alvarez*, Case No. GV14-012492 (Fx. Co. Gen. Dist. Ct.) (Lee District)

25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Margaret Gardner*, Case No. GV14-0021794 (Fx. Co. Gen. Dist. Ct.) (Providence District)

26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael Collins*, Case No. GV14-021793 (Fx. Co. Gen. Dist. Ct.) (Mason District)

27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Won Pae Kim and Chung Sook Kim*, Case No. GV14-021707 (Fx. Co. Gen. Dist. Ct.) (Lee District)

28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Charles R. Cunningham and Patsy A. Cunningham, Trustees, Cunningham Family Trust*, Case No. GV14-021796 (Fx. Co. Gen. Dist. Ct.) (Lee District)

29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John D. Williamson and Tracy A. Williamson*, Case No. GV14-021795 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kia Younger*, Case No. GV14-022052 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert J. Sherman*, Case No. GV14-023282 (Fx. Co. Gen. Dist. Ct.) (Lee District)

32. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mary Ann Kenny and Jonathan Kenny*, Case No. GV14-023679 (Fx. Co. Gen. Dist. Ct.) (Providence District)

33. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Robinson Socrates Nunn and Glanetta Miller*, Case No. GV14-023870 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

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Board Agenda Item
December 2, 2014

3:00 p.m.

Public Hearing on SE 2014-PR-022 (Eskridge II, LLC) to Permit a Drive-In Financial Institution and Waiver of Minimum Lot Width Requirement in a Highway Corridor Overlay District, Located on Approximately 41,886 Square Feet of Land Zoned I-5 and HC (Providence District)

This property is located in 8301 Lee Highway, Fairfax, 22031. Tax Map 49-3 ((1)) 97 pt.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, November 20, 2014, the Planning Commission voted 11-0 (Commissioner Migliaccio was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2014-PR-022, subject to the Development Conditions now dated November 19, 2014; and

- Approval of a waiver of the loading space requirement.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4469096.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
William O'Donnell, Planner, DPZ

SE 2014-PR-022 – ESKRIDGE II, LLC

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed. Mr. Lawrence, please.

Commissioner Lawrence: Mr. Teets, would you please return to the podium. I have one more question to ask you.

Steven Teets, Applicants Agent, Edens Limited Partnership: Yes sir.

Commissioner Lawrence: Does the applicant agree to the development conditions now dated November 19th, 2014, for the-

Mr. Teets: Yes sir, for the additional – to allow that change to the interparcel access – absolutely.

Commissioner Lawrence: And all the others as well.

Mr. Teets: And all the other conditions, yes sir.

Chairman Murphy: Smart move.

Commissioner Lawrence: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-PR-022, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED NOVEMBER 19TH, 2014.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-PR-022, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: One more. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE LOADING SPACE REQUIREMENT.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion of that motion? All those in favor, say aye.
Commissioners: Aye.

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

Commissioner Lawrence: Thank you very much, Mr. Chairman. Thank you to staff. Thank you to the applicant. It's been a long road.

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(Each motion carried by a vote of 11-0. Commissioner Migliaccio was absent from the meeting.)

JLC

Board Agenda Item
December 2, 2014

3:00 p.m.

Public Hearing on RZ 2014-BR-009 (NCL XI, LLC) to Rezone from R-1 to PDH-3 to Permit Residential Development with an Overall Density of 2.1 du/ac and Approval of the Conceptual Development Plans, Located on Approximately 8.08 Acres of Land (Braddock District)

This property is located on the N.W. Quadrant of the Intersection of Zion Drive, and Guinea Road. Tax Map 77-2 ((1)) 14.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, November 6, 2014, the Planning Commission voted 10-0 (Commissioners Hart and Lawrence were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2014-BR-009, subject to the execution of the proffers consistent with those dated October 31, 2014;
- Approval of a waiver of the 600-foot maximum length for a private street;
- Approval of a modification of the minor paved trail requirement in favor of the proposed network on the CDP/FDP; and
- Direct the Director of the Department of Public Works and Environmental Services to permit a deviation from the tree preservation target percentage in favor of the proposed landscaping shown on the FDP/CDP, as proffered.

In a related action, the Planning Commission voted 10-0 (Commissioners Hart and Lawrence were absent from the meeting) to approve FDP 2014-BR-009, subject to the Board's approval of the concurrent rezoning application.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4468026.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
William ODonnell, Planner, DPZ

Planning Commission Meeting Attachment 1
November 6, 2014
Verbatim Excerpt

RZ/FDP 2014-BR-009 – NCL XI, LLC

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Ms. Hurley.

Commissioner Hurley: Thank you Mr. Chairman. This case is an example of how the system can work, even when at first the challenges seem insurmountable. I must compliment first the current owners of the land whose family built the existing 1880s farmhouse. For decades, the family has provided a home for the historic Burke Post Office that the applicant is offering to move a second time to a new location. The farmland surrounding the house was developed decades ago and the neighbors of the – these few remaining acres include not only townhouses and houses, but also a Target store, an electrical substation, even a VRE station. I must next compliment the applicant on their willingness to work through all the community concerns. I am aware of ongoing discussions with the neighbors to the north regarding potential additional consolidation including, at a minimum, membership in a joint HOA. In a win for everyone, the applicant has agreed to enlarge its planned stormwater capacity to assist these neighbors to the north so that they can develop their property at some future date. In return, future Burke Junction residents of this property will access their property with a single access onto Zion Road that will align with Hilliard Lake Road, as stated in the Comprehensive Plan, and thus both meeting VDOT standards and promoting safer traffic for everyone who uses Zion. The applicant has worked very hard to address all staff and community concerns. The proposed development is at the low end of the density range allowed. In the last proffer change – the very last one – the pedestrian crossing was mentioned that their motion to install had been modified so that it will not flash all night long. Could be annoying. I have already mentioned the $10,000 that the applicant has committed to moving the historic Burke Post Office a second time to a new location. In addition, the applicant will not only have the 125-year-old farmhouse documented prior to destruction, but also for a month prior to destruction, will grant access to representatives of the Burke Historic District to remove any and all desired fixtures from the house as well as vegetation from the grounds. The Braddock Land Use Committee approved this application unanimously. Their intensive involvement in the project has been especially noteworthy and I particularly commend the subcommittee members Terri Wambaugh, Jeanne Kadet, and Jill Hilliard. Their subcommittee report is so extensive, so well-researched, and so well-prepared that many localities across the nation might use this an example for staff reports. Last, and certainly not least, I commend the Fairfax County staff members who have scrutinized and reworked the eventual development of this parcel for years. Coordinated by Billy O'Donnell, we now have a package that, as I stated at the beginning, is an example of how the system can work, even when at first the challenges seemed insurmountable. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2014-BR-009, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED 31 OCTOBER, 2014.

Commissioners Hedetniemi and Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and Ms. Hedetniemi. 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 2014-BR-009, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: Second, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2014-BR-009, SUBJECT TO THE BOARD'S APPROVAL OF THE CONCURRENT REZONING APPLICATION.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to approve FDP 2014-BR-009, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE 600-FOOT MAXIMUM LENGTH FOR A PRIVATE STREET.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE MINOR PAVED TRAIL REQUIREMENT IN FAVOR OF THE PROPOSED NETWORK ON THE CDP/FDP.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Hurley: and finally I –

Chairman Murphy: Motion carries.

Commissioner Hurley: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF DPWES TO PERMIT A DEVIATION FROM THE TREE PRESERVATION TARGET PERCENTAGE IN FAVOR OF THE PROPOSED LANDSCAPING SHOWN ON THE FDP/CDP, AS PROFFERED.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(Each motion carried by a vote of 10-0. Commissioners Hart and Lawrence were absent from the meeting.)

JN

Board Agenda Item
December 2, 2014

3:00 p.m.

Public Hearing on SE 2014-MV-017 (Verizon Virginia LLC) to Permit a Telecommunications Facility, Located on Approximately 1.33 Acres of Land Zoned R-3 (Mount Vernon District)

This property is located at 2806 Popkins Lane, Alexandria, 22306. Tax Map 93-1 ((1)) 7pt.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, October 29, 2014, the Planning Commission voted 9-0 (Commissioners Lawrence, Litzenberger, and Sargeant were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2014-MV-017, subject to the Development Conditions dated September 9, 2014, with the addition of Condition 10 to read:

  "If Fairfax County has not received or approved a subdivision plan for the redevelopment of the 4.2 acre residue parcel of Verizon's within 30 months of the date of this SE approval, the applicant agrees to:
  1) Escrow with Fairfax County the sum of $5,000 to be used after 30 months for the immediate mitigation by the applicant of off-site water management runoff onto East Lee Avenue; and
  2) Install fencing at the ends of the East Lee Avenue and Preston Avenue."

- Approve a modification of the transitional screening to permit the landscaping as shown on the Special Exception plat;

- Approve a waiver of the barrier requirement along the southern property line; and

- Direct the Director of the Department of Public Works and Environmental Services to permit a deviation from the tree preservation target, pursuant to the Public Facilities Manual.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4464234.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Carmen Bishop, Planner, DPZ

SE 2014-MV-017 – VERIZON VIRGINIA, LLC

Decision Only During Commission Matters
(Public Hearing held on October 1, 2014)

Commissioner Flanagan: And the second thing – of course, the decision on Verizon. I have – if you remember, this has been deferred three times because there were three outstanding issues. And every time I deferred it, we got one more done. And finally, we've gotten all of them taken care of. So, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERIVOSRS APPROVAL OF SE 2014-MV-017, SUBJECT TO THE CONDITIONS DATED SEPTEMBER 9, 2014, WITH THE ADDITIONAL OF A CONDITION 10 TO READ:

- "IF FAIRFAX COUNTY HAS NOT RECEIVE OR APPROVED A SUBDIVISION PLAN FOR THE REDEVELOPMENT OF THE 4.2 ACRE RESIDUE PARCEL OF VERIZON'S WITHIN 30 MONTHS OF THE DATE OF THIS SE APPROVAL, THE APPLICANT AGREES TO: ONE, ESCROW WITH FAIRFAX COUNTY THE SUM OF $5,000 TO BE USED AFTER 30 MONTHS FOR THE IMMEDIATE MITIGATION BY THE APPLICANT OF OFF-SITE WATER MANAGEMENT RUNOFF ONTO EAST LEE AVENUE; AND TWO, INSTALL FENCING AT THE ENDS OF THE EAST LEE AVENUE AND PRESTON AVENUE."

Chairman Murphy: Okay. Would a representative for the applicant please come forward – identify yourself for the record?

Commissioner Flanagan: I need a second to my motion, I think.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Please come forward. Mr. Flanagan.

Commissioner Flanagan: Do you – you've taken a look at this Condition Number 10 and you're entirely familiar with that?

Sheri Akins, Agents Applicant, McGuireWoods, LLP: Good evening. Sheri Akins with McGuireWoods, on behalf of the applicant – we have looked at the condition and my client agrees with the motion.

Chairman Murphy: Do you agree with all the conditions?

Ms. Akins: Yes.

Chairman Murphy: Okay. Thank you very much. All right, all those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-MV-017, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Okay. And I have one last motion, Mr. Chairman.

Chairman Murphy: Go ahead.

Commissioner Flanagan: And I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS:

- ONE, APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING TO PERMIT THE LANDSCAPING AS SHOWN ON THE SPECIAL EXCEPTION PLAT;

- AND TWO, APPROVE A WAIVER OF THE BARRIER REQUIREMENT ALONG THE SOUTHERN PROPERTY LINE; AND

- THREE, DIRECT THE DIRECTOR OF DPWES TO PERMIT A DEVIATION FROM THE TREE PRESERVATION TARGET, PURSUANT TO THE PUBLIC FACILITIES MANUAL.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(Each motion carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Sargeant were absent from the meeting.)

JLC

Board Agenda Item
December 2, 2014

3:00 p.m.

Public Hearing on SE 2014-SU-016 (Mai-Huong Thi Nguyen / Helen Home Daycare L.L.C.) to Permit a Home Child Care Facility, Located on Approximately 13,860 Square Feet of Land Zoned PDH-2 and WS (Sully District)

This property is located at 13506 Ridge Rock Dr., Chantilly, 20151. Tax Map 44-4 ((2)) 193.

Board of Supervisors deferred this public hearing on November 18, 2014 to December 2, 2014.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, November 20, 2014, the Planning Commission voted 9-0-2 (Commissioners de la Fe and Sargeant abstained and Commissioner Migliaccio was absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-SU-016, subject to the Development Conditions consistent with those dated November 17, 2014.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4467326.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Mike Lynskey, Planner, DPZ

SE 2014-SU-016 – MAI-HUONG THI NGUYEN/HELEN HOME DAYCARE, LLC

Decision Only During Commission Matters
(Public Hearing held on November 13, 2014)

Commissioner Litzenberger: Thank you, Mr. Chairman. I would like staff to please give me an update on the Helen Home Daycare that was deferred till tonight.

Michael Lynskey, Zoning Evaluation Division, Department of Planning and Zoning: Thank you. I'm Michael Lynskey from the Department of Planning and Zoning. And this case had public hearing last week for a home daycare in the Chantilly area and there was some question as to whether the rear deck was permitted and I was able to locate a valid permit for that deck from 1987. And it seems to have been correctly inspected at the time so I believe that all of the – all the Zoning Ordinance requirements are in order and we still support that application. And also there is some – couple of just really minor condition changes. Those are pretty much to bring these conditions in line with all the other cases we're doing right now. We're trying to standardize some of the development conditions so we revised the wording of a couple of those. And they're now dated November 17th and those were distributed to you all via email a couple of days ago and also tonight to make sure you have those. And the applicant confirmed last week that he agreed with those development conditions and has sent me an email that he agrees with the changes to the new conditions. So I didn't ask him to come here tonight, but he – via email – he has affirmed his agreement with those conditions and I have given that to the clerk so we can get that in the record.

Commissioner Litzenberger: Thank you, Mr. Lynskey. I'm ready to move, Mr. Chairman. I MOVE THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2014-SU-016, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED NOVEMBER 17TH, 2014.

Commissioners Flanagan and Hart: Second.

Chairman Murphy: Seconded by Mr. Flanagan and Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-SU-016, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Abstain.

Commissioner Sargeant: Mr. Chairman – abstain. Not present.

Chairman Murphy: Same abstentions as in the last application.

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(The motion carried by a vote of 9-0-2. Commissioners de la Fe and Sargeant abstained. Commissioner Migliaccio was absent from the meeting.)

JLC

Board Agenda Item
December 2, 2014

3:00 p.m.

Public Hearing on SE 2014-SU-044 (Gita D. Kumar / Peek A Boo Child Care Inc.) to Permit a Home Child Care Facility, Located on Approximately 4,334 Square Feet of Land Zoned PDH-8, HC and WS (Sully District)

This property located at 5642 Powers Lane, Centreville, 20120. Tax Map 54-4 ((26)) 201.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, November 13, 2014, the Planning Commission voted 8-0 (Commissioners de la Fe, Flanagan, Lawrence, and Sargeant were absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-SU-044 subject to the Development Conditions dated November 13, 2014 with the addition of a condition that states, "All pickup and drop-off of children shall take place in the driveway."

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4468650.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
William O'Donnell, Planner, DPZ

SE 2014-SU-044 – GITA D. KUMAR/PEEK-A-BOO CHILD CARE, INC.

After Close of the Public Hearing

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

Commissioner Litzenberger: Thank you, Mr. Chairman. She already agreed to the development conditions, so I'm not going to have to call her back.

Chairman Murphy: Okay. How are you going to do the two that we added? Are you going to –

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning: Commissioner Murphy, there's a couple options. He - Commissioner Litzenberger can add the development condition about the drop-off and pickup today and then what I would suggest is to leave the - Development Condition Number 12 about the state and allow us to fix or wordsmith it before it gets to the Board. So what I would say is do a motion to approve, add the development condition for pickup and drop-off in the driveway, and then we'll work on the other condition.

Commissioner Litzenberger: Okay. When's the Board date on this, through December?

Mr. O'Donnell: December 2nd.

Commissioner Litzenberger: Okay, thank you. I'm ready, Mr. Chairman.

Chairman Murphy: Okay.

Commissioner Litzenberger: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-SU-044, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED TODAY, NOVEMBER 13TH, 2014, WITH THE ADDITION OF A CONDITION THAT SAYS, "ALL PICKUP AND DROP-OFF OF CHILDREN SHALL TAKE PLACE IN THE DRIVEWAY."

Chairman Murphy: Do we have an additional on the - twelve. Do you want to state something there, Mr. O'Donnell?

Mr. O'Donnell: What I've said on the record should cover it, but what he's doing is, he's RECOMMENDING APPROVAL OF THE CONDITIONS THAT WERE HANDED OUT THAT HAS THE STATE REFERENCE, BUT WE'RE GOING TO FIX IT BEFORE IT GETS TO THE BOARD.

Chairman Murphy: Okay, is there a second to the motion? Ms. Hall –

Commissioner Hall: Second.

Chairman Murphy: – seconds it. Discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-SU-044, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 8-0. Commissioners de la Fe, Flanagan, Lawrence, and Sargeant were absent from the meeting.)

JN

Board Agenda Item
December 2, 2014

3:00 p.m.

Public Hearing on RZ 2014-MA-003 (Markham Place LLC) to Rezone From PDC,CRD, HC and SC to PRM, CRD, HC, and SC to Permit Mixed Use Development, Waivers and Modifications in a CRD With an Overall Floor Area Ratio of 2.42, and a Waiver #4604-WPFM-002-1 to Allow Underground Storm Water Detention Facility in Residential Development, Located on Approximately 3.44 Acres of Land (Mason District)

This property is located on the east side of Markham Street, approximately 263 feet north of its intersection with Little River Turnpike. Tax Map 71-1 ((20)) 2.

Board of Supervisors deferred this public hearing on November 18, 2014 to December 2, 2014.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, October 30, 2014, the Planning Commission voted 10-0 (Commissioners Flanagan and Lawrence were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approve RZ 2014-MA-003, subject to the execution of proffers consistent with those dated October 10, 2014;
- Modification of Section 2-506, Paragraph 2, to allow an architectural projection to exceed maximum height limits, as depicted on the CDP/FDP;
- Modification of the minimum loading space requirements to allow two indoor loading docks in place of the five spaces required;
- Modification of Section 17-201, Paragraph 4, to accept the proposed roadway dedications and improvements, as shown on the CDP/FDP, as satisfying all immediate roadway dedication and construction requirements at site plan stage;
- Approve waiver of Section 17-201, Paragraph 3a service drive requirement along Little River Turnpike;
- Modification of Section 17-201, Paragraph 7, to not require installation of “no parking” signs in the area designated as interim street parking on the CDP/FDP;
- Approve waiver #4606-WPFM-002-1 of Section 6-303.8 of the Public Facilities Manual (PFM) to allow an on-site, underground stormwater detention facility in a residential development, subject to the conditions contained in Appendix 16, dated April 8, 2014;

- Modify Section 11-102, Paragraph 12 and direct the Director of DPWES to modify PFM Section 7-0802, Paragraph 2, to allow for the projection, of no more than four percent of the stall area, of structural columns into parking stalls in the parking structure, and to allow those parking spaces to count towards the number of parking spaces required;

- Direct the Director of DPWES to modify PFM Section 7-0405, Paragraph 6, to allow a minimum distance of less than 25 feet between entrances, as indicated on the CDP/FDP;

- Direct the Director of DPWES to modify Tree Preservation Target, per PFM Section 12-0508, Paragraph 3a(3), in lieu of proposed vegetation shown on the CDP/FDP; and

- Direct the Director of DPWES to modify PFM Section 12-0601.1B to permit the reduction of the minimum planter opening area for trees used to satisfy the tree cover requirement, in favor of that shown on the CDP/FDP and/or as proffered.

In a related action, the Planning Commission voted10-0 (Commissioners Flanagan and Lawrence were absent from the meeting) to approve FDP 2014-MA-003, conditioned upon the Board of Supervisors' approval of the RZ 2014-MA-003.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4467423.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Mike Lynskey, Planner, DPZ

RZ/FDP 2014-MA-003 – MARKHAM PLACE, LLC

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Ms. Hall.

Commissioner Hall: Thank you, Mr. Chairman. This has been a long time coming. I know that the people in the Annandale revitalization group has been working diligently and I know they would love all come sing their praises, but as I explained to them, I really want to get home before the sun rises and they've agreed to just let me move on the motion. So I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE REZONING 2014-MA-003, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 10, 2014.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. 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 2014-MA-003, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE REQUESTED WAIVERS AND MODIFICATIONS ASSOCIATED WITH THE REZONING 2014-MA-003, DATED OCTOBER 30TH, 2014, WHICH WERE DISTRIBUTED TO YOU TODAY AND SHALL BE INCLUDED IN THE RECORD OF THIS CASE.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF the final development plan 2014-MA-

Chairman Murphy: – approve final development –

Commissioner Hall: – approve – APPROVE THE FINAL DEVELOPMENT PLAN 2014-MA-003, CONDITIONED UPON THE BOARD OF SUPERVISORS' APPROVAL OF THE REZONING 2014-MA-003.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of that motion? All those –

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hart: – and the development conditions for the FDP.

Chairman Murphy: Right.

Commissioner Hall: – and the development conditions for the FDP.

Chairman Murphy: All those in favor of the motion to approve FDP 2014-MA-003 –

William O'Donnell, Zoning Administration, Department of Planning and Zoning: Commissioner Murphy, before you go onto that supplemental, there aren't any conditions for the FDP. It's purely conditioned on the fact that the rezoning would be approved.

Chairman Murphy: Okay, all those in –

Commissioner Hall: Are you okay, now?

Chairman Murphy: All those in favor of the motion to approve FDP 2014-MA-003, subject to the Board's approval of the rezoning and the Conceptual Development Plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(Each motion carried by a vote of 10-0. Commissioners Flanagan and Lawrence were absent from the meeting.)

JN

Board Agenda Item
December 2, 2014

3:00 p.m.

Public Hearing on PCA 88-S-022 (Union Mill Associates Limited Partnership) to Amend the Proffers for RZ 88-S-022 Previously Approved for Community Retail to Permit Modification of Proffers with an Overall Floor Area Ratio of .17 on Approximately 16.37 Acres of Land Zoned C-6 and WS (Sully District)

This property is located in the North West Quadrant of the Intersection of Union Mill Road and Braddock Road. Tax Map 55-3 ((1)) 47A, 47B, 47C, 47F; 66-1 ((1)) 16D, 16E, and 16G.

Board of Supervisors deferred this public hearing on November 18, 2014 to December 2, 2014.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, November 13, 2014, the Planning Commission voted 8-0 (Commissioners de la Fe, Flanagan, Lawrence, and Sargeant were absent from the meeting) to recommend to the Board of Supervisors approval of PCA 88-S-022, subject to the proffers consistent with those dated October 23, 2014.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4468257.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Sharon Williams, Planner, DPZ

PCA 88-S-022 – UNION MILL ASSOCIATES LIMITED PARTNERSHIP (Sully District)

After Close of the Public Hearing

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

Commissioner Litzenberger: Thank you, Mr. Chairman. I think I have to call the applicant up one more time to reaffirm they accept the development conditions. Is that correct?

Chairman Murphy: There are no development - - they're all proffers.

Commissioner Litzenberger: Okay, they're all proffers. Well, I'm pleased to be able to take over from the previous Planning Commissioner that approved this so many years ago. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF PCA 88-S-022, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 23RD, 2014.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 88-S-022, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 8-0. Commissioners de la Fe, Flanagan, Lawrence, and Sargeant were absent from the meeting.)

JN

Board Agenda Item
December 2, 2014

3:30 p.m.

Public Hearing on SE 2014-HM-036 (Elaine M. Whitehurst D/B/A Whitehurst Family Daycare) to Permit a Home Child Care Facility, Located on Approximately 2,496 Square Feet of Land Zoned PDH-8 (Hunter Mill District)

This property is located 13174 Diamond Mill Drive, Herndon 20171. Tax Map 16-3 ((7)) 69.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, November 19, 2014, the Planning Commission voted 11-0 (Commissioner Migliaccio was absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-HM-036, subject to the Development Conditions dated November 5, 2014.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4469097.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Mary Ann Tsai, Planner, DPZ

SE 2014-HM-036 – ELAINE M. WHITEHURST d/b/a WHITEHURST FAMILY DAYCARE

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. de la Fe, please.

Commissioner de la Fe: Thank you, Mr. Chairman. This is a relatively simple application and it meets all of the requirements that we have established for SEs, and it has gone to the Hunter Mill Land Use Committee and no one objected. There was no one there to object and, frankly, the question from the Committee was why on earth are we looking at these things? But that, you know –

Chairman Murphy: Who said –

Commissioner de la Fe: Notwithstanding, we said - - I said, well, we are seeing these things because we have to. So, Ms. Whitehurst, could you - - Do you accept and - - the development conditions that are contained in the staff report regarding the –

Elaine Whitehurst, Owner, Whitehurst Family Daycare: Yes, I do.

Commissioner de la Fe: Thank you very much. With that Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-HM-036, SUBJECT TO THE APPROVAL OF THE PROPOSED development – subject - - approval - - and subject to the development - - proposed DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 2003-MV - - I'm sorry, SE 2014-HM-036, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 11-0. Commissioner Migliaccio was absent from the meeting.)

JN

Board Agenda Item
December 2, 2014

3:30p.m.

Public Hearing on SE 2014-SP-037 (Aida G. Chavera Aida's Day Care) to Permit a Home Child Care Facility, Located on Approximately 2,525 Square Feet of Land Zoned PDH-3 (Springfield District)

This property is located 6616 Green Ash Court, Springfield, 22152. Tax Map 88-2 ((9)) 63.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, November 19, 2014, the Planning Commission voted 11-0 (Commissioner Migliaccio was absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-SP-037, subject to the proposed Development Conditions contained in Appendix 1 of the Staff Report, with an additional Development Condition Number 13: "Approval of this use is contingent upon maintenance of a state license of a home child care facility for 12 children."

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4469098.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Megan Duca, Planner, DPZ

SE 2014-SP-037 – AIDA G. CHAVERA (AIDA'S DAY CARE)

After Close of the Public Hearing

Vice Chairman de la Fe: I'll close the public hearing.

Commissioner Murphy: Thank you, Mr. Chairman. This is a solid application. I want to thank the Chavera Family – Mr. Chavera's here – for your cooperation. We had a citizen's meeting. No one showed up to object, including me because I went to the wrong location. I thought the meeting was in the Springfield office and I forgot the voting machines were in there for early voting, and I forgot that the meeting was at the Orange Hunt School, but Marlae Schnare from Supervisor Herrity's Office was present and talked to the Chaveras, passed the word on to me. I've met earlier with them this evening and gone over the application. We're going to add one development condition, which I will ask you to reaffirm when we get to the time that you understand the development conditions and this new development condition which I read to you earlier. It's a solid application. It's in conformance with the Plan. It successfully addresses all the criteria established in the Zoning Ordinance and the need for a daycare center, which in fact will be raised to a maximum of 12 children at any one time. Therefore, Mr. Chairman, I move that the planning – before I read the motion, do you reaffirm the development - - did you understand the development conditions contained in the staff report and the one I'm going to read this evening?

Ms. Chavera, Owner, Aida's Day Care: Yes, I understand everything.

Commissioner Murphy: Okay, thank you very much. So therefore, Mr. Chairman. I MOVE THAT PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE 2014-SP-037, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT, WITH AN ADDITIONAL DEVELOPMENT CONDITION NUMBER 13: "APPROVAL OF THIS USE IS CONTINGENT UPON MAINTENANCE OF A STATE LICENSE OF A HOME CHILD CARE FACILITY FOR 12 CHILDREN."

Commissioner Litzenberger: Second.

Vice Chairman de la Fe: Seconded by Commissioner Litzenberger. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

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(The motion carried by a vote of 11-0. Commissioner Migliaccio was absent from the meeting.)

JN

Board Agenda Item
December 2, 2014

3:30p.m.

Public Hearing on SE 2014-HM-024 (Mary Beth Swicord D/B/A First Marks Art Studio) to Permit a Private School of Special Education With a Maximum Enrollment of 12 Students Per Day, Located on Approximately 17,234 Square Feet of Land Zoned PRC (Hunter Mill District)

This property is located at 1398 Concord Point Lane, Reston, 20194. Tax Map 11-4 ((6)) 12.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, October 9, 2014, the Planning Commission voted 8-0 (Commissioners Flanagan, Migliaccio, Murphy, and Sargeant were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2014-HM-024, subject to the Development Conditions dated September 23, 2014; and

- Approval of a waiver of the transitional screening and barrier requirements and a reduction in the parking requirement to permit 8 spaces instead of 10.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4464931.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Carmen Bishop, Planner, DPZ

SE 2014-HM-024 – MARY BETH SWICORD D/B/A FIRST MARKS ART STUDIO

After Close of the Public Hearing

Parliamentarian Hart: I will close the public hearing and recognize Commissioner de la Fe.

Commissioner de la Fe: Thank you very much, Mr. Chairman. And I want to thank everyone that came. And with respect to Mr. Ishee and the Rivers – this came to the Reston Planning and Zoning Committee and this is the first we have heard about this at that – you know – they were not at that committee meeting. The violations were discussed and development conditions were developed to make sure that the concerns that had been raised, both from the violations and the staff, could be met through the development conditions. And I think we have done that. I agree with Commissioner Hedetniemi on the solution that – although it's not a development – the solution that the school has come up with of having five or six cars all wait there and then having to back out at the same time. I'm not sure that that is the wisest thing, but I don't think a development – the development condition says that the discharge and pickup must occur in the driveway. Whether they all have to wait or not, that's something that has been set by policy. And I'm not sure that that is the safest way to do it, but that is not in the development conditions. I would like to ask the applicant's representative whether the development conditions that have been developed – whether you are in agreement with them.

Patrick Via, Applicants Agent, Rees Broome PC: The answer is we preferred to have the method of drop-off as has always occurred, which is just – the folks can pull in if they want, but they're authorized to drop the kids off in front of the driveway. But we have negotiated this and we accept that as written.

Commissioner de la Fe: Okay, the other thing is – and I want to make sure that it's on the record – there appears to be some history here of violations. And I want to impress on the applicant that these development conditions, as have been pointed out, must be lived up to and that any violations could lead to the denial – you know, and the discontinuance of the Special Exception.

Mr. Via: We understand and Ms. Swicord certainly understands. And just for the record, the 1998 violation that was questioned earlier – that had to do with a transfer from Loudoun County. She had five months in order to – to make the change – the location of it. The Fairfax County representative did not realize that she had previously had a business in Loudoun County so that one happened in 98. Since 98, nothing occurred until 2013. But again, she's aware of it. She will abide by these conditions. We've talked a lot about them and how important it is. And I guarantee that she is going to work hard to make sure they're abided by.

Commissioner de la Fe: Thank you. And once again, Mr. Chairman, I request that the applicant confirm for the record their agreement to the proposed development conditions dated September 23rd, 2014.

Mr. Via: We agree.

Commissioner de la Fe: Okay. Thank you very much. Mr. Chairman, this application came to the Reston Planning and Zoning and they approved it almost unanimously. The one vote against it is because the individual always votes against home occupations and doesn't believe that residences should be used for business. And that – but you know – otherwise, everyone agreed that this application should be approved and I agree. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2014-HM-024, SUBJECT TO CONDITIONS DATED SEPTEMBER 23RD, 2014.

Commissioner Lawrence: Second.

Parliamentarian Hart: Seconded by Commissioner Lawrence. Is there any discussion? Seeing none, we'll move to a vote. All in favor of the motion, as articulated by Commissioner de la Fe, please say aye.

Commissioners: Aye.

Parliamentarian Hart: Those opposed? The Chair votes aye, the motion carries.

Commissioner de la Fe: And, Mr. Chairman, I move – FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS AND A REDUCTION IN THE PARKING REQUIREMENT TO PERMIT 8 SPACES INSTEAD OF 10.

Commissioner Lawrence: Second.

Parliamentarian Hart: Seconded by Commissioner Lawrence. Is there any discussion? Seeing none, we'll move to a vote. All in favor, please say aye.

Commissioners: Aye.

Parliamentarian Hart: Those opposed? The Chair votes aye, the motion carries.

Commissioner de la Fe: Thank you very much to everyone.

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(Each motion carried by a vote of 8-0. Commissioners Flanagan, Migliaccio, Murphy, and Sargeant were absent from the meeting.)

JLC

Board Agenda Item
December 2, 2014

3:30p.m.

Public Hearing on SE 2014-SU-010 (CSH Artisan Fairfax, LLC) to Permit a Medical Care Facility (Assisted Living), Located on Approximately 6.49 Acres of Land Zoned R-1, WS, and HC (Sully District)

This property is located at 13622 Lee Jackson Memorial Highway, Chantilly, 20151. Tax Map 34-4 ((1)) 60.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, October 22, 2014, the Planning Commission voted 10-0-1 (Commissioner Sargeant abstained from the vote and Commissioner de la Fe was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2014-SU-010, subject to the Development Conditions now dated October 21, 2014;

- Approval of a modification of the Additional Standard for Medical Care Facilities, Section 9-308.5, requiring a 100-foot setback from adjacent residential properties zoned to the R-1 District, in favor of the 30-foot setback shown on the SE plat.

- Approval of a modification of the transitional screening and barrier requirements along the north, northwest, and east boundaries in favor of the landscaping shown on the SE plat;

- Approval of a waiver of the service drive requirement along Route 50, Lee Jackson Memorial Highway; and

- Approval of a modification of the major paved trail requirement along the north side of Route 50, Lee Jackson Memorial Highway, in favor of the trail shown on the SE plat.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4463170.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
William O'Donnell, Planner, DPZ

Planning Commission Meeting Attachment 1
October 22, 2014
Verbatim Excerpt

SE 2014-SU-010 – CSH ARTISAN FAIRFAX, LLC

Decision Only During Commission Matters
(Public Hearing held on September 18, 2014)

Commissioner Litzenberger: I have a decision only tonight, Mr. Chairman. It has to do with the Artisan Elderly facility proposed in Chantilly. I'd like for Ms. Abrahamson to give us an update on the research on this on this.

Kris Abrahamson, Zoning Evaluation Division, Department of Planning and Zoning: How much of an update do you want? I can go through – we've – I'll give you the short version and if you want me to expand, I can give you more. The concerns of the Commission, primarily, were with the status of the service station, which is on the same service drive as the proposed use. We have been out to the site. The service station is indeed in violation as we – I think, Billy – had mentioned to you before. We have at this point elected not to file a notice of violation with him because they have hired an attorney who has requested a pre-application meeting, which Billy and I are trying to set up with him as we speak, and we anticipate that you will be seeing that Special Exception application shortly. We think that is the better way to proceed at this point. The issue of the service drive will be addressed through that application, which is where it should be addressed because that is the property that currently owns it. This particular property is not dependent on that particular service drive and therefore we are comfortable with where we are on this case at this time.

Commissioner Litzenberger: Ms. Abrahamson, how long will it take to go through that whole process and get the service drive accepted?

Ms. Abrahamson: Let me get out my crystal ball. I mean, we're trying to set up a meeting with them as soon possible, within the next week to two weeks, depending on mutual schedules. I'm reasonably comfortable we can do that. We'll talk to them about what our concerns are. There was a previous Special Exception on this that expired. He never implemented it and it just expired. So we have a pretty good idea of what the issues were, although that's an old SE and – you know, times have changed. We have a pretty good idea where we're going. My guess is we would do as much as we could as staff to expedite it. My second guess would be the supervisor would also be in favor of probably expediting it, but I – that's a guess. In the best case scenario right now, it would be on staff probably about seven months, if they filed immediately, before we would get it to Board. If it's expedited by the Board member, we could probably do a little better than that – maybe five to six, but that's probably about what we would be looking at. If they proceed with it on a, you know, an expeditious basis. I think if they don't proceed with on an expeditious basis, we would issue the notice of violation and take action through the courts, which would take a lot longer than the SE, probably, to resolve.

Commissioner Litzenberger: About how long would that take? Ballpark.

Ms. Abrahamson: By the time it goes through – you know, and again, there's so many things that can happen. Usually what happens is they file an appeal immediately on something and then it goes through an appeal process at the Board of Zoning Appeals. If they do that route, you know, I would say at least a year by the time we've worked through an appeal; and the courts, it could be longer. Depending on the court's calendar, you know, things can take a very long time. Our goal is to not have court cases and generally what we try to do is work with applicants on violation situations to resolve them and we're usually pretty successful in that. We have a very small percentage that we actually have to take to court.

Commissioner Litzenberger: One point that Commissioner Hall made last time was the – the access drives from route 50 to the service road and maybe a necessity of possibly some stop signs or something to that effect. Would that be addressed during that process also?

Ms. Abrahamson: Well, yes.

Commissioner Litzenberger: Okay.

Ms. Abrahamson: If – if it becomes a public service drive in the public system, it will be subject to VDOT and VDOT's warrants. If it remains a private road in the interim, then it would be up to whatever the applicant wants to do because we don't control it as a private. So, you know, most likely what will happen is it will be in the VDOT system because we are – you know, we would seek dedication of that and – you know, that's what was previously conditioned as well. And if, you know, any signage or anything is necessary with that, as long as it meets VDOT warrants – and there are warrants for stop signs and other, you know, notices as well as signals.

Commissioner Litzenberger: So all of that would take place during the process, the SE process.

Ms. Abrahamson: It would – yes, it would, you know – what we would do – we'd look at it, we'd see what we can do. If we think it has any hope of making the warrants or if it's even close, we usually have them do at least a warrant analysis, if it's close. If it's, you know, if there's six of the seven or eight – I think there's eight; I'm not sure anymore – criteria it doesn't meet, then we wouldn't tell them to do a warrant analysis. But if they're really close, we'd have them do that analysis and as a condition of the SE we would ask them to put any kind of materials necessary in place. But right now I can't tell you what that is because I'd have to run the numbers in today's time.

Commissioner Litzenberger: Okay. Will Mr. Adams please come down?

Scott Adams, Esquire, Applicant's Agent, McGuireWoods LLP: Good evening.

Commissioner Litzenberger: Give us your name and –

Mr. Adams: Scott Adams with McGuireWoods. I represent the applicant.

Commissioner Litzenberger: Thank you. I know you've told us this at Supervisor Frey's office, but I don't recall. Once, say, if the Board of Supervisors does in fact support this, which I think your Board dates to December, how long before the facility would be operational?

Mr. Adams: To go through site plan, building permit, construction, occupancy, probably around two years would be my guess.

Commissioner Litzenberger: Okay, thank you.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: Yes, can I ask one question of staff?

Ms. Abrahamson: Sure.

Commissioner Hart: We have other SE uses that have been approved, subject to an applicant demonstrating or obtaining offsite easements. This one doesn't have that and we got new conditions that, I guess, didn't require that either. It seemed to me that the – the application would have been stronger with at least the service drive being available with a public easement, or dedication, or something; and that the current – in the absence of that, the fallback position which, I guess, staff is comfortable with, is basically the U-turns on 50 at the stop lights and dealing with it that way. What I wondered and what Commissioner Litzenberger had – we had discussed a little bit yesterday was, is there any point in putting a condition in requiring this applicant to diligently pursue something? It seemed to me that they – whether there's enforcement or not against the service station is somewhat extraneous and it's nothing, really, this applicant is going to be involved in directly. But is there's something for this applicant to diligently pursue, whether or not the service station follows through on its – on its own application – something to either obtain – the offsite easement or do something with that?

Ms. Abrahamson: And that's a difficult question to answer. I'll do my best. The problem that we have with this application is we have to have a nexus, a determination, with the use that is being requested and the conditions we're proposing. There has been no determination from staff, from VDOT, or the transportation staff looking at the numbers generated by this actual use that would support that type of condition, frankly. You know, it – the trip generation on this use – I've said for, you know – this is, like, the dream use on that property when it comes to trip generation because it's so low and the impacts are – are so minimal. That doesn't mean that it's not going to generate any trips and it doesn't mean that some people – I've used that service drive, ok, illegally. I'm getting – but, you know, I – I understand the attraction. I understand the Commission's concern, but when you look at the numbers, which is what we have to look at, and we have done due diligence, and we have gone back twice to look again and make sure we didn't miss something, there isn't any reason why staff would make that recommendation to you because we couldn't support that nexus here with this use. I don't like U-turns either, but the

level of U-turns that are anticipated to be generated is acceptable in VDOT's system, so the answer is, you know, we could put a condition on here that says that they'll diligently pursue a public access easement on that service road. I don't know how we will enforce it. "Diligently pursue" is one of those phrases that, as – in my job, I hate because I don't know what it means, okay. I don't know how to demonstrate it. I don't know how to make sure it happens, you know. Somebody, you know – Scott's a good guy. He'll go out and he'll try real hard but, you know, some other applicant might just say, "well, you know, I talked to the guy and he said, 'no dice. I'm through.'" Okay, he said, "I diligently pursued it." You know, we've had people file letters. But the bottom line is if he doesn't want to do it, then he should decide to take umbrage with it. I don't know that I could defend it, I don't know that the county attorney would suggest defending it, and I don't know how far we can push it. We can try. I think this applicant would probably be willing to try, but I don't know how far you can push what "diligently pursue" really means when you can't control the property, and when you're putting them in a position where another property owner has them over a barrel, basically – because he owns that property and he can say, "sure, I'll give it to you for $2 million," or whatever – and we can't do anything about that. You know, it's not something – if this had the use that required it, we'd – we'd push harder because we'd have a nexus to push harder. We don't really have it here. And that's kind of, I guess, a long way to say I don't know the answer to your question, really.

Commissioner Hart: Not to prevent the U-turns or not to prevent the cut-throughs to the neighborhood that – that –

Ms. Abrahamson: We think that while there is no way to totally preclude U-turns or totally preclude people from going through the neighborhood, when you look at the trip distribution that we can anticipate, none of us will really know what happens until it's out there, because all we can use are the – the numbers and the models. The trip generation on this is so low and the – the timing on the lights that exist work so that there is actually a break, and if you go out and actually try to get out, you can get out. It's not one of those things where, like, I'm taking my life in my hands and I'm just going to go because I've been sitting here for half an hour. The signals are timed in such a manner that there is a break and even at the busiest times, you can get in and out of here. You couldn't get a stack of 20 cars out of here, but this use doesn't have that kind of generation even when the shifts change. So there's no – there's just no way to say that this is an unacceptable level without that. If they can get agreement to do it – if we can get this – the SE, sure, we'll get it. It will – it needs to be in the system eventually. We're going to do what we can to get the other guy out of trouble but, you know, putting that on this owner as a condition of his pretty low generation use is really not something that we can professionally tell you is a good idea. There isn't a nexus there. I can't tell you no one will ever do it, but I can tell you it's going to be at such a low level that it won't be a problem. And it's really a pain in the butt for people to go through the neighborhood, although somebody may figure it out. You know, it's not a direct cut-through. It's not a direct way to get to that light.

Commissioner Hart: All right. Thank you.

Chairman Murphy: Mr. Lawrence, then Ms. Hall.

Commissioner Lawrence: Thank you, Mr. Chairman. I'll try to be as brief as I can. I had gained the understanding that there was going to be agreement of you putting some signage on the service road that said don't park on this side, and that eased a concern that I had about single-axel trucks with medical supplies and taking people away for dialysis and patients with Alzheimer's may be compromised in other ways. And I thought that would balance it out. Is there any reason to believe that that's not going to happen, given the timeframes that we just heard for these things to develop?

Ms. Abrahamson: If the applicant consents to do some offsite signage on the service drive, as long as that service drive is not in no-man's land in – in – it could happen. Right now, it's kind of in an ambiguous situation. We've got a site where it's in private ownership at the moment – or at least most of it is. There's a little piece that's not. Most of it is in private ownership. We can't put signs legally on Matthews property while it's in private ownership. When they come through, we've already been through this in 1971 – 1971, when they did their Special Exception and even then we said, "you need to dedicate that service drive." It's going to be a request again when it comes to you as a Special Exception. If they elect for some reason not to pursue the Special Exception, we will – we will prosecute them and it will be their choice what they do with that property. They have a viable commercial use on it right now. You know, if they want to continue that viable commercial use, it needs a Special Exception. If they don't, they could abandon it. they could walk away and we would get nothing – we – until someday, something will happen. So I – we're kind of in this – I can't guarantee you the answer to that question. If it's in the public sector, we can pursue it through VDOT as a – you know, as a sign and, you know, if it meets, warrants whatever we want in there, we can do through the public system – it will have to have VDOT approval, so anything would be subject to VDOT. Right now, only a little, tiny piece in the wrong area is subject to VDOT approval because we have a little, tiny piece that's dedicated. Until that happens, it's private, and so even if this applicant would try and take, you know, do the due diligence and – and try and, even if the owner agrees, the guy doesn't have to leave it there. He doesn't have to do what you want. I have no way to force him. The only way I have to force him is by – you know, by the grace of God, he's in violation. So, we can enforce that and get him to come back in and – and redo his application, but I – I can't guarantee if he's going to do that or what's going to come through.

Chairman Murphy: Okay. I just want to remind everyone we are on verbatim because this is a decision only.

Ms. Abrahamson: Okay, the short answer is no.

Chairman Murphy: That's the way to go on verbatim. Okay. Anyone else?

Ms. Abrahamson: There's no good answer.

Chairman Murphy: All right, Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. I want to thank all of the commissioners for their constructive recommendations. The staff worked long and hard along with applicant to try to iron out all of the concerns of the neighbors and they did a really good job. Therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-SU-010, SUBJECT TO THE DEVELOPMENT CONDITIONS DOWN DATED OCTOBER 21ST, 2014.

Commissioner Flanagan: Second.

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

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: Before we vote, can we ask the applicant if they're on board with the new development conditions? I think we're supposed to do that –

Chairman Murphy: Right. I was just going to bring that up. Could you come forward again, please?

Mr. Adams: Good evening again. We are comfortable with the development conditions that were circulated yesterday.

Chairman Murphy: Okay.

Commissioner Litzenberger: My mistake. Let me read it. Mr. Adams, I request the applicant confirm for the record the proposed development conditions now dated 21 October, 2014.

Mr. Adams: We confirm that we are comfortable with those.

Commissioner Litzenberger: Thank you.

Chairman Murphy: All right.

Commissioner Litzenberger: All right. I have three – four more.

Chairman Murphy: Okay, all those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-SU-010, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman? Abstain; not present for the public hearing.

Chairman Murphy: Mr. Sargeant abstains; not present for the public hearing. Mr. Litzenberger.

Commissioner Litzenberger: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE ADDITIONAL STANDARD FOR MEDICAL CARE FACILITIES, SECTION 9-308.5, REQUIRING A 100-FOOT SETBACK FROM ADJACENT RESIDENTIAL PROPERTIES ZONED TO THE R-1 DISTRICT, IN FAVOR OF THE 30-FOOT SETBACK SHOWN ON THE SE PLAT.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Litzenberger: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE NORTH, NORTHWEST, AND EAST BOUNDARIES IN FAVOR OF THE LANDSCAPING SHOWN ON THE SE PLAT.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Litzenberger: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG ROUTE 50, LEE JACKSON MEMORIAL HIGHWAY.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE MAJOR PAVED TRAIL REQUIREMENT ALONG THE NORTH SIDE OF ROUTE 50, LEE JACKSON MEMORIAL HIGHWAY, IN FAVOR OF THE TRAIL SHOWN ON THE SE PLAT.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Abstain.

Chairman Murphy: Same abstention.

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(The motions carried by a vote of 10-0-1. Commissioner Sargeant abstained; Commissioner de la Fe was absent from the meeting.)

JN

Board Agenda Item
December 2, 2014

3:30 p.m.

Public Hearing on SE 2014-SU-031 (Mary Gray / Elf Exploring, Learning & Fun) to Permit a Home Child Care Facility, Located on Approximaely 4,228 Square Feet of Land Zoned PDH-20 and WS (Sully District)

This property is located at 4180 Whitlow Place, Chantilly, 20151. Tax Map 44-2 ((23)) 22.

Board of Supervisors deferred this public hearing on November 18, 2014 to December 2, 2014.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, November 20, 2014, the Planning Commission voted 11-0 (Commissioner Migliaccio was absent from the meeting) to recommend to the Board of Supervisors approval of of SE 2014-SU-031, subject to the Development Conditions dated November 20, 2014.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4468602.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Joseph Gorney, Planner, DPZ

SE 2014-SU-031 – MARY GRAY/ELF EXPLORING, LEARNING & FUN

After Close of the Public Hearing

Chairman Murphy: Without objection – public hearing is closed. Recognize Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. First, I want to thank Ms. Gray for coming out to both the Sully District Land Use Committees, the WFCCA and the SDC. Those two evenings, we had 27 different citizens within the total of those two and – as you can see by the large number of speakers – all their questions were answered by the staff and Ms. Gray. And I thank them for their extra effort in this area. Therefore, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-SU-031, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 20TH, 2014.

Commissioners Flanagan and Hart: Second.

Chairman Murphy: Seconded by Mr. Flanagan and Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-SU-031, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: I think I have to bring her up to reaffirm-

Chairman Murphy: Oh yes, I'm sorry.

Commissioner Litzenberger: I forgot that.

Chairman Murphy: Would you please come up, Ms. Gray?

Commissioner Litzenberger: Thank you, Commissioner de la Fe.

Chairman Murphy: We'll take your word for it that you agree with everything we just said, right?

Mary Gray, Applicant/Title Owner: I do.

Chairman Murphy: But we need that for the record. Please identify yourself for the record and let Mr. Litzenberger ask you this key question.

Commissioner Litzenberger: Ms. Gray, do you accept and understand and support the development conditions, as agreed to in the staff report [sic].
Ms. Gray: I do.

Commissioner Litzenberger: Okay, thank you very much.

Ms. Gray: Thank you.

Chairman Murphy: I now pronounce you applicant and Planning Commissioner.

Commissioner de la Fe: Mr. Chairman?

Commissioner Hall: You have a question.

Commissioner Litzenberger: Ma'am.

Chairman Murphy: Yes, Mr. Hart?

Commissioner Hart: Not the development conditions in the staff report – the new ones.

Commissioner Litzenberger: The new ones. Thank you, Mr. Hart. I tried to get your attention. I made a mistake.

Chairman Murphy: Okay. First one since the third grade, right?

Commissioner Litzenberger: No, the first one since earlier this evening. The development conditions dated November 20th, 2014 – just nod yes, that would be good enough, Mrs. Gray. Thank you.

Chairman Murphy: Thank you very much.

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(The motion carried by a vote of 11-0. Commissioner Migliaccio was absent from the meeting.)

JLC

Board Agenda Item
December 2, 2014

4:00 p.m.

Public Hearing on a Proposal to Repeal the Resolution that Imposed Certain Limitations on the Fairfax County Spot Blight Abatement Program

ISSUE:
Public Hearing for the purpose of revoking the 1996 Spot Blight Abatement Resolution for Fairfax County, Virginia.

RECOMMENDATION:
The County Executive recommends that the Board revoke the 1996 Spot Blight Abatement Resolution for Fairfax County, Virginia.

TIMING:
On October 28, 2014, the Board authorized advertisement of a public hearing scheduled for Tuesday, December 2, 2014 at 4:00 P.M.

BACKGROUND:
At its regular meeting on February 11, 2014, Fairfax County Board of Supervisors ("the Board") directed staff to conduct a thorough review and analysis of State and County code provisions related to blight, public nuisance, derelict buildings, or those structures that are otherwise determined to be unsafe or in need of repair. The Board further directed staff to provide specific recommendations regarding whether the Board should enact ordinances or change existing ordinances and policies so that existing enabling legislation can be fully implemented, and to analyze whether new enabling legislation is necessary to address existing problems.

In a memorandum dated June 3, 2014, from Jeffrey Blackford, Director Department of Code Compliance and Cynthia Bailey, Senior Assistant County Attorney, staff provided the outcome of the review as requested by the Board. Additionally, staff attended the June 10, 2014 Development Process Committee meeting and addressed additional questions from the Board. Based on feedback from the Board at that time, staff is forwarding this item for advertisement and subsequent consideration by the Board. The attached proposed amendments, if adopted, would better enable staff to address Public Health and Safety Menaces and would remove certain self-imposed limitations regarding the Fairfax County Spot Blight Abatement Ordinance, which is covered in detail in the memorandum to the Board of Supervisors dated June 3, 2014.

Under the 1996 Resolution by the Fairfax County Board of Supervisors, a property was considered blighted if it met the standards set forth in Va. Code Ann. § 36-3 (2011) *and* if it met all of the following conditions:

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

The County's existing Spot Blight Abatement Program is more restrictive than what is currently authorized by state code, and it is used exclusively to demolish structures. There are instances when a property that would not otherwise constitute a "public nuisance" or an "unsafe structure" is nonetheless in such a condition of disrepair that it does create a blighted condition within a neighborhood. The current requirements that a property be boarded, vacant, or no longer maintained for useful occupancy for one year thwarts the ability of the County to address these properties. Similarly, the County's policy that the Spot Blight Abatement Program only be used for demolition is also overly restrictive. In certain situations, it would be useful for the County to have a Spot Blight Abatement Program that would permit the County to repair the property at the owner's expense if the owner fails to do so.

There are at least two important caveats to any such changes in the existing Spot Blight Abatement Program. First, it is strongly recommended that if the Board is inclined to liberalize what may constitute spot blight, any decision to place a property in the Spot Blight Abatement Program remain with the Neighborhood Enhancement Task Force (NETF). This committee, comprised of representatives from a variety of County agencies, can ensure that objective criteria and standards are developed and applied before a property can be identified for the Spot Blight Abatement Program. It is noted that the NETF is currently working on new objective criteria and standards for the Spot Blight Abatement Program. Second, staff is not recommending that the County routinely repair or renovate private property. Indeed, even in the unusual situations when such action is desirable, significant County resources may be expended to effectuate a repair project. A scope of work must be developed, the project must be bid, and the actual construction project must be monitored and managed, all of which consumes valuable staff time. Any decision to expand County repair efforts is anticipated to have both a fiscal impact as well as require additional staff and associated support resources.

FISCAL IMPACT:
Provided that use of the County's Spot Blight Program is used to compel a property

owner to repair his or her property, there is little, if any, fiscal impact to the proposed amendment. If, however, County resources are expended to effectuate repair projects, then resources to bid and manage those projects must be dedicated.

ENCLOSED DOCUMENTS:
Attachment 1: June 3, 2014 Blight memo
Attachment 2: Proposed Resolution repealing the November 18, 1996, Resolution

STAFF:
Robert A. Stalzer, Deputy County Executive
Jeffrey L. Blackford, Director, Department of Code Compliance
Cynthia Bailey, Senior Assistant County Attorney, Office of the County Attorney
James Patteson, Director, Department of Public Works and Environmental Services
Dr. Gloria Addo-Ayensu, Director, Fairfax County Department of Health

ATTACHMENT 1

County of Fairfax, Virginia

MEMORANDUM

DATE: June 3, 2014

TO: Board of Supervisors

FROM: Jeffrey L. Blackford, Director
Department of Code Compliance

Cynthia Bailey, Senior Assistant County Attorney
Office of the County Attorney

SUBJECT: Properties that are in a State of Disrepair, Dilapidated, Public Nuisance or a Blight in the Community, February 11, 2014, Board Item 5c.

At its February 11, 2014, meeting, the Fairfax County Board of Supervisors ("the Board") directed staff to conduct a thorough review and analysis of the Virginia Code provisions related to blight, public nuisance, and derelict buildings or those that are otherwise unsafe or in need of repair. The Board further directed staff to provide specific recommendations regarding whether the Board should enact ordinances or change existing ordinances and policies so that existing enabling legislation can be fully implemented, and to analyze whether new enabling legislation is necessary to address existing problems. This memorandum is in response to the Board's directions and concerns.

Summary

Although the overwhelming majority of properties that fall into disrepair can be resolved via existing processes, every year there are about two dozen properties that stubbornly remain in a state of disrepair. When it occurs, these properties become a huge source of strife within their communities. The Code of Virginia ("the State Code"), however, offers the County some additional tools that are currently not being employed. Specifically, the State Code does not have any requirement that properties be vacant and boarded for an entire year before they can be considered for the Spot Blight Abatement Program. The State Code also allows for properties deemed to be blighted to be repaired rather than simply demolished as is current County practice. In addition, the State Code provides that costs incurred to repair certain unsafe or nuisance properties can be treated as tax liens with a super-priority, rather than as a simple judgment. Often, the only option that remains when an owner refuses to bring his or her property into compliance with existing codes is for the County to undertake these efforts. When it does so, the County should maximize the likelihood that the costs so incurred will be repaid.

This report outlines in detail i) a summary of the County's current processes for dealing with blight, property maintenance code violations, and zoning ordinance violations; (ii) available enabling legislation

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that the County is not currently using; and (iii) as noted above, specific recommendations to change the County's Spot Blight Abatement Program and the Fairfax County Code to maximize the County's available options and to ensure that costs incurred by the County when it chooses to repair certain properties will be repaid.

Background

As set forth more fully below, the Fairfax County Zoning Ordinance ("Zoning Ordinance"), the Virginia Property Maintenance Code ("Property Maintenance Code"), the Virginia Uniform Statewide Building Code (the "VUSBC" or "Building Code"),[1] the Spot Blight Abatement Program, and Chapter 46 of the Code of Fairfax County, Virginia ("County Code"), have been used to address property that is in disrepair, dilapidated, or that otherwise constitutes a blight on the community. Efforts to remedy these situations include fines, penalties, and substantial court action. Sometimes, however, and for a variety of reasons, some property owners remain unwilling or unable to bring their property into compliance with these codes.[2] When this happens, these properties become a huge source of strife and frustration within their communities and for staff. These properties are more than just unsightly; frequently they pose real and immediate dangers to public health, safety, and welfare.

Current enforcement tools

Property Maintenance Code and Zoning Ordinance; Civil Penalties. Many violations of the Property Maintenance Code and the Zoning Ordinance are prosecuted in the Fairfax County General District Court pursuant to a uniform schedule of civil penalties. This schedule provides that violations of the Zoning Ordinance are subject to a civil penalty of $200 for the first violation, and $500 for each subsequent violation, not to exceed $5,000.[3] *See* Va. Code Ann. § 15.2-2209; Zoning Ordinance § 18-903. Similarly, violations of the Property Maintenance Code are subject to a civil penalty of $100 for the first violation and $150 for each subsequent violation, not to exceed $3,000. County Code § 61-7-1. The civil penalty process allows violators to admit liability, prepay fines, and as such, it typically results in more timely compliance than for prosecutions initially brought in the Circuit Court. In 2013, approximately half of the total number of violations pursued via court action were pursued in the General District Court.

Property Maintenance Code and Zoning Ordinance; Injunctive Relief. Sometimes, it is clear for a variety of reasons that prosecution in the General District Court will not be effective. The property owner may be a repeat offender or the property is in such a state of disrepair that a property owner may simply conclude

[1] Virginia Code Ann. § 36-97—36-119.1 (2011 and Supp. 2013).
[2] The reasons for this recalcitrance are as diverse as the County's population: some property owners have physical or mental disabilities that hinder compliance; some have financial difficulties that make repairs cost prohibitive; some refuse to comply for political reasons; language and cultural differences can also impede compliance; others are merely negligent or have concluded that repairing and maintaining the property is not a good investment.
[3] The Board may recall that on May 14, 2013, the Board amended Article 18 of the Zoning Ordinance to establish a uniform schedule of civil penalties for all zoning violations except for violations relating to signs on public property or the public right of way.

that it is "cheaper" to incur the fines rather than fix the property. In such instances, prosecution of the Property Maintenance Code and Zoning Ordinance violations are pursued in the Circuit Court of Fairfax County ("Circuit Court"). The main advantage that the Circuit Court has over the General District Court is that injunctive relief is available.[4] For violations that are easily repeated (such as the establishment of junk yards) or for violations that are expensive to abate (for example, roof or structural repairs) the availability of injunctive relief is useful.

In the Circuit Court, once a final order is obtained, a property owner is typically granted 30-60 days to bring the property into compliance. If he or she fails to do so, a second stage of prosecution, known as a Rule to Show Cause, begins. At this stage, in addition to the injunctive relief set forth above, the Circuit Court can also impose unlimited contempt sanctions if a property owner fails to come into compliance with a final order. The standard contempt sanction initially sought by the Office of the County Attorney is $100/day for each day that a property remains in violation of the applicable codes. At this rate, costs escalate rapidly and it is not cheaper to let sanctions accrue rather than making the repairs. In unusual situations, when even the substantial sanctions imposed under the Circuit Court's contempt powers do not garner compliance, the Circuit Court will direct the County to make the repairs, and upon review, the Circuit Court will impose a judgment for the cost of those repairs. Both contempt sanctions and repair costs accrue interest at the judgment rate and are recorded among the land records. Final orders are also recorded so that they may be enforced against subsequent owners.

Criminal Prosecution. Certain violations of the Building Code are currently prosecuted criminally; the Department of Code Compliance ("DCC") brings criminal charges against unpermitted construction, and the Land Development Services Division ("LDS") of the Department of Public Works and Environmental Services ("DPWES") criminally prosecutes uncompleted construction work after occupancy. A conviction constitutes a misdemeanor punishable by a fine of not more than $2,500. Va. Code Ann. § 36-106(A). This code section also provides for an escalating regimen of fines and possible jail time for subsequent offenses, e.g., a second conviction within five years from the first conviction is punishable by not less than a fine of $1,000; a third conviction within three years may be punished by a jail sentence of up to 10 days and/or a fine of not less than $2,500. *Id.* Moreover, each day a violation continues after conviction or the court-ordered abatement period constitutes a separate offense.

Spot Blight. Properties that have fallen into a substantial state of disrepair may be addressed through the County's Spot Blight Abatement Program. *See* Va. Code Ann. §§ 36-49.1:1. In Fairfax County, to qualify for blight, a property must (i) have been vacant and boarded for at least one year; (ii) have been the subject of complaints; (iii) no longer be maintained for useful occupancy; and (iv) be in a dilapidated condition or lacking normal maintenance and upkeep. *See* November 21, 1996, Blight Abatement Resolution. A property identified for the Spot Blight Abatement Program is first referred to an inter-agency team of County staff known as the Neighborhood Enhancement Task Force ("NETF"),[5] which by

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[4] There are two kinds of injunctive relief available in the Circuit Court: (1) mandatory, which directs a property owner to abate the violations; and (2) prohibitory, which prohibits the unlawful conduct in the future.

[5] The NETF is comprised of representatives from the following Departments: Police, Fire, Health, Tax Administration, and the Sheriff's Office, and two representatives from Public Works and Environmental Services—one on behalf of the Building Code Official and one from Maintenance and Stormwater

simple majority vote determines whether a property should be entered into the program and referred to the Board for consideration. Va. Code Ann. § 36-49.1:1(B).

Once the NETF recommends that a property be considered for the Spot Blight Abatement Program, the property owner is sent written notice specifying the reasons why the property is blighted.[6] *Id.* The property owner then has 30 days to develop a written abatement plan to address the spot blight ("the Abatement Plan") within a reasonable period of time. *Id.* If the property owners fail to develop an Abatement Plan, or if the Abatement Plan is inadequate to address the spot blight, then the County may declare the property to be spot blighted. Va. Code Ann. § 36-49.1:1(C). Any such declaration of blight must be established via an ordinance. *Id.*

The County is also required to notify the property owner in writing of how the County intends to remedy the blight ("the County Plan"), and no action to remedy the blighted condition may occur until after such notice and the enactment of an ordinance. Va. Code Ann. § 36-49.1:1(D). At such time, the County can then carry out the County Plan. *Id.* The County Plan in Fairfax has been exclusively limited to demolition of the structure on the blighted property. Finally, once the County Plan has been carried out, the County is entitled to a lien on the property to recover the costs of the County Plan. Any such lien accrues interest at the judgment rate, is recorded among the land records, and is treated in all respects as a tax lien, which means that it cannot be discharged in a foreclosure sale and it is given a super-priority in any bankruptcy proceedings. *See* Va. Code Ann. § 36-49.1:1(E). It is important to note that unlike the court proceedings for enforcement of the Property Maintenance Code, the Building Code, and the Zoning Ordinance which require court action as described above, the Spot Blight Abatement Program does not involve a court proceeding prior to filing the lien.

Public Health or Safety Menace. On occasion, property may become so dilapidated or fall into such a state of disrepair that it constitutes a threat to public health or safety. In such instances, the Director of the Health Department has the authority to require a property owner to abate any such condition. *See* Fairfax County Code § 46-1-3. Use of this authority, however, is rare and is used only when the use of other codes is not effective or when the situation constitutes an emergency.

The VUSBC.[7] Many of the properties at issue in this memorandum are currently under construction, and as such, the County's ability to address the condition of these properties is inherently different than it is for properties that have an occupancy permit. First, as a practical matter, a property owner usually has strong financial incentives to finish a construction project, and accordingly, construction violations are usually remedied without resort to court action. Second, given that the ultimate goal is completion, many

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Management Division ("MSMD"). Each of these representatives has one vote. The Office of the County Attorney provides legal advice to the NETF.

[6] Property owners are also sent a notice in advance of the NETF meeting.

[7] Part I of the VUSBC regulates *new* construction and alterations to existing buildings and structures under the Virginia Construction Code. It is supervised by the Building Official in Land Development Services, DPWES. Part III of the VUSBC regulates the upkeep and maintenance of *existing* buildings and structures under the Property Maintenance Code. It is supervised by the Property Maintenance Code Official in the Department of Code Compliance. Nonetheless, the reference to "The Building Code" or the "VUSBC" herein will refer only to Part I of the VUSBC that relates to construction.

of the remedies available under the Building Code, such as fines, revocation of the building permit, or the issuance of a stop work order, thwart that goal. Moreover, the Building Code expressly provides a six month period of time before a project can be considered suspended or abandoned. VUSBC § 110.6. In a direct response to this issue, DPWES has recently started sending out automated messages to building permit holders whose permits are near this six-month expiration period. *See* attached hereto as Exhibit A, the April 10, 2014, Memorandum from County Executive Edward L. Long Jr. regarding this issue.

Enabling legislation

As set forth above, the County primarily uses three processes to address properties that are in a state of disrepair: civil proceedings in General District Court and Circuit Court and the Blight Abatement Program.[8] These processes may result in fines, contempt sanctions, demolition, and/or court-ordered repairs that either garner compliance from a property owner or bring the property into compliance by County action. There are, however, other ways and other remedies that are available to the County under the Virginia Code, and this section will detail this authority.

Criminal Prosecution. Va. Code Ann. § 36-106 authorizes *any* violation of the VUSBC to be prosecuted criminally, not just unpermitted construction and uncompleted work, which is the County's current practice. As noted above, a conviction constitutes a misdemeanor punishable by a fine of not more than $2,500. Va. Code Ann. § 36-106(A). Subsequent offenses subject a defendant to an escalating regimen of fines and possible jail time. *Id.* Each day a violation continues after conviction or the court-ordered abatement period constitutes a separate offense.

In addition, the creation or maintenance of a public nuisance may also be criminally prosecuted. Under Va. Code Ann. § 48-5, upon any such conviction, a person shall be ordered to abate the violation, or reimburse the locality for the costs of any such abatement, and may also be fined not more than $25,000.

Increased Civil Penalties. It is noted that the County's schedule of civil penalties for Property Maintenance Code violations is less than what is provided under state code. Va. Code Ann. § 36-106 permits fines of up to $350 for subsequent offenses, whereas County Code § 67-7-1 limits this amount to $150.

Public Nuisance. Va. Code Ann. § 15.2-900 provides that a public nuisance:

> [I]ncludes, but is not limited to, dangerous or unhealthy substances which have escaped, spilled, been released or which have been allowed to accumulate in or on any place and all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures which constitute a menace to the health and safety or the occupants thereof or the public.

[8] It should be noted that this memorandum addresses only individual properties; separate authority exists under the Housing Authorities Law to create redevelopment and conservation areas that deal with eliminating pervasive areas of blight. *See generally,* Va. Code Ann. § 36-2 (2011).

A locality may abate, raze, or remove any such public nuisance if it "presents an imminent and immediate threat to life or property." The costs to recover any such abatement can be recovered via court action, and under Va. Code Ann. § 15.2-906(4), if those costs remain unpaid, they can "constitute a lien against such property ranking on a parity with liens for unpaid local taxes."

Repair and/or Removal of Unsafe Structures. Va. Code Ann. § 15.2-906 (Supp. 2013) allows a locality to enact an ordinance to require property owners to "remove, repair or secure any building, wall or any other structure that might endanger the public health or safety of other residents of such locality." The process outlined by this statute requires notice to the property owner and advertisement in a newspaper of general circulation, but it does not involve the court system.

This statute also provides that any repairs made by the locality would be treated as tax liens. As noted above in the discussion of the Blight Abatement Program, this treatment of such amounts as tax liens means that any costs incurred in repairing or removing an unsafe structure cannot be discharged in a foreclosure sale and will have a priority in any bankruptcy proceeding. Va. Code Ann. § 15.2-906(4). Moreover, enactment of an ordinance of this nature also allows any costs incurred in the abatement of a public nuisance under Va. Code Ann. § 15.2-900 to be similarly treated. *Id.* In addition, when violations of the Property Maintenance Code create an emergency situation or when violations of the Building Code render a property unsafe, costs incurred by the County to remedy those conditions can also be recovered under this statute. *See* Property Maintenance Code § 105.9; VUSBC § 118.5.

Repair and/or Removal of Derelict Structures. Va. Code Ann. § 15.2-907.1 (2012). This statute provides tax and fee incentives to property owners to remove or repair derelict structures. The statute defines "derelict" in relevant part, as a "structure, whether or not construction has been completed, that for a six months period of time has been (i) vacant, (ii) boarded up in accordance with the building code, and (iii) not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider." Va. Code Ann. § 15.2-907.1(1). Cooperating owners may receive refunds from certain land use and building permit fees as well as 15-year real property tax rebates linked to the cost of the demolition or renovation. Va. Code Ann. § 15.2-907.1(7) and (8).

Critically, however, the authority set forth in this statute is available only to those localities that have a real estate tax abatement program. Because the County's tax abatement program was recently discontinued, this authority is not available to Fairfax County unless that real estate tax abatement program is reinstituted.

Removal or Repair of Structures Harboring Illegal Activity. Va. Code Ann. § 15.2-907 (2012) sets forth the authority for a locality to address property that constitutes "drug blight." "Drug blight" is defined as a condition on the property that tends to endanger the public health or safety of the residents of a locality caused by the regular presence on the property of persons under the influence of controlled substances or who are possessing, manufacturing, or distributing such substances. Va. Code Ann. § 15.2-907(A). Similarly, Va. Code Ann. § 15.2-908.1 (2012) sets forth the authority for a locality to address buildings or structures used for lewdness, assignation, or prostitution. Both statutes require a locality to enact an ordinance in which an owner is given notice, an opportunity to abate the drug blight or bawdy place and if

no such abatement action occurs, gives the locality authority to abate the drug blight or bawdy place at the expense of the property owner. *See* Va. Code Ann. § 15.2-907 (B); Va. Code Ann. § 15.2-908.1(B).

Spot Blight. The County's Spot Blight Abatement Program offers remedies that are substantially narrower than the authority set forth in the Virginia Code. First, the definition of "blight" is much broader under the Virginia Code than adopted by the County. As set forth above, the County Spot Blight Abatement Program is used only for property that (i) has been vacant and boarded for at least one year; (ii) has been the subject of complaints; (iii) is no longer maintained for useful occupancy; and (iv) is in a dilapidated condition or lacking normal maintenance and upkeep. *See* November 21, 1996, Blight Abatement Resolution attached hereto as Exhibit B. The enabling legislation in the Virginia Code has no such constraints. In contrast to the County definition, the Virginia Code defines "Blighted Property" as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards." Va. Code Ann. § 36-3. Although any such property would have to meet a minimum threshold wherein it could be said to constitute a danger or harm to the "public's health, safety or welfare," it need not meet the narrow definition set forth in the Blight Abatement Resolution, such as being vacant and boarded for one year.

Second, as a practical matter the County currently only uses the Spot Blight Abatement Program to *demolish* blighted structures. Virginia Code § 36-49.1:1 also includes the power to *repair* or *condemn* the structure. It must be noted, however, that in the context of *condemnation*, the definition of "blight" is different, and narrower than the definition set forth in Va. Code Ann. § 36-3. *See* Va. Code § 1-219.1 (defining "blighted property" for condemnation purposes as "any property that endangers the public health or safety in its condition at the time of the filing of the petition for condemnation and is (i) a public nuisance or (ii) an individual commercial, industrial, or residential structure or improvement that is beyond repair or unfit for human occupancy or use.").[9] Thus, condemnation is not available in the repair context. In addition, condemnation is not available for residential property that is occupied if it would result in the displacement of persons living in the premises, unless the property had been condemned for human habitation for more than one year. Va. Code Ann. § 1-219(F).

Finally, there is no state code requirement for the establishment of an inter-agency task force in order to recommend properties into the Spot Blight Abatement Program. Va. Code Ann. § 36-49.1:1 merely provides that the "chief executive or designee of the locality shall make a preliminary determination that a property is blighted." Va. Code Ann. § 36-49.1:1.

Thus, under the same process outlined above, the County could both repair or condemn certain structures and still garner the same protections for the costs incurred in doing so. Va. Code Ann. § 36-49.1:1(E). This process is completely independent from any judicial or court process.

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[9] This statute also makes clear that to the extent that its terms conflict with any other law, Va. Code Ann. § 1-219.1 controls. Va. Code Ann. § 1-219.1(H).

Recommendations

Properties in Fairfax County that languish in a constant state of disrepair have one feature in common: a property owner who is unwilling or unable to make the requisite repairs. The following recommendations parallel the enabling legislation outlined above.

Criminal Prosecution. The County currently criminally prosecutes anyone responsible for either unpermitted work or incomplete work. Typically, such prosecutions are against unscrupulous builders and contractors, and occasionally, home owners. Criminal sanctions for Property Maintenance Code and Zoning Ordinance violations are not, however, recommended. As noted above, some property owners are not able to bring their property into compliance due to a variety of compelling circumstances: they lack the financial means to do so, or they are mentally or physically disabled. In any event, if a property owner fails to bring his property into compliance, even after the imposition of substantial fines that are typically imposed, it seems unlikely that the threat of criminal fines or jail time will prompt compliance.

Civil Penalties. Given that staff does not recommend criminal prosecution, seeking the maximum amount of civil penalties permitted may be warranted. Again, however, the inherent nature of the problem at issue is that certain property owners do not – or due to their economic situation cannot – respond to financial sanctions; thus, it is unclear that an increase from $150 to $350 would be much more of a deterrent.

Public Nuisance/Unsafe Structures. For both types of problems, the General Assembly authorizes the County to make actual repairs, and then be able to recover the cost of such repairs as if it were a tax lien. Va. Code Ann. § 15.2-906(4). Given the increasing number of times that the County ultimately has to make repairs to bring property into compliance, it is prudent for the County to garner the maximum amount of protection for that expenditure.

To do so, certain relatively minor amendments to the County Code would be necessary because Va. Code Ann. § 15.2-906(4) is not self-executing; it requires the affirmative enactment of an ordinance. It is important to note, however, that repairs that do not remedy unsafe or dangerous conditions are not eligible for such treatment.

Repair and/or Removal of Derelict Structures. This statute is not available to the County because we do not now have a tax abatement program as it was recently discontinued by the Board. Nonetheless, it is not recommended that this authority be implemented because offering tax rebates for property owners who have maintained derelict structures appears to reward bad behavior.

Removal or Repair of Structures Harboring Illegal Activity. Fortunately, the County does not have a substantial problem with structures that harbor drug activity or houses of prostitution. Accordingly, it is not recommended that this enabling legislation be implemented.

Spot Blight. The County's existing Spot Blight Abatement Program is more restrictive than what is currently allowed by state code, and is used exclusively to demolish structures. There are instances when a property that would not otherwise constitute a public nuisance or an unsafe structure nonetheless is in such a condition of disrepair that it does create a blighted condition within a neighborhood. The current

requirements that a property be boarded, vacant, or no longer maintained for useful occupancy for one year thwarts the ability of the County to address these properties. Similarly, the County's policy that the Spot Blight Abatement Program only be used for demolition is also overly restrictive. In some situations, a property that constitutes spot blight cannot be demolished because to do so would constitute an unlawful taking; rather, the better approach would be to enact a Spot Blight Abatement Plan that would permit the County to repair the property at the owner's expense if the owner failed to do so.

Similarly, there may also be situations when actually taking the property by eminent domain would be advisable. Indeed, the new constitutional amendment regarding eminent domain makes clear that the elimination of a public nuisance is a public purpose. Va. Const. Art. I, § 11. No existing policy permits such action.

There are at least two important caveats to any such changes in the existing Spot Blight Abatement Program. First, it is strongly recommended that if the Board is inclined to liberalize what may constitute spot blight, any decision to place a property in the Spot Blight Abatement Program remain with the NETF. This committee, comprised of representatives from a variety of County agencies, can ensure that objective criteria and standards are developed and applied before a property can be identified for the Spot Blight Abatement Program. Second, staff is not recommending that the County routinely repair or renovate private property. Indeed, even in the unusual situations when such action is desirable, significant County resources are expended to effectuate a repair project. A scope of work must be developed, the project must be bid, and the actual construction project must be monitored and managed—all of which consumes valuable staff time. Any decision to expand County repair efforts would have a significant fiscal impact that the Board must consider. It is anticipated that repairing even two dozen properties a year would require the hiring of additional staff and associated support resources. And although the cost of repairs would ultimately be charged to the property owner, the statute does not permit that any administrative costs could similarly be passed to the property owner.

New Legislation. The processes available to counties to abate nuisance properties are much more complicated than for municipal corporations. For example, municipal corporations do not have the same requirement to affirmatively enact an ordinance in order to abate certain nuisances. *Compare* Va. Code Ann. § 15.2-1115 *with* Va. Code Ann. § 15.2-906. It is not clear why the code makes this distinction, and seeking an amendment to Va. Code Ann. § 15.2-1115 so that it applies to all localities is advisable.

Currently, the super-priority afforded to County-incurred costs applies only when the property has been deemed blighted or when the needed repairs are to structures that are unsafe or dangerous to health and safety. *See* Va. Code Ann. § 15.2-900 (public nuisance requires a danger or menace to health and safety); Va. Code Ann. § 15.2-906 (remedying of dangerous conditions); Property Maintenance Code § 105.9 (remedying of emergencies); VUSBC § 118.5 (remedying of unsafe structures). There are many times when a property is in a substantial state of disrepair, but it does not quite rise to the level of being unsafe. If the County is required to make these repairs, the costs for doing so should also be treated as a tax lien and be given super-priority treatment.

Conclusion

Although the vast majority of properties that are in a state of disrepair are ultimately repaired by their owners, some property owners simply cannot or will not make such repairs. In such unusual instances, the County is the only entity that can step in and do the work. Currently, when the County undertakes such work, the costs of doing so are not fully protected. In many instances, the Virginia Code allows such costs to be treated as tax liens, and the County should take advantage of that protection. Doing so would require fairly modest amendments to the County Code. Similarly, there are instances when the Spot Blight Abatement Program could be used for more than just the demolition of buildings and structures. Although any expansion of this Program would have to be carefully reviewed, it offers another tool to address those properties that are in a constant state of disrepair.

Attachments: Exhibit A: April 10, 2014, Memorandum from County Executive Edward L. Long Jr.
Exhibit B: November 21, 1996, Blight Abatement Resolution
February 11, 2014 Board Matter

cc: Edward L. Long Jr., County Executive
Robert A. Stalzer, Deputy County Executive
Patricia D. Harrison, Deputy County Executive
David P. Bobzien, County Attorney
Dr. Gloria Addo-Ayensu, Director, Fairfax County Health Department
James W. Patteson, Director, Department of Public Works and Environmental Services
Pieter Sheehan, Director, Division of Environmental Health, Fairfax County Health Department
Audrey Clark, Acting Director, Land Development Services, DPWES

Exhibit A

County of Fairfax, Virginia

MEMORANDUM

DATE: APR 10 2014

TO: Board of Supervisors

FROM: Edward L. Long Jr.
County Executive

SUBJECT: Automated Notifications of Permit Expiration

Throughout the County, certain residential projects have languished in a state of incomplete construction for several years under building permits with approved extensions. These slowed or stalled projects have been the subject of complaints and neighborhood concerns pertaining to property values, criminal activity and raise questions about why the Building Official would extend the permits for such projects. The Uniform Statewide Building Code authorizes the Building Official to issue permit extensions as long as evidence of construction activity is provided to staff. Such evidence may include receipts for materials purchased, delivery manifest, or inspection reports that prove substantive progress has been made.

In a July 15, 2013 memorandum to the Board of Supervisors, staff outlined a plan to implement automated email notifications in the Fairfax Inspections Database Online (FIDO) system to improve permit holder awareness of permit timing restrictions and help promote more expedient project completion. Staff has completed the implementation of this initiative.

When a permit is nearing the six-month expiration threshold, FIDO will send an automated message (sample attached) to the permit holder(s) notifying them that their permit may be revoked and giving them further information regarding permit extension requirements. The messages will be automatically sent 30 days prior to the permit expiration date.

If you have any questions or need additional information, please contact James Patteson or Audrey Clark at 703-324-5033.

Attachments: Sample Automated Email
July 15, 2013 Memo to the Board

cc: Robert A. Stalzer, Deputy County Executive
James Patteson, Director, Department of Public Works and Environmental Services
Audrey Clark, Building Official
Jeffrey L. Blackford, Director, Department of Code Compliance

Office of the County Executive
12000 Government Center Parkway, Suite 552
Fairfax, VA 22035-0066
703-324-2531, TTY 703-222-5494, Fax 703-324-3956

Fairfax County Permit Expiration Notification

The subject and text below is a sample email that is being sent automatically through the Fairfax Inspections Database Online (FIDO) system.

Subject

Fairfax County Permit Expiration Notification

Text

Permit Number: 132830092
Permit Type: PLUMBING R
Permit Description: lawn irrigration system
Address: 7206 WARBLER LANE, MCLEAN, VA

Date of Issuance: 10-10-2013
Current Expiration Date: 04-10-2014

The building permit referenced above is set to expire on the date noted due to inactivity. Pursuant to the Virginia Uniform Statewide Building Code, the Building Official of Fairfax County has the authority to revoke building permits if work has not begun within six months of its issuance or if work has been abandoned for six month.

To extend the expiration date of a permit, the applicant must request an inspection or submit a written request to the Building Official with evidence that substantial work has been performed within the last six months.

If you have completed work and wish to extend your permit, prior to the expiration date noted above schedule an inspection or send a written request to dpwesbuildingpermits@fairfaxcounty.gov or to:

Permit Application Center
12055 Government Center Parkway
Fairfax, VA 22035-5504

Failure to obtain the minimum required inspections is a violation of Virginia law and can result in legal action.

For additional information or questions regarding this permit please contact 703-222-0801, TTY 711. Please visit fairfaxcounty.gov/buildingpermits to check the status of your permit or to schedule an inspection.

County of Fairfax, Virginia

MEMORANDUM

DATE: JUL 15 2013

TO: Board of Supervisors

FROM: Edward L. Long Jr.
County Executive

SUBJECT: January 29, 2013, Board Item 1c - Code Enforcement Pertaining to Incomplete Construction Projects and Building Permit Extensions

At the January 29, 2013, Board of Supervisors' meeting, Supervisor McKay inquired about the Board's authority to limit the extension of building permits (see attached board matter). Throughout the County, certain residential projects have languished in a state of incomplete construction for several years under building permits with approved extensions. These slowed or stalled projects have been the subject of complaints and neighborhood concerns pertaining to property values, criminal activity and fire risk and raise questions about why the Building Official would extend the permits for such projects. After reevaluating the procedures for permit extensions, the Building Official has identified ways to fine-tune the process and coordinate with Board members regarding sensitive projects.

Part I of the Virginia Uniform Statewide Building Code (USBC) regulates *new* construction and alterations to existing buildings and structures under the Virginia Construction Code as supervised by the Building Official in Land Development Services/Department of Public Works and Environmental Services. Part III of the USBC regulates the upkeep and maintenance of *existing* buildings and structures under the Virginia Maintenance Code as supervised by the Property Maintenance Code Official (PMCO) in the Department of Code Compliance (DCC). This distinction of authority is relevant in addressing the Board's concerns.

The USBC permits the Building Official to revoke a building permit if the work authorized therein has not begun within six months of its issuance or if the work has been abandoned for six months. Conversely, the Building Official has the authority to issue permit extensions for up to one year as long as evidence of construction activity is provided to staff. Such evidence may include receipts for materials purchased, delivery manifests, or engineering reports that prove activity had taken place within the six-month window. Additionally, the Building Official has the authority to limit the timeframe for the construction of a residential project by revoking the permit three years after issuance.

The intent of the USBC is to gain compliance with the USBC so buildings and structures can be built safely and economically. Therefore, before revoking a permit, careful consideration is given to the intent and ability of the permit holder to complete the work and the potential impact to the neighborhood. In cases where the permit has been revoked, the permit holder may reapply for a

new permit that would, in most cases, require an updated design and related plans showing compliance with the current code. When these conditions are met, the Building Official must issue the new permit, at which time the six-month timeframe begins again. Consequently, revoking the permit does not necessarily accelerate project completion. In these situations, staff has experienced greater success with bringing projects to completion while working with permit holders under their existing permits rather than revoking them and requiring new permits under the current and more restrictive code.

Staff is sensitive to the community's need for a balanced approach to permit extensions. Planned enhancements of the Fairfax Inspections Database Online (FIDO) system include automated email notifications of permit expiration. When implemented, the notifications would improve permit holder awareness of permit timing restrictions and help promote more expedient project completion. When a permit reaches the six-month or three-year threshold, FIDO would email the permit holders(s) notifying them that their permit may be revoked and giving them further information regarding permit extension requirements.

The Building Official proposes to work with Board Members on a case-by-case basis for challenging projects. Once identified, staff would be able to review the project's completion history and make contact with the permit holder to discuss proactive options to move the project forward. If the Building Official subsequently revokes the permit, the condition of the property then becomes a maintenance issue which can then be referred to and enforced by the PMCO in DCC. The PMCO will typically issue a notice of violation requiring remediation of the violation(s) within 30 days. The remedy would require the permit holder to complete the project, return the structure to its original condition, or demolish the entire structure. All options require a building permit under the current code in order to abate the violation. As such, once the permit is issued, the six-month timeframe begins again. If compliance cannot be obtained, the PMCO refers the property for legal action. As a practical matter, if a project has stalled because the (former) permit holder lacks the necessary funding to complete the project, gaining compliance through legal action may still be a challenge. Clearing maintenance violations often costs a substantial amount of money, which complicates the process of obtaining compliance.

It should also be noted that decisions by the Building Official, PMCO and their respective technical assistants working on their behalf, can be appealed to the Local Board of Building Code Appeals, the State Technical Review Board, and the state court system within a specific timeframe. Therefore, fair and consistent application of the USBC is essential to avoid excessive appeals.

Attached: Board Matter

cc: Robert A. Stalzer, Deputy County Executive
James Patteson, Director, Department of Public Works and Environmental Services
Michelle Brickner, Building Official
Jeffrey L. Blackford, Director, Department of Code Compliance

Departments of Transportation and the Department of Management and Budget (DMB). Those goals are set forth on page 26 of the Report.

Therefore, Supervisor Foust moved that the Board adopt the January 2013 Quarterly Report of the Office of Financial and Program Audit, and approve the list of study areas to be included in the work program of the Office of Financial and Program Audit as contained in his written Board Matter. Supervisor Gross seconded the motion and it carried by unanimous vote.

Supervisor Foust moved that the Board direct staff to report with recommendations regarding the nature and costs of the Silver Line CNPAs, noted earlier, and their impact on the Project budget. The recommendations should contain alternatives aimed at relieving the Project Funding Partners (both the County and Toll Road users) of these costs. The completed reported is requested by March 1, 2013. Supervisor Herrity and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

Supervisor Foust moved that the Board direct staff to consider and implement as appropriate, the best practices and recommendations made by the Auditor of the Board as part of the County Executive's Restoring Fiscal Stability Work Plan for CSB contained in this report. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Supervisor Foust moved that the Board concur with the goals established by the Department of Transportation and the Department of Management and Budget for the management of the Northern Virginia Transportation Commission County Trust Funds as set forth on page 26 of the OFPA report. Supervisor McKay seconded the motion. Following a brief discussion regarding the motion, the question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Herrity voting "NAY."

PMH:pmh

53. **CODE ENFORCEMENT** (6:10 p.m.)

Supervisor McKay said that the County has made significant strides in streamlining code enforcement and making it more responsive to community needs. The General Assembly has supported the Board's efforts by passing legislation that reduced appeal periods on some zoning violations from 30 to 10 days, saved time by immediately posting violations on the property instead of mailing notices, and made inspection warrants easier to obtain.

However, there is an outstanding area where there are deficiencies, specifically in the building code. Currently, upon written request by the holder of a building permit, the County building official may grant one or more extensions of time, not to exceed one year per extension. In the Lee District, as well as across the County, these extensions can leave communities with partially built structures that

are both eyesores and hazards. There are several such properties in Lee District – the Calamo Street and Grace Street examples are well known – where unfinished structures have been the subject of neighborhood complaints for many years. The impact of these unfinished structures on a community is more than cosmetic. They affect property values, invite criminal activity, vagrants and squatters, and animal infestation. Furthermore, they can be a fire risk. They send a message that the community doesn't care and that the County cannot or will not enforce its zoning and building code. It is time to tighten up unlimited building permits and extensions.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the County Attorney to review the Board's ability to act in this matter and report on whether it can limit building permit extensions or if it needs General Assembly enabling authority. Should the Board already have the authority to act, Supervisor McKay asked unanimous consent that the Board direct staff to report with recommendations for updating the building permit and permit extension process. Without objection, it was so ordered.

54. **REQUEST FOR RECOGNITION** (6:10 p.m.)

Supervisor McKay said that in the large and increasingly urban County, the job of keeping residential properties from deteriorating into dangerous storage lots and junkyards is an ongoing challenge overseen by the Department of Code Compliance, the Department of Solid Waste Collection and Recycling and the Department of Public Works and Environmental Services, Storm Water Management Division.

One such junkyard property in Lee District was in an area zoned R-1 and was originally estimated to have 375 vehicles parked on site in various states of disrepair, junk yard dogs, feral cats, oil and gasoline, old appliances and a steel girder bridge used to get across portions of the property. With all this, there was no residential structure left on the property.

After years of attempts to make the property owner clean up the site, legal action, fines, and finally the prospect of jail, it became clear that the owner could not or would not meet the timeline for compliance. At that point the County took on the site cleanup. The County Attorney obtained a court order to allow staff to clear the property and perform environmentally safe cleanup so that the land might be restored to a green space. Now the owner is required to build a residence on the site before returning anything to the property.

After this final clearing of the property, the tally of materials removed is impressive: almost 20 tons of auto parts, old appliances and scrap metal, six and a half tons of tires, 135 tons of trash and debris, 200 gallons of oil and 150 gallons of gasoline.

Approved by the Board of Supervisors, November 18, 1996, and by the Redevelopment Housing Authority, (RHA) on November 21, 1996.

Additional information

We will take referrals by telephone and do not require that the caller identify himself/herself. We do not require documentation but need, at a minimum, a street address of the potentially blighted property. any other pertinent information we can get at the time will be added to the file. We explain clearly that a referral does not automatically put a property on the blight list. The caller is told that staff will investigate the property, review County files for a history of violations or complaints and, if the property meets the definition of blight it will be referred to the FCRHA for a determination of blight. (Note: HCD is currently considering more than sixty previous referrals. Therefore it could be January before new properties are investigated.) At the time the FCRHA makes a blight determination and the property is officially added to the blighted properties list, the owner will be notified of the determination and the actions which will be taken.

Properties are considered blighted in accordance with Section 36-49 of the Code of Virginia, as amended, due to "dilapidation, obsolescence, overcrowding, faulty arrangement of design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors." The code also requires that properties be shown to be "detrimental to the safety, health, morals or welfare of the community" by reason of such dilapidation.
A property can be considered "blighted" if it meets all of the following conditions:

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

Referrals or questions should be forwarded to:

Kathleen A. Mitchell, Director
or
Gordon Goodlett
Revitalization Division
Department of Housing and Community Development
3700 Pender Drive
Fairfax, VA 22030-7444
Phone: (703) 246-5171
Fax: (703) 246-5110

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5c. **PROPERTIES THAT ARE IN A STATE OF DISREPAIR, DILAPIDATED, PUBLIC NUISANCE OR A BLIGHT IN THE COMMUNITY** (11:59 a.m.)

STALZER/BOBZIEN

In a joint Board Matter with Supervisor Smyth, Supervisor Foust noted that there are times in the County when some properties languish in a constant state of disrepair, are dilapidated, constitute a public nuisance or are otherwise a blight on the community. Efforts to remedy these situations include fines, penalties, and substantial court action, but for a variety of reasons, some property owners remain unwilling or unable to bring their property into compliance with the Zoning Ordinance, the Property Maintenance Code, or the Building Code. When this happens, these properties become a huge source of strife and frustration within their communities and for staff. These properties are more than just unsightly; frequently they pose real and immediate dangers to public health, safety, and welfare.

Supervisor Foust said that it recently come to his attention that the Virginia Code offers localities certain tools to address properties that are not being employed in the County. Specifically, Virginia Code Section 15.2-906 permits localities to remove or repair any structure that endangers the public health or safety and to recover the costs for doing so. Similarly, Virginia Code Section 15.2-907.1 allows localities to offer tax rebates for the repair or removal of certain buildings that have been vacant and boarded up for longer than six months. Finally, even the County's existing Blight Program includes conditions not required by the State Code; For example, there is no requirement in the State Code that a property be vacant and boarded for a year in order to be considered a blighted property, yet the County currently includes this criteria before a property can be deemed blighted. As such, the Blight Program cannot be used to address some of these longstanding problem properties.

There are many times in local government that the County is not able to address a problem because under the Dillon Rule, the County has not been given adequate authority from the General Assembly. Here, however, there are tools given to the County by Richmond that it appears it isn't adequately using. Certainly, no one is advocating that the County should routinely get in the business of repairing private property, but when every other reasonable effort fails, the County shouldn't hamstring itself from using more aggressive tools, particularly when those tools are clearly available.

Accordingly, Supervisor Foust moved, on behalf of himself and Supervisor Smyth, that the Board direct staff to conduct a thorough review and analysis of Virginia Code sections related to blight, public nuisance, derelict buildings, or those that are otherwise unsafe or in need of repair and provide to the Board specific recommendations regarding whether the Board should enact ordinances or change existing ordinances and policies so that this enabling legislation can be fully implemented. Supervisor Smyth seconded the motion.

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and asked to amend the motion to include an examination of the tools the Board currently has or that have been added since the blight program was first adopted for review and consideration in the Development Process Committee. This was accepted.

Discussion ensued, with input from Cynthia A. Bailey, Senior County Attorney, concerning:

- The importance of determining the impact on property owners
- The inclusion in the review of protections for the County
- Implementation of protections provided by State Code
- Not limiting the evaluation to those powers expressively given to the Board in these Code sections
- Exploring past challenges and not limit it to whether or not it would fit within the existing Code section
- Potential impact on property owners

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Gross being absent.

ATTACHMENT 2

RESOLUTION

WHEREAS, one of the goals of the Fairfax County Board of Supervisors ("Board") is the preservation and improvement of residential neighborhoods and commercial areas; and to ensure that structures located within the County are not dilapidated, deteriorated, or otherwise violate minimum standards of health and safety; and

WHEREAS, the Board has approved the implementation of a spot blight abatement program authorized as authorized by the Code of Virginia; and

WHEREAS, it has been determined that the Fairfax County Spot Blight Abatement Program contains certain self-imposed constraints that are not otherwise required under state law; and

WHEREAS, the Board desires to repeal these self-imposed constraints by the enactment of this Resolution,

NOW THEREFORE, BE IT RESOLVED, THAT the November 18, 1996, Resolution of the Board regarding the Spot Blight Abatement Program is hereby repealed.

This Resolution shall take effect at 12:01 a.m. on December 3, 2014.

A Copy Teste:

_____

Clerk to the Board of Supervisors

Board Agenda Item
December 2, 2014

4:00 p.m.

Public Hearing on a Proposal to Amend Chapter 46 of the Fairfax County Code Regarding Public Nuisance for Fairfax County, Virginia

ISSUE:
Public Hearing for the purpose of amending several portions of Chapter 46 of the Fairfax County Code, which governs public menaces and nuisances. The proposed amendment adds certain unsafe conditions defined in state code, the Building Code and the Property Maintenance Code to the definition of public health or safety menace or public nuisance as set forth in Chapter 46. In addition, the amendment changes the existing process to prosecute such violations, and further provides that the costs to the County to remedy or repair public nuisances may be treated as tax liens.

RECOMMENDATION:
The County Executive recommends that the Board approve the attached amendments to Chapter 46 of the Fairfax County Code, which governs public menaces and nuisances.

TIMING:
On October 28, 2014, the Board authorized advertisement of a public hearing scheduled for Tuesday, December 2, 2014 at 4:00 P.M.

BACKGROUND:
At its regular meeting on February 11, 2014, the Fairfax County Board of Supervisors ("the Board") directed staff to conduct a thorough review and analysis of State and County code provisions related to blight, public nuisance, derelict buildings, or those structures that are otherwise determined to be unsafe or in need of repair. The Board further directed staff to provide specific recommendations regarding whether the Board should enact ordinances or change existing ordinances and policies so that existing enabling legislation can be fully implemented, and to analyze whether new enabling legislation is necessary to address existing problems.

In a memorandum dated June 3, 2014, from Jeffrey Blackford, Director Department of Code Compliance and Cynthia Bailey, Senior Assistant County Attorney, staff provided the outcome of the review as requested by the Board. Additionally, staff attended the June 10, 2014 Development Process Committee meeting and addressed additional questions from the Board. Based on feedback from the Board at that time, staff is

forwarding this item for advertisement and subsequent consideration by the Board. The attached proposed amendments, if adopted, would better enable staff to address Public Health and Safety Menaces and would remove certain self-imposed limitations regarding the Fairfax County Spot Blight Abatement Ordinance, which is covered in detail in the memorandum to the Board of Supervisors dated June 3, 2014.

Public Health or Safety Menace.
On occasion a property may become so dilapidated or fall into such a state of disrepair that it constitutes a threat to public health or safety. In such instances, the Director of the Fairfax County Health Department has the authority, under Fairfax County Code § 46-1-3, to require a property owner to abate any such condition. This item seeks to amend several portions of Chapter 46 to better address this problem. First, it expands the definition of what constitutes a "public menace" and "public nuisance" to include certain unsafe conditions as defined in the Virginia Code, the Virginia Uniform Statewide Building Code, and the Virginia Maintenance Code. These include, for example, dilapidated structures, unsecured vacant structures, or structures that constitute a menace to public health and safety. The proposed amendment also changes the existing process to prosecute such violations. It provides that the County shall give notice to a property owner who is maintaining the public menace or nuisance by certified mail and by publishing a corresponding advertisement in a newspaper of general circulation for two weeks. The proposed amendment further provides that except in cases of emergency, if after such notice, a property owner fails remedy the public menace or nuisance, the County may undertake such repairs and that the costs thereof may be collect in the same manner taxes are collected.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1: June 3, 2014 Blight memo
Attachment 2: Proposed amendments to Chapter 46
Attachment 3: Proposed Resolution Amending Chapter 46

STAFF:
Robert A. Stalzer, Deputy County Executive
Jeffrey L. Blackford, Director, Department of Code Compliance
Cynthia Bailey, Senior Assistant County Attorney, Office of the County Attorney
James Patteson, Director, Department of Public Works and Environmental Services
Dr. Gloria Addo-Ayensu, Director, Fairfax County Department of Health
Audrey Clark, Building Code Official, Dept. of Public Works and Environmental Services
Elizabeth Perry, Virginia Maintenance Official, Department of Code Compliance

ATTACHMENT 1

County of Fairfax, Virginia

MEMORANDUM

DATE: June 3, 2014

TO: Board of Supervisors

FROM: Jeffrey L. Blackford, Director
Department of Code Compliance

Cynthia Bailey, Senior Assistant County Attorney
Office of the County Attorney

SUBJECT: Properties that are in a State of Disrepair, Dilapidated, Public Nuisance or a Blight in the Community, February 11, 2014, Board Item 5c.

At its February 11, 2014, meeting, the Fairfax County Board of Supervisors ("the Board") directed staff to conduct a thorough review and analysis of the Virginia Code provisions related to blight, public nuisance, and derelict buildings or those that are otherwise unsafe or in need of repair. The Board further directed staff to provide specific recommendations regarding whether the Board should enact ordinances or change existing ordinances and policies so that existing enabling legislation can be fully implemented, and to analyze whether new enabling legislation is necessary to address existing problems. This memorandum is in response to the Board's directions and concerns.

Summary

Although the overwhelming majority of properties that fall into disrepair can be resolved via existing processes, every year there are about two dozen properties that stubbornly remain in a state of disrepair. When it occurs, these properties become a huge source of strife within their communities. The Code of Virginia ("the State Code"), however, offers the County some additional tools that are currently not being employed. Specifically, the State Code does not have any requirement that properties be vacant and boarded for an entire year before they can be considered for the Spot Blight Abatement Program. The State Code also allows for properties deemed to be blighted to be repaired rather than simply demolished as is current County practice. In addition, the State Code provides that costs incurred to repair certain unsafe or nuisance properties can be treated as tax liens with a super-priority, rather than as a simple judgment. Often, the only option that remains when an owner refuses to bring his or her property into compliance with existing codes is for the County to undertake these efforts. When it does so, the County should maximize the likelihood that the costs so incurred will be repaid.

This report outlines in detail i) a summary of the County's current processes for dealing with blight, property maintenance code violations, and zoning ordinance violations; (ii) available enabling legislation

Department of Code Compliance/Office of the County Attorney
12055 Government Center Parkway/12000 Government Center Parkway
Fairfax, VA 22035
Phone 703-324-1300, Fax 703-324-9346
www.fairfaxcounty.gov

that the County is not currently using; and (iii) as noted above, specific recommendations to change the County's Spot Blight Abatement Program and the Fairfax County Code to maximize the County's available options and to ensure that costs incurred by the County when it chooses to repair certain properties will be repaid.

Background

As set forth more fully below, the Fairfax County Zoning Ordinance ("Zoning Ordinance"), the Virginia Property Maintenance Code ("Property Maintenance Code"), the Virginia Uniform Statewide Building Code (the "VUSBC" or "Building Code"),[1] the Spot Blight Abatement Program, and Chapter 46 of the Code of Fairfax County, Virginia ("County Code"), have been used to address property that is in disrepair, dilapidated, or that otherwise constitutes a blight on the community. Efforts to remedy these situations include fines, penalties, and substantial court action. Sometimes, however, and for a variety of reasons, some property owners remain unwilling or unable to bring their property into compliance with these codes.[2] When this happens, these properties become a huge source of strife and frustration within their communities and for staff. These properties are more than just unsightly; frequently they pose real and immediate dangers to public health, safety, and welfare.

Current enforcement tools

Property Maintenance Code and Zoning Ordinance; Civil Penalties. Many violations of the Property Maintenance Code and the Zoning Ordinance are prosecuted in the Fairfax County General District Court pursuant to a uniform schedule of civil penalties. This schedule provides that violations of the Zoning Ordinance are subject to a civil penalty of $200 for the first violation, and $500 for each subsequent violation, not to exceed $5,000.[3] *See* Va. Code Ann. § 15.2-2209; Zoning Ordinance § 18-903. Similarly, violations of the Property Maintenance Code are subject to a civil penalty of $100 for the first violation and $150 for each subsequent violation, not to exceed $3,000. County Code § 61-7-1. The civil penalty process allows violators to admit liability, prepay fines, and as such, it typically results in more timely compliance than for prosecutions initially brought in the Circuit Court. In 2013, approximately half of the total number of violations pursued via court action were pursued in the General District Court.

Property Maintenance Code and Zoning Ordinance; Injunctive Relief. Sometimes, it is clear for a variety of reasons that prosecution in the General District Court will not be effective. The property owner may be a repeat offender or the property is in such a state of disrepair that a property owner may simply conclude

[1] Virginia Code Ann. § 36-97—36-119.1 (2011 and Supp. 2013).
[2] The reasons for this recalcitrance are as diverse as the County's population: some property owners have physical or mental disabilities that hinder compliance; some have financial difficulties that make repairs cost prohibitive; some refuse to comply for political reasons; language and cultural differences can also impede compliance; others are merely negligent or have concluded that repairing and maintaining the property is not a good investment.
[3] The Board may recall that on May 14, 2013, the Board amended Article 18 of the Zoning Ordinance to establish a uniform schedule of civil penalties for all zoning violations except for violations relating to signs on public property or the public right of way.

that it is "cheaper" to incur the fines rather than fix the property. In such instances, prosecution of the Property Maintenance Code and Zoning Ordinance violations are pursued in the Circuit Court of Fairfax County ("Circuit Court"). The main advantage that the Circuit Court has over the General District Court is that injunctive relief is available.[4] For violations that are easily repeated (such as the establishment of junk yards) or for violations that are expensive to abate (for example, roof or structural repairs) the availability of injunctive relief is useful.

In the Circuit Court, once a final order is obtained, a property owner is typically granted 30-60 days to bring the property into compliance. If he or she fails to do so, a second stage of prosecution, known as a Rule to Show Cause, begins. At this stage, in addition to the injunctive relief set forth above, the Circuit Court can also impose unlimited contempt sanctions if a property owner fails to come into compliance with a final order. The standard contempt sanction initially sought by the Office of the County Attorney is $100/day for each day that a property remains in violation of the applicable codes. At this rate, costs escalate rapidly and it is not cheaper to let sanctions accrue rather than making the repairs. In unusual situations, when even the substantial sanctions imposed under the Circuit Court's contempt powers do not garner compliance, the Circuit Court will direct the County to make the repairs, and upon review, the Circuit Court will impose a judgment for the cost of those repairs. Both contempt sanctions and repair costs accrue interest at the judgment rate and are recorded among the land records. Final orders are also recorded so that they may be enforced against subsequent owners.

Criminal Prosecution. Certain violations of the Building Code are currently prosecuted criminally; the Department of Code Compliance ("DCC") brings criminal charges against unpermitted construction, and the Land Development Services Division ("LDS") of the Department of Public Works and Environmental Services ("DPWES") criminally prosecutes uncompleted construction work after occupancy. A conviction constitutes a misdemeanor punishable by a fine of not more than $2,500. Va. Code Ann. § 36-106(A). This code section also provides for an escalating regimen of fines and possible jail time for subsequent offenses, e.g., a second conviction within five years from the first conviction is punishable by not less than a fine of $1,000; a third conviction within three years may be punished by a jail sentence of up to 10 days and/or a fine of not less than $2,500. *Id.* Moreover, each day a violation continues after conviction or the court-ordered abatement period constitutes a separate offense.

Spot Blight. Properties that have fallen into a substantial state of disrepair may be addressed through the County's Spot Blight Abatement Program. *See* Va. Code Ann. §§ 36-49.1:1. In Fairfax County, to qualify for blight, a property must (i) have been vacant and boarded for at least one year; (ii) have been the subject of complaints; (iii) no longer be maintained for useful occupancy; and (iv) be in a dilapidated condition or lacking normal maintenance and upkeep. *See* November 21, 1996, Blight Abatement Resolution. A property identified for the Spot Blight Abatement Program is first referred to an inter-agency team of County staff known as the Neighborhood Enhancement Task Force ("NETF"),[5] which by

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[4] There are two kinds of injunctive relief available in the Circuit Court: (1) mandatory, which directs a property owner to abate the violations; and (2) prohibitory, which prohibits the unlawful conduct in the future.

[5] The NETF is comprised of representatives from the following Departments: Police, Fire, Health, Tax Administration, and the Sheriff's Office, and two representatives from Public Works and Environmental Services—one on behalf of the Building Code Official and one from Maintenance and Stormwater

simple majority vote determines whether a property should be entered into the program and referred to the Board for consideration. Va. Code Ann. § 36-49.1:1(B).

Once the NETF recommends that a property be considered for the Spot Blight Abatement Program, the property owner is sent written notice specifying the reasons why the property is blighted.[6] *Id.* The property owner then has 30 days to develop a written abatement plan to address the spot blight ("the Abatement Plan") within a reasonable period of time. *Id.* If the property owners fail to develop an Abatement Plan, or if the Abatement Plan is inadequate to address the spot blight, then the County may declare the property to be spot blighted. Va. Code Ann. § 36-49.1:1(C). Any such declaration of blight must be established via an ordinance. *Id.*

The County is also required to notify the property owner in writing of how the County intends to remedy the blight ("the County Plan"), and no action to remedy the blighted condition may occur until after such notice and the enactment of an ordinance. Va. Code Ann. § 36-49.1:1(D). At such time, the County can then carry out the County Plan. *Id.* The County Plan in Fairfax has been exclusively limited to demolition of the structure on the blighted property. Finally, once the County Plan has been carried out, the County is entitled to a lien on the property to recover the costs of the County Plan. Any such lien accrues interest at the judgment rate, is recorded among the land records, and is treated in all respects as a tax lien, which means that it cannot be discharged in a foreclosure sale and it is given a super-priority in any bankruptcy proceedings. *See* Va. Code Ann. § 36-49.1:1(E). It is important to note that unlike the court proceedings for enforcement of the Property Maintenance Code, the Building Code, and the Zoning Ordinance which require court action as described above, the Spot Blight Abatement Program does not involve a court proceeding prior to filing the lien.

Public Health or Safety Menace. On occasion, property may become so dilapidated or fall into such a state of disrepair that it constitutes a threat to public health or safety. In such instances, the Director of the Health Department has the authority to require a property owner to abate any such condition. *See* Fairfax County Code § 46-1-3. Use of this authority, however, is rare and is used only when the use of other codes is not effective or when the situation constitutes an emergency.

The VUSBC.[7] Many of the properties at issue in this memorandum are currently under construction, and as such, the County's ability to address the condition of these properties is inherently different than it is for properties that have an occupancy permit. First, as a practical matter, a property owner usually has strong financial incentives to finish a construction project, and accordingly, construction violations are usually remedied without resort to court action. Second, given that the ultimate goal is completion, many

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Management Division ("MSMD"). Each of these representatives has one vote. The Office of the County Attorney provides legal advice to the NETF.

[6] Property owners are also sent a notice in advance of the NETF meeting.

[7] Part I of the VUSBC regulates *new* construction and alterations to existing buildings and structures under the Virginia Construction Code. It is supervised by the Building Official in Land Development Services, DPWES. Part III of the VUSBC regulates the upkeep and maintenance of *existing* buildings and structures under the Property Maintenance Code. It is supervised by the Property Maintenance Code Official in the Department of Code Compliance. Nonetheless, the reference to "The Building Code" or the "VUSBC" herein will refer only to Part I of the VUSBC that relates to construction.

of the remedies available under the Building Code, such as fines, revocation of the building permit, or the issuance of a stop work order, thwart that goal. Moreover, the Building Code expressly provides a six month period of time before a project can be considered suspended or abandoned. VUSBC § 110.6. In a direct response to this issue, DPWES has recently started sending out automated messages to building permit holders whose permits are near this six-month expiration period. *See* attached hereto as Exhibit A, the April 10, 2014, Memorandum from County Executive Edward L. Long Jr. regarding this issue.

Enabling legislation

As set forth above, the County primarily uses three processes to address properties that are in a state of disrepair: civil proceedings in General District Court and Circuit Court and the Blight Abatement Program.[8] These processes may result in fines, contempt sanctions, demolition, and/or court-ordered repairs that either garner compliance from a property owner or bring the property into compliance by County action. There are, however, other ways and other remedies that are available to the County under the Virginia Code, and this section will detail this authority.

Criminal Prosecution. Va. Code Ann. § 36-106 authorizes *any* violation of the VUSBC to be prosecuted criminally, not just unpermitted construction and uncompleted work, which is the County's current practice. As noted above, a conviction constitutes a misdemeanor punishable by a fine of not more than $2,500. Va. Code Ann. § 36-106(A). Subsequent offenses subject a defendant to an escalating regimen of fines and possible jail time. *Id.* Each day a violation continues after conviction or the court-ordered abatement period constitutes a separate offense.

In addition, the creation or maintenance of a public nuisance may also be criminally prosecuted. Under Va. Code Ann. § 48-5, upon any such conviction, a person shall be ordered to abate the violation, or reimburse the locality for the costs of any such abatement, and may also be fined not more than $25,000.

Increased Civil Penalties. It is noted that the County's schedule of civil penalties for Property Maintenance Code violations is less than what is provided under state code. Va. Code Ann. § 36-106 permits fines of up to $350 for subsequent offenses, whereas County Code § 67-7-1 limits this amount to $150.

Public Nuisance. Va. Code Ann. § 15.2-900 provides that a public nuisance:

> [I]ncludes, but is not limited to, dangerous or unhealthy substances which have escaped, spilled, been released or which have been allowed to accumulate in or on any place and all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures which constitute a menace to the health and safety or the occupants thereof or the public.

[8] It should be noted that this memorandum addresses only individual properties; separate authority exists under the Housing Authorities Law to create redevelopment and conservation areas that deal with eliminating pervasive areas of blight. *See generally,* Va. Code Ann. § 36-2 (2011).

A locality may abate, raze, or remove any such public nuisance if it "presents an imminent and immediate threat to life or property." The costs to recover any such abatement can be recovered via court action, and under Va. Code Ann. § 15.2-906(4), if those costs remain unpaid, they can "constitute a lien against such property ranking on a parity with liens for unpaid local taxes."

Repair and/or Removal of Unsafe Structures. Va. Code Ann. § 15.2-906 (Supp. 2013) allows a locality to enact an ordinance to require property owners to "remove, repair or secure any building, wall or any other structure that might endanger the public health or safety of other residents of such locality." The process outlined by this statute requires notice to the property owner and advertisement in a newspaper of general circulation, but it does not involve the court system.

This statute also provides that any repairs made by the locality would be treated as tax liens. As noted above in the discussion of the Blight Abatement Program, this treatment of such amounts as tax liens means that any costs incurred in repairing or removing an unsafe structure cannot be discharged in a foreclosure sale and will have a priority in any bankruptcy proceeding. Va. Code Ann. § 15.2-906(4). Moreover, enactment of an ordinance of this nature also allows any costs incurred in the abatement of a public nuisance under Va. Code Ann. § 15.2-900 to be similarly treated. *Id.* In addition, when violations of the Property Maintenance Code create an emergency situation or when violations of the Building Code render a property unsafe, costs incurred by the County to remedy those conditions can also be recovered under this statute. *See* Property Maintenance Code § 105.9; VUSBC § 118.5.

Repair and/or Removal of Derelict Structures. Va. Code Ann. § 15.2-907.1 (2012). This statute provides tax and fee incentives to property owners to remove or repair derelict structures. The statute defines "derelict" in relevant part, as a "structure, whether or not construction has been completed, that for a six months period of time has been (i) vacant, (ii) boarded up in accordance with the building code, and (iii) not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider." Va. Code Ann. § 15.2-907.1(1). Cooperating owners may receive refunds from certain land use and building permit fees as well as 15-year real property tax rebates linked to the cost of the demolition or renovation. Va. Code Ann. § 15.2-907.1(7) and (8).

Critically, however, the authority set forth in this statute is available only to those localities that have a real estate tax abatement program. Because the County's tax abatement program was recently discontinued, this authority is not available to Fairfax County unless that real estate tax abatement program is reinstituted.

Removal or Repair of Structures Harboring Illegal Activity. Va. Code Ann. § 15.2-907 (2012) sets forth the authority for a locality to address property that constitutes "drug blight." "Drug blight" is defined as a condition on the property that tends to endanger the public health or safety of the residents of a locality caused by the regular presence on the property of persons under the influence of controlled substances or who are possessing, manufacturing, or distributing such substances. Va. Code Ann. § 15.2-907(A). Similarly, Va. Code Ann. § 15.2-908.1 (2012) sets forth the authority for a locality to address buildings or structures used for lewdness, assignation, or prostitution. Both statutes require a locality to enact an ordinance in which an owner is given notice, an opportunity to abate the drug blight or bawdy place and if

no such abatement action occurs, gives the locality authority to abate the drug blight or bawdy place at the expense of the property owner. *See* Va. Code Ann. § 15.2-907 (B); Va. Code Ann. § 15.2-908.1(B).

Spot Blight. The County's Spot Blight Abatement Program offers remedies that are substantially narrower than the authority set forth in the Virginia Code. First, the definition of "blight" is much broader under the Virginia Code than adopted by the County. As set forth above, the County Spot Blight Abatement Program is used only for property that (i) has been vacant and boarded for at least one year; (ii) has been the subject of complaints; (iii) is no longer maintained for useful occupancy; and (iv) is in a dilapidated condition or lacking normal maintenance and upkeep. *See* November 21, 1996, Blight Abatement Resolution attached hereto as Exhibit B. The enabling legislation in the Virginia Code has no such constraints. In contrast to the County definition, the Virginia Code defines "Blighted Property" as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards." Va. Code Ann. § 36-3. Although any such property would have to meet a minimum threshold wherein it could be said to constitute a danger or harm to the "public's health, safety or welfare," it need not meet the narrow definition set forth in the Blight Abatement Resolution, such as being vacant and boarded for one year.

Second, as a practical matter the County currently only uses the Spot Blight Abatement Program to *demolish* blighted structures. Virginia Code § 36-49.1:1 also includes the power to *repair* or *condemn* the structure. It must be noted, however, that in the context of *condemnation*, the definition of "blight" is different, and narrower than the definition set forth in Va. Code Ann. § 36-3. *See* Va. Code § 1-219.1 (defining "blighted property" for condemnation purposes as "any property that endangers the public health or safety in its condition at the time of the filing of the petition for condemnation and is (i) a public nuisance or (ii) an individual commercial, industrial, or residential structure or improvement that is beyond repair or unfit for human occupancy or use.").[9] Thus, condemnation is not available in the repair context. In addition, condemnation is not available for residential property that is occupied if it would result in the displacement of persons living in the premises, unless the property had been condemned for human habitation for more than one year. Va. Code Ann. § 1-219(F).

Finally, there is no state code requirement for the establishment of an inter-agency task force in order to recommend properties into the Spot Blight Abatement Program. Va. Code Ann. § 36-49.1:1 merely provides that the "chief executive or designee of the locality shall make a preliminary determination that a property is blighted." Va. Code Ann. § 36-49.1:1.

Thus, under the same process outlined above, the County could both repair or condemn certain structures and still garner the same protections for the costs incurred in doing so. Va. Code Ann. § 36-49.1:1(E). This process is completely independent from any judicial or court process.

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[9] This statute also makes clear that to the extent that its terms conflict with any other law, Va. Code Ann. § 1-219.1 controls. Va. Code Ann. § 1-219.1(H).

Recommendations

Properties in Fairfax County that languish in a constant state of disrepair have one feature in common: a property owner who is unwilling or unable to make the requisite repairs. The following recommendations parallel the enabling legislation outlined above.

Criminal Prosecution. The County currently criminally prosecutes anyone responsible for either unpermitted work or incomplete work. Typically, such prosecutions are against unscrupulous builders and contractors, and occasionally, home owners. Criminal sanctions for Property Maintenance Code and Zoning Ordinance violations are not, however, recommended. As noted above, some property owners are not able to bring their property into compliance due to a variety of compelling circumstances: they lack the financial means to do so, or they are mentally or physically disabled. In any event, if a property owner fails to bring his property into compliance, even after the imposition of substantial fines that are typically imposed, it seems unlikely that the threat of criminal fines or jail time will prompt compliance.

Civil Penalties. Given that staff does not recommend criminal prosecution, seeking the maximum amount of civil penalties permitted may be warranted. Again, however, the inherent nature of the problem at issue is that certain property owners do not – or due to their economic situation cannot – respond to financial sanctions; thus, it is unclear that an increase from $150 to $350 would be much more of a deterrent.

Public Nuisance/Unsafe Structures. For both types of problems, the General Assembly authorizes the County to make actual repairs, and then be able to recover the cost of such repairs as if it were a tax lien. Va. Code Ann. § 15.2-906(4). Given the increasing number of times that the County ultimately has to make repairs to bring property into compliance, it is prudent for the County to garner the maximum amount of protection for that expenditure.

To do so, certain relatively minor amendments to the County Code would be necessary because Va. Code Ann. § 15.2-906(4) is not self-executing; it requires the affirmative enactment of an ordinance. It is important to note, however, that repairs that do not remedy unsafe or dangerous conditions are not eligible for such treatment.

Repair and/or Removal of Derelict Structures. This statute is not available to the County because we do not now have a tax abatement program as it was recently discontinued by the Board. Nonetheless, it is not recommended that this authority be implemented because offering tax rebates for property owners who have maintained derelict structures appears to reward bad behavior.

Removal or Repair of Structures Harboring Illegal Activity. Fortunately, the County does not have a substantial problem with structures that harbor drug activity or houses of prostitution. Accordingly, it is not recommended that this enabling legislation be implemented.

Spot Blight. The County's existing Spot Blight Abatement Program is more restrictive than what is currently allowed by state code, and is used exclusively to demolish structures. There are instances when a property that would not otherwise constitute a public nuisance or an unsafe structure nonetheless is in such a condition of disrepair that it does create a blighted condition within a neighborhood. The current

requirements that a property be boarded, vacant, or no longer maintained for useful occupancy for one year thwarts the ability of the County to address these properties. Similarly, the County's policy that the Spot Blight Abatement Program only be used for demolition is also overly restrictive. In some situations, a property that constitutes spot blight cannot be demolished because to do so would constitute an unlawful taking; rather, the better approach would be to enact a Spot Blight Abatement Plan that would permit the County to repair the property at the owner's expense if the owner failed to do so.

Similarly, there may also be situations when actually taking the property by eminent domain would be advisable. Indeed, the new constitutional amendment regarding eminent domain makes clear that the elimination of a public nuisance is a public purpose. Va. Const. Art. I, § 11. No existing policy permits such action.

There are at least two important caveats to any such changes in the existing Spot Blight Abatement Program. First, it is strongly recommended that if the Board is inclined to liberalize what may constitute spot blight, any decision to place a property in the Spot Blight Abatement Program remain with the NETF. This committee, comprised of representatives from a variety of County agencies, can ensure that objective criteria and standards are developed and applied before a property can be identified for the Spot Blight Abatement Program. Second, staff is not recommending that the County routinely repair or renovate private property. Indeed, even in the unusual situations when such action is desirable, significant County resources are expended to effectuate a repair project. A scope of work must be developed, the project must be bid, and the actual construction project must be monitored and managed—all of which consumes valuable staff time. Any decision to expand County repair efforts would have a significant fiscal impact that the Board must consider. It is anticipated that repairing even two dozen properties a year would require the hiring of additional staff and associated support resources. And although the cost of repairs would ultimately be charged to the property owner, the statute does not permit that any administrative costs could similarly be passed to the property owner.

New Legislation. The processes available to counties to abate nuisance properties are much more complicated than for municipal corporations. For example, municipal corporations do not have the same requirement to affirmatively enact an ordinance in order to abate certain nuisances. *Compare* Va. Code Ann. § 15.2-1115 *with* Va. Code Ann. § 15.2-906. It is not clear why the code makes this distinction, and seeking an amendment to Va. Code Ann. § 15.2-1115 so that it applies to all localities is advisable.

Currently, the super-priority afforded to County-incurred costs applies only when the property has been deemed blighted or when the needed repairs are to structures that are unsafe or dangerous to health and safety. *See* Va. Code Ann. § 15.2-900 (public nuisance requires a danger or menace to health and safety); Va. Code Ann. § 15.2-906 (remedying of dangerous conditions); Property Maintenance Code § 105.9 (remedying of emergencies); VUSBC § 118.5 (remedying of unsafe structures). There are many times when a property is in a substantial state of disrepair, but it does not quite rise to the level of being unsafe. If the County is required to make these repairs, the costs for doing so should also be treated as a tax lien and be given super-priority treatment.

Conclusion

Although the vast majority of properties that are in a state of disrepair are ultimately repaired by their owners, some property owners simply cannot or will not make such repairs. In such unusual instances, the County is the only entity that can step in and do the work. Currently, when the County undertakes such work, the costs of doing so are not fully protected. In many instances, the Virginia Code allows such costs to be treated as tax liens, and the County should take advantage of that protection. Doing so would require fairly modest amendments to the County Code. Similarly, there are instances when the Spot Blight Abatement Program could be used for more than just the demolition of buildings and structures. Although any expansion of this Program would have to be carefully reviewed, it offers another tool to address those properties that are in a constant state of disrepair.

Attachments: Exhibit A: April 10, 2014, Memorandum from County Executive Edward L. Long Jr.
Exhibit B: November 21, 1996, Blight Abatement Resolution
February 11, 2014 Board Matter

cc: Edward L. Long Jr., County Executive
Robert A. Stalzer, Deputy County Executive
Patricia D. Harrison, Deputy County Executive
David P. Bobzien, County Attorney
Dr. Gloria Addo-Ayensu, Director, Fairfax County Health Department
James W. Patteson, Director, Department of Public Works and Environmental Services
Pieter Sheehan, Director, Division of Environmental Health, Fairfax County Health Department
Audrey Clark, Acting Director, Land Development Services, DPWES

Exhibit A

County of Fairfax, Virginia

MEMORANDUM

DATE: APR 10 2014

TO: Board of Supervisors

FROM: Edward L. Long Jr.
County Executive

SUBJECT: Automated Notifications of Permit Expiration

Throughout the County, certain residential projects have languished in a state of incomplete construction for several years under building permits with approved extensions. These slowed or stalled projects have been the subject of complaints and neighborhood concerns pertaining to property values, criminal activity and raise questions about why the Building Official would extend the permits for such projects. The Uniform Statewide Building Code authorizes the Building Official to issue permit extensions as long as evidence of construction activity is provided to staff. Such evidence may include receipts for materials purchased, delivery manifest, or inspection reports that prove substantive progress has been made.

In a July 15, 2013 memorandum to the Board of Supervisors, staff outlined a plan to implement automated email notifications in the Fairfax Inspections Database Online (FIDO) system to improve permit holder awareness of permit timing restrictions and help promote more expedient project completion. Staff has completed the implementation of this initiative.

When a permit is nearing the six-month expiration threshold, FIDO will send an automated message (sample attached) to the permit holder(s) notifying them that their permit may be revoked and giving them further information regarding permit extension requirements. The messages will be automatically sent 30 days prior to the permit expiration date.

If you have any questions or need additional information, please contact James Patteson or Audrey Clark at 703-324-5033.

Attachments: Sample Automated Email
July 15, 2013 Memo to the Board

cc: Robert A. Stalzer, Deputy County Executive
James Patteson, Director, Department of Public Works and Environmental Services
Audrey Clark, Building Official
Jeffrey L. Blackford, Director, Department of Code Compliance

Office of the County Executive
12000 Government Center Parkway, Suite 552
Fairfax, VA 22035-0066
703-324-2531, TTY 703-222-5494, Fax 703-324-3956

Fairfax County Permit Expiration Notification

The subject and text below is a sample email that is being sent automatically through the Fairfax Inspections Database Online (FIDO) system.

Subject

Fairfax County Permit Expiration Notification

Text

Permit Number: 132830092
Permit Type: PLUMBING R
Permit Description: lawn irrigration system
Address: 7206 WARBLER LANE, MCLEAN, VA

Date of Issuance: 10-10-2013
Current Expiration Date: 04-10-2014

The building permit referenced above is set to expire on the date noted due to inactivity. Pursuant to the Virginia Uniform Statewide Building Code, the Building Official of Fairfax County has the authority to revoke building permits if work has not begun within six months of its issuance or if work has been abandoned for six month.

To extend the expiration date of a permit, the applicant must request an inspection or submit a written request to the Building Official with evidence that substantial work has been performed within the last six months.

If you have completed work and wish to extend your permit, prior to the expiration date noted above schedule an inspection or send a written request to dpwesbuildingpermits@fairfaxcounty.gov or to:

Permit Application Center
12055 Government Center Parkway
Fairfax, VA 22035-5504

Failure to obtain the minimum required inspections is a violation of Virginia law and can result in legal action.

For additional information or questions regarding this permit please contact 703-222-0801, TTY 711. Please visit fairfaxcounty.gov/buildingpermits to check the status of your permit or to schedule an inspection.

County of Fairfax, Virginia

MEMORANDUM

DATE: JUL 15 2013

TO: Board of Supervisors

FROM: Edward L. Long Jr.
County Executive

SUBJECT: January 29, 2013, Board Item 1c - Code Enforcement Pertaining to Incomplete Construction Projects and Building Permit Extensions

At the January 29, 2013, Board of Supervisors' meeting, Supervisor McKay inquired about the Board's authority to limit the extension of building permits (see attached board matter). Throughout the County, certain residential projects have languished in a state of incomplete construction for several years under building permits with approved extensions. These slowed or stalled projects have been the subject of complaints and neighborhood concerns pertaining to property values, criminal activity and fire risk and raise questions about why the Building Official would extend the permits for such projects. After reevaluating the procedures for permit extensions, the Building Official has identified ways to fine-tune the process and coordinate with Board members regarding sensitive projects.

Part I of the Virginia Uniform Statewide Building Code (USBC) regulates *new* construction and alterations to existing buildings and structures under the Virginia Construction Code as supervised by the Building Official in Land Development Services/Department of Public Works and Environmental Services. Part III of the USBC regulates the upkeep and maintenance of *existing* buildings and structures under the Virginia Maintenance Code as supervised by the Property Maintenance Code Official (PMCO) in the Department of Code Compliance (DCC). This distinction of authority is relevant in addressing the Board's concerns.

The USBC permits the Building Official to revoke a building permit if the work authorized therein has not begun within six months of its issuance or if the work has been abandoned for six months. Conversely, the Building Official has the authority to issue permit extensions for up to one year as long as evidence of construction activity is provided to staff. Such evidence may include receipts for materials purchased, delivery manifests, or engineering reports that prove activity had taken place within the six-month window. Additionally, the Building Official has the authority to limit the timeframe for the construction of a residential project by revoking the permit three years after issuance.

The intent of the USBC is to gain compliance with the USBC so buildings and structures can be built safely and economically. Therefore, before revoking a permit, careful consideration is given to the intent and ability of the permit holder to complete the work and the potential impact to the neighborhood. In cases where the permit has been revoked, the permit holder may reapply for a

new permit that would, in most cases, require an updated design and related plans showing compliance with the current code. When these conditions are met, the Building Official must issue the new permit, at which time the six-month timeframe begins again. Consequently, revoking the permit does not necessarily accelerate project completion. In these situations, staff has experienced greater success with bringing projects to completion while working with permit holders under their existing permits rather than revoking them and requiring new permits under the current and more restrictive code.

Staff is sensitive to the community's need for a balanced approach to permit extensions. Planned enhancements of the Fairfax Inspections Database Online (FIDO) system include automated email notifications of permit expiration. When implemented, the notifications would improve permit holder awareness of permit timing restrictions and help promote more expedient project completion. When a permit reaches the six-month or three-year threshold, FIDO would email the permit holders(s) notifying them that their permit may be revoked and giving them further information regarding permit extension requirements.

The Building Official proposes to work with Board Members on a case-by-case basis for challenging projects. Once identified, staff would be able to review the project's completion history and make contact with the permit holder to discuss proactive options to move the project forward. If the Building Official subsequently revokes the permit, the condition of the property then becomes a maintenance issue which can then be referred to and enforced by the PMCO in DCC. The PMCO will typically issue a notice of violation requiring remediation of the violation(s) within 30 days. The remedy would require the permit holder to complete the project, return the structure to its original condition, or demolish the entire structure. All options require a building permit under the current code in order to abate the violation. As such, once the permit is issued, the six-month timeframe begins again. If compliance cannot be obtained, the PMCO refers the property for legal action. As a practical matter, if a project has stalled because the (former) permit holder lacks the necessary funding to complete the project, gaining compliance through legal action may still be a challenge. Clearing maintenance violations often costs a substantial amount of money, which complicates the process of obtaining compliance.

It should also be noted that decisions by the Building Official, PMCO and their respective technical assistants working on their behalf, can be appealed to the Local Board of Building Code Appeals, the State Technical Review Board, and the state court system within a specific timeframe. Therefore, fair and consistent application of the USBC is essential to avoid excessive appeals.

Attached: Board Matter

cc: Robert A. Stalzer, Deputy County Executive
James Patteson, Director, Department of Public Works and Environmental Services
Michelle Brickner, Building Official
Jeffrey L. Blackford, Director, Department of Code Compliance

Departments of Transportation and the Department of Management and Budget (DMB). Those goals are set forth on page 26 of the Report.

Therefore, Supervisor Foust moved that the Board adopt the January 2013 Quarterly Report of the Office of Financial and Program Audit, and approve the list of study areas to be included in the work program of the Office of Financial and Program Audit as contained in his written Board Matter. Supervisor Gross seconded the motion and it carried by unanimous vote.

Supervisor Foust moved that the Board direct staff to report with recommendations regarding the nature and costs of the Silver Line CNPAs, noted earlier, and their impact on the Project budget. The recommendations should contain alternatives aimed at relieving the Project Funding Partners (both the County and Toll Road users) of these costs. The completed reported is requested by March 1, 2013. Supervisor Herrity and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

Supervisor Foust moved that the Board direct staff to consider and implement as appropriate, the best practices and recommendations made by the Auditor of the Board as part of the County Executive's Restoring Fiscal Stability Work Plan for CSB contained in this report. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Supervisor Foust moved that the Board concur with the goals established by the Department of Transportation and the Department of Management and Budget for the management of the Northern Virginia Transportation Commission County Trust Funds as set forth on page 26 of the OFPA report. Supervisor McKay seconded the motion. Following a brief discussion regarding the motion, the question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Herrity voting "NAY."

PMH:pmh

53. **CODE ENFORCEMENT** (6:10 p.m.)

Supervisor McKay said that the County has made significant strides in streamlining code enforcement and making it more responsive to community needs. The General Assembly has supported the Board's efforts by passing legislation that reduced appeal periods on some zoning violations from 30 to 10 days, saved time by immediately posting violations on the property instead of mailing notices, and made inspection warrants easier to obtain.

However, there is an outstanding area where there are deficiencies, specifically in the building code. Currently, upon written request by the holder of a building permit, the County building official may grant one or more extensions of time, not to exceed one year per extension. In the Lee District, as well as across the County, these extensions can leave communities with partially built structures that

are both eyesores and hazards. There are several such properties in Lee District – the Calamo Street and Grace Street examples are well known – where unfinished structures have been the subject of neighborhood complaints for many years. The impact of these unfinished structures on a community is more than cosmetic. They affect property values, invite criminal activity, vagrants and squatters, and animal infestation. Furthermore, they can be a fire risk. They send a message that the community doesn't care and that the County cannot or will not enforce its zoning and building code. It is time to tighten up unlimited building permits and extensions.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the County Attorney to review the Board's ability to act in this matter and report on whether it can limit building permit extensions or if it needs General Assembly enabling authority. Should the Board already have the authority to act, Supervisor McKay asked unanimous consent that the Board direct staff to report with recommendations for updating the building permit and permit extension process. Without objection, it was so ordered.

54. **REQUEST FOR RECOGNITION** (6:10 p.m.)

Supervisor McKay said that in the large and increasingly urban County, the job of keeping residential properties from deteriorating into dangerous storage lots and junkyards is an ongoing challenge overseen by the Department of Code Compliance, the Department of Solid Waste Collection and Recycling and the Department of Public Works and Environmental Services, Storm Water Management Division.

One such junkyard property in Lee District was in an area zoned R-1 and was originally estimated to have 375 vehicles parked on site in various states of disrepair, junk yard dogs, feral cats, oil and gasoline, old appliances and a steel girder bridge used to get across portions of the property. With all this, there was no residential structure left on the property.

After years of attempts to make the property owner clean up the site, legal action, fines, and finally the prospect of jail, it became clear that the owner could not or would not meet the timeline for compliance. At that point the County took on the site cleanup. The County Attorney obtained a court order to allow staff to clear the property and perform environmentally safe cleanup so that the land might be restored to a green space. Now the owner is required to build a residence on the site before returning anything to the property.

After this final clearing of the property, the tally of materials removed is impressive: almost 20 tons of auto parts, old appliances and scrap metal, six and a half tons of tires, 135 tons of trash and debris, 200 gallons of oil and 150 gallons of gasoline.

Approved by the Board of Supervisors, November 18, 1996, and by the Redevelopment Housing Authority, (RHA) on November 21, 1996.

Additional information

We will take referrals by telephone and do not require that the caller identify himself/herself. We do not require documentation but need, at a minimum, a street address of the potentially blighted property. any other pertinent information we can get at the time will be added to the file. We explain clearly that a referral does not automatically put a property on the blight list. The caller is told that staff will investigate the property, review County files for a history of violations or complaints and, if the property meets the definition of blight it will be referred to the FCRHA for a determination of blight. (Note: HCD is currently considering more than sixty previous referrals. Therefore it could be January before new properties are investigated.) At the time the FCRHA makes a blight determination and the property is officially added to the blighted properties list, the owner will be notified of the determination and the actions which will be taken.

Properties are considered blighted in accordance with Section 36-49 of the Code of Virginia, as amended, due to "dilapidation, obsolescence, overcrowding, faulty arrangement of design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors." The code also requires that properties be shown to be "detrimental to the safety, health, morals or welfare of the community" by reason of such dilapidation.
A property can be considered "blighted" if it meets all of the following conditions:

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

Referrals or questions should be forwarded to:

Kathleen A. Mitchell, Director
or
Gordon Goodlett
Revitalization Division
Department of Housing and Community Development
3700 Pender Drive
Fairfax, VA 22030-7444
Phone: (703) 246-5171
Fax: (703) 246-5110

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5c. **PROPERTIES THAT ARE IN A STATE OF DISREPAIR, DILAPIDATED, PUBLIC NUISANCE OR A BLIGHT IN THE COMMUNITY** (11:59 a.m.)

STALZER/BOBZIEN

In a joint Board Matter with Supervisor Smyth, Supervisor Foust noted that there are times in the County when some properties languish in a constant state of disrepair, are dilapidated, constitute a public nuisance or are otherwise a blight on the community. Efforts to remedy these situations include fines, penalties, and substantial court action, but for a variety of reasons, some property owners remain unwilling or unable to bring their property into compliance with the Zoning Ordinance, the Property Maintenance Code, or the Building Code. When this happens, these properties become a huge source of strife and frustration within their communities and for staff. These properties are more than just unsightly; frequently they pose real and immediate dangers to public health, safety, and welfare.

Supervisor Foust said that it recently come to his attention that the Virginia Code offers localities certain tools to address properties that are not being employed in the County. Specifically, Virginia Code Section 15.2-906 permits localities to remove or repair any structure that endangers the public health or safety and to recover the costs for doing so. Similarly, Virginia Code Section 15.2-907.1 allows localities to offer tax rebates for the repair or removal of certain buildings that have been vacant and boarded up for longer than six months. Finally, even the County's existing Blight Program includes conditions not required by the State Code; For example, there is no requirement in the State Code that a property be vacant and boarded for a year in order to be considered a blighted property, yet the County currently includes this criteria before a property can be deemed blighted. As such, the Blight Program cannot be used to address some of these longstanding problem properties.

There are many times in local government that the County is not able to address a problem because under the Dillon Rule, the County has not been given adequate authority from the General Assembly. Here, however, there are tools given to the County by Richmond that it appears it isn't adequately using. Certainly, no one is advocating that the County should routinely get in the business of repairing private property, but when every other reasonable effort fails, the County shouldn't hamstring itself from using more aggressive tools, particularly when those tools are clearly available.

Accordingly, Supervisor Foust moved, on behalf of himself and Supervisor Smyth, that the Board direct staff to conduct a thorough review and analysis of Virginia Code sections related to blight, public nuisance, derelict buildings, or those that are otherwise unsafe or in need of repair and provide to the Board specific recommendations regarding whether the Board should enact ordinances or change existing ordinances and policies so that this enabling legislation can be fully implemented. Supervisor Smyth seconded the motion.

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and asked to amend the motion to include an examination of the tools the Board currently has or that have been added since the blight program was first adopted for review and consideration in the Development Process Committee. This was accepted.

Discussion ensued, with input from Cynthia A. Bailey, Senior County Attorney, concerning:

- The importance of determining the impact on property owners
- The inclusion in the review of protections for the County
- Implementation of protections provided by State Code
- Not limiting the evaluation to those powers expressively given to the Board in these Code sections
- Exploring past challenges and not limit it to whether or not it would fit within the existing Code section
- Potential impact on property owners

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Gross being absent.

Chapter 46: **HEALTH OR SAFETY MENACES**

Section 46-1-1. - Definitions.
Section 46-1-2. - Inspection for health or safety menaces.
Section 46-1-3. - Abatement of health or safety menaces ~~generally~~.
~~**Section 46-1-4.** - Failure to abate a health or safety menace.~~
Section 46-1-~~5~~4. - Hearing and appeals procedure.
~~**Section 46-1-6.** - Penalty~~.

Section 46-1-1. - Definitions.

(a) A *public health or safety menace* ~~*or public nuisance*~~ means any condition which might endanger the health or safety of the public, including but not limited to:

(1) Unsanitary or improper storage or disposal of trash, garbage, refuse, debris, other solid waste or hazardous waste;

(2) Unburied dead animals;

(3) Accumulation of water causing mosquito or other vector breeding or proliferation;

(4) Rodent or insect infestation;

(5) Accumulation of bees, fowl or animals in such a manner to create a condition that may be injurious to the public health or safety;

(6) Hazards such as open excavations, open wells, pits, trees or parts thereof in danger of falling, ~~discarded refrigerators and freezers with doors attached, unsecured vacant structures~~, or habitation for bats, wasps or other venomous pests;

(7) Garbage which is not contained in a water-tight, rodent-proof container which is equipped with a tight-fitting lid;

(8) Improper disposal of medical, dental, veterinary or pharmaceutical equipment or supplies, including but not limited to syringes, needles, scalpels, and blades or other medicinal items in solid or liquid form, in such a manner as to make it possible for any other person to retrieve and utilize said equipment or supplies;

(9) Any building or structure that is deteriorated, improperly maintained, of faulty construction, deficient in adequate exit facilities, a fire hazard, or dangerous to life or the public welfare, or both;

(10) Any building or structure that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely;

(11) Any unsecured or open vacant structure.

(12) Any structure that is determined to be dangerous to the occupants or the public because of the degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential equipment or if the required plumbing and sanitary facilities are inoperable.

(~~9~~13) Any other condition that may be injurious to the public health or safety.

(b) *County Executive* shall mean the County Executive or his designee.

(c) *Director* shall mean the Director of the Health Department ~~Services~~ or his designee.

~~(d) *Director of the Department of Public Works and Environmental Services or his designee* shall mean the designee of the Director responsible for the enforcement of the hazardous tree provision of this Chapter.~~

(d) *Code Official* shall mean the Building Code Official or the Property Maintenance Code Official as applicable or his designee.

(e) *Disposal* means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, include groundwaters.

(f) *Hazardous waste* means a solid waste or combination of solid waste which, because of its quantity, concentration or physical, chemical or infectious characteristics, may:

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(g) *Occupant* shall include the lessee of vacant land.

(h) *Public nuisance* means, but is not limited to, dangerous or unhealthy substances which have escaped, spilled, been released or which have been allowed to accumulate in or on any place and all unsafe, dangerous, or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public.

(~~h~~i) *Sanitary landfill* means a disposal facility for solid waste so located, designed and operated that it does not pose a substantial present or potential hazard to human health or the environment, including pollution of air, land, surface water or groundwater.

(~~i~~j) *Solid waste* means any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations and from community activities, but does not include (i) solid or dissolved material in domestic sewage (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the State Water Control Board, or (iii) source, special nuclear, or byproduct material as defined by the Federal Atomic Energy Act of 1954, as amended. (6-7-61; 1961 Code, § 15A-1; 4-78-46; 39-88-46; 3-92-46; 78-08-46.)

Section 46-1-2. - Inspection for health or safety menaces.

The Director is authorized to inspect occupied or vacant land or premises to ascertain the existence of health or safety menaces on such land or premises. The Director shall inspect the land or premises at reasonable daylight times in a reasonable manner. If the owner or occupant of the land or premises denies the Director free access for such purposes, the Director may inspect after obtaining a search warrant. (6-14-61, § 8; 1961 Code, § 15B-3; 36-74-15B; 4-78-46; 39-88-46.)

Section 46-1-3. - Abatement of health or safety menaces ~~generally~~.

(a) When any condition that constitutes a public health or safety menace is found on occupied or vacant land or premises, the Director shall notify in writing the owner or occupant of the land or premises on which the condition exists and/or any other person who he believes is responsible for the health or safety menace. Such notice shall contain a description of the health or safety menace and~~;~~ the time within which the menace shall be abated, corrected or eliminated.

(b) Any such notice shall be ~~; and a statement that the owner, occupant or other person responsible may request a hearing within ten (10) days of the receipt of the notice. Notice~~ (i) sent by registered or certified mail, return receipt requested, to the last-known address of the owner whose name is shown on the current real estate tax assessment records, or the occupant, or any other identified person responsible; and (ii) published once a week for two successive weeks in a newspaper having general circulation within the County.

(c) The County shall not take any action to remove, repair, or secure any building, wall, or other structure or to otherwise abate any public health or safety menace for at least 30 days following the later of the return of the certified mail receipt or the newspaper publication, except that the County may take action to prevent unauthorized access to the building or location of the public menace or nuisance within seven days of such notice if the condition is deemed to pose a significant threat to public safety, and that fact was stated in the notice. ~~Shall be deemed compliance with the notice requirement to the person responsible.~~ Nothing herein shall prevent the County from correcting or abating any condition determined by the Director to constitute an emergency.

~~(b) Upon receipt of the written notice from the Director, the owner, occupant or other person responsible shall abate, correct or health or safety menace. The amount of time allowed to abate, correct or eliminate the health or safety menace condition shall be determined by the Direct, and shall not be less than twenty-four (24) hours nor more than ten (10) days. If the Director determines that the menace cannot be abated, corrected or eliminated within ten (10) days, the Director may order temporary abatement measures and allow a longer period of time to abate, correct or eliminate the condition. The Director may allow such a longer period of time only upon request of the owner, occupant or other person responsible and only upon a good faith showing that such longer period of time is. (6-7-61; 1961 Code, § 15A-2, 15A-3; 3-10-71; 4-78; 4-78-46; 39-88-46.)~~

(d) Upon compliance with the notice provisions of this section, and except in the case of an emergency if the County, through its own agents or employees, removes, repairs, or secures any building, wall, or any other structure, or removes, corrects, or abates any condition that constitutes a public menace or public nuisance, then the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the County in the same manner that taxes are collected. Any such costs or expenses that remain unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and may be enforced in the same manner as provided in Article 3 and Chapter 39 of Title 58.1 of the Virginia Code, and as the same may be amended.

(e) Any lien as set forth herein may be waived by the Director only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

~~**Section 46-1-4. Failure to abate a health or safety menace.**~~

~~(a) After receipt of the written notice, it is unlawful for the owner, occupant or other person responsible to fail to abate, correct or eliminate the health or safety menace within the time determined by the Director.~~

~~(b) If the written notice is undeliverable, or if after receipt of the written notice, the owner, occupant or other person responsible fails to abate, correct or eliminate the health or safety menace, the Director may request the Director of the Department of Public Works and Environmental Services to take reasonable steps to abate, correct or eliminate the health or safety menace whether the land or premises are occupied or vacant. If the owner, occupant or other person responsible denies free access for such purposes, the Director may proceed after obtaining a warrant. Costs and expenses incurred by the Director in abating, correcting or eliminating a health or safety menace on private property shall be assessed against the owner and/or occupant of the land or premises and/or any other person responsible for the health or safety menace, and shall be recoverable from the owner in the same way as taxes and levies. Costs and expenses incurred by the Director in abating, correcting or eliminating a health or safety menace on public property shall be recoverable from the person or persons responsible for causing the health or safety menace. (6-7-61; 9-11-68; 1961 Code, §§ 15A-3, 15A-4; 3-10-71; 4-78-46; 39-88-46; 78-08-46.)~~

Section 46-1-~~5~~4. - Hearing and appeals procedure.

(a) In the case of an emergency, the Director may request the Director of the Department of Public Works and Environmental Services or Code Official to take reasonable steps to abate, correct or eliminate the health or safety menace without providing the owner, occupant or other person responsible an opportunity to be heard until after the health or safety menace is abated, corrected or eliminated. In such an emergency, the property owner or other responsible party may request a hearing within ten days after the condition is abated, corrected or eliminated.

(b) In the absence of an emergency, the Director may request the Director of the Department of Public Works and Environmental Services or Code Official to take reasonable steps to abate, correct or eliminate the health or safety menace only after providing the owner or occupant or other person responsible with the notice set forth herein and an opportunity to be heard. Such a hearing request shall be made within ten days after receipt by the owner, occupant or other person responsible of the notice to abate, correct or eliminate the health or safety menace. ~~In the case of an emergency, the Director may request the Director of the Department of Public Works and Environmental Services to take reasonable steps to abate, correct or eliminate the health or safety menace without providing the owner, occupant or other person responsible an opportunity to be heard until after the health or safety menace is abated, corrected or eliminated. In such an emergency the hearing request shall be made within ten days after the condition is abated, corrected or~~

~~eliminated.~~

(c) All hearing requests shall be in writing and directed to the Director, who shall forward the requests to the County Executive within two days of receipt. All hearings shall be before the County Executive or his designee. The County Executive shall set a time and place for the hearing, which shall occur within ten days of the request for the hearing, and shall so notify the Director and appellant. After the hearing, the County Executive may order the appellant to abate, correct or eliminate the health or safety menace in the same manner as the Director may require. Any person who fails, refuses or neglects to comply with any such order shall be guilty violating the provisions of this Chapter. (6 14 61, ~~§ 10~~; 1951 15B 20; 4 78 46; 39 88 46; 78 08 46.) Any request for a hearing as set forth herein shall be in addition to, and not in lieu of, any other hearing required under any other provision of Virginia law.

~~Section 46-1-6. Penalty.~~

~~If after receipt of the written notice or an order from the County Executive, the owner, occupant or other person responsible refuses or neglects to abate, correct or eliminate the condition as required, such individual shall, upon conviction, be guilty of a Class 2 misdemeanor as provided in Section 1-1-14 of the Fairfax County Code, with penalty as provided therein or of confinement in jail for not more than six (6) months and a fine of not more than Five Hundred Dollars ($500.00), either or both. Further, each day any violations of this Chapter shall continue shall constitute a separate offense.~~

ATTACHMENT 3

RESOLUTION

WHEREAS, one of the goals of the Fairfax County Board of Supervisors ("Board") is the preservation and improvement of residential neighborhoods and commercial areas, and to address and eliminate unsafe conditions, public menaces and public nuisances within Fairfax County; and

WHEREAS, the Board has previously approved the implementation of Ch. 46 of the County Code which addresses such unsafe conditions, menaces, and nuisances; and

WHEREAS, it has been determined that Ch. 46 of the Fairfax County Code needs to be expanded and amended to incorporate certain other unsafe conditions and public nuisances as defined in the State Code, the Building Code, and the Property Maintenance Code, and to amend the current process to prosecute all such public menaces, unsafe conditions, and public nuisances; and

WHEREAS, the Board desires to amend Ch. 46 of the Fairfax County Code by the enactment of this Resolution,

NOW THEREFORE, BE IT RESOLVED, THAT Ch. 46 of the Fairfax County Code is amended by the Board as hereby approved.

This Resolution shall take effect at 12:01 a.m. on December 3, 2014.

A Copy Teste:

_____

Clerk to the Board of Supervisors

Board Agenda Item
December 2, 2014

4:00 p.m.

Public Hearing on SE 2013-DR-019 (CWS VII, LLC & The Trustees of Andrew Chapel United Methodist Church) to Permit Church and Nursery School Child Care Center with a Total Enrollment of 99 Children, and a Telecommunications Facility With a 120 Foot Tall Tower, Located on Approximately 7.01 Acres of Land Zoned R-1 (Dranesville District)

This property is located at 1301 Trap Road, Vienna, 22182. Tax Map 19-4 ((1)) 47.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, November 12, 2014, the Planning Commission voted 12-0 to recommend to the Board of Supervisors approval of SE 2013-DR-019, subject to the Development Conditions dated October 14, 2014, contained in Appendix 1 to the staff report and the modification of Section 13-303 and 13-304 of the Zoning Ordinance for transitional screening and barrier requirements to permit the landscaping and barriers, as shown on the Special Exception Plat.

In a related action, the Commission voted 12-0 to approve 2232-D13-9. The Commission noted that the application satisfies the criteria of location, character, and extent, as specified in Section 15-2.2232 of the *Code of Virginia*, and therefore is substantially in accord with the provisions of the Comprehensive Plan.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4467292.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Carmen Bishop, Planner, DPZ

SE 2013-DR-019/2232-D-13-9 – CWS VII, LLC & THE TRUSTEES OF ANDREW UNITED METHODIST CHURCH

Decision Only During Commission Matters
(Public Hearing held on October 30, 2014)

Commissioner Ulfelder: Thank you, Mr. Chairman. This evening we have a decision only for a concurrent 2232 and Special Exception application for a telecommunications tower disguised as a 120-foot tall bell tower and approval to permit an existing church with a nursery school as a Special Exception use, whereas it is now approved as a Special Permit use. The telecommunications facility is on property owned by the Andrew Chapel United Methodist Church on Route 7 at the intersection with Trap Road. This application has been in the works since mid-2013 before I joined the Commission and has gone through a number of changes and revisions on route to the Planning Commission and to the Board of Supervisors. During this time, it also has been the focus of various open meetings with members of the church and residents of the surrounding neighborhoods, as well as several balloon flies to demonstrate the proposed height of the telecommunication facility. Many questions were asked and various concerns were voiced. As the application moved through the County review process with a few fits and starts, some members of the adjacent Shouse Village Neighborhood formed a group, Stop Andrew Chapel Cell Tower (SACCT), to express their opposition to the proposed tower. I have attended meetings to understand the support and opposition to this application. We have also received voluminous amounts of correspondence and other material in connection with this application. The SACCT group in particular has raised a wide range of issues and arguments – and has submitted detailed materials in support of their position. They have argued strenuously that as proposed – as proposed, the bell tower telecommunications facility is massive, ugly, offensive, and would be a visual blight on their community and the surrounding area that will lower their property values. For the reasons that follow, I am not persuaded by these arguments. Our decision on the 2232 application is guided by the Comprehensive Plan and, in particular, Objectives 42 and 43 of the Policy Plan Element of the Comprehensive Plan under Mobile and Land-Based Telecommunications Services. Under *Virginia Code* 15.2232, we must determine whether the location, character, and extent of the proposed bell tower at its proposed location is substantially in accordance with the Plan. After carefully reviewing the application, staff report, and the other materials and arguments submitted for the record, I have concluded that this application substantially conforms to the Comprehensive Plan. Staff has thoroughly articulated the grounds for approval thoroughly in the staff report so I will refrain from reiterating all of those points here. I will, however, briefly highlight some of the factors leading to this decision. First, the application does propose construction of a new tower while Objective 42, Policy A, encourages avoiding construction of new structures. I am familiar with this area and am satisfied with the applicant's conclusion that there are no existing tall structures available to address coverage and capacity needs in the target area. There is one existing facility at the Providence Baptist Church, which is approximately a half mile to the east of the proposed bell tower. Verizon Wireless' engineer makes it clear that the steeple facility, with antenna space at approximately 55 feet, is too low to provide the same coverage to the target area. I think it is important to note that, in any event, there is only one slot available at the Providence Baptist Church and no room to co-locate as many as three additional carriers, which could be

accommodated at the proposed Andrew Chapel bell tower. When existing structures are not available or co-location is not appropriate because of service needs, Objective 42, Policy B, recommends locating new structures on properties that provide the greatest opportunity to conceal the facilities and minimize visual impact. The applicants have proposed to locate the bell tower on a 7-acre parcel of property in a location that maximizes the distance between the facility and residential properties. Other than the Covance property across the street that was not interested in hosting a telecommunications facility, the subject property is one of the larger parcels of property in this vicinity. The size of the parcel allows for substantial setbacks of the tower that would be impossible on a smaller lot. Further, the proposed tower and supporting equipment structures have been relocated on the property, relative to prior applications, in order to reduce visibility from certain locations. The facility's proposed siting near Leesburg Pike also allows this major arterial to provide additional buffering to properties across and in the vicinity of Leesburg Pike. In fact, disguised as a bell tower, it will not be readily apparent to anyone driving past on Route 7 or in the area that it is, in fact, a telecommunications facility bristling with antennas. Thus, in many respects, it is visually similar to the bell tower telecommunications facility located at the Dranesville United Methodist Church approximately three miles to the west of this proposed site and also visible from Route 7. Objective 42, Policy D, provides that when multiple sites provide similar or equal opportunity to minimize impacts, public lands should be the preferred location. This policy recommendation has touched off a controversy over whether the Fairfax County Fire and Rescue Station – Station 42 – located at the corner of Beulah Road and Route 7 approximately one mile west of the Andrew Chapel site should be the preferred location. Originally, it was thought that Station 42 could not be considered as a possible location for a telecommunications facility based on communication with the Facilities Management Division and the applicant. During the review of this application, it became apparent that it could possibly be considered for a telecommunications facility, but that it would need the approval of a concurrent 2232, Special Exception, and a Proffer Condition Amendment to site such a facility on the Station 42 property. The application does not propose a location for its facility on the Fire Station property that would allow for a comparison of impacts because the Fire Station is outside of the coverage area it is targeting with this application. While the propagation maps indicate that a similar telecommunications facility at the Station 42 site could cover a portion of the target area, it is still only 50 to 60 percent overlap, which still leaves a coverage need for the area west of Tysons and east of Station 42. The applicant in this case has indicated a possible future interest in the Station 42 site in order to continue to fill the carriers' coverage and capacity gap between Tysons and the Difficult Run Stream Valley to the west. The record indicates that there are no other viable sites between the church site and the Station 42 site that can meet the carriers' needs. Thus, I believe it is clear that the proposed Andrew Chapel bell tower facility is the site that can best meet the needs of the carriers' target area. I also find that the application substantially conforms to the Comprehensive Plan in terms of the character and extent of the proposed facility. The applicants have minimized visual impacts on the surrounding area, in accordance with Objective 42, Policy C, by camouflaging the facility as a bell tower, lowering the height of the tower from 140 to 120 feet, narrowing the width of the three sides, spacing the concealment panels farther apart vertically to reduce their visual mass, and replacing the proposed flame on the site with a simple cross. This stealth design is conceptually compatible with the church use and all antennas will be hidden from view by concealment panels. The applicants have also demonstrated conformance to Policy K through a balloon fly and photographic simulations showing that views of the facility are mitigated by the structure's design, existing and proposed vegetation, the overall surrounding area, and distance from

residential properties. Even with all of these changes and landscaping, the bell tower will be visible from certain points and the existing vegetation, as well as the additional trees, will never be tall enough to completely hide the bell tower. Nevertheless, I agree with Staff's assessment that the Plan does not require telecommunications facilities to be invisible. They should, instead, be designed and located to provide the greatest opportunity to conceal the facilities and mitigate their visual impact. In this case, I believe that the revised bell tower design is appropriate on the Andrew Chapel Church property and significantly reduces the visual impact of the structure. In addition, the issue of visibility from vehicles on Route 7 and some of the surrounding properties that will have a view of a portion of the bell tower has been analyzed well in the Staff Report and the proposed conditions, including the additional landscaping, will help further reduce the visual impact of the proposed bell tower. In concluding that the proposed facility is substantially in accordance with the Comprehensive Plan, I have not ignored the opposition's contention that the applicants have failed to demonstrate any need for this facility and the application should therefore be denied under Objective 42, Policy C. I disagree. I think it is important to note that the applicant in this case, Community Wireless Structures – or CWS – is not a wireless communications carrier. It sites, permits, builds, and then leases space to the carriers, such as Verizon Wireless, Sprint, T-Mobile, and AT&T, on what are essentially privately owned telecommunications towers. In turn, CWS pays rent for its towers to the land owner, in this case Andrew Chapel United Methodist Church. Thus, CWS is dependent on pursuing sites that the carriers, its potential lessees, deem are necessary for them to provide adequate wireless coverage in a target area, as well as to meet their current and projected need for additional capacity and usage in the same area. In this case, if the application is approved and the tower built, Verizon Wireless has provided CWS with a letter of intent to install its antennas at a height of 115 feet. T-Mobile has provided CWS with a letter of interest to install its antennas at a height of 105 feet. And Sprint has provided CWS with a letter of interest to install its antennas at a height of 95 feet. Therefore, I believe it is fair to conclude that three of the major wireless service carriers see a need to provide better coverage and increase the capacity in the area that would be served by this proposed telecommunications facility. The applicant has submitted coverage maps based on propagation models regularly developed and used by the carriers to determine where additional or improved service is needed that indicate that the proposed tower will help meet that need. In this – in his October 7, 2014 letter and discussion at the October 30th public hearing, Verizon Wireless' independent engineer explained the basis for the approach used by the carriers for determining need, as well as why the industry approach is appropriate for such a determination, particularly as compared with other data submitted for the record. In addition, the Planning Commission has received a number of communications from other residents of the area and church members indicating that at times and in certain areas around the church and Shouse Village, the current wireless service is inadequate. Based on this data and information, I think it is reasonable to assume there is a need for additional and improved service in the target area and that the proposed church bell tower would help meet that need. Finally, the application is required to, and does satisfy, the 17 applicable Special Exception standards. These include being in harmony with the Comprehensive Plan and purpose and intent of the zoning district – and not adversely affecting the use or development of adjacent properties, in accordance with the zoning district and Comprehensive Plan. With the design of the bell tower, the location near Route 7 – which maximizes the distance from surrounding properties – and the existing and proposed landscaping, and as fully outlined in the staff report, I believe the standards are met. Therefore, Mr. Chairman, my first motion – I MOVE THAT THE PLANNING COMMISSION FIND THAT THE FACILITY PROPOSED UNDER 2232-D13-9 SATISFIES THE CRITERIA OF

LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN SECTION 15-2.2232 OF THE *CODE OF VIRGINIA*, AND THEREFORE IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion? All those in favor of the motion to approve 2232-D13-9, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Ulfelder.

Commissioner Ulfelder: Do we need to ask the representative of the applicant to-

Chairman Murphy: On the Special Exception, yes.

Commissioner Ulfelder: -on the – we'll do that after we move on the motion?

Chairman Murphy: I would do it now before we make the motion.

Commissioner Ulfelder: Yes. Is there the-

Chairman Murphy: Mr. Donohue.

Commissioner Ulfelder: Mr. Donohue, yes.

Ed Donohue, Applicants Agent, Donohue & Stearns, PLC: Mr. Chairman – Ed Donohue, on behalf of the applicant – yes sir.

Commissioner Ulfelder: Does the applicant fully accept the proposed development conditions to the Special Exception that are dated, I believe, October 14th?

Mr. Donohue: Yes sir, we do.

Commissioner Ulfelder: Okay, thank you.

Mr. Donohue: Thank you.

Commissioner Ulfelder: Therefore, Mr. Chairman I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE 2013-DR-019, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 14, 2014, CONTAINED IN APPENDIX 1 TO THE STAFF REPORT AND THE MODIFICATION OF SECTION 13-303 AND 13-304 OF THE ZONING ORDINANCE FOR TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS TO PERMIT THE LANDSCAPING AND BARRIERS, AS SHOWN ON THE SPECIAL EXCEPTION PLAT.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2013-DR-019, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: Point of clarification. I do support the motion. I did not – I was not present that night – the night of the public hearing. But I did look at the TV.

Chairman Murphy: Okay, thank you very much.

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(Each motion carried by a vote of 12-0.)

JLC

Board Agenda Item
December 2, 2014

4:00 p.m.

Public Hearing on RZ 2014-BR-001 (Blagoj Skandev SD Homes LLC) to Rezone from R-1 to R-3 to Permit Residential Development With a Total Density of 2.06 du/ac, Located on Approximately 42,209 Square Feet of Land (Braddock District)

This property is located on the East side of Twinbrook Road 900 feet South of its intersection with Braddock Road. Tax Map 69-3 ((1)) 31

PLANNING COMMISSION RECOMMENDATION:
On Thursday, November 20, 2014, the Planning Commission voted 9-0-2 (Commissioners de la Fe and Sargeant abstained and Commissioner Migliaccio was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2014-BR-001, subject to the execution of proffers dated November 20, 2014;

- Approval of a waiver of the location requirements of bio-retention facilities, pursuant to Section 6-1307 of the Public Facilities Manual to allow infiltration trenches to be located on individual lots, provided that a private maintenance agreement, in a form acceptable to the County Attorney's Office is completed for each lot; and

- Deviation of the Tree Preservation Target, pursuant to Section 12-0508 of the Public Facilities Manual, in favor of the alternatives, as shown on the proposed plan and as conditioned.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4468790.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Joe Gorney, Planner, DPZ

RZ 2014-BR-001 – BLAGOJ SKANDEV (SD HOMES, LLC)

Decision Only During Commission Matters
(Public Hearing held on November 13, 2014)

Commissioner Hurley: Thank you, Mr. Chairman. This is regarding case RZ 2014-BR-001 – the Skandev (SD Homes, LLC). On the face of it, this is a simple case of a landowner wishing to build a house for himself and another for his brother-in-law at 2.06 dwelling units per acre. This rezoning comes in at the very low end at the Comprehensive Plan recommendation of two to three dwelling units per acre. As I stated when I moved to defer this case, site visits were conducted this week to assess the adequacy of the proposed tree protection measures and the limits of clearing and grading. In brief, the limits of clearing and grading have been expanded to avoid impacting any of the trees in the neighbor's back yards. However, the Urban Forester noted that most, if not all, of the off-site trees that within or near the sanitary easement will have to be removed. The applicant who owns the very few trees that might be left standing – also be taken down. And the applicant has agreed to do so. Proffered restoration of the area include backfilling of the trench, replacement of a trench, re-sodding lawns, mulching of planting areas, and replacing shrubbery. The applicant is to be commended for plugging his way through all the specifics that he needed to meet and, in particular, the many regulations regarding transportation improvements, tree preservation, and stormwater management. I also commend the many members of the County staff who has helped shepherd this case through. In this – Braddock's third infill case in as many weeks – the Braddock Land Use Committee has again put in many hours and represented well the concerns of our community. Putting all these stakeholders and performing her usual magic has been Rosemary Ryan from Supervisor John Cook's staff. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2014-BR-001, SUBJECT TO THE EXECUTION OF PROFFERS DATED 20 NOVEMBER, 2014.

Commissioner Hedetniemi: Seconded.

Chairman Murphy: Seconded by Ms. Hedetniemi. 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 2014-BR-001, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman-

Commissioner de la Fe: I abstain.

Chairman Murphy: Okay, Mr. de la Fe abstains.
Commissioner de la Fe: Not present for the public-

Commissioner Sargeant: Also abstain. Not present for the public hearing.

Chairman Murphy: Not present for the public hearing. Mr. Sargeant abstains – same reason, okay.

Commissioner Hurley: I MOVE THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE FOLLOWING:

- WAIVER OF THE LOCATION REQUIREMENTS OF BIO-RETENTION FACILITIES, PURSUANT TO SECTION 6-1307 OF THE PUBLIC FACILITIES MANUAL TO ALLOW INFILTRATION TRENCHES TO BE LOCATED ON INDIVIDUAL LOTS, PROVIDED THAT A PRIVATE MAINTENANCE AGREEMENT IN FORM ACCEPTABLE TO THE COUNTY ATTORNEY'S OFFICE IS COMPLETED FOR EACH LOT; AND

- DEVIATION OF THE TREE PRESERVATION TARGET, PURSUANT TO SECTION 12-0508 OF THE PUBLIC FACILITIES MANUAL, IN FAVOR OF THE ALTERNATIVES, AS SHOWN ON THE PROPOSED PLAN AND AS CONDITIONED.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioners de la Fe and Sargeant: Abstain.

Chairman Murphy: Same abstentions.

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(Each motion carried by a vote of 9-0-2. Commissioners de la Fe and Sargeant abstained. Commissioner Migliaccio was absent from the meeting.)

JLC

Board Agenda Item
December 2, 2014

4:00 p.m.

Public Hearing on RZ 2014-PR-004 (Amherst Property LLC) to Rezone from C-3 to PTC to Permit Mixed Use with an Overall Density of 1.8. Which Includes Bonus Density for Workforce Housing, and a Waiver # 25530-WPFM-001-1 to Permit the Location of Underground Stormwater Management Facilities in a Residential Area, Located on Approximately 5.75 Acres of Land (Providence District)

This property is located West of Jones Branch Drive, approximately 400 feet North of its intersection with Westpark Drive. Tax Map 29-4 ((7)) 6 and 7B pt. (Concurrent with PCA 88-D-005-08).

and

Public Hearing on PCA 88-D-005-08 (Amherst Property LLC) to Amend the Proffers for RZ 88-D-005 Previously Approved for Office Use to Permit Deletion of Land Area and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 1.8, Which Includes Bonus Density for Workforce Dwelling Units, Located on Approximately 5.75 Acres of Land Zoned C-3 (Providence District)

This property is located West of Jones Branch Drive, approximately 400 feet North of its intersection with Westpark Drive. Tax Map 29-4 ((7)) 6 and 7B pt. (Concurrent with RZ 2014-PR-004).

The Board of Supervisors deferred this public hearing on November 18, 2014 to December 2, 2014.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, November 6, 2014, the Planning Commission voted 10-0 (Commissioners Hart and Lawrence were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 88-D-005-08;
- Approval of RZ 2014-PR-004, subject to the execution of proffers consistent with those dated October 8, 2014; and
- Approval of the following modifications and waivers:

- Waiver to allow the use of underground stormwater management and best management practices in a residential development (25530-WPFM-001-1) subject to the Conditions dated June 10, 2014, contained in Attachment A of Appendix 11 of the staff report.

- Waiver of Section 2-505 of the Zoning Ordinance to permit structures and vegetation on a corner lot as shown on the CDP and FDP.

- Waiver of Paragraph 1 of Section 6-506 of the Zoning Ordinance to permit a minimum district size of less than ten (1 0) acres for a PTC zoned parcel.

- Modification of Section 2-506 of the Zoning Ordinance to allow for a parapet wall, cornice or similar projection to exceed the height limit established by more than three (3) feet as may be indicated on the FDP to screen mechanical equipment.

- Waiver of Section 17-201(3)(b) of the Zoning Ordinance to provide any additional interparcel connections to adjacent parcels beyond that shown on the Plans and as proffered.

- Modification of Zoning Ordinance Section 17-201 and Public Facilities Manual (PFM) Section 8-0201.3 to waive all trails and bike trails in favor of the streetscape and on-road bike lane system shown on the plans.

- Waiver of Section 17-201 (7) of the Zoning Ordinance to allow establishment of parking control, signs and parking meters along private streets within the development.

- Waiver of Section 17-201(4) of the Zoning Ordinance requiring any further dedication and construction for widening of existing roads to address Comprehensive Plan requirements beyond that which is indicated in the Plans and proffers.

- Waiver and/or Modification of Section 13-202 of the Zoning Ordinance and 12-0514.2 of the PFM requiring 5% interior parking lot landscaping in favor of that shown on the CDP/FDP.

- Modification of PFM Section 12-0515b minimum planter opening area for trees used to satisfy the tree cover requirement in favor of that shown on the CDP/FDP.

- Modification to allow trees located above any proposed percolation trench or bioretention areas to count towards county tree cover requirements as depicted on the CDP/FDP.

- Modification of the 10 year tree canopy requirements in favor of that shown on the Plans and as proffered.

- Modification of the Zoning Ordinance and PFM for required tree preservation target and ten percent canopy to be calculated as shown on the overall CDP.

Board Agenda Item
December 2, 2014

In a related action the Planning Commission voted 10-0 (Commissioners Hart and Lawrence were absent from the meeting) to approve FDP 2014-PR-004, subject to the Development Conditions dated November 4, 2014, and subject to the Board's approval of RZ 2014-PR-004.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4467321.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Suzanne Lin, Planner, DPZ

RZ/FDP 2014-PR-004 & PCA 88-D-005-08

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; Ms. Hurley.

Commissioner Hedetniemi: Thank you Mr. Chairman. The transportation staff member, Jeff, has been very patient and I had him lined up to talk more about the TMD program, but I think everyone has covered that very adequately. Mr. Chairman , I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 88-D-005-08.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to approve PCA 88-D-005-08, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hedetniemi: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2014-PR-004, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 8TH, 2014.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2014-PR-004, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hedetniemi: Before I make the motion on the Final Development Plan, does the applicant agree with the proposed development conditions dated November 4th, 2014?

Elizabeth Baker, Land Use Planner, Applicant's Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Yes, we do.

Commissioner Hedetniemi: Thank you. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2014-PR-004, SUBJECT TO DEVELOPMENT

CONDITIONS DATED NOVEMBER 4TH, 2014, AND SUBJECT TO THE BOARD'S APPROVAL OF THE REZONING.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Discussion? All those in favor of the motion to approve FDP 2014-PR-004, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hedetniemi: Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS AS LISTED ON THE COVER SHEET OF THE OCTOBER 15, 2014, STAFF REPORT, WHICH IS PART OF THE RECORD OF THIS CASE.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of that motion? All those in favor of the motion as articulated by Ms. Hedetniemi, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(Each motion carried by a vote of 10-0. Commissioners Hart and Lawrence were absent from the meeting.)

JN

Board Agenda Item
December 2, 2014

4:00 p.m.

Decision Only on RZ 2014-BR-007 (NVR, Inc.) to Rezone From R-1 to PDH-3 to Permit Residential Development with an Overall Density of 2.88 du/acres, Located on Approximately 13.88 Acres of Land (Braddock District)

This property is located in the south east quadrant of the intersection of Lee Highway and Forest Hill Drive. Tax Map 56-2 ((4)) 1; 56-2 ((1)) 54, 55, 57, 58 and 59.

On, November 18, 2014, the Board of Supervisors deferred decision only to December 2, 2014.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, November 13, 2014, the Planning Commission voted 8-0 (Commissioners de la Fe, Flanagan, Lawrence, and Sargeant were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2014-BR-007, subject to Option A, as depicted on Sheet 5 of the CDP/FDP and including a full public road connection and execution of proffers consistent with those dated November 13, 2014;

- Approval of a waiver of the 600 feet maximum length requirement for a private street per Paragraph 2 of Section 11-302 of the Zoning Ordinance;

- Approval of a waiver of the service drive requirement along Route 29; and

- Direct the Director of the Department of Public Works and Environmental Services to approve a deviation from the tree preservation target required per Section 12-0508 of the Public Facilities Manual, in accordance with deviation request letter.

In a related action the Commission voted voted 8-0 (Commissioners de la Fe, Flanagan, Lawrence, and Sargeant were absent from the meeting) to approve FDP 2014-BR-007, subject to Option A, as depicted on Sheet 5 of the CDP/FDP and including a full public road connection and subject to the Development Conditions dated November 13, 2014, and further conditioned upon the Board of Supervisors approval of RZ 2014-BR-007.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4468139.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Mike Lynskey, Planner, DPZ

RZ/FDP 2014-BR-007 – NVR, INC.

Decision Only during Commission Matters
(Public Hearing held on 11/06/14)

Commissioner Hurley: Thank You, Mr. Chairman. This is regarding the case that was deferred a week ago; RZ/FDP 2014-BR-017 [*sic*], which is NVR, Inc. Most elements of this application have received overwhelming, though not unanimous, approval from the staff, the community, and the Braddock Land Use Committee. The general layout, the number of houses, the plans for open space, tree preservation, and stormwater management have all received few, if any, adverse comments. Retaining walls were added to the plans during the last week, but they should have no adverse impact. They will not even be visible outside the development. There are three outstanding manners – matters, but I believe the Planning Commission should vote on this application this evening so that it can move forward to the Board of Supervisors. The first outstanding matter is how much stormwater detention ponds can be enhanced yet still be accepted by the County for public maintenance. This judgment call affects the amount of HOA escrow funds that might be proffered. This question has a larger implication beyond this particular development because the issue will affect future developments that also will have some sort of stormwater detention pond. I urge staff to create some sort of PFM guidelines on this matter. The second matter is reimbursement of design fees to relocate the traffic signal at Forest Hill and Lee Highway. As shown in Proffer 16 and, at the request of the community, the applicant has proffered to add a right turn lane from Forest Hill to Lee Highway. This additional lane does not appear to be warranted merely by the addition of these forty houses, especially if the development connects to Delsignore Road and thence to Shirley Gate Road. Therefore this lane is a public benefit. The traffic signal at Forest Hill and Lee Highway – – the pole is being moved anyway because of the current widening of Lee Highway. As shown in the third bullet of Appendix 10, FCDOT is seeking $13,875 from the applicant as reimbursement for design and coordination fees to relocate the traffic signal mast arm light pole to accommodate the proffered right turn lane. At this point staff has not determined the design fees if the design fees are a public benefit. And staff is working with the County Attorney to resolve this issue. The third outstanding matter, and the most contentious issue in this rezoning application, is whether the new subdivision road should be connected through the existing cul-de-sac, that has been in existence in the southeast corner of the property for decades, and thereby create connectivity from Forest Hill Drive through to Shirley Gate Road. Although some neighbors believe the impact of the future connection should be studied in more detail, VDOT does not require a traffic study for such a relatively small increase in overall traffic on adjacent roads. With Option A of this application, a full public road connection would be built and open to public use after the new roads are accepted by VDOT or in about two to three years. Back in 1979 this body, the Planning Commission, recommended approval of the development to the east, now called Deerfield Forest, with the understanding that when the acreage that is part of the current rezoning was eventually developed, connectivity would then be established. In contrast, under Option B no allowance would be made for the connection ever to be built. Connection C [*sic*]is a hybrid, with the necessary roads built in the new development, but no completed connection until some future

about a hundred additional vehicle trips per day would be added to Delsignore with a date. If 20 percent of the traffic from the new development were to use the proposed connection, corresponding 100 fewer trips on Forest Hill, which currently carries about 500 cars a day. These numbers are miniscule compared to the 21,000 vehicles a day that Shirley Gate was already carrying, according to a VDOT report from 2012. We have heard and read and carefully considered the concerns of the neighbors who would be most affected by such a connection. Several speakers expressed concern that if these streets were to be connected then vehicles from not only these 40 new houses would use the connection but also the immediate neighbors, both to the east and west, who would use the new connection to get into and out of their neighborhoods. It is noted that some of the speakers who spoke in opposition to a connection also stated that if it were available, they would use it. A greater connection to the neighborhood is that other Lee Highway traffic and particularly traffic using Shirley would use the new connection to bypass heavy traffic jams. Some speakers requested some sort of traffic calming devices, perhaps even new stoplights at the intersection at Nancyann and Shirley Gate Road. Developers are not permitted on their own initiative to install speed bumps or stop signs or traffic signals on public roads. Those are all part of a formal process in which the county partners with VDOT, which also requires the community petition for such measures after certain minimum thresholds are achieved. However, developers are permitted to install stop signs on private roads and this applicant is offering to do so at the proposed "T" intersection at the tot lot. In addition, HOAs may limit parking on their private roads to HOA members and their guests, which will ease proposed – potential parking problems for the new residents in this development. My fellow commissioners who use Lee Highway are aware of the widening project currently under construction. When complete, eastbound 29 will gain not only an additional through lane but also a dedicated right-turn lane. These two additional traffic lanes should greatly approve – improve traffic flow and alleviate the desire to seek a bypass through neighborhood streets. As for traffic in the opposite direction – northbound Shirley Gate traffic seeking to make a left turn onto westbound Lee Highway – I am very familiar with the current pattern. This is how I got to this meeting this evening. Previous traffic studies are not clear regarding possible impacts from all these combinations and permutations and to add to the complications of predicting future traffic volumes. The County has funded and is about to begin a feasibility study regarding a potential connection from the Fairfax County Parkway to Shirley Gate at its intersection with Braddock Road. An additional, longer-term project is a potential grade-separated interchange at the intersection of Shirley Gate, Waples Mill, and Lee Highway. While the combined impact of all these projects is unknown, what is known is that Lee Highway is the site of all too many accidents. Last night, at about 6:40, was the third time in about as many months that my own trip was delayed by such an accident. Dozens of cars heading north on Shirley Gate Road chose to make U-turns back to Braddock Road to escape the jam. On such occasions the traffic through a new connection would become very heavy indeed; yet, an emergency bypass would be of great value to the entire central Fairfax community and that's something we have to consider also – is the entire community. Even with the current Lee Highway widening, the proposed connection from Shirley Gate to the Parkway, and the more distant grade separation at the intersection of Shirley Gate and Lee Highway, we - the county - need more connectivity. With this application, we have a developer who is proffering to build a connection that the county planned 35 years ago. Traffic is much heavier now. Option C, to build the future connecting roads, yet block the

connection until needed, is not feasible in part because any developer-proffered funds to connect the roads later cannot be held in escrow for longer than seven years. In any case, it would be poor planning to build a connection but not use it until after nearby roads approach gridlock. As it is, Option A, to build through this new subdivision a full public road connection to be open for public use after the issuance of the last occupancy permit, would still not be implemented until two to three years from now. This developer has made significant modifications to this application in response to suggestions and concerns raised by the staff, by the community, and by the Braddock Land Use Committee. Therefore, Mr. Chairman,

I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2014-BR-007, OPTION A ONLY, AS DEPICTED ON THE CDP/FDP, INCLUDING A FULL PUBLIC ROAD CONNECTION AND EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED 13 NOVEMBER, 2014.

Commissioners Hall, Hedetniemi, and Migliaccio: Second.

Chairman Murphy: Seconded by Ms. Hall and Mr. Migliaccio. Is there a discussion – and Ms. Hurley [*sic*].

Commissioner Hart: Mr. Chairman?

Chairman Murphy: – and Mrs. Hedetniemi. Yes, Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. I was not here the night of the public hearing, but I did watch the video afterwards and I do intend to participate in the decision. I was going to make one observation. It was interesting watching the public hearing, rather than sitting in the room and hearing it. I think if we had a chance to do over some of the decisions that – that the county has made over the last 40 or 50 years on residential development, we probably would not have so many communities with single-ended or long, convoluted ways in and out. There would be more connections back and forth. And I think part of the effort in Tysons has been to try and retrofit a grid of connecting streets onto an area that had bigger loops and less direct connections. We create more problems when we leave the connections out. We tend to intensify the congestion on the choke points that are remaining and when this kind of thing comes up, I think we're better off completing the connections that were planned, in this case in 1979. I think we're better off with the connection, and so I'm going to support the motion tonight.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2014-BR-007, Option A only, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Hurley.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS WAIVE THE 600 FEET MAXIMUM LENGTH REQUIREMENT FOR A PRIVATE STREET AND WAIVE THE SERVICE DRIVE REQUIREMENT ALONG ROUTE 29.

Commissioners Hall and Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hall and Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Hurley.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF DPWES TO APPROVE A DEVIATION FROM THE TREE PRESERVATION TARGET, IN ACCORDANCE WITH THE DEVIATION REQUEST LETTER INCLUDED ON THE CDP/FDP.

Commissioners Hall and Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hall and Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Commissioner Hurley: And last-

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: And lastly, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2014-BR-007, OPTION A ONLY, AS DEPICTED ON THE CDP/FDP, INCLUDING A PUBLIC ROAD CONNECTION –

Chairman Murphy: Hold on just a minute. Do we have development conditions on this application?

Commissioner Hurley: No.

Chairman Murphy: We do.

Commissioner Hurley: No, not in the - - the new staff report does not have them.

Kris Abrahamson, Zoning Evaluation Division, Department of Planning and Zoning: Commissioner Murphy, in the original staff report there were actually development condition.

The applicant, in subsequent proffers proffered to those, so they've been deleted. So there's no conditions at the present time.

Chairman Murphy: Okay, should we change the motion, then, that says "proposed development conditions" and –
Ms. Abrahamson: Yes.

Chairman Murphy: – and make it –

Commissioner Hurley: Correct, yes.

Chairman Murphy: I'm sorry to interrupt. I thought we might need a declaration here. I'm sorry. Go ahead.

Commissioner Hurley: I'll restate –

Chairman Murphy: Yes, go ahead.

Commissioner Hurley: I'll restate the last one.

Chairman Murphy: Try to keep it straight here, okay.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2000 - - again, FDP 2014-BR-007, OPTION A ONLY, AS DEPICTED ON THE FDP - - CDP/FDP, INCLUDING A PUBLIC future [*sic*] ROAD CONNECTION, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED NOVEMBER 13, 2014 AND FURTHER CONDITIONED UPON BOARD OF SUPERVISORS APPROVAL OF RZ 2014-BR-007.

Commissioners Hall and Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hall and Ms. Hedetniemi. Is there a discussion of that motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hart: On that one, not "public future connection" but a "full public connection."

Commissioner Hurley: "FULL PUBLIC ROAD CONNECTION." Correct.

Commissioner Hart: You said "future" and I don't think "future" is in the motion.

Commissioner Hurley: "Future," - - correct; a full public road connection.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Hurley.

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(Each motion carried by a vote of 8-0. Commissioners de la Fe, Flanagan, Lawrence, and Sargeant were absent from the meeting.)

JN

Board Agenda Item
December 2, 2014

4:30.m.

Public Hearing on SE 2014-PR-001 (7799 Leesburg Pike, LLLP C/O Lerner Enterprises) to Permit a Hotel, Located on Approximately 1.62 Acres of Land Zoned C-4 and HC (Providence District)

This property is located at 7799 Leesburg Pike, Falls Church, 22043. Tax Map 39-2 ((1)) 45D pt.

PLANNING COMMISSION RECOMMENDATION:
The Planning Commission public hearing has been deferred indefinitely.

ENCLOSED DOCUMENTS:
None

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Bob Katai, Planner, DPZ

Board Agenda Item
December 2, 2014

4:30 p.m.

Public Hearing on AR 89-S-004-03 (Hope Foster Britt), to Permit Renewal of a Previously Approved Agricultural and Forestal District, Located on Approximately 25.51 Acres of Land Zoned R-C and WS (Springfield District)

This property is located at 13315 Twin Lakes Drive, Clifton, 20124. Tax Map 66-3 ((1)) 3Z, 4Z, 5Z, 6Z, and 21Z.

PLANNING COMMISSION RECOMMENDATION:
The Planning Commission public hearing was held on Thursday, November 6, 2014. The Planning Commission voted 10-0 (Commissioners Hart and Lawrence were absent from the meeting) to recommend to the Board of Supervisors that AR 89-S-004-03 be approved and Appendix F of the Fairfax County Code be amended to renew the Foster Britt Local Agricultural and Forestal District, subject to the proposed Ordinance Provisions dated October 22, 2014.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4468037.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Michael Lynskey, Planner, DPZ

Planning Commission Attachment 1
Verbatim Excerpt
November 6, 2014

AR 89-S-004-03 – HOPE FOSTER BRITT

After Close of the Public Hearing

Vice Chairman de la Fe: I will close the public hearing. Mr. Murphy.

Commissioner Murphy: Thank you, Mr. Chairman. We are pleased that the Britt Family is renewing their Agricultural and Forestal District which is 25, almost 26, acres of land near the – Twin Lakes Drive in Clifton. So, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT AR 89-S-004-03 BE APPROVED AND APPENDIX F OF THE FAIRFAX COUNTY CODE BE AMENDED TO RENEW THE FOSTER BRITT LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE PROPOSED ORDINANCE PROVISIONS DATED OCTOBER 22ND, 2014.

Commissioner Hall: Second.

Vice Chairman de la Fe: Seconded by Mrs. Hall. Is there any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries unanimously.

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(The motion carried by a vote of JN

Board Agenda Item
December 2, 2014

5:00 p.m.

Public Hearing on Proposed Plan Amendment 2014-I-B2, Located Along the East Side of Moncure Avenue and Columbia Pike from Moncure Avenue to a Point About 500 Feet West of the Interchange with Leesburg Pike (Mason District)

ISSUE:
Plan Amendment (PA) 2014-I-B2 proposes to amend the Comprehensive Plan by adding a new redevelopment option for Tax Map Parcels 61-2 ((1)) 112A, 113, 113A, 113C, 114; 61-2 ((19)) 5A, 11A; and 61-4 ((30)) 15 and 17 to allow a mix of uses including multi-family and single-family attached residential and a public elementary school. The existing site specific recommendations for these parcels would also be revised to recommend office and retail uses for the privately-owned parcels and public facility uses for the Board-owned land.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, November 5, 2014, the Planning commission voted 10-0 (Commissioners de la Fe and Lawrence were absent from the meeting) to recommend to the Board of Supervisors the adoption of Plan Amendment 2014-I-B2, as shown on Pages 12 through 15 of the Staff Report, dated October 22, 2014.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:
Planning Commission public hearing – November 5, 2014
Board of Supervisors' public hearing – December 2, 2014

BACKGROUND:
On July 1 2014, the Fairfax County Board of Supervisors authorized Plan Amendment 2014-I-B2 for Tax Map Parcels 61-2 ((1)) 112A, 113, 113A, 113C, 114; 61-2 ((19)) 5A, 11A; and 61-4 ((30)) 15 and 17 in Sub-Unit B-2 of the Town Center District of the Baileys Crossroads Community Business Center (the Study Area). The authorization directed staff to consider a Plan Amendment for the study area that would allow for a mix of uses including multi-family and single-family attached residential uses along with

an elementary school. Staff was also directed to evaluate the current transportation recommendations in the study area.
Since the Plan for the Baileys Crossroads CBC was adopted, changes have occurred which present new redevelopment opportunities that, although consistent with the area-wide recommendations for Bailey's Crossroads and the Town Center District, are not specifically envisioned in the current Plan. Tax Map Parcels 61-2 ((1)) 112A, 113, 113A, 113C, and 114; and 61-4 ((30)) 15 and 17 have been assembled for purchase by a multi-family residential developer. At the same time, Fairfax County Public Schools has been exploring options to relieve overcrowding at schools in the Baileys Crossroads area, including the possibility of building a new elementary school on and in the vicinity of Tax Map Parcels 61-2 ((19)) 5A, 11A, which are owed by the Board of Supervisors. Through the facilitation of the Mason District Supervisor's Office, Office of the County Executive, Office of Community Revitalization, Department of Planning and Zoning (DPZ), and others, the concept to redevelop the study area and provide a new school site as part of a public-private partnership was conceived. The County and the private landowner have filed a joint rezoning and final development plan application to permit the construction of a multifamily residential building along Columbia Pike, as well as five townhouses on Moncure Avenue. Land at the corner of Moncure Avenue and Columbia Pike, including the Board-owned parcels, is set aside for an approximately 125,000 square foot multi-level elementary school with structured parking and rooftop athletic facilities. As this precise mix of uses is not specifically recommended in the current Plan, a Plan amendment is necessary to facilitate the proposed rezoning and support the public-private redevelopment.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment I: Planning Commission Verbatim Excerpt

Staff Report previously furnished and available online at:
(http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/2014-i-b2.pdf)

STAFF:
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Marianne R. Gardner, Director, Planning Division, DPZ
Brent M. Krasner, Planner III, Zoning Evaluation Division, DPZ

PA 2014-I-B2 – COMPREHENSIVE PLAN AMENDMENT (BAILEYS CROSSROADS COMMUNITY BUSINESS CENTER)

After Close of the Public Hearing

Chairman Murphy: If not, public hearing is closed. Recognize Ms. Hall.

Commissioner Hall: Thank you, Mr. Chairman. I wish we had all the land we needed to build beautiful schools, but I know that's not the case. I don't know if this is going to be the answer, but it certainly is an option. So I – Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2014-I-B2, AS SHOWN ON PAGES 12 THROUGH 15 OF THE STAFF REPORT, DATE OCTOBER 22ND, 2014. As staff described, the Amendment would update recommendations for sub-unit B2 of the Town Center District of the Bailey's Crossroads CBC to provide redevelopment option – that reflects changes in ownership and public facility needs. The Amendment creates the opportunity for a public/private redevelopment partnership that would include residential uses and a public elementary school on those portions of the sub-unit along Moncure Avenue and Columbia Pike. Such a redevelopment could yield multiple community and County benefits for the Bailey's Crossroad's area and is consistent with the district area-wide objective – objectives for the Baily's Crossroad Community Business Center. Thank you, Mr. Chairman.

Commissioners Hart, Hedetniemi, and Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio, Mr. Hart – Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt Plan Amendment PA 2014-I-B2, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: Thank you, Mr. Chairman.

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(The motion carried by a vote of 10-0. Commissioners de la Fe and Lawrence were absent from the meeting.)

JLC

Board Agenda Item
December 2, 2014

5:00 p.m.

Public Hearing on Proposed Plan Amendments 2013-III-FC1(A) and S13-III-FC1, Fairfax Center Area (Braddock, Providence, Springfield, and Sully Districts)

ISSUE:
Plan Amendments (PA) 2013-III-FC1(A) and S13-III-FC1 consider four types of modifications to the Comprehensive Plan for the "transition areas" of the Fairfax Center Area, which generally extend north of Lee Jackson Memorial Highway (Route 50) from the City of Fairfax to Rugby Road; south of Lee Highway (Route 29) from the City of Fairfax to Clifton Road; and west of the Fairfax County Parkway to Stringfellow Road between Route 50 and Route 29, excluding the Fair Lakes development and Greenbrier subdivision. These areas are designated as Suburban Neighborhood and Low Density Areas on the county's Concept for Future Development. The proposed amendments evaluate changes to certain land use recommendations along Lee Highway, structural amendments to the Plan text to relocate the Plan recommendations for the transition areas from the Fairfax Center Area into the underlying planning districts, editorial amendments to reflect implementation through rezonings and public facilities construction, and Comprehensive Land Use Plan Map amendments to illustrate the baseline land use in lieu of the current uniform pattern.

PLANNING COMMISSION RECOMMENDATION:
On November 20, 2014, the Planning Commission voted 11-0 (Commissioner Migliaccio was absent from the meeting) to recommend to the Board of Supervisors the following:

- Land use changes be adopted in Subunits U1 and V1 associated with Plan Amendments 2013-III-FC1(A) and S13-III-FC1, as shown on pages 45-46 of the staff report;

- Land use recommendations be retained for Subunits M2 and S1 associated with Plan Amendments 2013-III-FC1(A) and S13-III-FC1, as shown on pages 3-4 of Planning Commission Recommended Plan Text handout dated November 20, 2014; and

- Adoption of all other revisions proposed on pages 31-56 of the staff report for Plan Amendments 2013-III-FC1(A) and S13-III-FC1.

The recommendation supports the proposed editorial updates to remove guidance regarding planned public facilities and parks and recreation recommendations that have since been implemented, update Tax Map parcel numbers, and remove land use options that are no longer feasible due to the implementation of other land use recommendations. In addition, sub-unit boundaries within Land Units A, C, F, L, M, and S are recommended to be adjusted to consolidate identical land use recommendations and to reflect existing development. The recommendation also supports the addition of options for an assisted living facility in Sub-unit U1 and residential use up to a density of 3 dwelling units per acre (du/ac) in Sub-unit V1.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:
Planning Commission public hearing – November 12, 2014
Board of Supervisors public hearing – December 2, 2014

BACKGROUND:
On May 14, 2013, the Board of Supervisors authorized PA S13-III-FC1 for Land Units T, U, and V of the Fairfax Center Area, located on the south side of Lee Highway, generally between the Fairfax County Parkway and the City of Fairfax. This proposed Plan amendment reviews recommendations for these land units in response to the planned widening of Lee Highway and to consider alternate development proposals.

Subsequently, on July 9, 2013, the Board of Supervisors adopted Fairfax Forward, a new review process for the Comprehensive Plan and authorized a study of the Fairfax Center Area. The Fairfax Center Area generally comprises the area surrounding the intersection of Route 50 and Interstate 66 from Stringfellow Road to the City of Fairfax. The first phase of the study, PA 2013-III-FC1(A), is evaluating the transition area along the periphery of the Fairfax Center Area. The second phase will evaluate the Suburban Center portion of the Fairfax Center Area and is estimated to be completed in summer 2016. The Fairfax Center Area extends over four Magisterial Districts: Sully, Providence, Braddock, and Springfield. PA S13-III-FC1 was evaluated as part of the Fairfax Center areawide study due to the overlapping geography.

FISCAL IMPACT:
None

Board Agenda Item
December 2, 2014

ENCLOSED DOCUMENTS:
Attachment I: Planning Commission Verbatim Excerpt
Attachment II: Planning Commission Recommended Plan Text

Staff Report for PA 2013-III-FC1(A) and S13-III-FC1, dated September 4, 2014 and previously furnished, is available at:
http://www.fairfaxcounty.gov/dpz/comprehensiveplan/planamendments.htm

STAFF:
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Marianne Gardner, Director, Planning Division (PD), DPZ
Meghan Van Dam, Chief, Policy & Plan Development Branch (PPDB), PD, DPZ
Kimberly Rybold, Planner III, PPDB, PD, DPZ

Planning Commission Meeting Attachment 1
November 20, 2014
Verbatim Excerpt

PA 2013-III-FC1(A) AND PA S13-III-FC1 – COMPREHENSIVE PLAN AMENDMENT (FAIRFAX CENTER AREA SUBURBAN CENTER PHASE I)

Decision Only During Commission Matters
(Public Hearing held on November 12, 2014)

Commissioner Murphy: Thank you very much. I do have a decision only on the Plan Amendments related to the Fairfax Forward effort in the 50/66 Fairfax Center Area. Before I go into the motion, I just want to clarify – and I believe everyone in the Commission received a copy of this motion, either by email or – we had hardcopy tonight. I do want to make one point to clarify something that was brought up at the public hearing. When some folks were asked by I believe it was by Mr. Flanagan – did you know about what was going on here? And there were a lot of shaking heads, "No we hadn't heard about it." There was a very comprehensive program, if you will, to alert as many people as possible as to what's going on – what was going on with these Plan Amendments. And you never tell everybody. There's always someone who hasn't heard. But in this particular case, I want to enter into the record the list of people and homeowners associations and the like that were notified by the staff. It's called, "Adjacent Property Owner Civic Associations, Adjacent Jurisdictions, And Military Installations/Airports List," for Plan Amendments in this area. And I can tell you – I'm not going read all of them. I'm not going to tell you how many there are, but they're all there. And that was done in August of 2014 once the parcels were identified. The same thing goes for what we did in the Springfield District – Marlae Shnare at Supervisor Herrity's office – in August, alerted over 80 homeowners associations or individuals in the two subject areas that are in the Springfield District Land Bays, S1 and M2. Was everybody notified? I really don't know. But a lot of people were notified of this and you never notify everybody. We have an application coming up and it was suggested that we notify 50,000 people in the Springfield District that this application was coming to public hearing – nothing we're doing tonight, this is in the future, it's a December public hearing. And if we have the resources and the manpower to notify 50,000 people in the district, there would be 50,004 that were interested in it and four would be left out. I guarantee you. It's the best process we have, but it's not fool-proof. But I'm confident that there were – most of the people in the area were notified about what's going on. Because, quite frankly, they were all here at the public hearing. Mr. Chairman, I will have three motions tonight regarding Plan Amendments 2013-III-FC1(A) and S13-III-FC1. Plan Amendments 2003 – 2013-III-FC1(A) and S13-III-FC1 comprise the first phase of the Fairfax Center Area study, evaluating the Plan guidance for the peripheral suburban neighborhoods and low-density residential areas. While the second phase of the study will evaluate the Suburban Center portion of the overall area-wide guidance, this phase has provided an opportunity to examine current recommendations for the edge areas to ensure the Comprehensive Plan remains accurate and relevant. Primary, in this evaluation, has been the analysis of Plan guidance for existing zoned commercial uses along the Route 29 corridor. Within the Fairfax Center Area, the Route 29 corridor generally extends from the City of Fairfax to Stringfellow Road across two magisterial districts, Braddock and Springfield. My first two motions relate to the proposed land use changes along the corridor while my final motion addresses general editorial corrections for the entire Phase I study area. The first – we're going to look at the Braddock District and Ms. Hurley has agreed that I would go through the motion, I'll call for comments after I make the motion. The Braddock District Working Group recommended

that options be added to Subunits U1 and V1, located on the south side of Route 29 near the City of Fairfax. The options would encourage redevelopment that would be compatible to the adjacent residential communities. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE LAND USE CHANGES BE ADOPTED IN SUBUNITS U1 AND V1 ASSOCIATED WITH PLAN AMENDMENTS 2013-III-FC1(A) AND S13-III-FC1, SHOWN ON PAGES 45 AND 46 OF THE STAFF REPORT.

Commissioner Hedetniemi: Second.

Commissioner Hurley: Second the motion.

Commissioner Murphy: Is there a-

Vice Chairman de la Fe: Seconded by Ms. Hurley and Ms. Hedetniemi. Is there any discussion?

Commissioner Flanagan: Well – Mr. Chairman.

Vice Chairman de la Fe: Mr. Flanagan.

Commissioner Flanagan: I just would want to comment upon my apparent – apparently being startled at the public hearing by the fact that there were people who hadn't been – received notification about their land being re-planned. My only experience in Fairfax County is through the APR process where everybody whose land is being nominated for a different land use is – received a certified letter in the mail that their land was about to be – is up for consideration for being re-planned. That seems to have disappeared from our current process – you know, the people who own land can be possibly no longer receiving notice, as they did in the APR process. So I was – this particular application being our first experience with Fairfax Forward, I thought we had – I really wasn't prepared to hear that testimony. But I understand that there are different ways of doing things and evidentially this is going to be one of the things that's going to be a pattern that will reoccur in the Fairfax Forward process.

Vice Chairman de la Fe: Okay, thank you. Any further comments? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Mr. Murphy.

Commissioner Murphy: Mr. Chairman, regarding the portion of Route 29 within the Springfield District, the staff recommendation would add residential options for Sub-Units M2 and S1 – generally located east of the intersection of Route 29 and Willowmeade Drive. After additional community outreach, the Springfield Working Group recommended that the current Plan guidance for Sub-Unit M2 be retained without an added option. For Sub-Unit S1, the working group recommended the option be added, but the condition regarding access via Tractor Lane be removed. Due to community concerns that were raised, I believe the current Plan guidance should be retained for both sub-units. A concept proposed for an assisted living facility in Sub-

Unit S1 may warrant further analysis in the future. Therefore, Mr. Chairman, for my second motion, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE LAND USE RECOMMENDATIONS BE RETAINED FOR SUB-UNITS M2 AND S1 ASSOCIATED WITH PLAN AMENDMENTS 2013-III-FC1(A) AND S13-III-FC1, AS SHOWN ON PAGES 3 AND 4 OF MY HANDOUT DATED NOVEMBER 20, 2014.

Commissioners Flanagan and Litzenberger: Second.

Vice Chairman de la Fe: Seconded by Mr. Litzenberger and Mr. Flanagan. Any discussion?

Commissioner Murphy: Mr. Chairman, just a couple words – first on both the Braddock District and the Springfield District. Ms. Hurley and I want to thank the two Working Group Chairman in the Working Groups that worked hard on these application – Jeff Saxe with Springfield and Vince Picciano – and they both testified at the public hearing from the Braddock District. I also want to thank all those folks in the Springfield District who testified at our public hearing. This is not the time, place, or venue to change the Plan in this area. I'm convinced of that. But I asked everyone who testified on the Springfield nominations if they – if their position was to retain the plan. And the answer was "yes." So I want to call to their attention the fact that this land is still planned one to two dwelling units per acre. And it may not be next week or next month or next year or 2016, but somewhere in the future – someone is going to file a Rezoning application for the property on either the south side or the north side of Lee Highway in M2 or S1. And the Plan has allowed one to two dwelling units per acre so there is a possibility that the residential development in that area may increase. That is in the Plan that the citizens wanted retained. And I want to add one other comment. The evaluation and the analysis of a rezoning application is much different from the evaluation of a plan amendment. There are other constraints we have in a rezoning application. So that's where we are now and that's where it's going to stay. Lastly – was there a vote?

Vice Chairman de la Fe: Nope.

Commissioner Murphy: I'm sorry, go ahead.

Vice Chairman de la Fe: Yes, we have voted.

Commissioner Murphy: Yes.

Vice Chairman de la Fe: Didn't we?

Commissioners: No.

Vice Chairman de la Fe: No, we did not. Okay. Any more discussion? Okay, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Mr. Murphy.

Commissioner Murphy: Lastly, Mr. Chairman, I recommended a number of general revisions to the Plan guidance for the entire Phase I study area. These revisions would reflect development that has occurred since the initial adoption of the Fairfax Center Area plan updating Tax Map parcel numbers, adjusting sub-unit boundaries, and removing guidance regarding implemented public facilities and parks and recreation and land use options that are no longer feasible. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE ALL OTHER REVISIONS PROPOSED ON PAGES 31 TO 56 OF THE STAFF REPORT FOR PLAN AMENDMENTS 2013-III-FC1(A) AND S13-III-FC1, BE ADOPTED.

Commissioners Hedetniemi and Litzenberger: Second.

Vice Chairman de la Fe: Seconded by Ms. Hedetniemi and Mr. Litzenberger. Any discussion? Yes, Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. I do not disagree with the motion as written. I'd just like to add three specific points to enter into the record regarding the overall motion – all three of these put together. First, the need for connectivity must be stressed. That includes cell coverage, road connections, bus service, and potential Metro. Second, the report should elaborate why outlying area, such as the area south of Lee Highway, should remain in Fairfax Center – especially if it's to remain mostly residential. There should be better reasoning than simply to add more cash to the road fund. Third, discussion of the Fairfax Center checklist must be held as soon as possible. The checklist needs to be updated and revised with emphasis on what is merely a guideline and what is truly required.

Vice Chairman de la Fe: Okay. Any further discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Anything else, Mr. Murphy?

Commissioner Murphy: Yes, Mr. Chairman. Just a few words – this is the first go-around for our Fairfax Forward effort. And I know we're going to be looking at it and evaluating it I think some time in the not-to-distant future with the Policy and Procedures Committee. Also, as we transition into the other part of the Fairfax Center Area, where there are four magisterial districts – and we will probably get in the second phase more input from the other two districts that were not part of the first phase, which was the suburban section that is basically bordering Route 29. We have a long way to go with this process. I think we all have some comments as to how it can be improved. But I want to thank the staff who contributed immeasurably to this effort. And they're here tonight – a couple of them – Kim Rybold and Megan Van Dam, Tom Merce – who's not here – and Tom Burke and Arpita Chatterjee from the Fairfax Office of Transportation – especially Megan and Kim. Thank you so much, especially putting up with me. I know that was an arduous task on some evenings and some days. But I think we made it and we're glad to see that you were able to survive all the meetings we had and it was a great public hearing. I also want to thank Marlae Schnare in Supervisor Herrity's office. She is my right hand when it comes

to something like this and I really couldn't do all this stuff without her so thank you all very much.

Vice Chairman de la Fe: Mr. Chairman, thank you very much for all your work. And I associate myself with your comments about the staff and everyone else. As in any new process, there are – there is a learning curve and we have much to learn. Thank you very much.

//

(Each motion carried by a vote of 11-0. Commissioner Migliaccio was absent from the meeting.)

JLC

PLANNING COMMISSION RECOMMENDED PLAN TEXT
Plan Amendments 2013-III-FC1(A) and S13-III-FC1
November 20, 2014

*Note: The Planning Commission recommends the deletion of a portion of the staff recommendation, as shown on pages 31-56 of the staff report dated September 4, 2014. The deletions are highlighted below.

MODIFY: Fairfax County Comprehensive Plan, 2013 Edition, Area III, Fairfax Center Area, as amended through 4-29-2014, Land Use Plan Recommendations – The Overlay Level, Land Unit M, Land Use, pages 86-87:

"**Sub-units M2~~, M3~~**

~~These~~This sub-units ~~are~~is planned for residential use at 2 dwelling units per acre at the overlay level. ~~See Sub-unit M1 for the option that includes Tax Map 55-2((3))F (north of Westbrook Drive) as part of a Senior Care Community.~~ Any new development proposed in this area must be compatible with the stable Willowmeade residential subdivision and other residential subdivisions. Visual buffering should be provided in any development plan for parcels fronting on Lee Highway.

Existing spot commercially-zoned parcels along Lee Highway should not be expanded or intensified. Redevelopment to uses which are more compatible to the adjacent planned residential areas should be encouraged.

~~As an option for Tax Map parcels 55-4 ((1)) 9A, 11, 11A, and 14 along the north side of Lee Highway, residential use up to 3 du/ac may be appropriate to encourage the redevelopment of an existing spot commercial use. Full consolidation should be achieved to implement this option, subject to coordinated vehicular and pedestrian access via Willowmeade Drive, buffering and landscaping between the subject property and the Willowmeade neighborhood, and visual buffering along Lee Highway. If full consolidation is not possible, a minimum consolidation of Tax Map parcels 55-4 ((1)) 9A and 11 should be achieved subject the same conditions. Development under this scenario should plan for future interparcel access with any unconsolidated parcels.~~"

MODIFY: Fairfax County Comprehensive Plan, 2013 Edition, Area III, Fairfax Center Area, as amended through 4-29-2014, Land Use Plan Recommendations – The Overlay Level, Land Unit S, Land Use, pages 108-109:

"RECOMMENDATIONS

Land Use

~~**Sub-units S1, S2, S3**~~

~~These sub-units are~~This land unit is planned for low density residential use at 2 dwelling units per acre at the overlay level and generally contains ~~large lot~~low density single-family homes~~ and vacant tracts~~. New development in this area must be compatible with the existing stable Crystal Springs subdivision~~ in Sub-unit S2~~. Buffering along Lee Highway should be incorporated in development plans for this area.

Existing spot commercially-zoned parcels along Lee Highway should not be expanded or intensified. Redevelopment to uses which are more compatible to the adjacent planned residential areas should be encouraged.

~~As an option for Tax Map parcels 55-4 ((1)) 30, 31, 33, 34, 35, and 36B along the south side of Lee Highway, residential use up to 3 du/ac may be appropriate to encourage the redevelopment of existing spot commercial uses. Full consolidation should be achieved to implement this option, subject to the provision of coordinated vehicular and pedestrian access via Tractor Lane, buffering and landscaping between the subject property and the Crystal Springs neighborhood, and visual buffering along Lee Highway. If full consolidation is not possible, a minimum consolidation of Tax Map parcels 55-4 ((1)) 30 and 31 should be achieved subject to the same conditions. Development under this scenario should plan for future interparcel access with any unconsolidated parcels to the west.~~**”**

Board Agenda Item
December 2, 2014

5:00 p.m.

Public Hearing on Proposed Plan Amendment 2013-III-UP1, Located South of Baron Cameron Avenue, West of Wiehle Avenue, North of Lake Anne and East of North Shore Drive (Hunter Mill District)

ISSUE:
Plan Amendment (PA) 2013-III-UP1 proposes to amend the Comprehensive Plan guidance for Lake Anne Village Center, an approximately 41-acre area located in Reston, in the UP5-Reston Community Planning Sector. The subject area's Comprehensive Plan baseline recommendation refers to the Reston Land Use Plan which depicts Village Center, as planned for medium and high density residential uses defined as 14 persons per acre and 60 persons per acre, respectively. The amendment considers changes to recommendations regarding the Millennium Bank building, heritage resources, the Full Consolidation Option and transportation.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, November 12, 2014, the Planning Commission voted 11-0 (Commissioner Lawrence was not present for the vote) to recommend to the Board of Supervisors approval of the staff recommendation for Plan Amendment 2013-III-UP1, found on Pages 18 through 26 of the Staff Report dated October 29, 2014.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:
Planning Commission public hearing – November 12, 2014
Board of Supervisors' public hearing – December 2, 2014

BACKGROUND:
On September 10, 2013, the Board of Supervisors authorized Plan Amendment 2013-III-UP1 for Land Units A, D and E of the Lake Anne Village Center in Reston to consider a modification of the consolidation recommendations for the Full Consolidation Option. On September 23, 2014, the Board of Supervisors expanded the scope of the Plan amendment for the Lake Anne Village Center to consider modifications to the recommendations of Land Units A, B, C, D, E and F as related to the Full Consolidation

Option. The Plan amendment may also consider the redevelopment of the Millennium Bank building, and changes to heritage resources and transportation recommendations.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Attachment 2: Staff Report for 2013-III-UP1 has been previously furnished and is available online at:
http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/2013-iii-up1.pdf

STAFF:
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Marianne R. Gardner, Director, Planning Division (PD), DPZ
Pamela G. Nee, Branch Chief, Planning Division (PD), DPZ
Jennifer R. Bonnette, Planner III, Environmental and Development Review Branch, PD, DPZ

PA 2013-III-UP1 – COMPREHENSIVE PLAN AMENDMENT (LAKE ANN VILLAGE CENTER/RESTON CRESCENT)

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed. I've got it.

Commissioner de la Fe: Okay, thank you very much. Mr. Chairman, I – as I stated – I believe that with the Plan Amendment that we are recommending approval for tonight is one that will help bring revitalization to Lake Ann Village Center, something that everyone in the community wants. And it – and I think that it – there's general agreement that after all that has gone on for the last, not only, five years since the current plan was that - been with the five years that preceded the study that preceded that amendment. I believe that we can now move forward to the point that we actually may be able to do something at Lake Ann. Mr. Chairman, I support Plan Amendment 2013-III-UP1, which includes the following modifications to the current plan:

- It revises the boundary between Land Unit A and Land Unit F so that the land area of the Millennium Bank building would shift to Land Unit A;
- Removes Land Unit E from the full consolidation option;
- Increases the recommended non-residential use in Land Unit D under the full consolidation option from 4,000 square feet to 48,000 square feet; and
- Demolishes the existing gas station if redevelopment – if redevelopment under the full consolidation option;
- Increases the total non-residential development from 109,000 square feet to 153,000 square feet under the full consolidation option; and
- Strengthens the existing recommendations concerning the timing of the realignment of Village Road.

Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2013-III-UP1, FOUND ON PAGES 18 THROUGH 26 OF THE STAFF REPORT DATED OCTOBER 29, 2014.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt PA 2013-III-UP1, say aye.
Commissioners: Aye

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Thank you for coming, Bob.

Chairman Murphy: Thank you. I want to recognize again Bob Simon. I hope I don't embarrass him, but he takes an active role in what goes on in Reston. And he's working his way towards his 101st birthday so, you know, that's a great tribute to you for keeping involved in the land use process of Fairfax County. Congratulations.

//

(The motion carried by a vote of 11-0. Commissioner Lawrence was not present for the vote.)

JLC

Board Agenda Item
December 2, 2014

5:00 p.m.

Public Hearing on Proposed Amendments to the *Code of the County of Fairfax, Virginia* (Code) Regarding Adjustment of the Fees Charged by the Fire Marshal Plan Review, Permits, and Inspection Services

ISSUE:
Adjustments to the fees charged for plan review, permits and inspection services in order to support the Fire Marshal's efforts to enhance the plans review, permit and inspection services and to achieve a cost recovery threshold of 90-100%.

RECOMMENDATION:
The County Executive recommends that the Board adopt the proposed amendments to the *Code of the County of Fairfax, Virginia* (County Code), as set forth in the staff report dated October 28, 2014.

TIMING:
On October 28, 2014, the Board authorized the advertising of public hearings. If approved, these amendments shall become effective on January 1, 2015, at 12:01 a.m., and the revised fees shall be applicable to any submission after the effective date.

BACKGROUND:
The Fire and Rescue Department is proposing to adjust the Fire Marshal fees for plan review, permits, and inspection services. Fire Marshal hourly rate fees were last increased in FY2009 and fees for operational permits were increased in FY2010. At that time, the hourly rate fees were increased by approximately 33% and the fees for most operational permits contained in Chapter 62 were increased by 25%. The fees were adjusted to recover the actual costs of providing services. At that time, the Board directed staff to ensure that the Fire Marshal annually review their fee structure to achieve a cost recovery threshold of 90-100%.

Since that time, the Fire Marshal's staff has continued to review and control its costs. The Fire Marshal's Office (FMO) experienced an increase in the total amount of fees collected for service; however, FY2014 was the first year that the mandated cost recovery threshold was not achieved. The increased costs are primarily due to increases in personnel costs, fringe benefits and increased operating costs.

The FMO is proposing an increase to the majority of its fees. The proposed fees for reviewing plans, processing permits and performing inspections are based on increases in workload and increased operating costs associated with enforcement of the *Fire Prevention Code of the County of Fairfax*. The proposed fee increase will ensure that the FMO achieve its cost recovery threshold. The increased fees will also provide for additional staff resources to assist the FMO in improving customer service, ensure that the FMO engineering plans review staff keeps pace with additional workload generated by an increase in LDS engineering staff and enhancements to the Fast Track Program.

Fire Marshal fees contained in Appendix Q of the Code of the County of Fairfax are being presented to the Board for consideration in a separate board item prepared by the Department of Public Works and Environmental Services. The revenue and staffing increase for the Fire Marshal's Office is also included in that item. Staff recommends that timing of the increases in Fire Marshal fees in Appendix Q and Chapter 62 are done concurrently to avoid confusion by industry.

SUMMARY OF AMENDMENTS:
The proposed amendments increase fees charged by the Fire Marshal. The proposed adjustments will assist the Fire Marshal in efforts achieve a cost recovery rate of 90-100% and to provide for additional staff resources. In general, the hourly fees contained in Table 107.2 of the *Fire Prevention Code of the County of Fairfax* (Chapter 62) concerning plan review, witnessed fire protection systems tests, and certain inspections will be increased from $128 per hour (billed in ¼ hour increments) to $156 per hour, which is a 21.9% increase. Most operational permits contained in Table 107.2 of the *Fire Prevention Code of the County of Fairfax* (Chapter 62) will increase by 20% with the exception of the following:

- Review of Tier II submissions, per chemical, to a maximum of $200;
- Review of hazardous materials facility emergency response plan, above the threshold planning quantity of extremely hazardous substances;
- Office for Children Home Day Care Fire Inspections; and
- County and State Licensing Fire Inspections.

The existing fees associated with the aforementioned items are sufficient to cover the costs of providing services.

REGULATORY IMPACT:
The proposed fee amendments increase the fees charged by the Fire Marshal for plan review, permits, and inspection services to ensure that the mandated rate of cost recovery is 90-100%. Aside from the aforementioned fees that remain unchanged, the fees will increase by approximately 20% with some variation due to maintaining whole dollar amounts for billing in ¼ hour increments. For a full list of proposed amendments, refer to Attachment I – Amendments to Chapter 62, Section 62-2-8, Table 107.2, Fire Prevention Fees and Detailed Permit Requirements.

FISCAL IMPACT:
If adopted by the Board, it is anticipated that the proposed fee adjustments will generate increased revenue of approximately $286,875 in FY2015. This revenue estimate is based on the FY2014 actual revenue of $2.6 million for services provided under Chapter 62 and assumes that workload remains constant in FY2015. It is anticipated that the proposed fee adjustments will generate increased revenue of approximately $573,749 in FY2016. Any reduction in plan and permit activity may have a negative impact on the projected revenue. Staff in the FMO will work in close coordination with the Department of Management and Budget to monitor these trends. The $286,985 in additional revenue will be reflected in the FY2015 Revised Budget Plan. The $573,749 in additional revenue will be reflected in the County Executive's proposed FY2016 Advertised Budget Plan.

ENCLOSED DOCUMENTS:
Attachment I - Staff Report dated October 28, 2014

STAFF:
David Rohrer, Deputy County Executive for Public Safety
Fire Chief Richard Bowers, Fire and Rescue Department

ATTACHMENT 1

FAIRFAX COUNTY

V I R G I N I A

STAFF REPORT

PROPOSED AMENDMENTS TO THE FIRE PREVENTION CODE OF THE COUNTY OF FAIRFAX (CHAPTER 62)

Fire Marshal Fees

PUBLIC HEARING DATES

Board of Supervisors December 2, 2014

PREPARED BY
FIRE PREVENTION DIVISION
FIRE AND RESCUE DEPARTMENT
703-246-4753

October 28, 2014

NJ

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 *Fire Prevention Code of the County of Fairfax* amendments increase Fire Marshal fees for plans submissions, inspections and operational permits.

Existing Fire Prevention Code Provisions

The Fire Prevention Division of the County's Fire and Rescue Department reviews various plans, issues operational permits, performs inspections and witnesses periodic testing of existing fire protection systems for compliance with *Fire Prevention Code of the County of Fairfax*. Under the existing Fire Prevention Code, Fire Marshal fees are assessed for review of various types of plans, issuance of operational permits, and witnessing annual re-testing of existing fire protection systems. The Fire Marshal fees are based on the actual costs of performing each type of service. The *Statewide Fire Prevention Code* allows jurisdictions to assess fees to defray the costs associated with enforcing the code. The Fire Marshal's Office was directed by the Board of Supervisors to set fees so that 90-100% of actual costs are recovered.

Background

The current Fire Marshal review, permit, and inspection fees which were last adjusted in FY2009 set the hourly rate at $128 per hour (billed in ¼ hour increments), per reviewer or inspector. Fees for most operational permits were last reviewed and adjusted in FY2010 and most permit fees were set at $125. The Fire and Rescue Department recently reviewed the current fee structure and cost recovery effort within the Fire Prevention Division. As a result of the review, staff recommends an increase in existing fees to more closely align the fees with the cost of performing mandated services. Staff recommends a fee increase of the hourly rate to $156 per hour (a 21.875% increase), per reviewer or inspector and further recommends a 20% increase in fees for most operational permits. The rationale for the proposed rate increases is due to increased personnel costs, fringe benefits and operational expenses. The increased rates are comparable to those of surrounding jurisdictions and represent a 98% cost recovery rate.

Proposed Amendments

The proposed *Fire Prevention Code of the County of Fairfax* amendments increase the Fire Marshal review and inspection fee to $156 per hour and increases the cost of most operational permits to $150. The proposed rates represent a 98% cost recovery rate which is within the 90-100% rate set by the Board in FY2009.

Conclusion

Given that the current fees do not generate sufficient revenue to recover 90-100% of the Fire Marshal's costs to process and review plans, perform inspections or re-test existing fire protection systems, staff believes that a fee increase is appropriate.

Additionally, the Fire Marshal hourly fees contained in Appendix Q of the *Code of the County of Fairfax* are also being recommended for increase and are contained in a separate package. It is critical that the hourly rates charged in Appendix Q and Chapter 62 remain the same to avoid confusion among industry. Therefore, staff recommends adoption of the proposed amendments as advertised with an effective date of 12:01 a.m. on December 31, 2014.

Attachment I

CHAPTER 62

FIRE PROTECTION

Article 1. IN GENERAL

Section 62-2-7. Fairfax County Fire Prevention Code.

The regulations set forth herein shall be known as the Fire Prevention Code of the County of Fairfax, and shall be herein referred to as such or as this Code.

Section 62-2-8. Amendments, additions, deletions to the Virginia Statewide Fire Prevention Code.

The Virginia Statewide Fire Prevention Code is hereby amended and changed pursuant to Section 27-97 of the Code of Virginia in the following respects:

Table 107.2. Amended as follows:

	Code Reference	**Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS**	*Old Flat Fee*	*New Flat Fee*	*Old Hourly Fee*	*New Hourly Fee*
		Section 1 - Detailed Operational Permit Requirements				
1	108.1.1	Aerosol Products, Level 2 or 3: Manufacture, Store, or Handle an Aggregate Quantity in Excess of 500 Pounds Net Weight	~~$125~~	$150		
2	108.1.1	Special Amusement Buildings	~~$125~~	$150		
3	108.1.1	Aviation Facilities (Group H or S Occupancies): Aircraft Servicing or Repair and Aircraft Fuel Servicing Vehicles	~~$125~~	$150		
4	108.1.1	Carnivals, Circuses, Fairs, and Festivals Outdoor Assembly 500 persons or more (except A or E use groups) Outdoor Assembly 1000 persons or more (30 Day Permit)	~~$125~~	$150		
5	108.1.1	Battery Systems: Install Stationary Lead-Acid Battery Systems Having a Liquid Capacity of More Than 50 Gallons	~~$125~~	$150		
6	108.1.1	Cellulose Nitrate (Pyroxylin Plastic): Assembly or Manufacturing of Articles Involving Any Amount	~~$125~~	$150		
7	108.1.1	Cellulose Nitrate (Pyroxylin Plastic): Storage or Handling More Than 25 Pounds	~~$125~~	$150		
8	108.1.1	Cellulose Nitrate Film: Store, Handle, or Use in a Group A Occupancy	~~$125~~	$150		
9	108.1.1	Combustible Dust-Producing Operations	~~$125~~	$150		
10	108.1.1	Combustible Fibers: Storage and Handling of Greater Than 100 Cubic Feet Exception: Agricultural Storage	~~$125~~	$150		

Code Reference		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	*Old Flat Fee*	*New Flat Fee*	*Old Hourly Fee*	*New Hourly Fee*
11	108.1.1	Compressed Gas - Corrosive: Storage, Use, or Handling, in Excess of 200 Cubic Feet at Normal Temperature and Pressure Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle	~~$125~~	$150		
12	108.1.1	Compressed Gas - Flammable: Storage, Use, or Handling, in Excess of 200 Cubic Feet at Normal Temperature and Pressure including hydrogen gases stored in metal hydrides. Exceptions: 1. Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle 2. Cryogenic Fluids and Liquefied Petroleum Gases	~~$125~~	$150		
13	108.1.1	Compressed Gas - Toxic or Highly Toxic: Storage, Use, or Handling, Any Amount	~~$125~~	$150		
14	108.1.1	Compressed Gas - Inert or Simple Asphyxiant: Storage, Use, or Handling in Excess of 6000 Cubic Feet at Normal Temperature and Pressure Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle	~~$125~~	$150		
15	108.1.1	Compressed Gas - Oxidizing (Including Oxygen): Storage, Use, or Handling, in Excess of 504 Cubic Feet at Normal Temperature and Pressure Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle	~~$125~~	$150		
16	108.1.1	Compressed Gas – Pyrophoric: Storage, Use, and Handling of Any Amount	~~$125~~	$150		
17	108.1.1	Cryogenic Fluids - Flammable: Produce, Store, Transport on Site, Use, Handle, or Dispense More Than 1 Gallon Inside a Building or More Than 60 Gallons Outside a Building Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading	~~$125~~	$150		
18	108.1.1	Cryogenic Fluids - Inert: Produce, Store, Transport on Site, Use, Handle, or Dispense More Than 60 Gallons Inside a Building or More Than 500 Gallons Outside a Building Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading	~~$125~~	$150		
19	108.1.1	Cryogenic Fluids - Oxidizing (Includes Oxygen): Produce, Store, Transport on Site, Use, Handle, or Dispense More Than 10 Gallons Inside a Building or More Than 50 Gallons Outside a Building Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading	~~$125~~	$150		
20	108.1.1	Cryogenic Fluids - Physical or Health Hazard Not Otherwise Specified: Produce, Store, Transport on Site, Use, Handle, or Dispense Any Amount Inside a Building or Any Amount Outside a Building Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading	~~$125~~	$150		

Code Reference		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Old Flat Fee	New Flat Fee	Old Hourly Fee	New Hourly Fee
21	108.1.1	Commercial Kitchen Operation Requiring a Type I Hood Exception: Assembly/Educational Occupancies Having a Fire Prevention Code Permit	~~$125~~	$150		
22	108.1.1	Dry Cleaning – Any Type Plant Using Any Class of Solvent or Changing to a More Hazardous Cleaning Solvent Used in Existing Dry Cleaning Equipment	~~$125~~	$150		
23	108.1.1	Explosives: Explosives Use, Each Site or Location (6 Month Permit)	~~$150~~	$180		
24	108.1.1	Explosives: Transportation, Each Vehicle (6 Month Permit)	~~$ 65~~	$78		
25	108.1.1	Explosives: Firm or Company License	~~$125~~	$150		
26	108.1.1	Explosives: Storage and Display of Black Powder or Smokeless Propellant Indoors	~~$125~~	$150		
27	108.1.1	Explosives: Approved Overnight Storage, Any Quantity (6 Month Permit)	~~$500~~	$600		
28	108.1.1	Explosives: Laboratory Use (6 Month Permit)	~~$125~~	$150		
29	108.1.1	Explosives: Temporary Storage, Any Quantity (1 day permit)	~~$500~~	$600		
30	108.1.1	Flammable Liquids – Class I: Store, Handle, or Use in Excess of 5 Gallons in a Building or in Excess of 10 Gallons Outside a Building Exceptions: 1. Storage or Use in the Fuel Tank of a Motor Vehicle, Aircraft, Motorboat, Mobile Power Plant, or Mobile Heating Plant, Unless Such Storage, in the Opinion of the Fire Official, Would Cause an Unsafe Condition 2. Storage or Use of Paints, Oils, Varnishes, or Similar Flammable Mixtures When Such Liquids are Stored for Maintenance, Painting, or Similar Purposes for a Period of Not More Than 30 Days	~~$125~~	$150		
31	108.1.1	Combustible Liquids – Class II or IIIA: Store, Handle, or Use in Excess of 25 Gallons in a Building or in Excess of 60 Gallons Outside a Building Exception: Fuel Oil Used in Connection with Oil-burning Equipment	~~$125~~	$150		
32	108.1.1	Flammable/Combustible Liquid Tank - Underground Storage Only	~~$125~~	$150		
33	108.1.1	Flammable/Combustible Liquid Tank - Underground Storage Utilizing Dispensing Equipment	~~$125~~	$150		
34	108.1.1	Flammable/Combustible Liquid Tank – Above - ground Storage Only	~~$125~~	$150		
35	108.1.1	Flammable/Combustible Liquid Tank – Above - ground Storage Utilizing Dispensing Equipment	~~$125~~	$150		
36	108.1.1	Flammable/Combustible Liquids: Bulk Storage Facility – in Excess of 100,000 Gallons	~~$500~~	$600		
37	108.1.1	Flammable/Combustible Liquid Tank - Installation, Above- or Below-ground Tank (90 Day Permit)	~~$125~~	$150		
38	108.1.1	Flammable/Combustible Liquid Tank - Alter or Relocate an Existing Tank (90 Day Permit)	~~$125~~	$150		
39	108.1.1	Flammable/Combustible Liquid Tank – Place Temporarily Out of Service	~~$125~~	$150		
40	108.1.1	Flammable/Combustible Liquid Tank - Underground Abandonment (90 Day Permit)	~~$125~~	$150		
41	108.1.1	Flammable/Combustible Liquid Tank - Underground Removal (Commercial - 90 Day Permit)	~~$125~~	$150		
42	108.1.1	Flammable/Combustible Liquid Tank - Underground Removal (Residential - 90 Day Permit)	~~$125~~	$150		
43	108.1.1	Flammable/Combustible Liquid Tank – Above -ground Removal (Commercial - 90 Day Permit)	~~$125~~	$150		

Code Reference		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Old Flat Fee	New Flat Fee	Old Hourly Fee	New Hourly Fee
44	108.1.1	Flammable/Combustible Liquid Tank - Install Product Lines/Dispensing Equipment (90 Day Permit)	~~$125~~	$150		
~~45~~	108.1.1	Flammable/Combustible Liquids: Manufacture, Process, Blend, or Refine	~~$250~~	$300		
~~46~~	108.1.1	Flammable/Combustible Liquid Tank: Change the Contents Stored to a Greater Hazard	~~$125~~	$150		
47	108.1.1	Floor Finishing or Surfacing Exceeding 350 Square Feet Using Class I or Class II Liquids (30 Day Permit)	~~$ 65~~	$78		
48	108.1.1	Fruit- and Crop-Ripening Facility or Process Using Ethylene Gas	~~$125~~	$150		
49	108.1.1	Fumigation or Thermal Insecticidal Fogging or Maintaining a Room, Vault or Chamber in Which a Toxic or Flammable Fumigant is Used (15 Day Permit)	~~$125~~	$150		
50	108.1.1	Corrosive Liquids: Store, Transport on Site, Dispense, Use, or Handle in Excess of 55 Gallons	~~$125~~	$150		
51	108.1.1	Corrosive Solids: Store, Transport on Site, Dispense, Use, or Handle in Excess of 1000 Pounds	~~$125~~	$150		
52	108.1.1	Flammable Solids: Store, Transport on Site, Dispense, Use, or Handle in Excess of 100 Pounds	~~$125~~	$150		
53	108.1.1	Highly Toxic Liquids: Store, Transport on Site, Dispense, Use, or Handle Any Amount	~~$125~~	$150		
54	108.1.1	Highly Toxic Solids: Store, Transport on Site, Dispense, Use, or Handle Any Amount	~~$125~~	$150		
55	108.1.1	Oxidizing Liquids, Class 4: Store, Transport on Site, Dispense, Use, or Handle Any Amount	~~$125~~	$150		
56	108.1.1	Oxidizing Liquids, Class 3: Store, Transport on Site, Dispense, Use, or Handle in Excess of 1 Gallon	~~$125~~	$150		
57	108.1.1	Oxidizing Liquids, Class 2: Store, Transport on Site, Dispense, Use, or Handle in Excess of 10 Gallons	~~$125~~	$150		
58	108.1.1	Oxidizing Liquids, Class 1: Store, Transport on Site, Dispense, Use, or Handle in Excess of 55 Gallons	~~$125~~	$150		
59	108.1.1	Oxidizing Solids, Class 4: Store, Transport on Site, Dispense, Use, or Handle Any Amount	~~$125~~	$150		
60	108.1.1	Oxidizing Solids, Class 3: Store, Transport on Site, Dispense, Use, or Handle in Excess of 10 Pounds	~~$125~~	$150		
61	108.1.1	Oxidizing Solids, Class 2: Store, Transport on Site, Dispense, Use, or Handle in Excess of 100 Pounds	~~$125~~	$150		
62	108.1.1	Oxidizing Solids, Class 1: Store, Transport on Site, Dispense, Use, or Handle in Excess of 500 Pounds	~~$125~~	$150		
63	108.1.1	Organic Peroxides, Liquid, Class I: Store, Transport on Site, Dispense, Use, or Handle Any Amount	~~$125~~	$150		
64	108.1.1	Organic Peroxides, Liquid, Class II: Store, Transport on Site, Dispense, Use, or Handle Any Amount	~~$125~~	$150		
65	108.1.1	Organic Peroxides, Liquid, Class III: Store, Transport on Site, Dispense, Use, or Handle in Excess of 1 Gallon	~~$125~~	$150		
66	108.1.1	Organic Peroxides, Liquid, Class IV: Store, Transport on Site, Dispense, Use, or Handle in Excess of 2 Gallons	~~$125~~	$150		
67	108.1.1	Organic Peroxides, Solid, Class I: Store, Transport on Site, Dispense, Use, or Handle Any Amount	~~$125~~	$150		

Code Reference		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Old Flat Fee	New Flat Fee	Old Hourly Fee	New Hourly Fee
68	108.1.1	Organic Peroxides, Solid, Class II: Store, Transport on Site, Dispense, Use, or Handle Any Amount	~~$125~~	$150		
69	108.1.1	Organic Peroxides, Solid, Class III: Store, Transport on Site, Dispense, Use, or Handle in Excess of 10 Pounds	~~$125~~	$150		
70	108.1.1	Organic Peroxides, Solid, Class IV: Store, Transport on Site, Dispense, Use, or Handle in Excess of 20 Pounds	~~$125~~	$150		
71	108.1.1	Pyrophoric Material, Liquid: Store, Transport on Site, Dispense, Use, or Handle Any Amount	~~$125~~	$150		
72	108.1.1	Pyrophoric Material, Solid: Store, Transport on Site, Dispense, Use, or Handle Any Amount	~~$125~~	$150		
73	108.1.1	Hazardous Production Facilities (HPM): Store, Handle, or Use Hazardous Production Materials	~~$125~~	$150		
74	108.1.1	High Piled Storage: Use a Building or a Portion Thereof as a High-piled Storage Area Exceeding 500 Square Feet.	~~$125~~	$150		
75	108.1.1	Hot Work and Welding: Public Exhibitions and Demonstrations (Each Exhibitor/Demo. - 10 Day Permit)	~~$65~~	$78		
76	108.1.1	Hot Work and Welding: Small Scale Hot Work	~~$125~~	$150		
77	108.1.1	Hot Work and Welding: Fixed-Site Hot Work Equipment (Example: Welding Booth)	~~$125~~	$150		
78	108.1.1	Hot Work and Welding: Cutting or Welding, All Locations	~~$125~~	$150		
79	108.1.1	Hot Work and Welding: Open Flame Device Roofing Operation (Each Site/Location - 90 Day Permit)	~~$125~~	$150		
80	108.1.1	Hot Work and Welding: Torch or Open-Flame Operations other than Roofing (Each Site/Location - 30 Day permit)	~~$65~~	$78		
81	108.1.1	Industrial Ovens	~~$125~~	$150		
82	108.1.1	Lumber Yards and Woodworking Plants: Storage or Processing of Lumber Exceeding 100,000 Board Feet	~~$125~~	$150		
83	108.1.1	Liquid- or Gas-Fueled Vehicles: Display Inside Any Building (Each Event – 6 Month Permit)	~~$125~~	$150		
84	108.1.1	LP-Gas: Storage and/or Use Inside Any Structure Exception One and two-family detached single family dwellings and townhouses	~~$125~~	$150		
85	108.1.1	LP-Gas: Storage and/or Use Outside, Portable Installation, per Event, more than 10 gallons aggregate (30 day permit)	~~$ 65~~	$78		
86	108.1.1	LP-Gas: Permanent Storage and/or Use Outside, per Year, more than 10 gallons aggregate Exception: One and two-family detached single family dwellings and townhouses	~~$125~~	$150		
87	108.1.1	LP-Gas: Dispensing and Cylinder Refill Location	~~$125~~	$150		
88	108.1.1	LP-Gas: Retail Cylinder Exchange Location	~~$125~~	$150		
89	108.1.1	Combustible Storage: Storage Inside Any Building or Upon Any Premises - in Excess of 2500 Cubic Feet	~~$125~~	$150		
90	108.1.1	Open Burning: Bonfire (10 Day Permit)	~~$125~~	$150		
91	108.1.1	Open Burning: Silvicultural / Controlled Burning (90 Day Permit)	~~$125~~	$150		
92	108.1.1	Open Flame and Candles: Public Meetings/Gatherings in A and E Use Groups (Each Event)	~~$ 65~~	$78		
93	108.1.1	Open Flame and Candles: Restaurants and Drinking Establishments, Assembly and Dining Areas	~~$125~~	$150		

Code Reference		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Old Flat Fee	New Flat Fee	Old Hourly Fee	New Hourly Fee
94	108.1.1	Organic Coatings: Manufacturing Operation Producing More Than 1 Gallon in One Day	~~$125~~	$150		
95	108.1.1	Place of Assembly/Education - Occupant Load 50 or Greater	~~$125~~	$150		
96	108.1.1	Pyrotechnics and Fireworks: Retail Sales of Permissible Fireworks - Any Amount (45 Day Permit)	~~$600~~	$720		
97	108.1.1	Pyrotechnics and Fireworks: Wholesale of Permissible Fireworks - Any Amount (45 Day Permit)	~~$600~~	$720		
98	108.1.1	Pyrotechnics and Fireworks: Outdoor Fireworks Display (Aerial/Proximate Audience) (One Day Permit)	~~$400~~	$480		
99	108.1.1	Pyrotechnics and Fireworks: Indoor Pyrotechnic Display and Special Effects (One Day Permit)	~~$400~~	$480		
100	108.1.1	Refrigeration Equipment and Systems Having a Refrigerant Circuit Containing More Than 220 Pounds of Group A1 or 30 Pounds of any other Group Refrigerant	~~$125~~	$150		
101	108.1.1	Repair Garages and Service Stations: Automotive Repair Garage Only	~~$125~~	$150		
~~102~~	108.1.1	Repair Garages and Service Stations: Automotive Service Station Only	~~$125~~	$150		
103	108.1.1	Repair Garages and Service Stations: Automotive Repair Garage and Service Station	~~$125~~	$150		
104	108.1.1	Repair Garages and Service Stations: LP-Gas Motor-Vehicle Fuel-Dispensing	~~$125~~	$150		
105	108.1.1	Repair Garages and Service Stations: Compressed Natural Gas Motor-Vehicle Fuel-Dispensing	~~$125~~	$150		
106	108.1.1	Repair Garages and Service Stations: Hydrogen Motor Fuel Dispensing and Generation Station	~~$125~~	$150		
107	108.1.1	Repair Garages and Service Stations: Marine and Watercraft Service Station	~~$125~~	$150		
108	108.1.1	Repair Garages and Service Stations: Unattended Vehicle Service Station	~~$125~~	$150		
109	108.1.1	Rooftop Heliports	~~$125~~	$150		
110	108.1.1	Spraying or Dipping Operations: Flammable/Combustible Liquid Spray Finishing Operation	~~$125~~	$150		
111	108.1.1	Spraying or Dipping Operations: Flammable/Combustible Liquid Dip-Tank Operation	~~$125~~	$150		
112	108.1.1	Spraying or Dipping Operations: Application of Combustible Powders/Spray/Fluidized	~~$125~~	$150		
113	108.1.1	Spraying or Dipping Operations: Dual-Component Coatings With Organic Peroxides	~~$125~~	$150		
114	108.1.1	Swimming Pool Chemical Dispensing Operation	~~$125~~	$150		
115	108.1.1	Temporary Membrane Structures and Tents (6 Month Permit) Exceptions: 1. Tents used Exclusively for Recreational Camping Purposes 2. Tents and Air-supported Structures that Cover an Area of 900 Square Feet or Less, Including all Connecting Areas or Spaces with a Common Means of Egress and with an Occupant Load of less than 50 Persons	~~$125~~	$150		
116	108.1.1	Tire Rebuilding Plants	~~$125~~	$150		
117	108.1.1	Tire Storage: Establish, Conduct, or Maintain Storage of Scrap Tires and Tire Byproducts that Exceeds 2500 Cubic Feet of Total Volume of Scrap Tires and for Indoor Storage of Tires and Tire Byproducts	~~$125~~	$150		
118	108.1.1	Toxic Materials Liquids - Store, Transport on Site, Dispense, Use, or Handle in Excess of 10 Gallons	~~$125~~	$150		

Code Reference		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Old Flat Fee	New Flat Fee	Old Hourly Fee	New Hourly Fee
119	108.1.1	Toxic Materials Solids - Store, Transport on Site, Dispense, Use, or Handle in Excess of 100 Pounds	~~$125~~	$150		
120	108.1.1	Unstable (Reactive) Materials: Liquids, Class 1 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 10 Gallons	~~$125~~	$150		
121	108.1.1	Unstable (Reactive) Materials: Liquids, Class 2 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 5 Gallons	~~$125~~	$150		
122	108.1.1	Unstable (Reactive) Materials: Liquids, Class 3 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	~~$125~~	$150		
123	108.1.1	Unstable (Reactive) Materials: Liquids, Class 4 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	~~$125~~	$150		
124	108.1.1	Unstable (Reactive) Materials: Solids, Class 1 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 100 Pounds	~~$125~~	$150		
125	108.1.1	Unstable (Reactive) Materials: Solids, Class 2 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 50 Pounds	~~$125~~	$150		
126	108.1.1	Unstable (Reactive) Materials: Solids, Class 3 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	~~$125~~	$150		
127	108.1.1	Unstable (Reactive) Materials: Solids, Class 4 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	~~$125~~	$150		
128	108.1.1	Water-reactive Materials: Liquids, Class 1 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 55 Gallons	~~$125~~	$150		
129	108.1.1	Water-reactive Materials: Liquids, Class 2 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 5 Gallons	~~$125~~	$150		
130	108.1.1	Water-reactive Materials: Liquids, Class 3 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	~~$125~~	$150		
131	108.1.1	Water-reactive Materials: Solids, Class 1 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 500 Pounds	~~$125~~	$150		
132	108.1.1	Water-reactive Materials: Solids, Class 2 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 50 Pounds	~~$125~~	$150		
133	108.1.1	Water-reactive Materials: Solids, Class 3 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	~~$125~~	$150		
134	108.1.1	Waste Handling: Wrecking Yard or Junk Yard	~~$125~~	$150		
135	108.1.1	Waste Handling: Waste Material Handling Facility	~~$125~~	$150		
136	108.1.1	Wood Products: Storage of Chips, Hogged Material, Lumber, or Plywood in Excess of 200 Cubic Feet	~~$125~~	$150		
		Section 2 - Plan Review Fees				
137	404.3.1	Fire Safety and Evacuation Plan Review			~~$128~~	$156
138	2301.4	Fire Safety and Evacuation Plan Review: High-Piled Combustible Storage Areas in Excess of 500 Square Feet			~~$128~~	$156
139	2701.5.1	Hazard Communication: Hazardous Material Management Plan Review			~~$128~~	$156
140	2701.6.3	Hazardous Material Facility Closure Plan Review			~~$128~~	$156
141	2701	Tier II submissions, per chemical, to a maximum of $200	$25	$25		
142	2701	Hazardous materials facility emergency response plan, above the threshold planning quantity of extremely hazardous substances	$100	$100		
143	1903.7	Lumber Yard or Woodworking Facility Plans Review			~~$128~~	$156

Code Reference		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Old Flat Fee	New Flat Fee	Old Hourly Fee	New Hourly Fee
144	403. 2	Public Safety Plan Review, Indoor or Outdoor Assemblages			~~$128~~	$156
145	3801.3	Site and Installation Plan Review: LP-gas Cylinder Exchange Program			~~$128~~	$156
146	408.11.1	Lockdown Plans Review			~~$128~~	$156
		Section 3 - Inspection And Testing Fees				
147	107.12	Office For Children Home Day Care Fire Inspections (Includes 1 Follow-up Inspection)	$25			
148	107.12	County and State Licensing Fire Inspections (Includes 1 Follow-up Inspection)	$25			
149	107.12	Certificate of Occupancy Inspections (Towns of Vienna and Herndon)			~~$128~~	$156
150	109.5	Fire Prevention Permit Inspections, Follow-ups, Performance Testing, and Reinspections			~~$128~~	$156
151	107.12	Technical Inspection (Not Otherwise Specified), (i.e., Pre-Occupancy Punch List - Each Inspector)			~~$128~~	$156
152	901.6.3.1	Testing and Reinspection of Existing Fire Protection Systems (Each Inspector)			~~$128~~	$156
153	907.20.6	Faulty or Nuisance Fire Alarm Inspections, Follow-ups, and Reinspections			~~$128~~	$156

Board Agenda Item
December 2, 2014

5:00 p.m.

Public Hearing on Proposed Amendments to the *Code of the County of Fairfax, Virginia* (Code) Regarding Adjustment of the Fees Charged by Land Development Services for Plan Review, Permits, and Inspection Services

ISSUE:
Adjustments to the fees charged for plan review, permits and inspection services in order to support Land Development Services' (LDS) efforts to enhance the land development review process.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, November 12, 2014, the Planning Commission voted 12-0 to recommend the following actions to the Board of Supervisors:

- Approval of the proposed amendments to Appendix Q of the *Code of The County of Fairfax, Virginia*, as set forth in Attachment A of the Staff Report dated October 28, 2014 to become effective at 12:01 a.m. on January 1, 2015; and

- Approval of the proposed amendments to Chapter 61 (Building Provisions) of the *Code of the County of Fairfax, Virginia*, as set forth in Attachment B of the Staff Report dated October 28, 2014 to become effective at 12:01 a.m. on January 1, 2015.

RECOMMENDATION:
The County Executive recommends that the Board adopt the proposed amendments to the *Code of the County of Fairfax, Virginia* (County Code), as set forth in the staff report dated October 28, 2014.

TIMING:
On October 28, 2014, the Board authorized the advertising of public hearings. The Planning Commission public hearing was held November 12, 2014. If approved, these amendments shall become effective on January 1, 2015, at 12:01 a.m., and the revised fees shall be applicable to any submission after the effective date.

Board Agenda Item
December 2, 2014

BACKGROUND:
The Department of Public Works and Environmental Services is proposing to adjust the LDS and Fire Prevention Division (Fire Marshal) fees for plan review, permits, and inspection services. The LDS fees were last increased in July, 2013 (FY 2014), by approximately 2.75% in line with the Consumer Price Index (CPI), with the exception of certain fees that remained unchanged due to rounding or because the existing fees adequately covered the actual costs of providing services. The Fire Marshal hourly rate fees were last increased in 2008 (FY 2009), from $96.00 per hour to $128.00 per hour, and fees for operational permits were increased in 2009 (FY 2010). At that time, the hourly rate fees were increased by approximately 33% and the fees for most operational permits contained in Chapter 62 of the County Code were increased by 25%. The fees were adjusted to cover the actual costs of providing services.

The July, 2013 (FY 2014) fee adjustment was in response to the Board's request in 2009 to regularly review and adjust LDS fees to avoid the large fee adjustments that were adopted in the past. The Board's request was based on input from industry representatives from the Northern Virginia Building Industry Association, the National Association of Industrial and Office Parks, and the Engineers & Surveyors Institute regarding the negative impact of large and unpredictable fee increases to land development projects.

Over the past two years, LDS has continued to review and control its costs. Although LDS has experienced an increase in revenue from the previous fee increase, LDS has also experienced an increase in costs primarily due to a rise in workload and associated expenses. There's been a rise in the number of permit applications and site and subdivision plans submitted to the County and increased complexity of plans. In addition, LDS is facing challenges due to the economic rebound, the implementation of new state and federal regulations, and the higher expectations of our customers for reduced review timeframes.

As a result, LDS is proposing a fee increase to the majority of its fees. The proposed fee increase will provide for additional staff resources to assist LDS and other regulatory agencies in improving customer service and work plan implementation efforts. Additionally, the fee increase will support minimum submission review for grading plans and tenant work, electronic plan submissions and other information technology initiatives, support an Enterprise Fund study and expand a fast track approach for tenant work.

The vetting process for the proposed amendment included meetings with industry representatives to discuss the proposed fee increases. During those meetings, representatives of the land development community did not express objections to the

proposed increases which are thought to be fair and reasonable by staff and the development community. Below is a summary of the proposed amendments.

SUMMARY OF AMENDMENTS:
The proposed fee adjustments increase in the fees charged by LDS and the Fire Marshal's office. The proposed adjustments will assist LDS in efforts to improve the timeliness, quality and customer focus of the regulatory review process. In general, the fees will increase by approximately 20% with some fees increasing up to 21.9% due to rounding, with the following exceptions:

- The following fees remain constant because the existing fees adequately cover the actual costs or to minimize the impact to certain applicants: permit fees for modular residential units; review of grading plans for building permits on existing lots that are not within a subdivision currently bonded with the County and parcels with lots of 5 acres or more; and the additional equipment fees related to vertical transportation lifts (elevators and escalators) permits remain constant (although the percentage of the contract value, used to calculate the permit fee, will increase).

- Pursuant to the current regulations and policies, no fee is charged to: (1) repair, replace, or otherwise re-construct a residential, commercial or industrial structure damaged as the result of a catastrophic event; (2) install solar energy equipment, replace defective sprinkler heads or construct radiation fallout or blast shelters; (3) review a recycling plan; (4) submit requests for exemptions under the Chesapeake Bay Preservation Ordinance; (5) submit requests for Director's approval to use an innovative water quality or detention facility; or (6) review second submission of site plans with public improvements only.

- Permit fees for amusement devices and carnival rides, will increase by as much as $50, in accordance with recent amendments to the Virginia Amusement Device Regulations (VADR). The specific fees currently listed in Appendix Q are being removed and replaced with a reference to the maximum fee in accordance with VADR.

- The electrical permit fees for generators and temporary wiring used exclusively with carnivals, fairs and other temporary amusement activities will be charged under the VADR, in accordance with recent amendments to the Virginia Uniform Statewide Building Code (USBC). The recent amendments to VADR now specify a maximum fee of $165 per event for such permits, which is less than the fees currently charged under the building code. The specific fees currently listed in Appendix Q are being removed and replaced with a reference to the maximum fee in accordance with VADR.

- Permit fees for discharges of stormwater from construction activities and the stormwater management/best management practices review fees, which became effective on July 1, 2014; are not being adjusted at this time.

- The Fire Marshal fees for plan review, inspection and testing and re-inspection are increasing by approximately 21.9%, from $128.00 per hour per reviewer or inspector to $156.00 per hour per reviewer or inspector. The proposed rate is evenly divisible by 4 in order to accommodate a fee of $39.00, when billed in ¼ hour increments.

The following editorial and other changes are being made to the fee schedule (Appendix Q). Please refer to Attachment A of the Staff Report for a copy of Appendix Q.

- Reformat the fee schedule to facilitate greater ease of document management. In general, the fee schedule has been reformatted to separate the numeric values that are embedded within the paragraph, designate the value when the permit fee amount is the “base fee”, and reconfigure the tables.

- Revise the process for determining the building permit fee for Tenant Layouts to include the requirement that the applicant provide verifiable cost data in lieu of using a minimum construction cost, to align with current practice.

- Clarify that the permit fee is charged for ductwork, piping of equipment, or a combination of both, for use groups other than R-3, R-4 and R-5.

- Delete the mechanical permit fee for Automotive Lifts to align with recent amendments to the USBC that eliminated the permit.

- Modify the note referencing an allowance of a one-time reduction of the site inspection fee for agreement extensions to clarify current practice.

In addition, updates to Chapter 61 of the Code (Building Provisions) are being made to delete those fees that were relocated to Appendix Q under amendment #05-11-61, as adopted by the Board on April 12, 2011, and renumber paragraphs accordingly. A copy of the proposed changes to Chapter 61 is included as Attachment B to the Staff Report.

REGULATORY IMPACT:
The proposed fee amendments increase the fees charged by LDS for plan review, permits, and inspection services to support enhancements to the development review

process. The proposed fees are necessary to allow LDS to apply staff resources where necessary to enhance customer service by improving the timeliness and quality of reviews, permits and inspections. Additional resources include a total of up to 28 positions in LDS and other agencies that support the land development process, as well as additional operating expenditures. Aside from the aforementioned fees that remain unchanged, the LDS and Fire Marshal fees will increase by approximately 20% with some variation due to rounding, the permit fees for amusement devices and carnival rides will increase in accordance with recent amendments to the VADR, and other fee related changes to align with recent amendments to state regulations and county policies. Editorial changes are also being made to the fee schedule.

Refer to Attachment A of the Staff Report for a copy of the proposed LDS Fee Schedule.
In addition, updates are being proposed to Chapter 61 (Building Provisions) to delete those fees that were relocated to Appendix Q under amendment #05-11-61, as adopted by the Board on April 12, 2011. A copy of the proposed changes to Chapter 61 is included as Attachment B to the Staff Report. All fees, if approved, shall become effective on January 1, 2015.

FISCAL IMPACT:
If adopted by the Board, it is anticipated that the proposed fee adjustments will generate increased revenue of approximately $2,144,933 in FY 2015. This revenue estimate is based on the FY 2014 actual revenue of $28.9 million and assumes that workload remains constant in FY 2015. It is anticipated that the proposed fee adjustments will generate increased revenue of approximately $5,147,840 in FY 2016. Any reduction in plan and permit activity may have a negative impact on the projected revenue. Staff in LDS will work in close coordination with the Department of Management and Budget to monitor these trends. The $2,144,933 in additional revenue will be reflected in the FY 2015 Revised Budget Plan. The $5,147,840 in additional revenue will be reflected in the County Executive's FY 2016 Advertised Budget Plan.

If adopted by the Board, it is anticipated that the proposed fee adjustments will be needed for the additional expenditure appropriations in FY 2015 and FY 2016. In FY 2015 personnel services will be increased by $1,585,536 to support the additional positions from the effective date of January 1, 2015 until June 30, 2015.The $1,585,536 in additional expenditures will be reflected in the County Executive's proposed *FY 2015 Third Quarter Review.*

In FY 2016, personnel services will be increased by $3,171,072 to support twenty-eight positions in LDS and other regulatory agencies. Operating expenditures will be increased by $946,495 and expenditures will total $4,117,567. The $4,117,567 in

additional expenditures will be reflected in the County Executive's FY 2016 Advertised Budget Plan.

If the plan, permit and inspection workload is above and beyond the anticipated demand, LDS will utilize and increase contract services to provide plan and permit review, and inspection services to support the development review process.

Under the proposed fee increase, the developer's costs associated with plan and permit review and inspections, will increase by approximately 20%. If adopted, the additional revenue will be applied to increase staff and resources, and implement LDS work plan improvements, which will improve efficiency and reduce regulatory review timeframes. It's expected that the additional costs to the developer will be offset by the reduced review times achieved by allowing the developer an opportunity to reduce their monthly carrying costs (e.g., mortgage) accrued during the overall project timeframe. Additionally, under the proposed amendment, there is no impact being proposed for the review of infill grading plans for single family residential development.

ENCLOSED DOCUMENTS:
Attachment 1 - Verbatim excerpt
Attachment 2 - Staff Report

STAFF:
Robert A. Stalzer, Deputy County Executive
James Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Audrey Clark, Acting Director, Land Development Services, DPWES
Chief Michael Reilly, Deputy Chief, Fire Prevention Division

CODE AMENDMENTS (PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA REGARDING THE ADJUSTMENT OF THE FEES CHARGED BY LAND DEVELOPMENT SERVICES FOR PLAN REVIEW, PERMITS, AND INSPECTION SERVICES)

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed. Ms. Hedetniemi.

Commissioner Hedetniemi: Thank you, Mr. Chairman. Mr. Chairman, I think that it's commendable that we have people who speak in favor of this motion, this Amendment, and – that we have the promise of staff support to make it work. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE BOARD ADOPT THE PROPOSED AMENDMENTS TO APPENDIX Q OF THE *CODE OF THE COUNTY OF FAIRFAX, VIRGINIA*, AS SET FORTH IN ATTACHMENT A OF THE STAFF REPORT DATED OCTOBER 28TH, 2014.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt these code changes, as articulated by Ms. Hedetniemi, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hedetniemi: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE BOARD ADOPT THE PROPOSED AMENDMENTS TO CHAPTER 61 (BUILDING PROVISIONS) OF THE *CODE OF THE COUNTY OF FAIRFAX, VIRGINIA*, AS SET FORTH IN ATTACHMENT OF THE STAFF REPORT DATED OCTOBER 28TH, 2014.

Commissioner Litzenberger: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hedetniemi: Finally, Mr. Chairman, I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE PROPOSED AMENDMENTS BECOME EFFECTIVE AT 12:01 A.M. ON JANUARY 1,

2015, AND THAT THE REVISED FEES SHALL BE APPLICABLE TO ANY SUBMISSIONS AFTER THAT DATE.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of that motion? All those in favor of the motion, as articulated by Ms. Hedetniemi, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hedetniemi: That's it.

Chairman Murphy: Thank you very much.

Commissioner Hedetniemi: Thank you.

Chairman Murphy: And I'd like to thank Mr. Patteson and Mr. Stonefield for coming to our Land Use Process Review Committee the other night to give us a briefing on this and I just want to say that with the testimony we have from NAIOP and from NVBIA – this is a win-win situation for everyone. It expedites the process without losing the quality of the review system and I appreciate the staff's work on this and the work with industry. That's how we get things done in Fairfax County. Thank you very much.

//

(Each motion carried by a vote of 12-0.)

JLC

Attachment 2

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

STAFF REPORT

- [x] PROPOSED COUNTY CODE AMENDMENT
- [ ] PROPOSED PFM AMENDMENT
- [ ] APPEAL OF DECISION
- [ ] WAIVER REQUEST

Proposed Amendments to the *Code of the County of Fairfax, Virginia* Regarding Adjustment of the Fees Charged by Land Development Services, Department of Public Works and Environmental Services, for Plan Review, Permits, and Inspection Services.

Authorization to Advertise	October 28, 2014
Planning Commission Hearing	November 12, 2014
Board of Supervisors Hearing	December 2, 2014, 5:00 PM

Prepared by: Site Code Research and Development Branch
JBS (703) 324-1780

October 28, 2014

STAFF REPORT

A. Issue:

Adjustments to the fees charged for plan review, permits, and inspection services in order to support Land Development Services' (LDS's) and other regulatory agencies' efforts to enhance the land development review process.

B. Recommended Action:

Staff recommends that the Board of Supervisors adopt the proposed amendments to Chapter 61 and Appendix Q of the *Code of the County of Fairfax, Virginia* (County Code), with an effective date of 12:01 A.M. on January 1, 2015.

C. Timing:

Board of Supervisors' authorization to advertise – October 28, 2014
Planning Commission Public Hearing – November 12, 2014
Board of Supervisors Public Hearing – December 2, 2014, at 5:00 p.m.

D. Source:

Department of Public Works and Environmental Services (DPWES)

E. Coordination:

The proposed amendments were prepared by DPWES and coordinated with the Department of Management and Budget, Department of Planning and Zoning, Fairfax County Fire and Rescue Department Fire Prevention Division (Fire Marshal) and the Office of the County Attorney.

F. Background:

The Department of Public Works and Environmental Services is proposing to adjust the LDS and Fire Prevention Division (Fire Marshal) fees for plan review, permits, and inspection services. LDS fees were last increased in July, 2013 (FY 2014). At that time, the LDS fees were increased by approximately 2.75% in line with the Consumer Price Index (CPI), with the exception of certain fees that remained unchanged due to rounding or because the existing fees adequately covered the actual costs of providing services. The Fire Marshal hourly rate fees were last increased in 2008 (FY 2009), from $96.00 per hour to $128.00 per hour, and fees for operational permits were increased in 2009 (FY 2010). At that time, the hourly rate fees were increased by approximately 33% and the fees for most operational permits contained in Chapter 62 of the County Code were increased by 25%. The fees were adjusted to cover the actual costs of providing services.

The July, 2013 (FY 2014) fee adjustment was in response to the Board's request in 2009 to regularly review and adjust LDS fees to avoid the large fee adjustments that were adopted in the past. The Board's request was based on input from industry representatives from the Northern Virginia Building Industry Association, the National Association of Industrial and Office Parks, and the Engineers & Surveyors Institute regarding the negative impact of large and unpredictable fee increases to land development projects.

Over the past two years, LDS has continued to review and control its costs. Although LDS has experienced an increase in revenue from the previous fee increase, LDS has also experienced an increase in costs primarily due to a rise in workload and associated expenses. There's been a rise in the number of permit applications and site and subdivision plans submitted to the County and increased complexity of plans. In addition, LDS is facing challenges due to the economic rebound, the implementation of new state and federal regulations, and the higher expectations of our customers for reduced review timeframes.

As a result, LDS is proposing a fee increase to the majority of its fees. The proposed fee increase will provide for additional staff resources to assist LDS and other regulatory agencies in improving customer service and work plan implementation efforts. Additionally, the fee increase will support minimum submission review for grading plans and tenant layouts, electronic plan submissions and other information technology initiatives, support an Enterprise Fund study, and expand a fast track approach for tenant layout permits.

The vetting process for the proposed amendment included meetings with industry representatives to discuss the proposed fee increases. During those meetings, representatives of the land development community did not express objections to the proposed increases which are thought to be fair and reasonable by staff and the development community. Below is a summary of the proposed amendments.

G. Proposed Amendments:

The proposed fee adjustments increase in the fees charged by LDS. The proposed adjustments will assist LDS in efforts to improve the timeliness, quality and customer focus of the regulatory review process. In general, the fees will increase by approximately 20.0%, with some fees increasing by up to 21.9% due to rounding, with the following exceptions:

- The following fees remain constant because the existing fees adequately cover the actual costs or to minimize the impact to certain applicants: permit fees for modular residential units; review of grading plans for building permits on existing lots that are not within a subdivision currently bonded with the County and parcels with lots of 5 acres or more; and the additional equipment fees related to vertical transportation lifts (elevators and escalators) permits

remain constant (although the percentage of the contract value, used to calculate the permit fee, will increase).

- Pursuant to the current regulations and policies, no fee is charged to: (1) repair, replace, or otherwise re-construct a residential, commercial or industrial structure damaged as the result of a catastrophic event; (2) install solar energy equipment, replace defective sprinkler heads or construct radiation fallout or blast shelters; (3) review a recycling plan; (4) submit requests for exemptions under the Chesapeake Bay Preservation Ordinance; (5) submit requests for Director's approval to use an innovative water quality or detention facility; or (6) review second submission of site plans with public improvements only.

- Permit fees for amusement devices and carnival rides, will increase by as much as $50, in accordance with recent amendments to the Virginia Amusement Device Regulations (VADR). The specific fees currently listed in Appendix Q are being removed and replaced with a reference to the maximum fee in accordance with VADR.

- The electrical permit fees for generators and temporary wiring used exclusively with carnivals, fairs and other temporary amusement activities will be charged under the VADR, in accordance with recent amendments to the Virginia Uniform Statewide Building Code (USBC). The recent amendments to VADR now specify a maximum fee of $165 per event for such permits, which is less than the fees currently charged under the building code. The specific fees currently listed in Appendix Q are being removed and replaced with a reference to the maximum fee in accordance with VADR.

- Permit fees for discharges of stormwater from construction activities and the stormwater management/best management practices review fees, which became effective on July 1, 2014; are not being adjusted at this time.

- The Fire Marshal fees for plan review, inspection and testing and re-inspection are increasing by approximately 21.9%, from $128.00 per hour per reviewer or inspector to $156.00 per hour per reviewer or inspector. The proposed rate is evenly divisible by 4 in order to accommodate a fee of $39.00, when billed in ¼ hour increments.

The following editorial and other changes are being made to the fee schedule (Appendix Q). Please refer to Attachment A for a copy of Appendix Q.

- Reformat the fee schedule to facilitate greater ease of document management. In general, the fee schedule has been reformatted to separate the numeric values that are embedded within the paragraph, designate the value when the permit fee amount is the "base fee", and reconfigure the tables.

- Revise the process for determining the building permit fee for Tenant Layouts to include the requirement that the applicant provide verifiable cost data in lieu of using a minimum construction cost, to align with current practice.

- Clarify that the permit fee is charged for ductwork, piping of equipment, or a combination of both, for use groups other than R-3, R-4 and R-5.

- Delete the mechanical permit fee for Automotive Lifts to align with recent amendments to the USBC that eliminated the permit.

- Modify the note referencing an allowance of a one-time reduction of the site inspection fee for agreement extensions to clarify current practice.

In addition, updates to Chapter 61 of the Code (Building Provisions) are being made to delete those fees that were relocated to Appendix Q under amendment #05-11-61, as adopted by the Board on April 12, 2011, and renumber paragraphs accordingly. A copy of the proposed changes to Chapter 61 is included as Attachment B.

H. Regulatory Impact:

The proposed fee amendments increase the fees charged by LDS for plan review, permits, and inspection services to support enhancements to the development review process. The proposed fees are necessary to allow LDS to apply staff resources where necessary to enhance customer service by improving the timeliness and quality of reviews, permits and inspections. Additional resources include a total of up to 28 positions in LDS and other agencies that support the land development process, as well as additional operating expenditures. Aside from the aforementioned fees that remain unchanged, the LDS and Fire Marshal fees will increase by approximately 20.0%, with some variation due to rounding, the permit fees for amusement devices and carnival rides will increase in accordance with recent amendments to the VADR, and other fee related changes to align with recent amendments to state regulations and county policies. Editorial changes are also being made to the fee schedule. Refer to Attachment A for a copy of the proposed LDS Fee Schedule.

In addition, updates are being proposed to Chapter 61 (Building Provisions) to delete those fees that were relocated to Appendix Q under amendment #05-11-61, as adopted by the Board on April 12, 2011. A copy of the proposed changes to Chapter 61 is included as Attachment B. All fees, if approved, shall become effective on January 1, 2015.

I. Fiscal Impact:

If adopted by the Board, it is anticipated that the proposed fee adjustments will generate increased revenue of approximately $2,144,933 in FY 2015. This revenue estimate is based on the FY 2014 actual revenue of $28.9 million and assumes that workload remains constant in FY 2015. It is anticipated that the proposed fee adjustments will generate increased revenue of approximately $5,147,840 in FY 2016. Any reduction in plan and permit activity may have a negative impact on the projected revenue. Staff in LDS will work in close coordination with the Department of Management and Budget to monitor these trends. The $2,144,933 in additional revenue will be reflected in the FY 2015 Revised Budget Plan. The $5,147,840 in additional revenue will be reflected in the County Executive's FY 2016 Advertised Budget Plan.

If adopted by the Board, it is anticipated that the proposed fee adjustments will be needed for the additional expenditure appropriations in FY 2015 and FY 2016. In FY 2015 personnel services will be increased by $1,585,536 to support the additional positions from the effective date of January 1, 2015 until June 30, 2015.The $1,585,536 in additional expenditures will be reflected in the County Executive's proposed *FY 2015 Third Quarter Review*.

In FY 2016, personnel services will be increased by $3,171,072 to support twenty-eight positions in LDS and other regulatory agencies. Operating expenditures will be increased by $946,495 and expenditures will total $4,117,567. The $4,117,567 in additional expenditures will be reflected in the County Executive's FY 2016 Advertised Budget Plan.

If the plan, permit and inspection workload is above and beyond the projected demand, LDS will utilize and increase contract services to provide plan and permit review, and inspection services to support the development review process.

Under the proposed fee increase, the developer's costs associated with plan and permit review and inspections, will increase by approximately 20%. If adopted, the additional revenue will be applied to increase staff and resources, and implement LDS work plan improvements, which will improve efficiency and reduce regulatory review timeframes. It's expected that the additional costs to the developer will be offset by the reduced review times achieved by allowing the developer an opportunity to reduce their monthly carrying costs (e.g., mortgage) accrued during the overall project timeframe. Additionally, under the proposed amendment, there is no impact being proposed for the review of infill grading plans for single family residential development.

Attachments:

Attachment A: Proposed Amendments to the LDS Fee Schedule
Attachment B: Proposed Amendments to Chapter 61

		Current	Proposed
Appendix Q - Land Development Services Fee Schedule			
This fee schedule establishes the fees charged, by Land Development Services, Department of Public Works and Environmental Services and the Fire Marshal, for building and site development activities pursuant to the authority granted by §§ 15.2-2241(A) (9), 15.2-2286(A)(6), ~~10.1-562(I)~~ 62.1-44.15:54(J), 36-98.3, 36-105 ~~(A), 10.1-603.4~~, 62.1-44.15:28(A) and ~~10.1-603.4:1~~ 62.1-44.15:29 of the Code of Virginia and Chapters 2 (Property Under County Control), 61 (Building Provisions), 64 (Mechanical Provisions), 65 (Plumbing and Gas Provisions), 66 (Electrical Provisions), 101 (Subdivision Ordinance), 104 (Erosion and Sediment Control Ordinance), 112 (Zoning Ordinance), and 124 (Stormwater Management Ordinance) of the Code of the County of Fairfax, Virginia (the Code).			
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		Current	Proposed
I. BUILDING DEVELOPMENT FEES			
The following building development fees to cover the cost of reviewing plans, issuing permits, performing inspections, licensing, home improvement contractors and other expenses incidental to the enforcement of the Uniform Statewide Building Code, (USBC) and Chapters 61, 64, 65 and 66 of the Code are hereby adopted:			
A: STANDARD FEES			
Listed below are standard fees that apply to building, mechanical, electrical, plumbing, fire alarm, fire suppression and fire lane permits. The fees shall apply provided all of the applicable conditions set forth in § 61-1-3 of the Code are met.			
1. Base fee: The minimum fee charged for any permit. A reduced fee shall apply as noted below.		~~$90.00~~	$108.00
2. Reduced fees:			
• Multiple permits, per unit		~~$30.00~~	$36.00
• Fee for permits requiring no inspections		~~$30.00~~	$36.00
• Casualty Permits		$0.00	$0.00
3. After-hours inspection fee for each 30 minute period or fraction thereof		~~$201.00~~	$241.20
4. Amendment of permit • The fee shall be ~~$30.00~~ the fee for any equipment added or the fee for any additional work involved, whichever fee is greater. In no case shall the fee be less than:			$36.00
5. Annual permit fee	Same as Base Fee		$108.00
6. Asbestos removal/abatement	Same as Base Fee		$108.00
7. Re-inspection fee	Same as Base Fee		$108.00
8. Team inspections			
• Fee if all disciplines (i.e. building, electrical, plumbing, mechanical and/or the Fire Marshal) are involved in inspections		~~$423.00~~	$507.60
• Fee paid for each discipline taking part in the inspection, should the inspections not involve all disciplines		~~$90.00~~	$108.00
9. Modular residential units, including manufactured homes	~~50%~~ Percentage of the regular permit fee		50.00%
10. Non-permitted work		~~$90.00~~	$108.00
11. Permit extensions: Permit authorizing construction of:			
• Interior alteration to an existing building		~~$30.00~~	$36.00
• An addition(s) or exterior alteration(s) to an existing residential structure (R-3, R-4 and R-5 construction)		~~$30.00~~	$36.00
• An accessory structure(s) on a residential property (R-3, R-4 and R-5 construction)		~~$30.00~~	$36.00
• A new structure (other than noted above)		~~$201.00~~	$241.20
• An addition(s) to a non-residential structure		~~$201.00~~	$241.20
12. Replacement of defective sprinkler heads		$0.00	$0.00
13. Radiation, fallout or blast shelter		$0.00	$0.00
14. Solar Energy		$0.00	$0.00

		Current	Proposed
B. BUILDING PERMIT AND OTHER FEES			
(A) *New Buildings, Additions or Enlargements*: The fee for construction of a new building, or an addition or an enlargement to an existing building shall be based on the following:			
1. Except as noted in subsection 2 below, the fee for the construction of a new building, an addition or an enlargement shall be based on the area (as determined by the exterior dimension) of all floors, including basements or cellars and horizontally projected roof areas, for the following types of construction as defined in the USBC in effect, and specified in Table I below.			
2. New single family detached dwellings and townhouses: The fee for construction of a new single family detached dwelling or townhouse shall be based on Table I, or as determined by the permit applicant, on Table IIA for a new single family detached dwelling or Table IIB for a new townhouse. The square footage area reflected in Table IIA and Table IIB is to be calculated pursuant to American National Standard Institute, Inc. (ANSI) Standard Z765-2003 or its equivalent and based on the total area of the building's finished floor areas.			
TABLE I			
Residential Fees			
Type IA, and IB, per square foot		~~$0.180~~	$0.216
Type IIA, IIIA and IV, per square foot		~~$0.141~~	$0.169
Type IIB, IIIB and VA, per square foot		~~$0.095~~	$0.114
Type VB, per square foot		~~$0.095~~	$0.114
Commercial Fee			
Type IA, and IB, per square foot		~~$0.180~~	$0.216
Type IIA, IIIA and IV, per square foot		~~$0.141~~	$0.169
Type IIB, IIIB and VA, per square foot		~~$0.141~~	$0.169
Type VB, per square foot		~~$0.141~~	$0.169
TABLE IIA			
SINGLE FAMILY DETACHED DWELLINGS			
SFD A:	1 to 3,849 square feet	~~$470.00~~	$564.00
SFD B:	3,850 to 5,949 square feet	~~$710.00~~	$852.00
SFD C:	5,950 to 8,399 square feet	~~$985.00~~	$1,182.00
SFD D:	8,400 to 13,999 square feet	~~$1,440.00~~	$1,728.00
SFD E:	14,000 to 20,000 square feet	~~$2,435.00~~	$2,922.00
	Above 20,000 square feet	Use Table I	Use Table I
TABLE IIB TOWNHOUSES			
TH A:	1 to 2,249 square feet	~~$244.00~~	$292.80
TH B:	2,250 to 3,749 square feet	~~$386.00~~	$463.20
TH C:	3,750 + square feet	~~$630.00~~	$756.00
(B) Plan Resubmissions: A fee per plan review discipline (i.e. building, electrical, mechanical or plumbing) may be assessed for each resubmission of plans.			
• For all new commercial buildings and additions to existing commercial buildings		~~$170.00~~	$204.00
• For all new residential buildings and additions to existing residential buildings	Same as Base Fee		$108.00

		Current	Proposed
• For each resubmission of plans for alterations to existing commercial buildings	Same as Base Fee		$108.00
(C) New Structure: The fee for erection or installation of structures other than buildings (e.g. signs, retaining walls, canopies)			
• For structures accessory to R-3, R-4 and R-5 construction	~~2.00%~~ Percentage of the estimated cost of work		2.40%
• For other structures	~~3.4%~~ Percentage of the estimated cost of work		4.10%
(D) Basement Finishing (R-3, R-4 and R-5 construction)	Same as Base Fee		$108.00
(E) Demolition:			
• Entire Structure: The fee for a permit to demolish a structure	Same as Base Fee		$108.00
• Partial Demolition for renovation: The fee for a permit to partially demolish a structure in preparation for renovation	~~2%~~ Percentage of Estimated Cost of Demolition		2.40%
(F) Filing Fees for Permit Application and Plans Examination (does not apply to Fire Prevention Division fees for fire alarm, fire suppression and fire lane permits): To allow for permit application processing and plan examination in the event a building permit is not issued, the following fees shall be paid prior to plan review for such a permit.			
• For non-walk-through single-family residential projects	~~50%~~ Percentage of the permit fee		50.00%
• For all commercial work, apartment buildings, garden apartments, and high rise residential buildings	~~35%~~ Percentage of the permit fee		35.00%
• For walk-through residential projects	~~100%~~ Percentage of the permit fee		100.00%
(G) Home Improvements: See applicable fees for new buildings, additions, enlargements, repairs and alterations.			
(H) Modular Furniture: The fee for the installation of modular furniture per floor or portion thereof when:			
• The estimated cost of construction is $10,000 ~~of~~ or more		~~$339.00~~	$406.80
• The estimated cost of construction is less than $10,000	~~3.4%~~ Percentage of the estimated cost of construction		4.10%
	with a minimum fee of	~~$148.00~~	$177.60
(I) Partitions:	Same as Base fee		$108.00
(J) Removal and Relocation: The fee shall be based on a percentage of the cost of moving, plus a percentage of the cost of all work necessary to place the building or structure in its completed condition in the new location.	~~2.00%~~ Percentage of the cost of moving ~~+~~plus		2.40%
	~~2.00%~~ Percentage of the cost of work		2.40%

		Current	Proposed
(K) Repairs and Alterations: The fees for repairs and alterations of any building or structure where there is no addition or enlargement:			
• For commercial work	~~3.4%~~ Percentage of the estimated cost of work		4.10%
• For residential work (R-3, R-4, R-5 construction)	~~2.00%~~ Percentage of the estimated cost of work		2.40%
(L) Roof Repairs, New Roof Structures, Re-siding: Fees for repairs and alterations apply.			
(M) Swimming Pool: The fee for a building permit to construct a swimming pool.		~~$133.00~~	$159.60
(N) Temporary Structures	Same as Base Fee		$108.00
(O) Tenant Layouts:			
Except for those tenant layouts shown on the originally approved plans for a new building, separate building permits shall be required for each tenant layout. The fee shall be based on a percentage of the estimated cost of work. ~~A minimum construction cost of $15,000 shall be used to determine the permit fee.~~		~~3.4%~~ Percentage of the estimated cost of work	4.10%
~~If t~~The permittee ~~is able to prove through~~ must provide verifiable cost data ~~that~~ of the cost of construction ~~is less than $15,000, the permit fee shall be prorated accordingly.~~			
In no case, shall the permit fee be less than ~~$340.00.~~:			$408.00
Fee per plan review discipline for each resubmission of plans for alterations to existing commercial buildings	Same as Base Fee		$108.00
(P) Home Improvement Contractor License Fees:			
All contractor application and license fees are charged per individual for a sole proprietorship, per general partner for a partnership, or per corporate officer for a corporation.			
• Application processing fee		~~$86.00~~	$103.20
• Fee of license issuance		~~$53.00~~	$63.60
• Fee to renew expired license, in addition to license renewal fee*		~~$51.00~~	$61.20
• Fee to renew license		~~$71.00~~	$85.20
• Fee to maintain license in inactive state		~~$25.00~~	$30.00
*The fee to renew expired license. The Building Official or his designee has the authority to waive the penalty fee when the failure to renew a license is due to circumstances beyond the control of the licensee.			

		Current	Proposed
C: MECHANICAL PERMIT FEES			
(A) Mechanical Equipment Installation Fees: The permit fee for installation, repair, or replacement of all mechanical equipment installed in buildings other than within individual residences. This fee is in addition to the equipment fees listed below in this section.	~~2.00%~~ Percentage of the contract value less the value of listed equipment		2.40%
~~1. Automotive Lift~~		~~$101.00~~	
~~2~~1. Boilers:			
• Hot water heating to 200 MBH		~~$96.00~~	$115.20
▪ For each additional 100 MBH or fraction thereof		~~$14.85~~	$17.82
• Hot water storage tank		~~$96.00~~	$115.20
• Hot water supply to 500 MBH		~~$96.00~~	$115.20
▪ For each additional 500 MBH or fraction thereof		~~$14.85~~	$17.82
• Low-pressure steam to 200 MBH		~~$96.00~~	$115.20
▪ For each additional 100 MBH		~~$14.85~~	$17.82
• Indirect hot water heater		~~$96.00~~	$115.20
• Miniature		~~$121.00~~	$145.20
• Power		~~$121.00~~	$145.20
▪ Plus per boiler hp		~~$1.80~~	$2.16
~~3~~2. Crematorium		~~$146.00~~	$175.20
~~4~~3. Dumbwaiters	See Vertical Transportation		
~~5~~4. Elevators	See Vertical Transportation		
~~6~~5. Expansion tank		~~$96.00~~	$115.20
~~7~~6. Escalator	See Vertical Transportation		
~~8~~7. Furnaces:			
• Central heating up to 200 MBH		~~$39.20~~	$47.04
▪ Each additional 100 MBH or fraction thereof		~~$10.75~~	$12.90
• Duct-furnace up to 200 MBH		~~$24.35~~	$29.22
▪ Each additional 100 MBH or fraction thereof		~~$10.75~~	$12.90
• Oil and solid fuel furnace up to 220 MBH input		~~$39.20~~	$47.04
▪ Each additional 100 MBH or fraction thereof		~~$10.75~~	$12.90
• Electric furnace up to 30 KW		~~$39.20~~	$47.04
▪ Each additional 30 KWS or fraction there of		~~$5.55~~	$6.66
~~9~~8. Halon system	Same as Base Fee		$108.00
~~10~~9. Heat pump:			
• Up to 5 tons		~~$48.75~~	$58.50
▪ Each additional ton		~~$1.80~~	$2.16
• Auxiliary heat up to 100 MBH		~~$39.20~~	$47.04
▪ Each additional 100 MBH		~~$5.55~~	$6.66
• Incremental heating and air conditioning units per unit. This fee applies to heating and air conditioning units installed with boilers chillers and water towers in a building.		~~$11.30~~	$13.56
~~11~~10. Incinerator: • Per 100 lbs. per hour burning rate or fraction thereof		~~$48.75~~	$58.50
~~12~~11. Manlift	See Vertical Transportation		
~~13~~12 Oil burner (conversion to or replacement of oil burner):			
• Light oils – No. 1, 2 or 4		~~$48.75~~	$58.50

		Current	Proposed
• Heavy oils – No. 5 or 6		~~$59.35~~	$71.22
~~14~~13. Ductwork~~,~~ and/or Piping of equipment: The fee for ~~all~~ ductwork and/or piping of equipment for use groups other than R-3, R-4, and R-5.	~~2.00%~~ Percentage of the total contract value		2.40%
~~15~~14. Porch lift, handicapped/wheel chair lift, hand elevator	See Vertical Transportation		
~~16~~15. Prefab chimney		~~$24.35~~	$29.22
~~17~~16. Prefab fireplace, with or without prefab chimney		~~$24.35~~	$29.22
~~18~~17. Pump, circulating		~~$48.75~~	$58.50
~~19~~18. Range hood fire protection system: Range hood only is charged as ductwork	Same as Base Fee		$108.00
~~20~~19. Refrigeration (including but not limited to chillers, air conditioning units and cooling towers):			
• Refrigeration and refrigeration cycle of air conditioning systems up to 5 tons		~~$48.75~~	$58.50
▪ Each additional refrigeration ton or fraction thereof		~~$1.80~~	$2.16
~~21~~20. Sidewalk elevators	See Vertical Transportation		
~~22~~21. Space heater	See Unit Heater		
~~23~~22. Tanks (Above ground or underground tanks for hazardous or non-hazardous liquids, oil gas and propane):			
• Commercial	Same as Base Fee		$108.00
• Residential (R-3, R-4 and R-5 occupancies)	Same as Base Fee		$108.00
• Unfired pressure vessel (Air compressor receiving tank)		~~$96.00~~	$115.20
~~24~~23. Unit heater:			
• Gas and oil up to 500 MBH input		~~$24.35~~	$29.22
▪ For each additional 100 MBH input or fraction thereof		~~$5.65~~	$6.78
• Electrical up to 147 KW		~~$24.35~~	$29.22
▪ Each additional 30 KW or fraction thereof		~~$5.65~~	$6.78
• Woodstove, with or without prefab chimney		~~$10.90~~	$13.08
(B) Periodic Mechanical Inspection Fee:			
• Boilers			
▪ Hot water heating			
♦ 0-1000 MBH		~~$96.00~~	$115.20
♦ 1001-2000 MBH		~~$121.00~~	$145.20
♦ Over 2000 MBH		~~$146.00~~	$175.20
▪ Hot water supply		~~$96.00~~	$115.20
▪ Miniature		~~$121.00~~	$145.20
▪ Power			
♦ 0-100 HP		~~$146.00~~	$175.20
♦ 101-500 HP		~~$170.00~~	$204.00
♦ 501-1000 HP		~~$196.00~~	$235.20
♦ Over 1000 HP		~~$217.00~~	$260.40
▪ Steam			
♦ 0-1000 P/H		~~$128.00~~	$153.60
♦ 1001-2000 P/H		~~$146.00~~	$175.20
♦ 2001-4000 P/H		~~$170.00~~	$204.00
♦ Over 4000 P/H		~~$196.00~~	$235.20
• Hydrostatic test		~~$173.00~~	$207.60
• Incinerator			
▪ Up to 100 pounds		~~$101.00~~	$121.20
▪ Over 100 pounds		~~$154.00~~	$184.80

		Current	Proposed
• Range hood fire protection system.			
▪ Range hood is only charged as ductwork.		~~$96.00~~	$115.20
• Halon system		~~$96.00~~	$115.20
• Refrigeration system		~~$146.00~~	$175.20
• Unfired pressure vessel			
▪ With manhole		~~$146.00~~	$175.20
▪ Without manhole		~~$96.00~~	$115.20
D: ELECTRICAL PERMIT FEES			
(A) Electrical Equipment Installation Fees:			
Fees for the initial construction of new dwelling units in R-2, R-3, R-4 and R-5 use groups. The fees include the initial installation of equipment listed on the electrical permit application that includes the main electrical service for the dwelling. Any equipment installed pursuant to other electrical permit applications shall be charged in accordance with the fees prescribed in (B) below.			
1. Electrical service size:			
• 0-149 amps		~~$200.00~~	$240.00
• 150-399 amps		~~$212.00~~	$254.40
• 400 amps		~~$292.00~~	$350.40
• More than 400 amps-Use itemized fees in (B) below	See note		
(B) Electrical Equipment Installation Fees:			
1. Appliances, residential: Includes direct-wired appliances installed in dwelling units such as air cleaners, attic fans, central vacuums, dishwashers, disposals, clothes dryers, ovens, ranges or stoves, trash compactors and water heaters:			
• First appliance		~~$10.75~~	$12.90
▪ Each additional appliance		~~$5.65~~	$6.78
Receptacles for individual appliances installed in lieu of the appliance shall be charged at the same rate as if the appliance were installed.			
2. Circuits, new (Extensions are counted as circuits), each		~~$1.80~~	$2.16
3. Control wiring: Wiring less than 50 volts when penetrating fire rated assemblies, smoke barriers and non-combustible plenums (e.g. telephone wiring, television wiring, burglary/security systems, fire alarm systems, etc.)	Same as Base Fee		$108.00
4. Dental chairs		~~$10.75~~	$12.90
5. Electrical equipment rated by kilowatts (KW) to include space, baseboard and central heat, and commercial cooking units, water heaters, dishwashers, dryers, etc.:			
• 0 to 4 KW		~~$14.85~~	$17.82
▪ Each additional unit in this range		~~$5.65~~	$6.78
• 4 to 6 KW		~~$18.00~~	$21.60
▪ Each additional unit in this range		~~$10.75~~	$12.90
• 6 to 8 KW		~~$22.60~~	$27.12
▪ Each additional unit in this range		~~$14.85~~	$17.82
• 8 to 10 KW		~~$28.25~~	$33.90
▪ Each additional unit in this range		~~$18.00~~	$21.60
• 10 to 14 KW		~~$32.90~~	$39.48
▪ Each additional unit in this range		~~$22.60~~	$27.12
• 14 to 20 KW		~~$36.75~~	$44.10
▪ Each additional unit in this range		~~$28.25~~	$33.90
• 20 to 25 KW		~~$41.30~~	$49.56

	Current	Proposed
▪ Each additional unit in this range	~~$32.90~~	$39.48
• Over 25 KW	~~$45.45~~	$54.54
▪ Each additional unit in this range	~~$36.75~~	$44.10
6. Fan coil units	~~$5.65~~	$6.78
7. Fixtures, switches and receptacles, etc.:		
• First 10 or fraction thereof	~~$10.75~~	$12.90
▪ Each additional 10 or fraction thereof	~~$7.25~~	$8.70
8. Gasoline pumps: Submerged — Fee shall be the same as for motors		
9. Gasoline island pumps or dispensers:		
• First	~~$10.75~~	$12.90
▪ Each additional, each	~~$7.25~~	$8.70
10. Generators: (does not apply to generators used with amusement devices)		
• 0 to 5 KW	~~$24.35~~	$29.22
• Over 5 to 25 KW	~~$29.95~~	$35.94
• Over 25 to 35 KW	~~$39.20~~	$47.04
• Over 35 to 50 KW	~~$47.70~~	$57.24
• Over 50 KW	~~$73.00~~	$87.60
11. Heating and air conditioning – gas and oil:		
• Residential furnace – gas/oil or air conditioning		
▪ First unit	~~$14.85~~	$17.82
▪ Each additional unit	~~$5.65~~	$6.78
• Commercial furnace — See Motors		
12. Motors and electrical equipment rated horsepower (hp) to include commercial heating, cooling and ventilating equipment. On package equipment, such as pumps and commercial air handlers, fans, compressors and disposals, each motor shall be charged separately:		
• 1/8 horsepower or less — Charged as Fixtures		
• Over 1/8 to 1 hp		
▪ First	~~$14.85~~	$17.82
▪ Each additional motor	~~$5.65~~	$6.78
• Over 1 to 5 hp		
▪ First	~~$18.00~~	$21.60
▪ Each additional motor	~~$5.65~~	$6.78
• Over 5 to 10 hp		
▪ First	~~$24.50~~	$29.40
▪ Each additional motor	~~$10.75~~	$12.90
• Over 10 to 20 hp		
▪ First	~~$29.95~~	$35.94
▪ Each additional motor	~~$14.85~~	$17.82
• Over 20 to 30 hp		
▪ First	~~$34.40~~	$41.28
▪ Each additional motor	~~$18.00~~	$21.60
• Over 30 to 40 hp		
▪ First	~~$44.80~~	$53.76
▪ Each additional motor	~~$29.95~~	$35.94
• Over 40 to 50 hp		
▪ First	~~$53.00~~	$63.60
▪ Each additional motor	~~$38.50~~	$46.20

		Current	Proposed
• Over 50 hp			
▪ First		~~$64.00~~	$76.80
▪ Each additional motor		~~$48.75~~	$58.50
13. Parking lot lighting:			
• First pole		~~$10.75~~	$12.90
▪ Each additional		~~$5.65~~	$6.78
14. Services:			
• New or replacement, subservices, subpanels, submeters or meters for separate occupancies:			
▪ 0 to 800 amp		~~$50.00~~	$60.00
▪ Over 800 amp		~~$73.00~~	$87.60
• Temporary service on structures for construction of temporary or permanent service			
▪ 0 to 800 amp		~~$50.00~~	$60.00
▪ Over 800 amp		~~$73.00~~	$87.60
Circuits, fixtures, receptacles and equipment to be charged for under the circuit fixture and motor schedule			
15. Signs:			
• Fluorescent, each sign			
▪ 1 to 4 tubes		~~$14.85~~	$17.82
▪ Each additional 4 tubes or fraction thereof		~~$10.75~~	$12.90
• Incandescent, each sign		~~$14.85~~	$17.82
• Neon, each sign			
▪ First transformer		~~$14.85~~	$17.82
▪ Each additional transformer		~~$5.65~~	$6.78
16. Swimming pools, annual inspections fees:			
• Includes two inspections			
Fee must be paid before inspections will be performed. Additional inspections will require payment of re-inspection fee.		~~$133.00~~	$159.60
17. Temporary wiring:			
• Tree sales, produce stands, fireworks stands, tent sales and other temporary non-amusement activities	Same as Base Fee		$108.00
• Carnivals, fairs, circuses, generators and other temporary amusement activities. The fee shall be the maximum fee per Virginia Amusement Device Regulations (VADR) 2012 adopted July 14, 2014	Max Fee Per VADR	~~$170.00~~	
18. Transformers, UPS and step down transformers:			
• 0 to 10 KVA		~~$14.85~~	$17.82
▪ Each additional transformer in this range		~~$10.75~~	$12.90
• Over 10 to 50 KVA		~~$18.00~~	$21.60
▪ Each additional transformer in this range		~~$14.85~~	$17.82
• Over 50 to 75 KVA		~~$29.95~~	$35.94
▪ Each additional transformer in this range		~~$24.35~~	$29.22
• Over 75 to 200 KVA		~~$44.80~~	$53.76
▪ Each additional transformer in this range		~~$34.40~~	$41.28
• Over 200 KVA		~~$57.00~~	$68.40
▪ Each additional transformer in this range		~~$48.30~~	$57.96
19. Unit heaters		~~$5.65~~	$6.78

		Current	Proposed
20. UPS System	Fee shall be the same as transformers by KVA rating		
21. Welders		~~$6.35~~	$7.62
22. X-ray machines		~~$6.35~~	$7.62
E: PLUMBING PERMIT FEES			
(A) Plumbing and Gasfitting Equipment Installation Fees:			
1. New plumbing systems in new buildings, existing unplumbed buildings, or portions thereof, changes in existing systems		~~$48.75~~	$58.50
• Plus, for each fixture, each appliance, each appurtenance, including sill cock, and for each area-way drain, floor drain and roof drain		~~$7.25~~	$8.70
2. Setting or replacing fixtures without changes in existing system		~~$48.75~~	$58.50
• Plus, for each fixture		~~$5.65~~	$6.78
3. Sewer, new, replacement or repair		~~$48.75~~	$58.50
4. Sewer tapping		~~$48.75~~	$58.50
5. Sewage ejector pump		~~$7.25~~	$8.70
6. Sump pump		~~$7.25~~	$8.70
7. Swimming pool, public and semipublic	Fixture, appliance and appurtenance fee apply		
8. Water service, new, replacement or repair		~~$48.75~~	$58.50
F: HOUSEHOLD APPLIANCE PERMIT FEES			
(A) Household Appliance Fees:			
• Base permit fee, which includes the first appliance		~~$50.00~~	$60.00
▪ Plus, additional appliances added on the same permit, each		~~$12.05~~	$14.46
G: VERTICAL TRANSPORTATION PERMIT FEES			
(A) Mechanical Equipment Installation Fees: The permit fee for installation, repair, or replacement of all mechanical equipment installed in buildings other than within individual residences.	~~*1.96%*~~ *Percentage of the contract value less the value of the equipment listed below*		2.00%
This fee is in addition to the equipment fees listed below in this section.			
1. Commercial (new or replacement):			
• Chair/platform lifts		$142.00	$142.00
• Dumbwaiters/material lifts			
▪ Hand-operated		$142.00	$142.00
▪ Power-driven		$142.00	$142.00
• Elevators			
▪ Construction		$306.00	$306.00
▪ Freight, plus floor charge		$289.00	$289.00
▪ Passenger, plus floor charge		$289.00	$289.00
• Escalators, per floor/moving walks		$497.00	$497.00
• Man lifts		$146.00	$146.00
▪ Hand-driven		$113.00	$113.00
Floor charge: Fee charged for each floor in the building where a passenger or freight elevator is installed. This charge shall be computed and added to the cost of the first piece of equipment only.		$47.00	$47.00

	Current	Proposed
Alterations or repairs shall be charged at a percentage of the estimated cost of repairs, ~~1.5%~~ Percentage of the estimated cost of repairs		1.50%
With a minimum fee of	$135.00	$135.00
2. Residential, new or replacement		
• Chair/platform lifts	$142.00	$142.00
• Dumbwaiters		
▪ Hand-operated	$142.00	$142.00
▪ Power-driven	$142.00	$142.00
• Private residence elevators	$306.00	$306.00
(B) Periodic Mechanical Inspection Fee: All vertical transportation equipment, other than that which is installed within individual residences, and other than conveyors, requires an annual certificate of compliance. For an annual certificate of compliance, the annual fee payable by the owner of the building to the County of Fairfax on or before the expiration of the certificate shall be as follows:		
• Chair/platform lifts	$146.00	$146.00
• Dumbwaiters/material lifts		
▪ Hand-operated	$122.00	$122.00
▪ Power-driven	$134.00	$134.00
• Elevators		
▪ Construction	$266.00	$266.00
▪ Freight, plus floor charge	$266.00	$266.00
▪ Passenger, plus floor charge	$266.00	$266.00
• Escalators, per floor/moving walks	$146.00	$146.00
• Man lifts	$146.00	$146.00
• Sidewalk elevators		
▪ Hand-driven	$113.00	$113.00
▪ Power-driven	$150.00	$150.00
Floor charge: Fee charged for each floor in the building where a passenger or freight elevator is installed. This charge shall be computed and added to the cost of the first piece of equipment only.	$47.00	$47.00
Freight and passenger elevator tests: The following fees apply to freight and passenger elevator tests which are not performed in conjunction with regularly scheduled periodic inspections:		
• Temporary inspection	$246.00	$246.00
• Temporary inspection (extension)	$115.00	$115.00
• Governor test	$296.00	$296.00
• Load test	$445.00	$445.00
• Speed test	$296.00	$296.00
• Static pressure/hydraulic	$296.00	$296.00
• Fire and smoke test	$213.00	$213.00
H: FIRE PREVENTION DIVISION (FIRE MARSHAL) FEES		
(A) Plan Review Fees: Fees for all plan review are based on an hourly charge calculated on the quarter hour or part thereof, per reviewer. Fees are due upon completion of the plan review process. ~~$128.00~~Per Hour		$156.00

			Current	Proposed
(B) Acceptance Testing and Inspection Fees: Fees are based on an hourly charge calculated on the quarter hour or part thereof, per inspector. Fees for fire protection equipment and systems performance tests and inspections, other equipment and systems performance tests and inspections, occupancy or preoccupancy inspections, fire lanes and required retesting or reinspections shall be imposed per hour calculated on the quarter hour or part thereof, per required inspector.		~~$128.00~~Per Hour		$156.00
(C) Reinspection Fees: Reinspection fees shall be based on the hours reserved to perform the test and will be charged per hour calculated on the quarter hour or part thereof, per required inspector. The following matrix is to serve as a guideline in determining when a reinspection fee is required for acceptance testing and retesting. A minimum notice of 24 hours (one full business day) for test cancellation is required. The fee is charged when an inspection is not cancelled in time to save an unnecessary trip by inspectors.		~~$128.00~~Per Hour		$156.00
REINSPECTION FEES				
CIRCUMSTANCE	***CONDITION***	***INSPECTED***	RE-INSPECTION FEE	RE-INSPECTION FEE
Cancelled or rescheduled off site more than 24 hours prior to appointment	N/A	No	No	No
Cancelled or rescheduled off site less than 24 hours prior to appointment	N/A	No	Yes	Yes
Contractor shows, others do not or inspectors arrive, no one on site	Cannot test	No	Yes	Yes
Cancelled while inspectors on site; test not started	Not Ready	No	Yes	Yes
Regular inspection, test started, test not completed	Not Ready or Failure due to fault of contractor	Yes	Yes	Yes
Regular inspection, test started, test not completed	Failed, but not due to fault of contractor	Yes	No	No
Regular inspection, test completed	Substantially ready with minor deficiencies	Yes	No	No
Regular inspection, test completed	No punch list, sticker issued	Yes	No	No
Final inspection	Deficient	Yes	Yes	Yes
(D) Plan Reviews and Inspections Performed Outside Business Hours: Plan reviews and inspections may be performed outside business hours upon request at the sole discretion of the fire official. Fees for these plan reviews and inspections shall be assessed at twice the rate listed in (A), (B), and (C) above. Fees shall be assessed in 30 minute increments.				
I: AMUSEMENT DEVICE PERMIT FEES				
The permit fee for each amusement device or carnival ride shall be ~~as follows:~~ the maximum in accordance with the Virginia Amusement Device Regulations (VADR)				
~~Kiddie ride~~			~~$25.00~~	
~~Circular ride or flat-ride less than 20 feet in height~~			~~$35.00~~	
~~Spectacular ride that cannot be inspected as a circular ride or flat-ride due to complexity or height.~~			~~$55.00~~	
~~Roller coaster that exceeds 30 feet in height~~			~~$150.00~~	

		Current	Proposed
II. SITE DEVELOPMENT FEES			
The following site development fees to cover the cost of reviewing site and subdivision plans and related documents; processing site and subdivision plan agreements; making inspections of required site improvements; permitting any work or construction on any land dedicated or proposed for dedication to public use; and other fees incidental to the administration of these activities pursuant to Chapters 2, 101, 104, 112, and 124 of the Code and any fees paid to the County upon submission of any request for a waiver, exception, and modification of the County Ordinances, are hereby adopted:			
A: PLAN AND DOCUMENT REVIEW FEES			
The following fees are due upon submission to the County of the following plans and documents. The Fire Prevention Division review fees are listed in Part D.			
(A) Plats:			
1. Easement plat, per submission		~~$360.00~~	$432.00
2. Preliminary subdivision plat:			
• Initial Submission			
▪ Less than 10 lots		~~$3,494.00~~	$4,192.80
♦ Plus, fee per lot or division of land including outlots and parcels		~~$66.00~~	$79.20
▪ 10 lots or more		~~$5,688.00~~	$6,825.60
♦ Plus, fee per lot or division of land including outlots and parcels		~~$66.00~~	$79.20
Redate (reapproval): fee for reapproval of a previously approved preliminary plat submitted to the County for approval during the validity period of the preliminary plat, each.		~~$709.00~~	$850.80
• Resubmission, per submission	~~25.00%~~ Percentage of the Original Fee		25.00%
• Revisions, per submission	~~25.00%~~ Percentage of the Original Fee		25.00%
3. Record (final) subdivision plat:			
• Initial Submission		~~$606.00~~	$727.20
▪ Plus, fee per lot or division of land including outlots and parcels		~~$30.00~~	$36.00
• Resubmission Fee, per submission		~~$308.00~~	$369.60
• Redate (reapproval): fee for reapproval of a previously approved final plat that has expired, per submission		~~$529.00~~	$634.80
(B) Subdivision Plans, Site Plans, and Site Plans for Public Improvements Only: *The following schedule shall be used to tabulate the fees for review of subdivision and site plans, and site plans for public improvements only.*			
1. Base Fee:			
• Subdivision Plan			
▪ 1st submission		~~$4,830.00~~	$5,796.00
▪ Plus, fee per disturbed acre or any fraction thereof		~~$884.00~~	$1,060.80
• Site Plan			
▪ 1st submission		~~$7,296.00~~	$8,755.20
▪ Plus, fee per disturbed area or any fraction thereof		~~$884.00~~	$1,060.80
• Site plans for public improvements only including sanitary sewer, trail, sidewalk, storm sewer, channel improvements, waterline, and/or road construction pursuant to Chapter 2 of the Code.			
▪ 1st submission		~~$3,519.00~~	$4,222.80
▪ Plus, per linear foot or fraction thereof, of each improvement		~~$1.21~~	$1.45
2. Fees in addition to base fees:			

		Current	Proposed
• Additional plan review, as a result of an approved zoning action associated with the proposed construction to include the following,	with a maximum cumulative fee of	~~$3,465.00~~	$4,158.00
▪ Sites subject to rezoning		~~$2,035.00~~	$2,442.00
▪ Sites subject to special exception		~~$1,428.00~~	$1,713.60
▪ Sites subject to special permit		~~$1,428.00~~	$1,713.60
▪ Sites subject to variance		~~$1,058.00~~	$1,269.60
• Review resulting from site conditions and proposed improvements			
▪ SWM/BMP facility, for each facility serving the site (on or off-site), except as noted,	with a maximum cumulative fee of	$7,500.00	$7,500.00
♦ Constructed Wetland or Ponds		$3,200.00	$3,200.00
♦ Bioretention Basin or Filter, Infiltration Facility, Filtering Practice[1], Innovative BMP[2], or Detention-Only Facility[3]		$1,900.00	$1,900.00
♦ Dry Swale, Wet Swale, or Grass Channel (per linear foot),		$5.00	$5.00
	with a minimum of	$1,500.00	$1,500.00
♦ Rainwater Harvesting System, per square foot of collection area,		$0.12	$0.12
	with a minimum of	$1,900.00	$1,900.00
♦ Permeable Pavement, Vegetated Roof, per square foot of surface		$0.12	$0.12
	with a minimum of	$1,500.00	$1,500.00
· Manufactured BMP[4], Micro- or Urban Bioretention[5]		$1,200.00	$1,200.00
♦ Rooftop Disconnection, for each building served		$500.00	$500.00
♦ Sheet Flow to Vegetated Filter Strip or Conserved Open Space, Soil Amendments, Reforestation, flat fee per plan		$500.00	$500.00
▪ Floodplain area (existing and proposed)		~~$714.00~~	$856.80
▪ Natural drainage way (non-floodplain watersheds)		~~$714.00~~	$856.80
▪ Problem soils (area with soil types A or B, per the official map adopted by the Board or as deemed by the Director)		~~$1,058.00~~	$1,269.60
Footnotes; 1. Filtering practices include facilities such as sand filters. 2. BMPs not on the Virginia Stormwater BMP Clearinghouse approved list or listed with a Pilot Use Designation or Conditional Use Designation. 3. Vaults or other underground storage systems providing detention only. No ponds. 4. Includes proprietary devices. 5. Includes residential rain gardens, urban stormwater planters, expanded tree pits, and stormwater curb extensions.			
3. Resubmissions:			
• 2nd submission base fee: fee tabulated at a percentage ~~50%~~ of the first submission fee assessed in accordance with (B1) and (B2) above.	~~50.00%~~ Percentage of the Original Fee	50.00%	50.00%
▪ Plus, additional fees charged in accordance (B1) and (B2) above for changes in the amount of disturbed area, zoning action, site conditions, and/or proposed improvements from that indicated on the first submission.	Tabulated Fee		
• The maximum combined first and second submission base fees:			
▪ For subdivision plans		~~$13,256.00~~	$15,907.20
▪ For site plans		~~$47,310.00~~	$56,772.00

		Current	Proposed
• Resubmission site and subdivision plan after 2nd submission, per submission (does not apply to site plans with public improvements only)		~~$4,670.00~~	$5,604.00
• 2nd submission fee for site plans with public improvements only, per submission		$0.00	$0.00
• Resubmissions after 2nd submission for site plans with public improvements only, per submission: fee tabulated at a percentage ~~50%~~ of the first submission fee in accordance with (B1) and (B2) above.	~~50.00%~~ Percentage of the Original Fee	50.00%	50.00%
4. Revisions:			
• Fee, per submission		~~$1,058.00~~	$1,269.60
▪ Plus, additional fees charged in accordance with (B1) and (B2) above for changes in the disturbed area, zoning action, site conditions, and/or proposed improvements from that indicated on the original plan.	Tabulated Fee		
5. Plan extensions (redate), per request		~~$1,428.00~~	$1,713.60
(C) Minor Site Plans and Grading Plans:			
1. Minor Site Plans, per submission		~~$2,852.00~~	$3,422.40
2. Grading plans for building permits on existing lots within a subdivision currently bonded with the County:			
• 1st submission, first lot		~~$1,058.00~~	$1,269.60
▪ Each additional lot within the same subdivision submitted within the same plan set		~~$879.00~~	$1,054.80
• Resubmissions and revisions, first lot		~~$360.00~~	$432.00
▪ Each additional lot within the same subdivision submitted within the same plan set		~~$185.00~~	$222.00
3. Grading plans for building permits on existing lots that are not within a subdivision currently bonded with the County and parcels with lots of 5 acres or more:			
• 1st submission, per infill lot		$1,685.00	$1,685.00
• Resubmissions and revisions, per infill lot		$678.00	$678.00
4. Rough grading plan (RGP) and filling parcels:			
• 1st submission, per division of land or disturbed acre, or fraction thereof, whichever amount is greater		~~$660.00~~	$792.00
	Not to Exceed	~~$12,185.00~~	$14,622.00
• Resubmissions and revisions, per submission	~~25.00%~~ Percentage of the Original Fee		25.00%
5. Conservation plan without a grading plan, per submission		~~$1,007.00~~	$1,208.40
(D) Processing of Studies, Soils Reports and Other Plans:			
1. Studies:			
• Drainage study, per submission (non-floodplain watersheds)		~~$1,634.00~~	$1,960.80
• Floodplain study			
▪ Per submission, per linear foot of baseline or fraction thereof		~~$2.30~~	$2.76
▪ Plus, fee per road crossing and per dam,		~~$509.00~~	$610.80
Not to exceed total fee, ~~of $9355.00~~ per submission:			$11,226.00
• Parking study			
▪ Parking tabulation for change in use, per submission		~~$817.00~~	$980.40
▪ Parking redesignation plan, per submission		~~$817.00~~	$980.40
▪ Administrative parking reduction for churches, chapels, temples, synagogues and other such places of worship with child care center, nursery school or private school of general or special education, per submission		~~$817.00~~	$980.40
▪ Parking reduction based on hourly parking accumulation characteristics or hourly parking accumulation characteristics in combination with other factors when the required spaces are:			
♦ Under 225 spaces		~~$2,343.00~~	$2,811.60
♦ 225 to 350 spaces		~~$4,069.00~~	$4,882.80
♦ 351 to 599 spaces		~~$6,505.00~~	$7,806.00

	Current	Proposed
♦ 600 spaces or more	~~$13,626.00~~	$16,351.20
▪ Parking reduction based on proximity to a mass transit station	~~$2,343.00~~	$2,811.60
▪ Parking reduction based on a Transportation Demand Management Program	~~$2,343.00~~	$2,811.60
• Recycling study: When the plan or study is submitted to the County for the sole purpose of placing recycling containers on a commercial or industrial site, as required by the Fairfax County Business Implementation Recycling Plan, per submission.	$0.00	$0.00
• Water Quality Fees*		
▪ Resource Protection Area (RPA) Boundary Delineations and Resource Management Area (RMA) Boundary Delineations		
♦ Non-bonded lots, existing lots and acreage, rough grading and filling parcels, and parcels with lots of 5 acres or more not within a subdivision or site plan development currently bonded with the County, per submission	~~$349.00~~	$418.80
♦ Bonded lots: lots in conjunction with multiple construction within a subdivision currently bonded with the County, per submission:		
▫ Projects with 150 linear feet or less of baseline	~~$349.00~~	$418.80
▫ Projects with greater than 150 linear feet of baseline	~~$349.00~~	$418.80
▪ Plus, fee per linear foot of baseline or fraction thereof, in excess of 150 linear feet	~~$0.80~~	$0.96
▪ Water Quality Impact Assessments (WQIA)		
♦ Non-bonded lots: existing lots and acreage, rough grading and filling parcels, and parcels with lots of 5 acres or more not within a subdivision or site plan development currently bonded with the County, per submission	~~$360.00~~	$432.00
♦ Bonded lots: lots in conjunction with multiple construction within a subdivision or site plan currently bonded with the County, per submission	~~$1,377.00~~	$1,652.40
*In the event that a RPA and RMA Boundary Delineation and a WQIA are submitted simultaneously, only one fee shall be required and such fee shall be the higher of the fees required for the individual studies.		
2. Soils Reports:		
• Bonded lots: lots in conjunction with multiple constructions in a newly bonded subdivision development, site plan or site plan for public improvements only		
▪ 1st submission, per lot	~~$2,852.00~~	$3,422.40
▪ Resubmissions and revisions, per submission	~~$935.00~~	$1,122.00
• Non-bonded lots: existing lots and acreage, rough grading and filling parcels, and parcels with lots of 5 acres of more, not within a subdivision or site plan development currently bonded with the County, per submission		
▪ 1st submission, per lot	~~$1,834.00~~	$2,200.80
Not to Exceed	~~$3,655.00~~	$4,386.00
▪ Resubmissions and revisions, per submission	~~$935.00~~	$1,122.00
3. Other Plans:		
• As-built plans		
▪ Sanitary Sewer, per submission	~~$529.00~~	$634.80
▪ Site and subdivision, per submission	~~$360.00~~	$432.00
• Debris landfill design plan		
▪ Base fee, per submission	~~$1,120.00~~	$1,344.00
▪ Plus, per acres	~~$74.00~~	$88.80
• Debris landfill permit, semi-annual, each permit	~~$2,446.00~~	$2,935.20
• Environmental Site Assessment:		
▪ 1st submission	~~$2,651.00~~	$3,181.20

	Current	Proposed
▪ Resubmissions and revisions, per submission	~~$935.00~~	$1,122.00
• Photometric or Sports Illumination Plan, fee per submission when such plan is not submitted as part of a required site plan submission	~~$735.00~~	$882.00
• Tree removal permit, each permit	~~$185.00~~	$222.00
(E) Miscellaneous fees:		
• Sheet substitution (insert): fee paid prior to plan approval of any insert sheet to a study, report, plan or waiver.	~~$90.00~~	$108.00
• Lot Validation Application	~~$370.00~~	$444.00
B. BONDING AND AGREEMENT FEES		
The following fees shall be paid upon submission to the County of agreement packages.		
(A) Agreement Package Processing Fee, per agreement package:		
• Security value exceeding $10,000	~~$2,050.00~~	$2,460.00
• Security value of $10,000 or less	~~$283.00~~	$339.60
(B) Agreement Extensions, Replacements and Reductions:		
• Agreement extensions	~~$822.00~~	$986.40
• Replacement agreement: There shall be no replacement agreement fee if the rating for the corporate surety has fallen to a "B" level according to the A.M. Best Key Rating Guide and the replacement request is submitted to and approved by the Director prior to the expiration date of the agreement.	~~$1,464.00~~	$1,756.80
• Agreement security reductions in support of an agreement	~~$1,392.00~~	$1,670.40
• Agreement extension and reduction submitted simultaneously	~~$1,392.00~~	$1,670.40
Also see Part C, Site Inspection Fees, for inspection fee for agreement extensions.		
C. SITE INSPECTION FEES		
Unless otherwise noted, the following fees shall be paid at the time of bonding, or prior to issuance of a construction permit for land disturbing activity, whichever occurs first. The Fire Prevention inspection fees are listed in Part D.		
(A) Base Fee: Per disturbed acre per agreement month,	~~$38.55~~	$46.26
with a minimum of	~~$1,340.00~~	$1,608.00
and a maximum of	~~$24,125.00~~	$28,950.00
(B) Fees in Addition to the Base Fee:		
1. Public Utility Fees:		
• Storm drainage		
▪ Base fee for first 100 linear feet	~~$1,552.00~~	$1,862.40
▪ Plus, fee for each additional linear foot or fraction thereof	~~$3.35~~	$4.02
• Stormwater management ponds		
▪ Embankment less than or equal to 6 feet high	~~$1,547.00~~	$1,856.40
▪ Embankment greater than 6 feet high	~~$3,083.00~~	$3,699.60
• Dedicated streets		
▪ For first 100 linear feet	~~$2,168.00~~	$2,601.60
▪ Plus, fee for each additional linear foot or fraction thereof	~~$9.00~~	$10.80
• Private streets		
▪ For the first 100 linear feet	~~$1,759.00~~	$2,110.80
▪ Plus, fee for each additional linear foot or fraction thereof	~~$7.25~~	$8.70
• Other paved area, per square yard or fraction thereof	~~$1.60~~	$1.92
▪ Driveway entrances, for each entrance	~~$162.00~~	$194.40
▪ Pedestrian walkways/trails		
♦ For the first 100 linear feet	~~$372.00~~	$446.40

	Current	Proposed
♦ Plus, fee for each additional linear foot or fraction thereof	~~$1.85~~	$2.22
• Sanitary sewer systems		
▪ Base fee for first 100 linear feet of main	~~$2,162.00~~	$2,594.40
▪ Plus, fee for each additional linear foot or fraction thereof	~~$7.00~~	$8.40
*2. Other Bonded and Proffered Work: F*ee is based on a percentage of the bonded amount		
• Cast in place culverts		
▪ Percentage of bonded amount up to $50,000	~~14.90%~~	17.90%
♦ Plus, percentage of the bonded amount greater than $50,000 but less than or equal to $200,000	~~7.35%~~	8.80%
♦ Plus, percentage of bonded amount greater than $200,000	~~3.07%~~	3.70%
▪ All other work		
♦ Percentage of bonded amount up to $50,000	~~14.90%~~	17.90%
♦ Plus, percentage of bonded amount greater than $50,000	~~3.07%~~	3.70%
3. Inspection Fee for Agreement Extensions: per disturbed acre~~*~~, per agreement month ~~*When the amount of disturbed site area has been reduced to less than one-half of the original amount and the developer's agreement has not expired, a~~ A one-time fifty percent reduction of the ~~original disturbed area is~~ extension inspection fee may be permitted.	~~$38.55~~	$46.26
4. Inspection following a stop work order: each, payable at next bonding action	~~$617.00~~	$740.40
5. Inspection following a violation: each inspection, payable at next bonding action	~~$308.00~~	$369.60

		Current	Proposed
D. FIRE PREVENTION DIVISION (FIRE MARSHAL) FEES			
The following Fire Prevention Division fees shall be paid for the review and inspection of the following plans and plats. Plan review fees are due upon submission to the County of such plans and plats except that fees for plans submitted directly to the Fire Prevention Division shall be due upon completion of the plan review process or within 120 days of plan submission, whichever comes first. Inspection fees are due upon completion of the inspection.			
Site plans Site plan revisions Site plan extensions Rough grading plans As-built site and subdivision plans Plats	Subdivision plans Site plans for public improvements only Revisions and reapprovals to subdivision plans and site plans for public improvements only		
(A) Plan Review fees: Fees are based on an hourly charge calculated on the quarter hour or part thereof, per reviewer.	~~$128.00~~Per Hour		$156.00
(B) Testing and Inspection Fees: Fees are based on an hourly charge calculated on the quarter hour or part thereof, per inspector.	~~$128.00~~Per Hour		$156.00
E. SITE PERMIT FEES			
Before a permit is issued for any work or construction on any land dedicated or proposed for dedication to public use, the following fees shall be paid to the County. A separate utility permit is required for each of the following types of surface work, overhead installations or underground installations:			
(A) Surface work:			
• Private entrances by homeowner		~~$308.00~~	$369.60
• Private property being developed for sale by subdivision (i.e. land developer)		~~$308.00~~	$369.60
• Drainage structures		~~$308.00~~	$369.60
• Steps, sidewalks, curb and gutter, etc.		~~$308.00~~	$369.60
(B) Overhead installations:			
• Crossings		~~$308.00~~	$369.60
• Poles		~~$308.00~~	$369.60
• Guys and anchors		~~$308.00~~	$369.60
• Streetlights		~~$308.00~~	$369.60
(C) Underground installations:			
• Crossings		~~$473.00~~	$567.60
• Parallel installations, any length on one permit		~~$473.00~~	$567.60
• Emergency permits or permits for repairs of existing facilities		~~$308.00~~	$369.60
• Valve boxes		~~$308.00~~	$369.60
• Manholes (construction, reconstruction, adjust when on existing line)		~~$308.00~~	$369.60
• Test holes		~~$308.00~~	$369.60
• Fire hydrants, installed on existing line		~~$308.00~~	$369.60
• Service connections		~~$308.00~~	$369.60

	Current	Proposed
F. WAIVER, EXCEPTION, MODIFICATION AND EXEMPTION FEES		
Fees in accordance with the table below shall be paid to the County upon submission of any request for a waiver, exception, and modification of the County Ordinances, including but not limited to the Chesapeake Bay Preservation Ordinance (Chapter 118), the Subdivision Ordinance (Chapter 101), the Zoning Ordinance (Chapter 112), Stormwater Management Ordinance (Chapter 124), and the Public Facilities Manual (PFM). The fee assessed shall be based on the Ordinance requirement and the type of plan submitted pursuant to Chapter 101, 112 or 104 of the Code.		
Resource Protection Area (RPA) Applications		
County Ordinance		
1. Chapter 118-5-1(a): Exemption		
Pursuant to Chapter 101	No fee	No fee
Pursuant to Chapter 104	No fee	No fee
Pursuant to Chapter 112	No fee	No fee
2. Chapter 118-5-1(b): Exemption Reconstruction of structures destroyed/damaged by casualty, if such reconstruction is otherwise permitted by law and as long as the structure is reconstructed in the same location and creates no more impervious area than existed with the prior structure.		
Pursuant to Chapter 101	No fee	No fee
Pursuant to Chapter 104	No fee	No fee
Pursuant to Chapter 112	No fee	No fee
3. Chapter 118-5-2: Exemption for public utilities		
Pursuant to Chapter 101	No fee	No fee
Pursuant to Chapter 104	No fee	No fee
Pursuant to Chapter 112	No fee	No fee
4. Chapter 118-5-3(a): Exemption Water wells, site amenities for passive recreation, historic preservation, and archeological activities located within an RPA.		
Pursuant to Chapter 101	No fee	No fee
Pursuant to Chapter 104	No fee	No fee
Pursuant to Chapter 112	No fee	No fee
5. Chapter 118-5-3(b): Exemption for less than 2500 sf. disturbance in RMA.		
Pursuant to Chapter 101	No fee	No fee
Pursuant to Chapter 104	No fee	No fee
Pursuant to Chapter 112	No fee	No fee
6. Chapter 118-5-3(c): Exemption		
Pursuant to Chapter 101	No fee	No fee
Pursuant to Chapter 104	No fee	No fee
Pursuant to Chapter 112	No fee	No fee
7. Chapter 118-5-4(a): Waiver *Loss of buildable area in RPA for lots recorded prior to 10/01/89 with no encroachment into the seaward 50 feet of the RPA buffer area.*		
Pursuant to Chapter 101		
Pursuant to Chapter 104	~~$170.00~~	$204.00
Pursuant to Chapter 112	~~$730.00~~	$876.00

	Current	Proposed
8. Chapter 118-5-4(b): Waiver *Loss of buildable area in RPA for lots recorded between 10/01/89 and 11/18/03 for houses located within the RPA, with no encroachment into the seaward 50 feet of the RPA buffer area.*		
Pursuant to Chapter 101		
Pursuant to Chapter 104	~~$170.00~~	$204.00
Pursuant to Chapter 112	~~$730.00~~	$876.00
9. Chapter 118-5-5(a): Exception Waiver of the performance criteria for minor additions to principal structures established as of 7/01/93. No accessory structures or uses.		
Pursuant to Chapter 101		
Pursuant to Chapter 104	~~$170.00~~	$204.00
Pursuant to Chapter 112	~~$730.00~~	$876.00
10. Chapter 118-5-5(b): Exception Waiver of the performance criteria for minor additions to principal structures established between 7/01/93 and 11/18/03 and located within the RPA. No accessory structures or uses.		
Pursuant to Chapter 101		
Pursuant to Chapter 104	~~$170.00~~	$204.00
Pursuant to Chapter 112	~~$730.00~~	$876.00
11. Chapter 118-6-7: Exception Loss of buildable area in RPA for lots recorded prior to 1/18/03 that does not meet the requirements of 118-5-4. A Public Hearing is required. (see note 4)		
Pursuant to Chapter 101		
Pursuant to Chapter 104	~~$170.00~~	$204.00
Pursuant to Chapter 112	~~$730.00~~	$876.00
12. Chapter 118-6-8: Exception Construction of accessory structures and uses to principal structures that were established as of 7/1/93 and do not result in the creation of 1,000 sq. ft. of additional impervious area within RPA, or that exceeds 2 percent of the lot area up to maximum 2,500 sq. ft., whichever is greater. A Public Hearing is required. (see note 4)		
Pursuant to Chapter 101		
Pursuant to Chapter 104	~~$170.00~~	$204.00
Pursuant to Chapter 112	~~$730.00~~	$876.00
13. Chapter 118-6-9: General Exception *General exception for construction in an RPA.* *A Public Hearing is required. (see note 4)*		
Pursuant to Chapter 101	~~$730.00~~	$876.00
Pursuant to Chapter 104	~~$170.00~~	$204.00
Pursuant to Chapter 112	~~$730.00~~	$876.00

	Current	Proposed
Best Management Practices (BMP) and Stormwater Management (SWM) Applications (see note 5)		
County Ordinance		
1. PFM 6-0402.4: SWM/BMP Modification: to use an innovative water quality or detention facility		
Pursuant to Chapter 101	No fee	No fee
Pursuant to Chapter 104	No fee	No fee
Pursuant to Chapter 112	No fee	No fee
2. Chapter 124-6-1, Chapter 118-3-2(e): ~~BMP waiver~~ Water Quality Exception for site and subdivision plans		
Pursuant to Chapter 101	~~$730.00~~	$876.00
Pursuant to Chapter 104		
Pursuant to Chapter 112	~~$730.00~~	$876.00
3. Chapter 124-6-1, Chapter 112-7-808(1),PFM 6-0401.2: ~~BMP waiver~~ Water Quality Exception for sites located in the Water Supply Overlay District		
Pursuant to Chapter 101	~~$730.00~~	$876.00
Pursuant to Chapter 104		
Pursuant to Chapter 112	~~$730.00~~	$876.00
4. PFM 6-0301.2 General ~~SWM Waiver~~ Water Quantity Exception		
Pursuant to Chapter 101	~~$730.00~~	$876.00
Pursuant to Chapter 104		
Pursuant to Chapter 112	~~$730.00~~	$876.00
5. PFM 6-0303.6 SWM Modification to locate an underground detention facility on a residential development. Must be approved by the Board in conjunction with a rezoning or special exception application.		
Pursuant to Chapter 101	~~$730.00~~	$876.00
Pursuant to Chapter 104		
Pursuant to Chapter 112	~~$730.00~~	$876.00
6. PFM 6-1603.4: SWM Waiver of the dam breach analysis for dams <70 acres, <15 feet high and <25 acre-feet of storage.		
Pursuant to Chapter 101	~~$730.00~~	$876.00
Pursuant to Chapter 104		
Pursuant to Chapter 112	~~$730.00~~	$876.00
7. PFM 6-1600: SWM Waiver of the dam standards.		
Pursuant to Chapter 101	~~$730.00~~	$876.00
Pursuant to Chapter 104		
Pursuant to Chapter 112	~~$730.00~~	$876.00
8. Chapter 124-6-1, Chapter 118-3-2(e),PFM 6-0401.3 ~~9.~~: ~~BMP Waiver~~ Water Quality Exception for a single lot grading plan.		
Pursuant to Chapter 101		
Pursuant to Chapter 104	~~$170.00~~	$204.00
Pursuant to Chapter 112		
9. Chapter 101-2-2(12), PFM 6-0303.7: SWM Modification to locate a detention facility on an individual residential lot.		
Pursuant to Chapter 101	~~$730.00~~	$876.00
Pursuant to Chapter 104		
Pursuant to Chapter 112		

	Current	Proposed
General Applications		
County Ordinance		
1. General Waiver: Except as noted otherwise in this section, the fee associated with a request for a waiver, exception, or modification of the requirements of the County's Ordinances, including but not limited to the Subdivision Ordinance, Zoning Ordinance, the Stormwater Management Ordiance, and the Public Facilities Manual.	~~$730.00~~	$876.00
2. *Chapter 101-2-2: Public Street Frontage Waiver* *Fee for a waiver of the public street frontage requirement. A Public Hearing is required (see note 4)*	~~$2,050.00~~	$2,460.00
3. *Minor Adjustment of Property Lines:* Fee for a waiver associated with the minor adjustment of property lines.	~~$260.00~~	$312.00
Notes:		
1. CBPO waivers and exception requests submitted under §§ 118-5 and 118-6 require submission of a concurrent Water Quality Impact Assessment (WQIA) and application fee.		
2. Water quality fees are not required for plans and permits reviewed under Chapter 104 for which fees have been paid in connection with the review and approval of WQIA's, RPA Boundary Delineations, RMA Boundary Delineations, and CBPO exceptions filed under Chapters 101 and 112 of the Code.		
3. In no instance shall the total fee for all waivers, exceptions and modifications associated with a subdivision, site plan or minor site plan exceed ~~$2,923.00.~~:		$3,504.00
CBPO waivers and exceptions associated with grading plans shall not exceed ~~$730.00.~~:		$876.00
4. An additional fee ~~of $365.00~~ shall be paid with the submission of an exception request when a public hearing is required under Article 6 of Chapter 118 of the Code~~.~~, in the amount of:		$438.00
5. A single fee ~~of $858.00~~ shall be paid when combined stormwater and BMP waivers are submitted simultaneously~~.~~, in the amount of:		$1,030.00
6. The cumulative fee for any modifications or waivers requested for the portion of a development in which affordable dwelling units are located, and which relate to typical street sections, sidewalks, and/or curb and gutter, shall not exceed ~~$730.00.~~:		$876.00
Case Review of Fees: In the event that, prior to plan approval for review fees or prior to bond release for inspection fees, the payor disputes the fee charged, he may request in writing to the Director a case review of costs incurred by the County. In the case where the review reveals that the fees paid exceed 100% of costs, then a refund of the difference shall be made. If the case review reveals that 100% of the costs incurred by the County exceed the fees paid, then the developer shall pay the difference to the County prior to plan approval for review fees, or prior to bond release for inspection fees.		
G. PERMITS FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITY FEES		
The following fees shall be paid for permits for Chesapeake Bay Preservation Act land-disturbing activities, General Permits for Discharges of Stormwater from Construction Activities, modification or transfer of coverage under a permit, and permit maintenance.		
(A) General / Stormwater Management - Base Fee		

	Current	Proposed
The state's portion of the fees for initial coverage under the General Permit for Discharges of Stormwater from Construction Activities shall be paid directly to the state in accordance with §124-3-3.		
1. Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; Sites with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre.	$308.00	$308.00
2. All land disturbing activities requiring General Permit coverage for Discharges of Stormwater from Construction Activities.	$308.00	$308.00
(B) General / Stormwater Management - Modifications		
Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities. If the permit modifications result in changes to stormwater management plans that require additional review by the County, such reviews shall be subject to the fees set out in this part. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the permit modification fee paid to the County, modifications resulting in an increase in total disturbed acreage shall pay to the state the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage.		
1. Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres)	$200.00	$200.00
2. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres)	$250.00	$250.00
3. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	$300.00	$300.00
4. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	$450.00	$450.00
5. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres)	$700.00	$700.00
(C) General / Stormwater Management – Permit Maintenance		
Fees for annual permit maintenance including expired state permits that have been administratively continued. With respect to the General Permit for Discharges of Stormwater from Construction Activities, these fees shall apply until the state permit coverage is terminated. Fees for annual permit maintenance will be collected on a schedule consistent with the bond acceptance, approval, extension, reduction, and release process for bonded projects and as part of the process for acceptance and release of conservation deposits for non-bonded projects.		
1. Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; Sites with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre.	$20.00	$20.00
2. Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres)	$400.00	$400.00
3. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres)	$500.00	$500.00
4. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	$650.00	$650.00
5. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	$900.00	$900.00
6. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres)	$1,400.00	$1,400.00

Proposed Amendments to Chapter 61 (Building Provisions)
of
The Code of the County of Fairfax, Virginia

Amend Section 61-1-3 (Fees), to read as follows:

Section 61-1-3. Fees.

(a) No permit to begin work for new construction, alteration, removal, replacement, demolition or installation of any building, structure or equipment, or any other building operations which are regulated by the USBC, shall be issued until the fees prescribed in paragraph (d) of this section have been paid; nor shall an amendment to a permit necessitating an additional fee because of an increase in the size of the building, an increase in the estimated cost of the work involved, or the installation of any additional equipment be approved until the additional fees have been paid.

(b) All fees for permits required under the provisions of the USBC shall be paid prior to issuance of the permit and prior to initiation of the work covered by such permits or as required by the Building Official.

(c) A building permit shall be issued to construct, improve or alter the following:

1. Each single-family attached or detached dwelling.

2. Dwelling units and common interior areas in a multiple-family dwelling.

3. Each space within a strip shopping center, and each warehouse bay in a strip warehouse.

4. Each unit and interior common area in a condominium office building.

5. Each commercial or residential structure not addressed above.

Separate electrical, mechanical, plumbing, fire alarm, fire suppression and fire lane permits are required to install or alter electrical, mechanical, plumbing, fire alarm, fire suppression and fire lane equipment in dwelling units, structures or areas of a structure for which a separate building permit has been issued.

(d) The fees for reviewing plans, issuing permits, performing inspections, licensing home improvement contractors and other expenses incidental to the enforcement of the USBC and Chapters 61, 64, 65 and 66 of the Code of the County of Fairfax are listed in Appendix Q of this Code. Fees shall be collected and paid in accordance with Appendix Q and the following provisions:

1. *Base fee:* The base fee shall be the minimum fee for any permit for which the fee charged would otherwise be less than the base fee except as noted below.

2. *Reduced fees (does not apply to Fire Prevention Division fees for fire alarm, fire suppression and fire lane permits):*

a. *Multiple permits:* Fees shall apply provided all of the following conditions are met:

(1) The permit application is one of a group of ten or more applications or a single application for ten or more units to be issued for the installation of the same or similar fixtures, appliances, or minimal alterations in existing dwellings on adjacent lots, in an existing multiple-family building or an existing commercial structure; and

(2) Plan review is required by only one plan review discipline, i.e., building, electrical, mechanical or plumbing, prior to permit issuance; and

(3) Only one inspection per permit is required; and

(4) Inspections are scheduled for no fewer than ten permits or units on the same day; and

(5) The request for the multiple permit fee shall be made in writing~~,~~; and

(6) The fee for the permit would otherwise be the base fee.

A re-inspection fee may be assessed for each unit for which an inspection is rejected and a re-inspection performed.

b. *Permits requiring no inspections:* This fee shall apply to those permits for which no individual inspections are required to be performed pursuant to policies and guidelines issued by the Building Official.

c. *Casualty Permits:* There shall be no fee or permits to repair, replace, or otherwise re-construct a residential, commercial, or industrial structure damaged as the result of a catastrophic event, subject to the following provisions:

(1) The declaration of a catastrophic event must have been proposed by the County Executive and must have been approved by the Board. Such declaration shall be subject to the notice and hearing requirements of Va. Code Ann. § 15.2-2204 and any amendments thereto~~.~~;

(2) The scope of the event shall be clearly delineated by means of the affected geographic area and/or a range of dates during which the disaster occurred;

(3) For purposes of this section, catastrophic events are limited to those resulting from natural causes such as floods, hurricanes, earthquakes, or other such "Acts of God," damage that results from an act or acts of terrorism, war, riot, or other such civil disturbance, and may also include situations where the destruction or damage from such causes was exacerbated by human agency, such as, for example, the construction of bridges, dams, or other such public works projects, but shall not include situations caused by the intentional acts or negligence of the owner or his agent~~.~~;

(4) Destroyed or damaged structures must have been lawfully established pursuant to a valid building permit, Residential Use Permit, or Non-Residential Use Permit, and compliant with applicable County ordinances and State codes;

(5) Destroyed or damaged structures must have been in a habitable condition or otherwise lawfully used or occupied immediately prior to the casualty;

(6) The casualty permit shall be limited to the reconstruction of or repair to the property that is damaged by the event and shall not be transferable to another property impacted by the event and further shall only be used to reconstruct the structure to its condition prior to the casualty event rather than used to construct an expansion, addition, or substantial renovation;

(7) The permit for the reconstruction or repair must be obtained within six months of the declaration of the catastrophic event. In the event that the scope of the catastrophe is of such a scope that the issuance of permits to all affected structures is impractical in such a time frame, the Board may, with approval from the County Executive, extend this period for an additional six months.

3. All fees for permits issued on a base fee or reduced fee basis shall be paid in full at the time of permit application.

4. *After-hours inspection fee (does not apply to Fire Prevention Division fees for fire alarm, fire suppression and fire lane permits):* A fee shall be charged for each thirty minute period, or fraction thereof, of inspection time requested to take place after regular working hours. Any such inspection(s) shall be authorized by the County and the fee paid prior to the inspection. This fee shall be in addition to the fee for the required permit which authorizes performance of the work.

5. *Amendment of permit:* This fee is to amend a permit application after creation of the permit record. Before a final inspection is approved, the appropriate fee shall be paid and a permit must be issued for all work performed which is not authorized by the original permit.

6. *Amusement Devices and carnival rides*: The permit fee for amusement devices and carnival rides, and associated electrical permits for generators and temporary wiring for

carnivals, fairs and other temporary amusement activities, shall be the maximum fee specified in the Virginia Amusement Device Regulations.

~~6~~7. *Annual permit fee:*

a. The fee for an annual permit which authorizes the performance of specified work for a 12-month period shall be the base fee.

b. The fees for any separate permits required pursuant to the policies and guidelines of an annual permit shall be as required by Appendix Q of the Code. The policies and guidelines for an annual permit may provide for the issuance of specific separate permits at the reduced fee.

~~7~~8. *Asbestos removal/abatement:* The fee for a permit to remove or abate asbestos from a structure shall be as prescribed in Appendix Q.

~~8~~9. *Demolition:* In the case of demolition of an entire structure, a signature bond in the amount of $1,000.00 for residential structures and $5,000.00 for commercial structures shall be posted. The bond shall remain in effect until the demolition permit has received an approved final inspection.

~~9~~10. *Expiration of permit applications:* An application for a permit for any proposed work shall be deemed to have been abandoned and expired six months after the date of filing, unless the applicant has diligently sought to resolve any problems that are delaying issuance of the permit or the permit has been issued. The burden of proof that the applicant has diligently sought to resolve any problems that are delaying issuance of a permit shall be on the permit applicant, owner of the property or other person affected by such determination of the Building Official. Filing fees for expired permit applications are not refundable.

The Building Official shall grant one or more extensions of time for additional periods if there is reasonable justification.

~~10~~11. *Fee payment credits:* All permit fees paid at the time of permit application shall be credited toward the full cost of the permit when the permit is issued.

~~11~~12. *Fee transfers:* Permit fees are not transferable.

~~12~~13. *Household Appliance Permits:*

~~12.~~ a. *Household appliance fees:* Permanently wired or plumbed appliances may be installed in an existing dwelling using a household appliance permit, provided the capacity of the electrical panel or gas service is not exceeded and the electrical circuitry, gas piping and plumbing is existing. A household appliance permit may also be used when a permit is required for the replacement of a listed appliance provided the above criteria are met.

PERMIT REQUIRED FOR NEW INSTALLATIONS ONLY

Air cleaner/filter
Air conditioning condensing unit
Bathtub
Clothes dryer, gas/electric
Dehumidifier
Disposal
Fan, attic
Fan, ceiling
Fan, exhaust
Furnace, electric
Heat pump
Hose bib
Humidifier
Ice maker
Laundry tub
Lighting Fixtures
Oven, gas/electric
Pressure reducing valve
Shower
Sink
Smoke detector (wired-in) – no fee
Solar energy equipment – no fee
Stove, gas/electric
Sump pump
Toilet
Trash compactor
Water heater, electric/gas/oil
Water treatment equipment

Permits are required for the replacement of the fixtures and appliances listed above if the installation requires a change to: 1) duct systems; 2) plumbing supply, drain waste or vent piping; 3) electrical circuits; 4) appliance vent system; or 4) gas piping.

PERMITS REQUIRED FOR BOTH NEW AND REPLACEMENT INSTALLATIONS

Centralized air-conditioning systems
Clothes dryers, gas
Furnace, gas/oil
Gas logs
Gas/oil
Gas stove/heater
Oven, gas
Prefabricated chimney

Prefabricated fireplace
Water heater, gas/oil
Wood stove/heater

b. Contractors authorized to take out permits to install or replace appliances: The following table indicates which contractors shall be authorized to obtain household appliance permits for the installation or replacement of appliances in the program:

Type of Equipment	Electrical	HVAC	Plumbing	Gas	HIC**
Air cleaner/filter, electrostatic	X	X			X
Air conditioning (central AC system)	X	X			
Air conditioning condensing unit	X	X			
Bathtub			X		
Clothes dryer, gas				X	
Dehumidifier	X	X			X
Dishwasher	X*		X		X
Disposal	X*		X		X
Fan, Attic	X	X			X
Fan, Ceiling	X				X
Fan, Exhaust	X	X			X
Furnace, electric	X	X			
Furnace, gas		X		X	
Furnace, oil		X		X	
Gas log				X	
Heat pump	X	X		X	
Hose bib, (outside faucet)			X		
Humidifier	X	X	X		
Ice maker			X		X
Laundry tub			X		X
Lighting fixtures	X				
Oven, electric	X				X
Oven, gas				X	X
Prefabricated chimney		X		X	
Prefabricated fireplace		X			
Pressure reducing valve			X		X
Shower			X		
Sink / lavatory			X		
Smoke detector (wired-in) - no fee	X				
Solar energy equipment - no fee	X	X	X		X
Stove, electric	X				X
Stove, gas				X	X
Sump pump	X*		X	X	
Trash compactor	X				X
Water closet (toilet)			X		X

Water heater, electric	**X***	**X**	**X**		
Water heater, gas		**X**	**X**	**X**	
Water heater, oil		**X**	**X***	**X**	
Water treatment equipment	**X***		**X**		
Wood stove/heater		**X**			**X**
Other	***Manual Check By Technician***				

X* Authorized for replacement only
HIC** State HIC classification (Not allowed by FFXHIC)

~~13~~14. *Modular residential units, including manufactured homes:* Fifty percent of the regular permit fee shall be imposed on residential units constructed and installed under the Virginia Industrialized Building Safety Regulations or the Virginia Manufactured Home Safety Regulations.

~~14~~15. *Non-permitted work:*

Failure to obtain a permit prior to beginning work: An additional fee shall be assessed for those permits obtained pursuant to a written directive or order from the Building Official or designee for failure to obtain a permit required by the USBC. This fee shall be in addition to any permit fees normally required and shall be assessed to defray the costs associated with administration and enforcement of the USBC.

~~25~~16. *Partitions:* A permit fee shall be paid for the erection of partitions (metal studs only) in unoccupied space in a previously unoccupied commercial structure, pending approval of tenant layout plans.

~~15~~17. *Permit extensions:* Upon written application of the permittee prior to the expiration of the permit, the Building Official or his designee may extend the permit for up to one year from the date of expiration of the permit. No fees shall be charged for the first permit extension allowed by the USBC and the Code of the County of Fairfax. Additional requests for permit extensions must be accompanied by the processing fees in Appendix Q of the Code.

Separate fees shall not be charged for extending mechanical, plumbing, electrical, fire alarm, fire suppression or fire lane permits associated with a request for the extension of a building permit.

~~16~~18. *Re-inspection fee (does not apply to Fire Prevention Division fees for fire alarm, fire suppression and fire lane permits):* A re-inspection fee may be assessed for each additional inspection that is required to be made because a scheduled inspection is rejected for one or more of the following reasons: 1) the work is not installed in accordance with applicable codes; 2) the work is not ready for inspection; or 3) access to the work to be inspected is not provided. A re-inspection fee may also be assessed for each inspection performed pursuant to a stop work order.

~~17~~19. *Refunds:* In the case of a suspension, revocation or expiration of a permit or the expiration of a permit application, the permittee, upon written request within 6 months after such suspension, revocation or expiration, may receive a refund for the amount of work the County has not performed. The amount of the refund shall be determined as follows:

- All plan examination and permit processing fees shall be deducted from the original permit fee.

- All costs that may have been imposed on the permit holder under the requirements of the USBC and the Code of the County of Fairfax shall be deducted from the original permit fee.

- The amount of work that has received an approved inspection by the County shall be determined and a proportionate share shall be deducted from the original permit fee. Any excess fee for the uncompleted work shall be returned to the permit holder. No refunds will be issued for base or reduced fee permits.

~~23~~20. *Removal and Relocation:* The permit fee for the removal of a building or structure from one lot to another or to a new location in the County shall be based on the cost of moving and the cost of all work necessary to place the building or structure in its completed condition in the new location. In addition to a building permit to construct the foundation at the new location, a separate building permit is required to demolish any foundation at the original location.

~~18~~21. *Replacement of defective sprinkler heads:* No fee shall be charged for a fire suppression permit to replace sprinkler heads determined to be defective by the Fairfax County Fire Marshal pursuant to the Virginia Statewide Fire Prevention Code.

~~19~~22. *Shelters:* No fee shall be charged for a building permit for a radiation fallout or blast shelter constructed on land occupied for residential purposes by not more than two families, for use as shelter only and constructed in accordance with one of the shelter types or designs approved by the Federal Emergency Management Agency.

~~20~~23. *Solar energy:* No permit fee shall be charged to install solar energy equipment, although a permit is required for such installations and the permit holder is subject to the re-inspection fee.

~~21~~24. *Team inspections:* A fee shall be paid for each inspection involving an application for a change in use, change in occupant or other special request which requires inspection by one or more of the following disciplines: Building, Electrical, Plumbing, Mechanical and/or the Fire Marshal. These fees are not credited toward the cost of permits. If the inspection is canceled 24 hours in advance by the applicant, and not conducted, the fee is refundable upon application in writing to the Building Official within three months of the date of payment.

~~22~~25. *Tenant layouts:* Except for those tenant layouts shown on the originally approved plans for a new building, separate building permits shall be required for each tenant layout. The fee shall be based on a percentage of the estimated cost of the work. A fee per plan review discipline~~.~~ (i.e., building, electrical, mechanical or plumbing) may be assessed for each resubmission of plans for alterations to existing commercial buildings.

~~23. *Removal and Relocation:* The permit fee for the removal of a building or structure from one lot to another or to a new location in the County shall be based on the cost of moving and the cost of all work necessary to place the building or structure in its completed condition in the new location. In addition to a building permit to construct the foundation at the new location, a separate building permit is required to demolish any foundation at the original location.~~

~~24~~26. *Temporary Structures:* The fee for temporary structures includes, but is not limited to tents, produce stands and sales office trailers. Sheeting and shoring are not considered temporary structures for the purpose of determining fees.

~~25. *Partitions:* A permit fee shall be paid for the erection of partitions (metal studs only) in unoccupied space in a previously unoccupied commercial structure, pending approval of tenant layout plans.~~

~~(2) *Reserved*~~[1]

~~(3) *Fire Prevention Division (Fire Official) fees:*~~

~~(A) *Plan Review Fees:* Fees for all plan review are based on an hourly charge of $128.00 per hour calculated on the quarter hour or part thereof, per reviewer. Fees are due upon completion of the plan review process.~~

~~(B) *Acceptance Testing and Inspection Fees:* Fees are based on an hourly charge of $128.00 per hour calculated on the quarter hour or part thereof, per inspector. Fees for fire protection equipment and systems performance tests and inspections, other equipment and systems performance tests and inspections, occupancy or preoccupancy inspections, fire lanes and required retesting or reinspections shall be imposed at the rate of $128.00 per hour calculated on the quarter hour or part thereof, per required inspector.~~

~~(C) *Reinspection Fees:* Reinspection fees shall be based on the hours reserved to perform the test and will be charged at the rate of $128.00 per hour calculated on the quarter hour or part thereof, per required inspector. The following matrix is to serve as a guideline in determining when a reinspection fee is required for acceptance testing and retesting. A minimum notice of 24 hours (one full business day) for test~~

[1] Staff note: Section 61-1-3, subparagraph (d)(2), deleted with 05-11-61, adopted April 12, 2011

~~cancellation is required. The fee is charged when an inspection is not cancelled in time to save an unnecessary trip by inspectors.~~

~~REINSPECTION FEES~~

~~CIRCUMSTANCE~~	~~CONDITION~~	~~INSPECTED~~	~~REINSPECTION FEE~~
~~Cancelled or rescheduled off site more than 24 hours prior to appointment~~	~~N/A~~	~~No~~	~~No~~
~~Cancelled or rescheduled off site less than 24 hours prior to appointment~~	~~N/A~~	~~No~~	~~Yes~~
~~Contractor shows, others do not or inspectors arrive, no one on site~~	~~Cannot Test~~	~~No~~	~~Yes~~
~~Cancelled while inspectors on site; test not started~~	~~Not Ready~~	~~No~~	~~Yes~~
~~Regular inspection, test started, test not completed~~	~~Not Ready or Failure due to fault of contractor~~	~~Yes~~	~~Yes~~
~~Regular inspection, test started, test not completed~~	~~Failed, but not due to fault of contractor~~	~~Yes~~	~~No~~
~~Regular inspection, test completed~~	~~Substantially ready with minor deficiencies~~	~~Yes~~	~~No~~
~~Regular inspection, test completed~~	~~No punch list, sticker issued~~	~~Yes~~	~~No~~
~~Final Inspection~~	~~Deficient~~	~~Yes~~	~~Yes~~

~~*(D) Plan reviews and inspections performed outside business hours: Plan reviews and inspections may be performed outside business hours upon request at the sole discretion of the fire official. Fees for these plan reviews and inspections shall be assessed at twice the rate listed in (A), (B), and (C) above. Fees shall be assessed in 30 minute increments.*~~

~~(4) *Other fees pertaining to mechanical permits, periodic inspections and licenses:*~~

~~(A) *Mechanical equipment installation fees:* The permit fee for installation, repair, or replacement of all mechanical equipment installed in buildings other than within individual residences shall include a charge which shall be calculated at the rate of 1.9% of the contract value less the value of the listed equipment. This fee is in addition to the equipment fees listed in this section.~~

~~Automotive lift~~	~~$ 95.00~~
~~Boilers:~~	
~~Hot water heating to 200 MBH~~	~~$ 91.00~~
~~For each additional 100 MBH or fraction thereof~~	~~$ 14.00~~
~~Hot water storage tank~~	~~$ 91.00~~
~~Hot water supply to 500 MBH~~	~~$ 91.00~~
~~For each additional 500 MBH or fraction thereof~~	~~$ 14.00~~
~~Low-pressure steam to 200 MBH~~	~~$ 91.00~~
~~For each additional 100 MBH~~	~~$ 14.00~~
~~Indirect hot water heater~~	~~$ 91.00~~
~~Miniature~~	~~$114.00~~
~~Power~~	~~$114.00~~
~~Plus, per boiler hp~~	~~$ 1.70~~
~~Crematorium~~	~~$138.00~~
~~Dumbwaiters, See Vertical Transportation Equipment~~	
~~Elevators, See Vertical Transportation Equipment~~	
~~Ductwork: The fee for ductwork is 1.9% of the total contract value.~~	
~~Expansion tank~~	~~$ 91.00~~
~~Escalator, See Vertical Transportation Equipment~~	
~~Furnaces:~~	
~~Central heating up to 200 MBH~~	~~$ 37.00~~
~~Each additional 100 MBH or fraction thereof~~	~~$ 10.15~~
~~Duct-furnace up to 200 MBH input~~	~~$ 23.00~~
~~Each additional 100 MBH or fraction thereof~~	~~$ 10.15~~
~~Oil and solid fuel furnace up to 220 MBH input~~	~~$ 37.00~~
~~Each additional 100 MBH or fraction thereof~~	~~$ 10.15~~
~~Electric furnace up to 30 KW~~	~~$ 37.00~~
~~Each additional 30 KWS or fraction thereof~~	~~$ 5.25~~
~~Halon System~~	~~Base Fee~~
~~Heat Pump up to 5 ton~~	~~$ 46.00~~
~~Each additional ton~~	~~$ 1.70~~
~~Auxiliary heat up to 100 MBH~~	~~$ 37.00~~
~~Each additional 100 MBH~~	~~$ 5.25~~
~~Incremental heating and air conditioning units, per unit~~	~~$10.65~~
~~This fee applies to incremental heating and air conditioning units installed with boilers, chillers and water towers in a building.~~	
~~Incinerator:~~	
~~Per 100 lbs. per hour burning rate or fraction thereof~~	~~$ 46.00~~
~~Manlift, See Vertical Transportation Equipment~~	
~~Oil burner:~~	

~~Conversion to or replacement of oil burner:~~
~~Light oils - No. 1, 2 or 4 $ 46.00~~
~~Heavy oils - No. 5 or 6 $ 56.00~~
~~Piping of equipment: The fee for piping of equipment is 1.9% of the total contract value (for use groups other than R-3, R-4, and R-5).~~
~~Porch lift, handicapped/wheel chair lift, hand elevator, See Vertical Transportation Equipment~~
~~Prefab chimney $ 23.00~~
~~Prefab fireplace, with or without prefab chimney $ 23.00~~
~~Pump, circulating: $ 46.00~~
~~Range hood fire protection system Base Fee~~
~~Range hood only is charged as ductwork.~~
~~Refrigeration: Including, but not limited to, chillers, air conditioning units, and cooling towers.~~
~~Refrigeration and refrigeration cycle of air conditioning system up to 5 tons $ 46.00~~
~~Each additional refrigeration ton or fraction thereof $ 1.70~~
~~Sidewalk elevators, See Vertical Transportation Equipment~~
~~Space heater: See Unit Heater.~~
~~Tanks:~~
~~Above ground or underground tanks for hazardous or nonhazardous liquids (oil, gasoline and propane)~~
~~Commercial Base Fee~~
~~Residential (R-3, R-4, and R-5 occupancies) Base Fee~~
~~Unfired pressure vessel $ 91.00~~
~~(Air compressor receiving tank)~~
~~Unit heater:~~
~~Gas and oil up to 500 MBH input $ 23.00~~
~~For each additional 100 MBH input or fraction thereof $ 5.35~~
~~Electric up to 147 KW $ 23.00~~
~~Each additional 30 KW or fraction thereof $ 5.35~~
~~Woodstove, with or without prefab chimney $ 10.30~~
~~Vertical Transportation Equipment:~~
~~Commercial: (new or replacement)~~
~~Chair/platform lifts $142.00~~
~~Dumbwaiters/conveyors/material lifts~~
~~Hand-operated $142.00~~
~~Power-driven $142.00~~
~~Elevators~~
~~Construction $306.00~~
~~Freight, plus floor charge $289.00~~
~~Passenger, plus floor charge $289.00~~
~~Escalators, per floor/moving walks $497.00~~
~~Manlifts, power-driven $146.00~~
~~Sidewalk elevators:~~

~~Hand-driven~~	~~$113.00~~
~~Power-driven~~	~~$150.00~~

~~Floor charge: A fee of $47.00 per floor shall be charged for each floor in the building where a passenger or freight elevator is installed. This charge shall be computed and added to the cost of the first piece of equipment only.~~

~~Alterations or repairs shall be charged at a rate of 1.5% of the estimated cost of repairs, with a minimum fee of $135.00.~~

~~Residential: (new or replacement)~~

~~Chair/platform lifts~~	~~$142.00~~
~~Dumbwaiters~~	
~~Hand-operated~~	~~$142.00~~
~~Power-driven~~	~~$142.00~~
~~Private residence elevators~~	~~$306.00~~

~~(B) *Periodic mechanical inspection fee:* All vertical transportation equipment, other than that which is installed within individual residences, and other than conveyors, requires an annual certificate of compliance. For an annual certificate of compliance, the annual fee payable by the owner of the building to the County of Fairfax on or before the expiration of the certificate shall be as follows:~~

~~Elevators: See Vertical Transportation Equipment~~	
~~Sidewalk elevators, See Vertical Transportation Equipment~~	
~~Dumbwaiters, See Vertical Transportation Equipment~~	
~~Escalator, See Vertical Transportation Equipment~~	~~$146.00~~
~~Manlift, See Vertical Transportation Equipment~~	~~$146.00~~
~~Boilers:~~	
~~Hot water heating:~~	
~~0-1000 MBH~~	~~$ 91.00~~
~~1001-2000 MBH~~	~~$114.00~~
~~Over 2000 MBH~~	~~$138.00~~
~~Hot water supply~~	~~$ 91.00~~
~~Miniature~~	~~$114.00~~
~~Power:~~	
~~0-100 HP~~	~~$138.00~~
~~101-500 HP~~	~~$160.00~~
~~501-1000 HP~~	~~$185.00~~
~~Over 1000 HP~~	~~$205.00~~
~~Steam:~~	
~~0-1000 P/H~~	~~$121.00~~
~~1001-2000 P/H~~	~~$138.00~~
~~2001-4000 P/H~~	~~$160.00~~
~~Over 4000 P/H~~	~~$185.00~~
~~Hydrostatic test~~	~~$163.00~~

~~Incinerator:~~
~~Up to 100 Pounds $ 95.00~~
~~Over 100 Pounds $146.00~~
~~Range hood fire protection system $ 91.00~~
~~Range hood only is charged as ductwork~~
~~Halon system $ 91.00~~
~~Refrigeration system $138.00~~
~~Unfired pressure vessel:~~
~~With manhole $138.00~~
~~Without manhole $ 91.00~~
~~Vertical Transportation Equipment (except for equipment installed within private residences):~~
~~Chair/platform lifts $146.00~~
~~Dumbwaiters/material lifts~~
~~Hand-operated $122.00~~
~~Power-driven $134.00~~
~~Elevators~~
~~Construction $266.00~~
~~Freight, plus floor charge $266.00~~
~~Passenger, plus floor charge $266.00~~
~~Escalators, per floor/moving walks $146.00~~
~~Manlifts, power-driven $146.00~~
~~Sidewalk elevators:~~
~~Hand-driven $113.00~~
~~Power-driven $150.00~~

~~Floor charge: A fee of $47.00 per floor shall be charged for each floor in the building where a passenger or freight elevator is installed. This charge shall be computed and added to the cost of the first piece of equipment only.~~

~~The following fees apply to freight and passenger elevator tests which are not performed in conjunction with regularly scheduled periodic inspections:~~

~~Temporary inspection $246.00~~
~~Temporary inspection (extension) $115.00~~
~~Governor test $296.00~~
~~Load test $445.00~~
~~Speed test $296.00~~
~~Static pressure/hydraulic $296.00~~
~~Fire and smoke test $213.00~~

~~(5) *Other fees pertaining to plumbing permits:*~~

~~*Plumbing and gasfitting equipment installation fees:*~~
~~New plumbing systems in new buildings, existing unplumbed buildings, or portions thereof, changes in~~

~~existing systems $ 46.00~~
~~Plus for each fixture, each appliance, each appurtenance, including sill cock, and for each area-way drain, floor drain and roof drain $ 6.85~~
~~Setting or replacing fixtures without changes in existing system $ 46.00~~
~~Plus, for each fixture $ 5.35~~
~~Sewer, new, replacement or repair $ 46.00~~
~~Sewer tapping $ 46.00~~
~~Sewage ejector pump $ 6.85~~
~~Sump pump $ 6.85~~
~~Swimming pool, public and semipublic:~~
~~Fixture, appliance and appurtenance fee apply.~~
~~Water service, new, replacement or repair $ 46.00~~
~~Sprinkler system for fire suppression . . . Base Fee~~

~~(6) *Other fees pertaining to electrical permits:*~~

~~(A) *Electrical equipment installation fees for initial construction of new dwelling units in R-2, R-3, R-4, and R-5 use groups:*~~
~~Electrical service size:~~
~~0-149 amps $190.00~~
~~159-399 amps $200.00~~
~~400 amps $275.00~~
~~More than 400 amps Use Itemized fees in (B)~~

~~These fees include the initial installation of equipment listed on the electrical permit application that includes the main electrical service for the dwelling. The fee for a permit amendment for additional equipment shall be $30.00. Any equipment installed pursuant to other electrical permit applications shall be charged in accordance with the fees prescribed in paragraph (B) of this section (Electrical equipment installation fees) below.~~

~~(B) *Electrical equipment installation fees:*~~

~~*Appliances, residential:* Includes direct-wired appliances installed in dwelling units such as air cleaners, attic fans, central vacuums, dishwashers, disposals, clothes dryers, ovens, ranges or stoves, trash compactors and water heaters:~~
~~First $ 10.15~~
~~Each additional $ 5.35~~

~~Receptacles for individual appliances installed in lieu of the appliance shall be charged at the same rate as if the appliance were installed.~~
~~Circuits, new (extensions are counted as circuits):~~
~~Each $ 1.70~~

~~Dental chairs~~	~~$ 10.15~~
~~Electrical equipment rated by kilowatts (KW) to include space, baseboard and central heat, and commercial cooking units, water heaters, dishwasher, dryers, etc.:~~	
~~0 to 4 KW~~	~~$ 14.00~~
~~Each additional unit in this range~~	~~$ 5.35~~
~~4 to 6 KW~~	~~$ 17.00~~
~~Each additional unit in this range~~	~~$ 10.15~~
~~6 to 8 KW~~	~~$ 21.35~~
~~Each additional unit in this range~~	~~$ 14.00~~
~~8 to 10 KW~~	~~$ 26.70~~
~~Each additional unit in this range~~	~~$ 17.00~~
~~10 to 14 KW~~	~~$ 31.00~~
~~Each additional unit in this range~~	~~$ 21.35~~
~~14 to 20 KW~~	~~$ 34.70~~
~~Each additional unit in this range~~	~~$ 26.70~~
~~20 to 25 KW~~	~~$ 39.00~~
~~Each additional unit in this range~~	~~$ 31.00~~
~~Over 25 KW~~	~~$ 42.90~~
~~Each additional unit in this range~~	~~$ 34.70~~
~~Control wiring: Wiring less than 50 volts when penetrating fire rated assemblies, smoke barriers and non-combustible plenums (e.g., telephone wiring, cable television wiring, burglary/security systems, fire alarm systems, etc.)~~	~~Base fee~~
~~Fan coil units~~	~~$ 5.35~~
~~Fixtures, switches and receptacles, etc.:~~	
~~First 10 or fraction thereof~~	~~$ 10.15~~
~~Each additional 10 or fraction thereof~~	~~$ 6.85~~
~~Gasoline pumps: Submerged: Fee same as for motors~~	
~~Gasoline island pumps or dispensers:~~	
~~First~~	~~$ 10.15~~
~~Each additional, each~~	~~$ 5.35~~
~~Generators:~~	
~~0 to 5 KW~~	~~$ 23.00~~
~~Over 5 to 25 KW~~	~~$ 28.25~~
~~Over 25 to 35 KW~~	~~$ 37.00~~
~~Over 35 to 50 KW~~	~~$ 45.00~~
~~Over 50 KW~~	~~$ 69.00~~
~~Heating and air conditioning - gas/oil:~~	
~~Residential furnace - gas/oil or air conditioning:~~	
~~First unit~~	~~$ 14.00~~
~~Each additional unit~~	~~$ 5.35~~
~~Commercial furnace - see motors~~	

~~Motors and electrical equipment rated by horsepower (HP) to include commercial heating, cooling, and ventilating equipment. On package~~

~~equipment, such as pumps and commercial air handlers, fans, compressors and disposals, each motor shall be charged for separately:~~

~~1/8 horsepower or less~~	~~Charged as fixtures~~
~~Over 1/8 to 1 hp:~~	
~~First~~	~~$ 14.00~~
~~Each additional motor~~	~~$ 5.35~~
~~Over 1 to 5 hp:~~	
~~First~~	~~$ 17.00~~
~~Each additional motor~~	~~$ 5.35~~
~~Over 5 to 10 hp:~~	
~~First~~	~~$ 23.10~~
~~Each additional motor~~	~~$ 10.15~~
~~Over 10 to 20 hp:~~	
~~First~~	~~$ 28.25~~
~~Each additional motor~~	~~$ 14.00~~
~~Over 20 to 30 hp:~~	
~~First~~	~~$ 32.50~~
~~Each additional motor~~	~~$ 17.00~~
~~Over 30 to 40 hp:~~	
~~First~~	~~$ 42.30~~
~~Each additional motor~~	~~$ 28.25~~
~~Over 40 to 50 hp:~~	
~~First~~	~~$ 50.15~~
~~Each additional motor~~	~~$ 36.30~~
~~Over 50 hp:~~	
~~First~~	~~$ 60.10~~
~~Each additional motor~~	~~$ 46.00~~

~~Parking lot lighting:~~

~~First pole~~	~~$ 10.15~~
~~Each additional~~	~~$ 5.35~~

~~Services (new or replacement, subservices, subpanels, submeters or meters for separate occupancies):~~

~~0 to 800 amp~~	~~$ 47.25~~
~~Over 800 amp~~	~~$ 69.00~~

~~Temporary service on structures for construction of temporary or permanent service:~~

~~0 to 800 amp~~	~~$ 47.25~~
~~Over 800 amp~~	~~$ 69.00~~

~~Circuits, fixtures, receptacles and equipment to be charged for under the circuit fixture and motor schedule:~~

~~Sign:~~

~~Fluorescent, each sign:~~

~~1 to 4 tubes~~	~~$ 14.00~~
~~Each additional 4 tubes or fraction thereof~~	~~$ 10.15~~

~~Incandescent, each sign $ 14.00~~
~~Neon, each sign:~~
~~First transformer $ 14.00~~
~~Each additional transformer $ 5.35~~
~~Swimming pools, annual inspection fees:~~
~~Includes 2 inspections $125.00~~
~~Fee must be paid before inspections will be performed.~~
~~Additional inspections will require payment of re-inspection fee.~~
~~Temporary wiring:~~
~~Tree sales, produce stands, fireworks stands, tent sales and other temporary non-amusement activities Base Fee~~
~~Carnivals, fairs, circuses, and other temporary amusement activities $160.00~~
~~Transformers and step-down transformers:~~
~~0 to 10 KVA $ 14.00~~
~~Each additional transformer within this range $ 10.15~~
~~Over 10 to 50 KVA $ 17.00~~
~~Each additional transformer within this range $ 14.00~~
~~Over 50 to 75 KVA $ 28.25~~
~~Each additional transformer within this range $ 23.00~~
~~Over 75 to 200 KVA $ 42.30~~
~~Each additional transformer within this range $ 32.50~~
~~Over 200 KVA $ 53.85~~
~~Each additional transformer within this range $ 45.60~~
~~Unit heaters $ 5.35~~
~~UPS System: Fee shall be the same as transformers by KVA rating.~~
~~Welders $ 6.00~~
~~X-ray machines $ 6.00~~

~~(7) *Household appliance permits:*~~

~~(A) *Household appliance fees:* Permanently wired or plumbed appliances may be installed in an existing dwelling using a household appliance permit, provided the capacity of the electrical panel or gas service is not exceeded and the electric circuitry, gas piping and plumbing is existing. A household appliance permit may also be used when a permit is required for the replacement of a listed appliance provided the above criteria are met.~~

~~PERMIT REQUIRED FOR NEW INSTALLATIONS ONLY~~

~~Air cleaner/filter~~
~~Air conditioning condensing unit~~
~~Bathtub~~
~~Clothes dryer, gas/electric~~
~~Dehumidifier~~
~~Dishwasher~~

~~Disposal~~
~~Fan, attic~~
~~Fan, ceiling~~
~~Fan, exhaust~~
~~Furnace, electric~~
~~Heat pump~~
~~Hose bib~~
~~Humidifier~~
~~Ice maker~~
~~Laundry tub~~
~~Lighting fixtures~~
~~Oven, gas/electric~~
~~Pressure reducing valve~~
~~Shower~~
~~Sink~~
~~Smoke detector (wired-in) - no fee~~
~~Solar energy equipment - no fee~~
~~Stove, gas/electric~~
~~Sump pump~~
~~Toilet~~
~~Trash compactor~~
~~Water heater, electric/gas/oil~~
~~Water treatment equipment~~

~~Permits are required for the replacement of the fixtures and appliances listed above if the installation requires a change to: 1) duct systems; 2) plumbing supply, drain, waste, or vent piping; 3) electrical circuits; 4) appliance vent systems; or 5) gas piping.~~

~~PERMITS REQUIRED FOR BOTH NEW AND REPLACEMENT INSTALLATIONS~~

~~Centralized air-conditioning systems~~
~~Clothes dryers, gas~~
~~Furnace, gas/oil~~
~~Gas logs~~
~~Gas/oil~~
~~Gas stove/heater~~
~~Oven, gas~~
~~Prefabricated chimney~~
~~Prefabricated fireplace~~
~~Water heater, gas/oil~~
~~Wood stove/heater~~

~~The base fee for a household appliance permit shall be $50.00, which includes the first appliance. Additional appliances may be added on the same permit for $11.75 each.~~

~~(B) *Contractors authorized to take out permits to install or replace appliances:* The following table indicates which contractors shall be authorized to obtain household appliance permits for the installation or replacement of appliances in the program:~~

~~Type of Equipment~~	~~Electrical~~	~~HVAC~~	~~Plumbing~~	~~Gas~~	~~HIC**~~
~~Air cleaner/filter, electrostatic~~	~~X~~	~~X~~			~~X~~
~~Air conditioning (central AC system)~~	~~X~~	~~X~~			
~~Air conditioning condensing unit~~	~~X~~	~~X~~			
~~Bathtub~~			~~X~~		
~~Clothes dryer, gas~~				~~X~~	
~~Dehumidifier~~	~~X~~	~~X~~			~~X~~
~~Dishwasher~~	~~X*~~		~~X~~		~~X~~
~~Disposal~~	~~X*~~		~~X~~		~~X~~
~~Fan, Attic~~	~~X~~	~~X~~			~~X~~
~~Fan, Ceiling~~	~~X~~				~~X~~
~~Fan, Exhaust~~	~~X~~	~~X~~			~~X~~
~~Furnace, electric~~	~~X~~	~~X~~			
~~Furnace, gas~~		~~X~~		~~X~~	
~~Furnace, oil~~		~~X~~		~~X~~	
~~Gas log~~				~~X~~	
~~Heat pump~~	~~X~~	~~X~~		~~X~~	
~~Hose bib, (outside faucet)~~			~~X~~		
~~Humidifier~~	~~X~~	~~X~~	~~X~~		
~~Ice maker~~			~~X~~		~~X~~
~~Laundry tub~~			~~X~~		~~X~~
~~Lighting fixtures~~	~~X~~				
~~Oven, electric~~	~~X~~				~~X~~
~~Oven, gas~~				~~X~~	~~X~~
~~Prefabricated chimney~~		~~X~~		~~X~~	
~~Prefabricated fireplace~~		~~X~~			
~~Pressure reducing valve~~			~~X~~		~~X~~
~~Shower~~			~~X~~		
~~Sink / lavatory~~			~~X~~		
~~Smoke detector (wired-in) - no fee~~	~~X~~				
~~Solar energy equipment - no fee~~	~~X~~	~~X~~	~~X~~		~~X~~
~~Stove, electric~~	~~X~~				~~X~~
~~Stove, gas~~				~~X~~	~~X~~
~~Sump pump~~	~~X*~~		~~X~~	~~X~~	
~~Trash compactor~~	~~X~~				~~X~~
~~Water closet (toilet)~~			~~X~~		~~X~~
~~Water heater, electric~~	~~X*~~	~~X~~	~~X~~		
~~Water heater, gas~~		~~X~~	~~X~~	~~X~~	
~~Water heater, oil~~		~~X~~	~~X*~~	~~X~~	
~~Water treatment equipment~~	~~X*~~		~~X~~		
~~Wood stove/heater~~		~~X~~			~~X~~

~~Other~~	~~***Manual Check By Technician***~~

~~X* Authorized for replacement only~~
~~HIC** State HIC classification (Not allowed by FFXHIC)~~

~~*(8) Amusement Devices*~~*:*

~~The permit fee for each amusement device or carnival ride shall be as follows:~~

~~Kiddie ride, per inspection $ 25.00~~

~~Kiddie ride - An amusement ride designed primarily for use by children up to twelve (12) years of age which requires simple reassembly procedures prior to operation and does not require complex inspections prior to operation. Kiddie rides include, but are not limited to: kiddie cars, mini-bumper cars, airplane swings, river canoes, and small merry-go-rounds.~~

~~Major ride, per inspection $ 35.00~~

~~Major ride - A flat or circular ride not classified as a spectacular ride or a kiddie ride, that may be inspected principally from the ground, i.e., within a height not greater than twenty (20) feet off the ground or loading platform. Major rides include, but are not limited to: "dark rides" (enclosed rides), astroliners, bumper cars, scramblers, spiders and tilt-a-whirls.~~

~~Spectacular ride, per inspection $ 55.00~~

~~Spectacular ride - A high ride, a flat ride, or a circular ride which, because of height, size, length, capacity, or complexity of assembly and operation, requires a greater amount of inspection effort than for kiddie rides and major rides. Spectacular rides include, but are not limited to: ferris wheels, flying bobs, himilayas, sky divers and roller coasters.~~

~~Roller coasters which exceed 30 feet in height $150.00~~

Board Agenda Item
December 2, 2014

5:00 p.m.

Public Comment from Fairfax County Citizens and Businesses on Issues of Concern