

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
February 17, 2015**

**AGENDA**

9:30	<b>Cancelled</b>	Presentations
10:30	<b>Report adopted</b>	Report on General Assembly Activities
10:35	<b>Done</b>	County Executive's Presentation of the Proposed FY 2016 and FY 2017 Multi-Year Budget Plan
11:05	<b>Done</b>	Board Appointments
11:10	<b>Done</b>	Items Presented by the County Executive

**ADMINISTRATIVE  
ITEMS**

1	<b>Approved</b>	Approval of a Portion of a Street Name Change from Roseland Drive to Roseland Ridge Road (Springfield District)
2	<b>Approved with amendment</b>	Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Intersection Design @ Lukens Ln (Phase II) and Frye Rd (Phase II) @ Ladson Ln (Phase 4C) @ Mohawk Lane and Belford Drive (Lee and Mount Vernon Districts)
3	<b>Approved</b>	Streets into the Secondary System (Lee District)
4	<b>Approved</b>	Approval of "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Braddock and Hunter Mill Districts)
5	<b>Approved</b>	Extension of Review Period for 2232 Applications (Sully and Mason Districts)
6	<b>Approved</b>	Supplemental Appropriation Resolution AS 15204 for the Fire and Rescue Department to Accept a Subgrant Award from the Department of Homeland Security Urban Areas Security Initiative from the Government of the District of Columbia Homeland Security and Emergency Management Agency
7	<b>Approved</b>	Authorization to Advertise Public Hearings on a Proposed Amendment to the Public Facilities Manual (PFM) Regarding the Use of Underground Stormwater Detention Facilities in Residential and Mixed-Use Developments
8	<b>Approved</b>	Authorization to Advertise a Public Hearing on the Proposed Five-Year Consolidated Plan for FY 2016-2020 and Proposed Consolidated Plan One-Year Action Plan for FY 2016

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
February 17, 2015**

**ADMINISTRATIVE  
ITEMS  
(Continued)  
Approved**

9 Authorization for the Fairfax-Falls Church Community Services Board to Apply for and Accept Funding from the Substance Abuse and Mental Health Services Administration for a Primary and Behavioral Health Care Grant

**ACTION ITEMS**

1 **Approved** Approval of a Parking Reduction for Dulles Station Parcel 5A (Dranesville District)

2 **Approved** Approval of an Agreement Between the Northern Virginia Radio Control Club and Fairfax County to Utilize a Portion of the I-95 Landfill Complex as an Aircraft Park (Mount Vernon District)

3 **Approved with amendment** Approval of Resolution Authorizing Execution of a Project Agreement with the Virginia Department of Transportation for the Design and Construction of Pleasant Forest Trail (Sully)

4 **Approved** Approval of Additional Funding for the Construction of Improvements at Fairfax Connector's Huntington Bus Facility (Braddock, Lee, Mason, Mount Vernon, Springfield Districts)

5 **Deferred to March 3, 2015** Approval of a Parking Reduction for Lake Anne Village Center (Hunter Mill District)

6 **Approved** Supplemental Appropriation Resolution 15169 and Authorization to Execute Standard Project Agreements for the Department of Transportation to Accept Grant Funding for the Lorton Cross County Trail, Cinderbed Bikeway, Reston Bike Share Infrastructure and Old Courthouse Road Safe Routes to School Improvements (Mount Vernon, Lee, and Hunter Mill Districts)

7 **Approved** Approval of a Resolution to Authorize the Fairfax County Redevelopment and Housing Authority to Issue a Crescent Property Direct Loan

8 **Approved** Authorization to Sign an Agreement Between Fairfax 2015, Inc. and Fairfax County to License Venues for Conducting Events Related to Staging of the 2015 World Police and Fire Games (Braddock and Sully Districts)

9 **Approved** Approval of Comments on I-66 Tier 2 Corridor Improvement Project (Braddock, Hunter Mill, Providence, Springfield and Sully Districts)

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
February 17, 2015**

**ACTION ITEMS  
(Continued)**

- |       |                                |  |
|-------|--------------------------------|--|
| 10    | <b>Approved with amendment</b> | Approval of Comment Letter to the Virginia Department of Environmental Quality on the Draft Virginia Stormwater Management Program Permit for Fairfax County's Municipal Separate Storm Sewer System |
| 11:40 | <b>Done</b>                    | Matters Presented by Board Members   |
| 12:30 | <b>Done</b>                    | Closed Session   |

**PUBLIC HEARINGS**

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|------|--|---|
| 3:00 | <b>Deferred to March 3, 2015 at 3:00 p.m.</b>                                    | Public Hearing on SE 2014-SU-059 (Chantilly Plaza LLC) (Sully District)   |
| 3:00 | <b>Public hearing held; decision only deferred to March 3, 2015 at 3:00 p.m.</b> | Public Hearing on DPA A-502-07 (Lake Anne Development Partners LLC) (Hunter Mill District)                                    |
| 3:00 | <b>Public hearing held; decision only deferred to March 3, 2015 at 3:00 p.m.</b> | Public Hearing on PRC A-502-03 (Lake Anne Development Partners LLC) (Hunter Mill District)                                    |
| 3:00 | <b>Public hearing held; decision only deferred to March 3, 2015 at 3:00 p.m.</b> | Public Hearing on PCA A-502 (Lake Anne Development Partners LLC) (Hunter Mill District)                                       |
| 3:30 | <b>Deferred to March 3, 2015 at 3:00 p.m.</b>                                    | Public Hearing on SE 2014-BR-063 (Laura Bernhardt; John Bernhardt Bernhardt's Busy Bears Childcare, Inc.) (Braddock District) |
| 3:30 | <b>Public hearing held; decision only deferred to March 3, 2015 at 3:30 p.m.</b> | Public Hearing on SEA 94-D-002-02 (Wesley Hamel Lewinsville LLC) (Dranesville District)                                       |
| 3:30 | <b>Deferred to March 3, 2015 at 3:30 p.m.</b>                                    | Public Hearing on SE 2014-SU-061 (Shalini Rajkumar) (Sully District)  |
| 3:30 | <b>Deferred to March 3, 2015 at 3:30 p.m.</b>                                    | Public Hearing on SE 2014-SP-038 (Seoul Presbyterian Church, Trustees) (Springfield District)                                 |
| 3:30 | <b>Deferred to March 3, 2015 at 3:30 p.m.</b>                                    | Public Hearing on SE 2014-MV-045 (Zahida Babar DBA Azeem Day Care Home) (Mount Vernon District)                               |
| 4:00 | <b>Deferred to March 3, 2015 at 4:00 p.m.</b>                                    | Public Hearing on SE 2014-SP-053 (Rolling Valley Mall LLC) (Springfield District)   |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
February 17, 2015**

**PUBLIC HEARINGS  
(Continued)**

4:00	<b>Deferred to March 3, 2015 a 4:00 p.m.</b>	Public Hearing on Adoption of 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
4:00	<b>Deferred to March 3, 2015 at 4:00 p.m.</b>	Public Hearing on Proposed Amendments to Chapter 124 (Stormwater Management Ordinance), Chapter 101 (Subdivision Ordinance), and Appendix Q (Land Development Services Fee Schedule) of The Code of the County of Fairfax, Virginia Re: Implementation of the Virginia Stormwater Management Act and Virginia Stormwater Management Program (VSMP) Regulation)
4:00	<b>Deferred to March 3, 2015 at 4:00 p.m.</b>	Public Hearing to Consider Adopting an Ordinance Expanding the Sunset Manor Residential Permit Parking District, District 18 (Mason District)
4:00	<b>Deferred to March 3, 2015 at 4:00 p.m.</b>	Public Hearing on RZ 2014-MA-011 (Spectrum Development, LLC) (Mason District)
4:00	<b>Deferred to March 3, 2015 at 4:00 p.m.</b>	Public Hearing on SE 2014-MA-013 (Spectrum Development, LLC) (Mason District)
4:30	<b>Deferred to March 3, 2015 at 4:30 p.m.</b>	Public Hearing to Consider Adopting an Ordinance Expanding the Springdale Residential Permit Parking District, District 33 (Mason District)
4:30	<b>Deferred to March 3, 2015 at 4:30 p.m.</b>	Public Hearing on Revisions to The Code of the County of Fairfax, Virginia—Chapter 109.1 (Solid Waste Management)
4:30	<b>Deferred to March 3, 2015 at 4:30 p.m.</b>	Public Hearing to Consider Adopting an Ordinance Expanding the Graham Residential Permit Parking District, District 34 (Providence District)
4:30	<b>Deferred to March 3, 2015 at 4:30 p.m.</b>	Public Hearing to Establish the Cardinal Forest II Community Parking District (Braddock District)
5:00	<b>Deferred to March 3, 2015 at 5:00 p.m.</b>	Public Hearing on Proposed Plan Amendment 2014-III-P1, Located on the East Side of Burke Lake Road Between Shipplet Boulevard and Lee Chapel Road (Springfield District)
5:00	<b>Cancelled</b>	Public Comment

**REVISED**



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

Tuesday  
February 17, 2015

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9:30 a.m.

**PRESENTATIONS**

**DESIGNATIONS**

- PROCLAMATION – To designate March 2015 as Intellectual and Developmental Disabilities Inclusion Month in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate March 2015 as Alternative Dispute Resolution Month in Fairfax County. Requested by Supervisor Cook.

**RECOGNITIONS**

- RESOLUTION – To recognize Lt. Kenneth Baine for his years of service to Fairfax County. Requested by Supervisor **Hudgins**.
- RESOLUTION – To recognize the Town of Vienna for its 125th anniversary. Requested by Supervisor Hudgins.

— more —

Board Agenda Item  
February 17, 2015

- RESOLUTION – To recognize Wynndolyn Barge Thompson for her years of service to Fairfax County. Requested by Supervisor Hudgins.
- RESOLUTION – To recognize the NOVA-Annandale Symphony for its 20th anniversary. Requested by Chairman Bulova and Supervisors Cook and Gross.

STAFF:

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

POSTPONED DUE TO SNOW

Board Agenda Item  
February 17, 2015

10:30 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on February 17, 2015

PRESENTED BY:

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



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** February 17, 2015  
**TO:** Board of Supervisors  
**FROM:** Edward L. Long, Jr., County Executive  
**SUBJECT:** 2015 Legislative Report No. 2—Board Legislative Committee Meetings of January 30 and February 13, 2015

With less than two weeks remaining in the 2015 General Assembly session, negotiations on the state budget are now a top priority for both houses, although committees are still meeting on other legislation ahead of the February 23 deadline for committee action. The House Appropriations and Senate Finance committees reported their respective budgets on February 8. On February 12, the House passed its budget by a vote of 81-18, and the Senate budget passed unanimously. By February 18, the House and Senate must reject each other's budgets and appoint members of the conference committee. As the budget moves into the conference process, staff will work with the County's representatives on the conference committee on County priorities and will keep the Board informed as negotiations unfold.

The Legislative Committee met on January 30 and February 13 to consider several issues of importance to the County, and the Committee offers the following report and recommendations for action to the Board.

### Legislative Committee Actions of January 30, 2015:

Members Present: Legislative Chairman McKay  
Chairman Bulova  
Supervisor Cook  
Supervisor Foust  
Supervisor Gross  
Supervisor Smyth

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### **Specific Issues**

Member Budget Amendments: The Committee received a handout on member budget amendments (see handwritten pages 72-77).

Ethics Reform: The Committee received a handout on bills pertaining to ethics and conflicts of interest (see handwritten pages 78-80).

### **Priority Principles for Reviewing Legislation**

1. **Adequately fund K-12 education.**
2. **The Commonwealth should continue and build upon the successful enactment of significant, new transportation revenues by the 2013 General Assembly.**
3. **Restore the funding partnership between the state and localities with adequate state funding.**
4. **Preserve local government authority, particularly in taxation and land use; allow greater flexibility in the administration of government.**

### **Specific Legislation**

Fairfax County Legislative Summary: The Committee discussed the status of legislation in which the Committee had previously taken positions. The Committee's positions on these bills are noted in the attached tracking chart.

### **New Bills-2015 General Assembly**

#### **Education**

**HJ 633** (Landes) (HPE) Permits the General Assembly to grant to the Board of Education the power and duty to assume the operation or supervision of one or more schools within a school division on a temporary basis when necessary to ensure that an educational program of high quality is established and continually maintained, or establish, maintain, or operate one more elementary or secondary schools pursuant to Section 9 of Article VIII of the Constitution of Virginia. Oppose; consistent with Board's opposition to the Opportunity Educational Institution. Concern about potential diversion of local funding. (15100971D)

#### **Elections**

**HB 1318** (Campbell) (HPE) requires that any voter submitting his application for an absentee ballot by mail or by electronic or telephonic transmission to a facsimile device shall submit with his application a copy of one of the forms of identification acceptable under current law. Currently, only a voter who completes his application for an absentee ballot in person is required to show a form of identification. Oppose. (15100844D)

### **Health and Human Services**

**HB 2258** (Head) (HHWI) eliminates a requirement that physicians serving as members of screening teams for community-based long-term care services as defined in the state plan for medical assistance be an employee of the Department of Health or the local department of social services; eliminates the requirement that the Department of Medical Assistance Services (the Department) contract with an acute care hospital for institutional screenings for long-term care services as defined in the state plan for medical assistance, so that the Department may but is not required to contract with acute care hospitals for such screenings; and allows the Department to contract with one or more vendors to receive, conduct, track, and monitor requests for all community-based and institutional long-term care screenings. The bill also requires the Board of Medical Assistance Services to promulgate regulations to implement the bill's provisions within 280 days and allows the Board to implement changes necessary to implement the bill's provisions upon its passage and prior to the promulgation of regulations. Oppose unless amended to remove mandate that a private provider assume the UAI activities currently performed successfully by County staff. (15103266D)

### **Land Use**

**HB 2327** (Leftwich) (HCCT) provides that localities shall not require a landowner to make offsite improvements or make dedications of land as a condition of use of an existing parcel when such use is a permitted use pursuant to the zoning ordinance and when existing public facilities are available to such parcel. Oppose. (15103114D)

**HB 2351** (Leftwich) (HCCT) provides that no locality shall condition the approval of a subdivision plan, site plan, plat, or construction plan, or condition the issuance of any required occupancy permit for occupancy of such property or the structures thereon, upon the consent or permission of any person or entity holding an easement over, under, or through the property that is the subject of such plan or plat. Oppose. (15103860D)

### **Public Safety**

**HB 1773** (Berg) (HED) / **SB 1132** (Garrett) (S. Floor) provides an exception to the crime of possessing a firearm on school property if a person has a valid concealed handgun permit and possession of a concealed handgun occurs outside normal school hours. The bill also provides an exception if a person with a concealed handgun permit stores a concealed handgun in a motor vehicle in a parking lot, traffic circle or other means of vehicular ingress or egress to the school; current law allows possession while the person is in the motor vehicle in one of those areas. Oppose. (15101291D-E, 15101684D)

**SB 1158** (Garrett) (HGL) authorizes the use of consumer fireworks in the Commonwealth. The bill defines "consumer fireworks" as small fireworks devices (i) containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion and (ii) complying with certain federal regulations regarding composition and labeling. The bill provides that the storage and transportation of consumer fireworks are to be

considered the same hazard class as 1.4G explosives under the Statewide Fire Prevention Code (SFPC) and Uniform Statewide Building Code. In addition, the bill excludes from the provisions of the SFPC the use of consumer fireworks on residential or agricultural property with the consent of the owner of such property or when the fireworks are being transported from a locality where they were legally obtained to a locality where they are legally permitted. Current law only excludes the use of permissive fireworks on private property. The provisions of the bill have a delayed effective date of January 1, 2016. Oppose. (15103254D)

### **Procurement**

**SB 1378** (Barker) (SGL) provides that a public body may purchase from the contract of a council of governments comprised of public bodies. The bill also provides that a public body may participate in, sponsor, conduct, or administer a cooperative procurement agreement on behalf of or in conjunction with a council of governments comprised of public bodies. Support. (15103522D)

### **Transportation**

**HB 2294** (Joannou) (HTRAN) requires comprehensive agreements between the responsible public entity and a private entity to be approved by both houses of the General Assembly. Oppose. (15103693D)

**HB 2296** (Joannou) (HTRAN) requires approval by the General Assembly before the imposition or collection of tolls or user fees on any interstate, primary, or secondary highway, on any project undertaken pursuant to the PPTA, or by the HRTAC, NVTA, or RMTA. Oppose. (15103519D)

#### *Hampton Roads Transportation Accountability Commission (HRTAC)*

**HB 2297** (Joannou) (HTRAN) requires approval of the General Assembly prior to the imposition or collection of any tolls or user fees on a project undertaken pursuant to the Public-Private Transportation Act of 1995 or by the Hampton Roads Transportation Accountability Commission. Monitor. (15103764D)

### **Study**

**HJ 603** (Knight) (HRUL) establishes a joint subcommittee to study the prevention of sexual violence on college campuses in Virginia. In conducting its study, the joint subcommittee must (i) ascertain the breadth of the problem of sexual violence on public and private college campuses in the Commonwealth; (ii) review all relevant state and federal laws, regulations, and policies to identify appropriate ways in which sexual violence may be abated; (iii) assess the policies, process, and procedures for reporting crimes of sexual violence used by colleges and universities in the Commonwealth; (iv) determine whether any institutions of higher education in the Commonwealth have pending U.S. Department of Education Office for Civil Rights investigations for the manner in which allegations and reports of sexual violence have been

managed; (v) collaborate with other local, state, federal, college, and community advocates and police departments and entities to address the problem throughout the Commonwealth's higher education and criminal justice systems and among parents and students; (vi) make recommendations to ensure safe college and university campuses throughout the Commonwealth; and (vii) carry out any other duties the joint subcommittee deems proper to facilitate the study. The joint subcommittee must submit its report to the Governor and the 2016 Session of the General Assembly. Support. (15103081D )

#### **Legislation Provided for Discussion**

**HB 2042** (Filler-Corn) (HTRAN) directs VDOT to amend its regulations to permit food truck vending on state highway rights-of-way. Support concept; amend to provide local authority to regulate consistent with the County's zoning ordinance. (15102195D; *proposed substitute was also discussed*)

**HB 1662** (Rust) (H. Floor) / **SB 1025** (Watkins) (HTRAN) establishes a process for the licensing of transportation network companies (TNCs) by the Department of Motor Vehicles (DMV), provided that TNCs comply with the requirements for licensure. The bill requires TNCs to screen drivers (TNC partners), ensure that all drivers are at least 21 years old and properly licensed to drive, and conduct background checks on all drivers including criminal background, driving history, and status on the sex offender registry.

The bill also requires that TNC partner vehicles be titled and registered personal vehicles; be insured; have a maximum seating capacity of no more than seven persons, excluding the driver; be registered with DMV for TNC use; and display TNC and DMV identification markers. The bill further requires that TNC drivers be covered by a specific liability insurance policy. The bill also imposes several other operational requirements, including requirements that the TNC provide a credential to the driver and disclose information about the TNC partner and TNC policies to passengers, and specifies the nature and limits of the insurance coverage.

The bill authorizes DMV to conduct periodic reviews of the TNC to confirm compliance and authorizes fees to cover DMV's costs of administering the program, including an annual fee of \$50 per TNC partner vehicle, an initial TNC license fee of \$70,000, and an annual license renewal fee of \$3,000. The bill requires DMV to review the fee structure and report by December 1, 2016. (15104305D-H1/ 15104207D-S2)

#### **Legislation Requiring Further Review**

**HB 1414** (Marshall, R.G.) (HGL) provides that a person shall not be required to perform, assist, consent to, or participate in any action or refrain from performing, assisting, consenting to, or participating in any action as a condition of obtaining or renewing a government-issued license, registration, or certificate where such condition would violate the religious or moral convictions of such person with respect to same-sex marriage or homosexual behavior. (15101161D)

**HB 1488** (Pogge) (H. Floor) prohibits the owner of a fee interest in land that is subject to a conservation easement accepted on or after July 1, 2016, from receiving certain tax benefits or tax credits if the easement is co-held, contains a third-party right of enforcement, or omits notice of the holder's enforcement guidelines. The bill also requires the holder's enforcement guidelines, if the fee owner is to receive the tax benefits, to define "agriculture" to include small-scale family farming practices. The bill removes from the list of parties that have legal standing to bring an action affecting a conservation easement the Virginia Historic Landmarks Board, a person with a third-party right of enforcement, the local government, and any other agency or person with standing under other laws. The bill authorizes the Virginia Outdoors Foundation (VOF) to issue decisions on disputes over the interpretation of easement instruments where those disputes are not already in litigation. The bill requires the Foundation, in deciding such cases, to follow the Administrative Process Act, except that it is required to construe ambiguous easement terms in favor of the landowner and to construe "agriculture" to include small-scale family farming practices. The bill also requires the Department of Conservation and Recreation to report, without identifying them, individual easement donations and requires the Joint Legislative Audit and Review Commission to conduct an annual public hearing to assess whether private holders of conservation easements comply with best practices. (15104154D-H1)

**HB 1467** (Marshall, R.G.) (HED) permits a school board or an administrator of a private school to designate one or more qualified person for every school who may carry a concealed handgun on school property. Such qualified persons include certain school division employees, certain school volunteers who carry valid concealed handgun permits, and certain retired law-enforcement officers. Any person designated to carry a concealed handgun must be certified and trained by the Virginia Center for School and Campus Safety or the National Rifle Association in the storage, use, and handling of a concealed handgun. The bill also outlines the training requirements for designated persons to be established by the Department of Criminal Justice Services. (15102750D)

**HB 1793** (Stolle) (HGL) requires the Department of Housing and Community Development to amend administrative regulations by December 31, 2015, to require that where the total number of parking spaces provided exceeds 25, at least one-quarter of disabled parking spaces be designated as wheelchair access only. (15101660D)

**HB 2204** (Jones) (HAPP) revises the Line of Duty Act (the Act) by codifying revisions to the Act in the appropriation act, transferring overall administration of the Act to the Virginia Retirement System, transferring administration of health insurance benefits under the Act to the Department of Human Resource Management, and providing for an administrative appeal process. The bill becomes effective July 1, 2016. (15103624D)

**SB 1300** (Newman) (SRSS) provides that the Northern Virginia Training Center shall not be closed prior to December 31, 2016, and shall not be declared surplus on any land use plan developed by the Department of Behavioral Health and Developmental Services. The bill directs the Secretary of Health and Human Resources to identify by November 30, 2015, at least three training centers that shall not be subject to closure and requires such training centers

to remain open and to continue to accept new admissions of individuals with intellectual disability for whom treatment in a training center is appropriate. (15101457D)

### **Education**

**HB 1698** (Wilt) (HED) requires each school board, in any case in a questionnaire or survey requesting that students provide sexual information, mental health information, medical information, information on student health risk behaviors, other information on controlled substance use, or any other information that the school board deems to be sensitive in nature is to be administered, to give the parent 30 days' electronic and written notice of the nature and types of questions, the purposes and age-appropriateness of the questionnaire or survey, how such information will be used, who will have access to such information, the steps that will be taken to protect student privacy, and whether and how any findings or results will be disclosed. The bill gives the parent the right to request that an advance copy of the questionnaire or survey be sent to him, to review the document in person at the school, and to exempt his child from participation. Under current law, (i) such written notice only applies to surveys or questionnaires on sexual information and information on student health risk behaviors, (ii) the detailed contents of the notice only apply to information on student health risk behaviors, and (iii) the parent has the right to review questionnaires and surveys but no right to request that a copy be sent to him. (15100565D)

**SB 823** (Miller) (HED) requires at least 20 minutes of physical activity per day or an average of 100 minutes per week during the regular school year for students in grades kindergarten through five. This requirement becomes effective beginning with the 2017-2018 school year. (15101177D)

### **Elections**

**HB 1574** (Pogge) (HPE) requires that a person registering to vote provide proof of United States citizenship in a form specified by the State Board of Elections (15102008D)

**HB 2158** (Sickles) (HPE) provides for a quarterly schedule for special elections. Every special election is required to be held on the first Tuesday following the first Monday in February, May, August, or November. The bill requires that (i) a vacancy occurring more than 55 days prior to the date of the next quarterly special election be filled at that next quarterly special election and (ii) a vacancy occurring within the 55 days prior to the date of the next quarterly special election be filled at the second quarterly special election following such vacancy. The bill also amends the deadlines for the quarterly special election dates that do not fall on the date of a May or November general election, by which independent candidates are required to file declarations of candidacy and petitions and political parties are required to nominate candidates. The bill exempts from the quarterly special election schedule and the deadlines for filing by candidates or for nominating candidates, those vacancies in the General Assembly that occur after the date of the November quarterly special election but before the second Wednesday in January and permits such vacancies to be filled at a special election held on any

date, provided the date is a Tuesday and the writ otherwise complies with current law. (15101785D)

**HB 2056** (Sickles) (HPE) requires the Department of Elections to provide lists of registered voters at a reasonable cost to any person requesting such lists for political or governmental purposes. Current law permits the provision of such lists only to specific persons or entities. The bill requires persons receiving such lists to sign a statement, subject to felony penalties for making false statements, that the list is government property and is to be used only for political or governmental purposes, and repeals a redundant section related to such statement. The bill also requires the local electoral boards to provide to the Department of Elections within 14 days after the election the list of persons who voted, including those who voted provisionally and were determined to be entitled to vote. Current law requires the list be submitted within 60 days. The bill also contains technical amendments to reflect the administrative reorganization of the Department of Elections that took effect July 1, 2014. (15101760D)

**SB 711** (Edwards) (SPE) requires general registrars to conduct and complete within 30 days of the receipt of precinct lists from the State Board a cross-check of precinct list voters with voter registration data supplied by other states in the interstate cross-check system developed under current law by the State Board. The bill requires the State Board to grant an extension of up to 30 days to complete the cross-check if so requested by a general registrar within 48 hours of initial receipt of the precinct list. The bill requires the general registrars to, at a minimum, compare the Virginia Voter Registration System registration history and Virginia voting history of precinct list voters with the out-of-state registration data provided in the interstate cross-check system and prohibits the cancellation of a voter's registration within 90 days prior to a primary or general election solely on the basis of the interstate cross-check. The provisions of the bill are contingent on funding in a general appropriation act passed in 2015 by the General Assembly that becomes law. (15100897D)

### **Procurement**

**HB 1835** (Gilbert) (HGL) clarifies that small purchase procedures include the procurement of construction and that any such procedures shall not waive compliance with the Uniform State Building Code. The bill also increases contract amounts for job order contracting and provides that (i) order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited, (ii) no public body shall issue or use a job order solely for the purpose of procuring professional architectural or engineering services, and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The bill clarifies the provisions of the VPPA related to cooperative procurement and requires that by October 1, 2017, the Department of Small Business and Supplier Diversity, public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005, any state agency utilizing job order contracting, and the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing on behalf of local public bodies working cooperatively report their respective experiences and findings relating to the appropriateness and effectiveness of job order contracting in general,

the job order project cost limitations as added by this bill, and the architectural and professional engineering term contract limits to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The bill further provides that its provisions shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by this bill, shall apply to any renewal of a job order contract. The bill contains numerous technical amendments and is a recommendation of the General Laws Special Joint Subcommittee Studying the Virginia Public Procurement Act. (15101672D)

**HB 1540** (Albo) (HGL) clarifies that small purchase procedures include the procurement of construction and that any such procedures shall not waive compliance with the Uniform State Building Code. The bill also increases contract amounts for job order contracting and provides that (i) order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited, (ii) no public body shall issue or use a job order solely for the purpose of providing professional architectural or engineering services that constitute the practice of architecture or the practice of engineering; however, professional architectural or engineering services may be included on a job order where such professional services are (a) incidental and directly related to the job and (b) no more than 25 percent of the construction cost, not to exceed \$60,000, and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The bill removes the provision that allows a public body to discuss nonbinding estimates of total project costs, life-cycle costing, and, where appropriate, nonbinding estimates of price for services. The bill provides that negotiations may be held on proposed terms and conditions set out in the Request for Proposal. The bill also clarifies the provisions of the VPPA related to cooperative procurement and requires that by October 1, 2017, the Department of Small Business and Supplier Diversity; public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005; any state agency utilizing job order contracting; and the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing, on behalf of local public bodies working cooperatively, report their respective experiences and findings relating to (1) the appropriateness and effectiveness of job order contracting in general, (2) the project cost limitations set forth in subsections B and D of § 2.2-4303.1 as added by this bill, and (3) the architectural and professional engineering term contract limits set forth in § 2.2-4303.1 to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The bill further provides that its provisions shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by this bill, shall apply to any renewal of a job order contract. The bill contains numerous technical amendments. (15102721D)

**HB 1703** (Morefield) (HGL)/ **SB 863** (Chafin) (SGL) clarifies that small purchase procedures for purchases not expected to exceed \$100,000 may be used to procure construction. Under the bill, where small purchase procedures are adopted for construction, the procedures may not waive compliance with the Uniform Statewide Building Code. (15102851D, 15102336D)

**SB 885** (Petersen) (SGL) changes the definition of small business to require the business, together with affiliates, to have 250 or fewer employees and average annual gross receipts of \$10 million or less averaged over the previous three years. Currently, a small business is required to meet one or the other of these conditions. This bill is a recommendation of the General Laws Special Joint Subcommittee Studying the Virginia Public Procurement Act. (15100878D)

### **Transportation**

**HB 1746** (Ingram) (HTRAN) provides that wherever a bicycle path or trail designated by the Department of Conservation and Recreation, a bicycle lane, or a shared-use path is available to bicyclists as an alternative to a roadway available for motor vehicles, bicyclists are required use those paths, lanes, and trails and are prohibited from using roadways available for operation of motor vehicles. (15100041D)

**HB 2390** (Futrell) (HGL) creates the Virginia Infrastructure Investment Authority to manage and administer the Virginia Infrastructure Investment Bank. The Bank would consist of private investment funds, and other public and private monies designated for the Bank, and would provide loans and other financing assistance to public and private infrastructure projects that create jobs and stimulate economic development. (15103199D)

### *Tolls*

**HB 2310** (James) (HTRAN) provides for increased access to DMV records and other enhanced means of collection of penalties for toll violations. (15103743D)

**HB 2340** (Marshall, R.G.) (HCL) requires State Corporation Commission approval to impose tolls and user fees and for a responsible public entity to enter into comprehensive and interim agreements with private entities. (15103117D)

**HB 2344** (Ramadan) (HCL) amends the powers and responsibilities of the State Corporation Commission (SCC) to regulate toll road operators under the Virginia Highway Corporation Act of 1988. The measure adds requirements that toll rates not materially discourage the public's use of the toll road, that the cost of operating the toll road be reasonably apportioned across all toll road users based on the relative distance each class of user travels on the toll road such that the toll rates are established in a reasonable and nondiscriminatory manner in relation to the benefit obtained, and that toll rates shall the operator with no more than a reasonable return. In addition, the measure (i) requires the SCC, by October 1, 2015, to initiate an investigation into the tolls charged by all operators subject to the Act and to issue a ruling by April 1, 2016, on its investigation as to whether the current tolls charged by the operator comply with such new requirements; (ii) prohibits the SCC from using the fact that any incremental return resulting from increased traffic related to a relative change in potential toll users that is greater than zero on a cumulative basis as the sole basis for finding that the operator's return exceeds a reasonable level as specified in such new requirements, during any future complaint proceeding; (iii) requires the SCC, in its initial investigation to develop a baseline from which

it can measure the relative change in potential toll users, and directs how the incremental return shall be computed; (iv) prohibits an operator from seeking a toll increase that attempts to raise its return above the reasonable level; (v) requires the full disclosure, in public financial reports to the SCC, of the details of any related party transactions; and (vi) establishes a presumption that any related party transactions shall be presumed to be imprudent and excluded from costs used for any purpose, including but not limited to costs of lobbyists, excessive compensation, and entertainment expenses, unless the operator provides information showing at least three separate competitive bids demonstrate that the operator could not have achieved better contract terms from a third party. (15103556D)

### **Utilities**

**HB 1475** (Ware) (Passed House) establishes a procedure under which a natural gas utility may seek State Corporation Commission (SCC) approval of a system expansion plan that includes, among other things, a schedule for recovery of eligible system expansion infrastructure costs through a system expansion rider and a methodology for deferral of unrecovered eligible system expansion costs. A system expansion plan and system expansion rider shall allocate and charge costs in accordance with cost causation principles in order to avoid any undue cross-subsidization between rate classes. The SCC is barred from examining other revenue requirement or ratemaking issues in its consideration of the natural gas utility's application. Costs recovered under this measure shall be in addition to all other costs that the natural gas utility is permitted to recover, shall not be considered an offset to other approved costs of service or revenue requirements, and shall not be included in any computation relative to a performance-based regulation plan revenue-sharing mechanism. The authorization and encouragement of the expansion of natural gas infrastructure and the promotion of the use of natural gas are declared to be in the public interest. Allowing Virginia's natural gas utilities to approach expansion of intrastate infrastructure into unserved and underserved areas on a more proactive basis by expanding, improving, and increasing the reliability of Virginia's energy infrastructure is also declared to be in the public interest. (15104079D-H1)

**HB 1848** (Marshall, D.W.) (HCCT) provides that a locality that owns an interest in a cooperative utility shall have authority to sell that interest to another company that will own, manage, and control the provision of such utility to the residents within such locality. (15101290D)

**HB 2333** (Marshall, R.G.) (HCL) establishes a pilot program for the placement of a new electrical line of 230 kilovolts or more to be placed underground. The bill establishes criteria for participation in the project. The costs of the project shall be recoverable through a rate adjustment clause and entirely assigned to the utility's Virginia jurisdictional customers. (15103769D)

**SB 1458** (Stuart) (SLG) provides that local ordinances to adopt a cable franchise shall require that a cable operator make service available in areas where the average occupied residential household density is not less than 20 occupied residential dwelling units per mile as measured from the nearest dwelling with existing cable service. The current statute requires a standard of

not less than 30 occupied residential dwelling units per mile as measured from the nearest technically feasible point on the cable operator's active cable system. (15104198D)

**SB 1169** (Hanger, Jr.) (SCL) conditions a natural gas utility's exercise of its authority to enter upon the property of a landowner without his permission upon the adoption by the local governing body of the city or county in which the property is located expressing support for the gas line or works. The governing body may only adopt such a resolution if it finds that locating the line or works within the locality is consistent with its comprehensive plan and that there exists a demonstrated public need for the line or works. (15102840D)

### **Workers' Compensation**

**HB 2264** (Lingamfelter) (HCL) removes from the definition of toxic substance, for purposes of the Virginia Workers' Compensation Act, the requirement that the substance cause, or be suspected to cause, leukemia or other specific types of cancer. There currently exists a presumption that when certain employees have contact with a known or suspected carcinogen that causes, or is suspected to cause, leukemia or other specific types of cancer and then develop such a malady, the malady is an occupational disease covered by the Act. The measure also substitutes colorectal cancer for rectal cancer on the list of the types of cancer for which this presumption may exist. (15103993D)

### **Legislation to be Monitored by Staff; State Revenue/Policy Implications**

**HB 1827** (Scott) (H. Floor) exempts routine highway maintenance projects of the Virginia Department of Transportation from the requirements of the Erosion and Sediment Control Act, including the reduction of flow runoff rates. This exemption is consistent with the exemption for similar routine highway maintenance projects under the Stormwater Management Program. (15101372D)

**HB 1866** (Stolle) (HAPP) allows the Director of the Department of Conservation and Recreation to make loans from the Dam Safety, Flood Prevention, and Protection Assistance Fund of up to \$300,000 to be used to elevate or flood-proof primary and secondary single-family homes, owner-occupied rental housing of not more than four units, and businesses. To be eligible, homeowners' and business owners' structures must be subject to coastal flooding and located in either Zone VE or Coastal Zone AE, as defined by the Federal Emergency Management Agency and the National Flood Insurance Program. (15104362D-H1)

**SB 693** (Martin) (S. Floor) permits a person or organization, such as an animal shelter or humane society, to trap and sterilize a feral cat before returning it to the site where it was trapped, or to a suitable alternative site. The bill excludes a participant in such an activity from the definition of "owner" regarding custody of the subject cat; under current law, abandonment of an animal by an owner is a misdemeanor. The bill also exempts a participant from liability to the owner of a feral cat for capturing, sterilizing, releasing, or providing medical care to the cat. (15100927D)

**SB 755** (Saslaw) (HCCT) replaces a detailed metes and bounds description of the city boundary with references to the relevant legislative acts and a court order. (15103342D-S1)

**SB 841** (Lucas) (SLG) removes the requirement that counties, except as otherwise required by law, publish notice of an intention to propose an ordinance for two weeks in a newspaper having a general circulation. The bill contains technical amendments. (15101932D)

**SB 1047** (Hanger, Jr.) (SLG) clarifies the requirement that a local stormwater utility waive charges to property that is covered by a permit to discharge stormwater from a municipal separate storm sewer system (MS4) and owned by a government or public entity, regardless of whether the property is titled in the name of the permit holder. (15100925D)

**SB 1256** (Smith) (SLG) allows localities required to advertise legal notices by publication in a newspaper of general circulation in the locality or posting on the locality's website to advertise such notices on radio or television in lieu of or in addition to such publication or posting. (15102370D)

### **Constitutional Amendments**

**HJ 577** (Bell, R.B.) (HPE) grants the Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth. (15101631D)

**SJ 256** (Obenshain) (SPE) grants the Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth. (15100782D)

### **Energy/Environment**

**HB 1446** (Marshall, D.W.) (HCCT) expands the requirements of a local ordinance authorizing contracts to provide loans for clean energy improvements. The bill adds water efficiency improvements to the list of improvements for which loans may be offered; allows a locality to contract with a third party to administer the loan program; and requires a locality to identify any administrative fee it intends to impose on participants and sets parameters for the imposition of that fee. The bill also details the priority, enforceability, and other characteristics of the lien, now called a voluntary special assessment lien, that a locality is permitted to place against the property where the clean energy systems are installed. Finally, the bill directs the Department of Mines, Minerals and Energy (DMME) to develop underwriting guidelines for local loans made to finance clean energy improvements. The bill requires DMME to finalize the guidelines by December 1, 2015, incorporating input from certain groups representing real estate, energy efficiency, banking, and other interests or industries and evaluating certain specific criteria. This bill is a recommendation of the Virginia Housing Commission. (15101999D)

**SB 1103** (McWaters) (S. Floor) allows any locality by ordinance to prohibit the distribution, sale, or offer of disposable plastic shopping bags to consumers. The bill exempts from any such prohibition reusable bags of a certain thickness; bags that are used to carry certain products, such as ice cream or newspapers; and garbage bags that are sold in multiples. (15101066D)

### **Health and Human Services**

**HB 1931** (Anderson) (HCT) establishes a national criminal history record check requirement for licensure as a child welfare agency, for approval as a family day home by a family day system, for approval as a foster or adoptive parent; for employment or to volunteer at a child welfare agency or family day home; and for all adults residing in a home in which a family day home is operated. This bill includes a delayed effective date. (15103485D)

**SB 779** (McWaters) (HCT) increases from 96 to 120 hours the length of time a minor 14 years of age or older who objects to admission for inpatient treatment or who is incapable of making an informed decision may be admitted to a willing mental health facility. The bill also amends the criteria for admitting an objecting minor 14 years of age or older for psychiatric treatment to match the criteria for determining whether a nonobjecting minor or a minor younger than 14 years of age should be admitted. Finally, the bill provides that if a minor 14 years of age or older who did not initially object to treatment objects to further treatment, the mental health facility where the minor is being treated shall immediately notify the parent who consented to the minor's treatment and provide to such parent a summary of the procedures for requesting continued treatment of the minor. (15104086D-S1)

### **Land Use**

**SB 994** (Stuart) (SLG) requires that where a locality sets standards for the clustering of single-family dwellings and the preservation of open space, the standards may prohibit the division of a development's open space into discontinuous areas, require certain open space to be accessible to all dwellings in the development, and require certain open space to be usable by residents. The bill contains technical amendments. (15101256D)

### **Public Safety**

**HB 1553** (Marshall, D.W.) (H. Floor) provides that any locality may by ordinance establish a system to deliver emergency notifications to residents by email or text message. Such ordinance shall be adopted only after a public hearing and shall contain an opt-in provision. (15104135D-H1)

**HB 2024** (BaCote) (HMPP) allows a locality to adopt an ordinance that prohibits firearms, ammunition, or components, or a combination thereof, in libraries owned or operated by the locality. (15103360D)

**SB 721** (Marsden) (HCT) requires the agency seizing property to issue contemporaneously with the seizure, a receipt itemizing the property seized. (15103694D-S1)

**SB 845** (Stanley, Jr.) (S. Floor) provides that no volunteer firefighter or volunteer emergency services personnel shall be liable for any injury to persons or property arising out of the operation of a motor vehicle when such volunteer is en route to render emergency care or assistance to any ill or injured person at the scene of an accident, fire, or life-threatening emergency, unless such injury results from gross negligence or willful or wanton misconduct. (15103727D-S1)

### **Studies**

**HJ 637** (Landes) (HRUL) directs the Joint Legislative Audit and Review Commission (JLARC) to study the Commonwealth's Medicaid program. In conducting its study, JLARC shall (i) analyze the impact of major cost drivers on the growth of Medicaid program expenditures; (ii) identify highest-cost Medicaid recipients and services and assess whether opportunities exist to improve the cost-effectiveness of health care delivery; (iii) examine the efficiency of the administration of the Commonwealth's Medicaid program, including financial processes and controls and the recovery of third-party payments, and review the implementation status of recommendations made in 2011 JLARC report on improper payments and other reports related to improving efficiency and cost-effectiveness; (iv) identify evidence-based practices and strategies that have been successfully adopted in other states and that could be used in the Commonwealth to provide cost-effective care, strengthen patient outcomes, and maximize the efficiency and integrity of internal processes; and (v) review other relevant issues and make recommendations as appropriate. JLARC shall complete its work by November 30, 2016. (5101724D)

**SJ 268** (Hanger) (SPE) directs the Joint Legislative Audit and Review Commission to study pathways for determining eligibility for Medicaid-funded long-term care. In conducting its study, JLARC shall review (i) the Commonwealth's long-term care preadmission screening process, including the process by which individuals access such screenings, the timeliness of such screenings, support for individual choice upon meeting long-term care criteria, and assurance that the assessment teams are neutral and have no financial or legal ties to discharge locations and (ii) state and federal long-term care financial eligibility laws, including the use of annuities to protect assets, transfer of assets, lien and estate recovery, assessing a child as a family of one for eligibility purposes, and the effects of the new Modified Adjusted Gross Income eligibility standards and access to nursing home care services. The Joint Legislative Audit and Review Commission shall complete its meetings by November 30, 2016. (15102826D)

### **Taxation**

**HB 1556** (Farrell) (HAPP)/ **SB 1144** (Garrett) (SFIN) provides that the Virginia income tax net revenue and sales and use tax generated by certain corporations or limited liability companies within a qualified locality shall be transferred to the qualified locality under certain conditions. A qualified locality is one that (i) has made application to the Virginia Economic Development Partnership Authority for a Major Employment and Investment Project Site Planning Grant

pursuant to § 2.2-2240.2 and has been rejected for such grant and (ii) has expended local funds for the economic development purposes specified in § 2.2-2240.2. The total amount eligible to be returned to a qualified locality shall not exceed \$5 million for any single economic development project. (15102829D, 15102535D)

**HB 1828** (Ware) (HACNR) makes several changes to the credit by (i) reducing the maximum amount of tax credits that may be issued in each calendar year from \$100 million to \$85 million beginning in 2015; (ii) reducing the maximum amount of the land preservation tax credit that may be claimed in any year from \$100,000 in taxable year 2014 to \$20,000 in taxable years 2015 and 2016 and \$50,000 for each taxable year thereafter; (iii) requiring that a complete application for tax credit with regard to a conveyance be filed with the Department of Taxation by December 31 of year following the calendar year of the conveyance; and (iv) prohibiting the Department of Taxation from issuing any tax credit for a donation from any allocation or pool of tax credits attributable to a calendar year prior to the year in which the complete tax credit application for the donation was filed. (15103287D)

#### **Legislation Provided for Information**

**HB 1308** (Marshall, R.G.) (HCT) provides that any person who without lawful authority intercepts, monitors, examines, or otherwise accesses electronic transmissions of messages, data, signals, or other communications that are not intended for public disclosure from any person to another with whom such person is in a confidential relationship is guilty of a Class 1 misdemeanor. The bill defines a "confidential relationship" as a relationship between (i) a husband and wife; (ii) an attorney and client; (iii) a licensed practitioner of the healing arts and patient; (iv) a licensed professional counselor, licensed clinical social worker, licensed psychologist, or licensed marriage and family therapist and client; or (v) a clergy member and person seeking spiritual counsel or advice. The bill also creates a civil cause of action for the person whose electronic transmissions of messages, data, signals, or other communications have been intercepted, monitored, examined, or otherwise accessed against the person who without lawful authority intercepted, monitored, examined, or otherwise accessed such transmissions and any person who facilitated or allowed such interception, monitoring, examination, or access. (15104020D-H1)

**HB 1422** (Head) (HCCT) allows any locality by ordinance to provide that the owner of any residence is liable for a civil penalty of \$100 for the use of the premises for the illegal consumption of alcohol, provided the owner knew or reasonably should have known that the premises was being used for this purpose. (15100414D)

**HB 2081** (Peace) (H. Floor) prohibits an employer from requiring, requesting, or causing a current or prospective employee to disclose the username and password to a current or prospective employee's social media account. The measure also prohibits an employer from (i) requiring an employee to add an employee, a supervisor, or an administrator to the list or contacts associated with the employee's social media account or (ii) changing the privacy settings associated with the employee's social media account. (15100868D)

**HB 2389** (O'Quinn) (HGL) includes political party committees in the types of organizations that are permitted to conduct charitable gaming. The bill requires the disclosure of certain information related to the charitable gaming activity of a political party committee on the required campaign finance report. (15102026D)

**SB 1008** (Petersen) (S. Floor) provides that every unit owner under the Virginia Condominium Act and every lot owner under the Property Owners' Association Act, who is a member in good standing of the unit owners' association or property owners' association has the right (i) of access to all books and records kept by or on behalf of the association, (ii) to cast a vote on any matter requiring a vote by the association's membership in proportion to the unit or lot owner's ownership interest, (iii) to have notice of any meeting of the executive organ or board of directors and to participate in such meeting, (iv) to have notice of any proceeding conducted against the unit or lot owner to enforce any rule or regulation of the association and the opportunity to be heard and represented by counsel at such proceeding, and (v) to have all funds of the association managed in accordance with generally accepted fiduciary standards. (15104146D-S1)

### **Budget**

**SB 1051** (McDougle) (S. Floor) provides that the Commonwealth's biennial appropriations will start on July 1 of odd-numbered years beginning with the biennial appropriation act for the period July 1, 2017, through June 30, 2019. The bill requires that the fiscal year beginning July 1, 2016, would not be a part of any biennial appropriation act (i.e., it would be a single-year transitional budget). (15101588D)

### **Education**

**HB 1626** (Bell, R.B.) (H. Floor) permits each local school board to deem eligible for participation in interscholastic programs, notwithstanding any bylaw, rule, regulation, or policy of any organization that currently organizes and governs interscholastic programs among the public high schools, any student who (i) is receiving home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is entitled to free tuition in a public school; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill allows such students to be charged reasonable fees for participation. (15104226D-H1)

**HB 2339** (Surovell) (HED) prohibits school boards from making electronic textbooks available for use by students in their residence or residences unless the school board adopts a plan to ensure that by July 1, 2018, every student in the local school division will have access to (i) a

personal computing device capable of supporting such textbooks and (ii) adequate connectivity, which the bill defines as bandwidth of at least 1 megabit per second per student. The bill permits a local school board to establish a pilot program for the use of electronic textbooks at any secondary school in the local school division provided that (a) each student at the secondary school has access to a personal computing device capable of supporting such textbooks, (b) each student at the secondary school has access to adequate connectivity, and (c) the secondary school is receiving federal funds pursuant to Title I of the federal Elementary and Secondary Education Act of 1965 or no more than five percent of the students in the local school division or 300 children, whichever is greater, participate in the pilot program. (15100765D)

**HB 2394** (Webert) (HED) Appeal of computation of the local composite index. (15104352D)

### **Elections**

**HB 1473** (Yost) (HPE) permits local electoral boards to appoint a general registrar who is a qualified voter of a county or city adjacent to the county or city for which he is appointed. Current law requires the general registrar to be a qualified voter of the county or city for which he is appointed. The bill leaves unchanged the provision allowing a city electoral board to appoint a qualified voter of the county in which the city is wholly contained to serve as the city general registrar. (15102233D)

### **Health and Human Services**

**SB 1114** (Barker) (SCT) provides that a court or magistrate may issue a temporary detention order for medical testing, observation, and treatment for a person who is also the subject of an emergency custody order for evaluation and treatment of mental illness. Upon completion of any required testing, observation, or treatment, the hospital emergency room or other appropriate facility in which the person is temporarily detained shall notify the community services board responsible for performing an evaluation to determine whether the person meets the criteria for temporary detention for treatment of mental illness, and a designee of the community services board shall complete the evaluation as soon as is practicable but prior to the expiration of the order for temporary detention for testing, observation, or treatment. (15101689D)

**SB 1263** (Deeds) (SCT) provides that a magistrate may authorize alternative transportation for a person subject to an emergency custody order or temporary detention order when there exists a substantial likelihood that he will cause serious physical harm to himself or others. Current law prohibits the use of alternative transportation when there exists a substantial likelihood that he will cause serious physical harm to himself or others. The bill also provides liability protection for alternative transportation providers. (15102076D)

**SB 1410** (Deeds) (SFIN) provides for the certification of crisis intervention specialists and crisis intervention specialist licensed clinical supervisors. The bill also requires community services boards and behavioral health authorities to employ or contract with certified crisis

intervention specialists for evaluations for emergency custody or temporary detention. (15103819D)

### **Property Owners' Associations**

**HB 1285** (Scott) (Passed H. Floor) amends the definition of employee within the Virginia Workers' Compensation Act to exclude noncompensated employees, directors, and executive officers of any entity that constitutes a property owners' association under the provisions of the Property Owners' Association Act. (15100389D)

**HB 1632** (Bulova) (Passed H. Floor) requires the Common Interest Community Board to develop and publish best practices for declarations and develop a model declaration consistent with the best practices and the requirements of the Property Owners' Association Act. (15102487D-E)

**HB 2100** (Peace) (HGL) conforms the Condominium Act to the Property Owners' Association Act with regard to the prohibition on a unit owners' association from charging any fees not expressly authorized by law or in the declaration. The bill also (i) provides that an association may not limit or prohibit an owner from renting his unit or lot and may not charge fees for any rental or other processing fee in excess of \$50 as a condition of approval of the rental, (ii) sets new rules for providing association disclosure documents electronically, (iii) prohibits an association or its managing agent from putting a lien on a unit or lot where the association or its managing agent have failed to submit invoices for the payments of certain fees before settlement, and (iv) requires an association to maintain a website link for 12 months where the disclosure packet is delivered through the link. The bill contains technical amendments. (15101271D)

### **Public Safety/Criminal Justice**

**HB 1408** (Marshall, R.G.) (HCT) provides that if an investigative or law-enforcement officer would be required to obtain a search warrant in order to obtain the contents of electronic communications or real-time location data from a provider of electronic communication service or remote computing service, the officer shall not use any device to intercept such communications or collect such real-time location data without first obtaining a search warrant authorizing the use of the device. (15103758D-H1)

**SB 710** (Edwards) (SFIN) creates new felonies for trafficking in persons for forced labor or sexual servitude and adds the new felonies as a predicate criminal act under the criminal gang statute, as racketeering crimes, adds their investigation to the functions of a multijurisdiction grand jury, and also allows seizure and forfeiture of property used in committing such felonies. The new felonies and the existing felony of receiving money for procuring a person are added to the rape shield statute. The bill allows a petition for a child in need of services to be substituted for a delinquency petition for certain minors arrested for prostitution, disallows the release of certain victim information, specifies law-enforcement protocol for victims who may not be legally present, requires persons convicted of the new felonies to pay restitution that

compensates for the victim's labor, and creates a civil action for trafficked persons. The Secretary of Public Safety and Homeland Security is required to convene an anti-trafficking committee and the Virginia Prevention of Human Trafficking Victim Fund is created, which will be administered by the Department of Criminal Justice Services. (15100898D)

**SB 1316** (Stanley) (SFIN) makes various changes to the operations of circuit court clerks, including (i) allowing any agency or instrumentality of the Commonwealth to submit records in electronic form; (ii) providing that the state highway plat book kept in the clerk's office may be produced in paper, microfilm, or electronic form; (iii) providing that the clerk may set a convenience fee for electronic filing of civil or criminal proceedings that is lower than the convenience fee currently charged for payment by debit or credit card; (iv) providing that all unpaid fines and costs be docketed as a judgment against the defendant in favor of the Commonwealth; and (v) repealing a provision of the Code requiring the assessment of an extra \$2 fee in certain cases to be deposited into the Intensified Drug Enforcement Jurisdiction Fund. (15101340D)

#### *Firearms*

**HB 2214** (Rush) (HMPP) provides a mechanism for reporting to the Department of State Police when a circuit court restores a felon's right to possess, transport, and carry a firearm. Prior to entry of a restoration order, the petitioner's fingerprints and petition are sent to the Central Criminal Records Exchange (CCRE) and the petitioner's criminal history is forwarded to the court and may be inspected by the attorney for the Commonwealth. If the order is granted, the Department of State Police shall enter the person's name and description in the CCRE so law-enforcement personnel accessing the computerized criminal history records will be aware of the order's existence. (15103084D)

**HB 2232** (Surovell) (HMPP) provides that it is a Class 1 misdemeanor for a person who has been involuntarily admitted or ordered to outpatient treatment or who agreed to voluntary admission after being the subject of a temporary detention order to purchase, possess, or transport ammunition for a firearm. Current law only applies to the purchase, possession, or transportation of the firearm itself. (15101816D)

**SB 1137** (Garrett) (S. Floor) provides that lawful concealed carry permit holders shall not be subject to the provisions of certain local ordinances that make it unlawful for any person to transport, possess, or carry a loaded shotgun or loaded rifle in any vehicle on any public street, road, or highway within such locality. (15102523D)

#### **Taxation**

**HB 1966** (Rust) (H. Floor) allows counties and adjoining towns to enter into reciprocal agreements to collect each other's vehicle license fees and taxes. (15103270D-E)

### **Transportation**

**HB 1531** (Minchew) (HTRAN)/ **SB 803** (Favola) (STRAN) allows counties to increase or decrease the speed limits in school zones; current law allows cities and towns to do so. The bill also removes the authority for VDOT to change the speed limit in school zones. (15104021D-H1, 15104427D-S2)

**HB 1999** (Torian) (HTRAN) creates the Prince William County Metrorail Improvement District to provide a means of financing an extension of commuter rail service from Fairfax County into Prince William County. (15101960D)

**SB 2235** (Rust) (H. Floor) clarifies the circumstances under which law-enforcement vehicles may use HOT lanes without paying a toll. (15103111D)

**HB 2266** (Hugo) (HTRAN) adds to the duties of the Joint Commission on Transportation Accountability (JCTA) (i) reviewing actions of the Commonwealth Transportation Board and (ii) making recommendations to the General Assembly on necessary transportation legislation. This bill is a recommendation of the JCTA. (15103620D)

**HB 2285** (Torian) (HTRAN) prohibits VDOT from charging monthly fees in connection with E-Z Pass transponder users' online monthly account statements. (15103065D)

**HB 2309** (Hugo) (HTRAN) increases the membership of the Board by six nonlegislative citizen members by adding three members to be appointed by the Speaker of the House of Delegates and three by the Senate Committee on Rules. The Board currently has 14 nonlegislative citizen members appointed by the Governor and four ex officio members. The bill also allows the gubernatorial appointees to the Board to be removed for malfeasance, misfeasance, incompetence, misconduct, neglect of duty, absenteeism, conflicts of interest, failure to carry out the policies of the Commonwealth, or refusal to carry out a lawful directive of the Governor. Vacancies are filled in the same manner of original appointment. (15103662D)

**SB 882** (Petersen) (HTRAN) requires drivers and passengers to wait for a reasonable opportunity to open vehicle doors on the side adjacent to moving traffic. A violation constitutes a traffic infraction punishable by a fine of not more than \$100. (15100875D-E)

**SB 1220** (Reeves) (STRAN) includes bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds among vehicles that the driver of a motor vehicle shall not follow more closely than is reasonable. (15101337D)

### **Utilities**

**HB 2274** (Kilgore) (HCL) permits investor-owned electric utilities to recover from certain customers, through a rate adjustment clause, the projected and actual costs of designing, implementing, and operating State Corporation Commission-approved programs that accelerate

the maintenance of distribution rights-of-way or otherwise enhance distribution reliability. The measure provides that these costs shall not be allocated to or recovered from certain classes of large customers. (15102980D)

**HB 2344** (Ramadan) (HCL) amends the powers and responsibilities of the State Corporation Commission (SCC) to regulate toll road operators under the Virginia Highway Corporation Act of 1988. The measure adds requirements that toll rates not materially discourage the public's use of the toll road, that the cost of operating the toll road be reasonably apportioned across all toll road users based on the relative distance each class of user travels on the toll road such that the toll rates are established in a reasonable and nondiscriminatory manner in relation to the benefit obtained, and that toll rates shall the operator with no more than a reasonable return. In addition, the measure (i) requires the SCC, by October 1, 2015, to initiate an investigation into the tolls charged by all operators subject to the Act and to issue a ruling by April 1, 2016, on its investigation as to whether the current tolls charged by the operator comply with such new requirements; (ii) prohibits the SCC from using the fact that any incremental return resulting from increased traffic related to a relative change in potential toll users that is greater than zero on a cumulative basis as the sole basis for finding that the operator's return exceeds a reasonable level as specified in such new requirements, during any future complaint proceeding; (iii) requires the SCC, in its initial investigation to develop a baseline from which it can measure the relative change in potential toll users, and directs how the incremental return shall be computed; (iv) prohibits an operator from seeking a toll increase that attempts to raise its return above the reasonable level; (v) requires the full disclosure, in public financial reports to the SCC, of the details of any related party transactions; and (vi) establishes a presumption that any related party transactions shall be presumed to be imprudent and excluded from costs used for any purpose, including but not limited to costs of lobbyists, excessive compensation, and entertainment expenses, unless the operator provides information showing at least three separate competitive bids demonstrate that the operator could not have achieved better contract terms from a third party. (15103556D)

**HB 2356** (Marshall, R.G.) establishes a pilot program for the placement of three or more new electrical lines of 230 kilovolts or more to be placed underground. The bill establishes criteria for participation in the project. The costs of the projects shall be recoverable through a rate adjustment clause and entirely assigned to the utility's Virginia jurisdictional customers. The measure has an emergency clause. (15104173D)

**SB 1163** (Saslaw) (S. Floor) establishes a procedure under which a natural gas utility may seek State Corporation Commission (SCC) approval of a system expansion plan that includes, among other things, a schedule for recovery of eligible system expansion infrastructure costs through a system expansion rider and a methodology for deferral of unrecovered eligible system expansion costs. A system expansion plan and system expansion rider shall allocate and charge costs in accordance with cost causation principles in order to avoid any undue cross-subsidization between rate classes. The SCC is barred from examining other revenue requirement or ratemaking issues in its consideration of the natural gas utility's application. Costs recovered under this measure shall be in addition to all other costs that the natural gas utility is permitted to recover, shall not be considered an offset to other approved costs of

service or revenue requirements, and shall not be included in any computation relative to a performance-based regulation plan revenue-sharing mechanism. The authorization and encouragement of the expansion of natural gas infrastructure and the promotion of the use of natural gas are declared to be in the public interest. Allowing Virginia's natural gas utilities to approach expansion of intrastate infrastructure into unserved and underserved areas on a more proactive basis by expanding, improving, and increasing the reliability of Virginia's energy infrastructure is also declared to be in the public interest. (15104080D-S1)

### **Water**

**HB 1870** (Bulova) (HACNR) requires the developer of any subdivision in a ground water management area to obtain a withdrawal permit if the total volume projected to be withdrawn by all of the individual wells in the subdivision equals or exceeds 300,000 gallons per month. The bill requires a withdrawal permit for any subdivision that receives plat approval on or after January 1, 2016, and requires that the permit be amended for the construction of any additional well. The bill also specifies the procedure by which a developer may transfer the subdivision's withdrawal permit. (15101360D)

**HB 1871** (Bulova) (HACNR) requires certified water well systems providers to register wells being constructed in ground water management areas with the State Water Control Board (SWCB) within 30 days of the completion of the well's construction. The bill requires the Department of Health (VDH) to provide the SWCB annually with a list of the wells that were permitted during the previous year and the SWCB to provide VDH annually with a list of the wells that were registered during the previous year. The bill also requires VDH to give the SWCB copies of all historical VDH records on permitted private well construction. (15101567D)

### **Legislative Committee Actions of February 13, 2015:**

Members Present:     Legislative Chairman McKay  
                              Chairman Bulova  
                              Supervisor Cook  
                              Supervisor Foust  
                              Supervisor Gross  
                              Supervisor Smyth

#### **Specific Issues**

Proposed Budgets: Staff briefed the Committee on key differences between Governor McAuliffe's budget and the House and Senate budgets. The Committee received a detailed handout on elements of the House and Senate budgets, as well as a draft letter stating the County's opposition to three amendments in the House-passed budget which will negatively impact transportation in Northern Virginia (see handwritten pages 90-103).

Ethics Reform: Staff briefed the Committee on two bills pertaining to ethics and conflicts of interest: HB 2070 (Gilbert) and SB 1424 (Norment). The Committee discussed the importance of consistent requirements for local government officials and employees and General Assembly members. The Committee also received a handout which highlights key elements of each bill (see handwritten pages 104-109).

#### **Priority Principles for Reviewing Legislation**

- 1. Adequately fund K-12 education.**
- 2. The Commonwealth should continue and build upon the successful enactment of significant, new transportation revenues by the 2013 General Assembly.**
- 3. Restore the funding partnership between the state and localities with adequate state funding.**
- 4. Preserve local government authority, particularly in taxation and land use; allow greater flexibility in the administration of government.**

#### **Specific Legislation**

Fairfax County Legislative Summary: The Committee discussed the status of legislation in which the Committee had previously taken positions. The Committee's positions on these bills are noted in the attached tracking chart.

#### **New Bills-2015 General Assembly**

**HB 1917** (LeMunyon) (SGL) requires any governmental agency that intends to purchase services for an amount over \$25,000 from another governmental agency, which service is found on the commercial activities list, to post notice of such purchase and provide the opportunity for comment by or the submission of information from the private sector on each

such intended purchase. The bill specifies where the notice is to be posted and defines commercial activities list and governmental agency. Oppose. (15104248D-H1)

**HB 1964** (Hugo) (SCT) creates new felonies for trafficking of persons for commercial sexual activity. The bill provides that any person who solicits, invites, recruits, encourages, or otherwise causes or attempts to cause a person to engage in prostitution with the intent to receive money or other valuable thing or to assist another in receiving money or other valuable thing from the earnings of the solicited person from an act of prostitution is guilty of a Class 5 felony. Felonies are increased if such behavior is done by an adult and the person solicited is a minor (Class 3 felony) and if force is used or threatened against the person solicited or the person's family or household member (Class 4 felony). The new crime was added to the definition of violent felony for the purposes of the sentencing guidelines, the Virginia Racketeer Influence and Corrupt Organization Act, multijurisdiction grand jury, and asset forfeiture and if a minor is solicited, the Sex Offender Registry. The bill also amends two existing Code sections on receiving money for procuring a person prostitution and receiving money from the earnings of a person engaged in prostitution to increase penalties if the receipt is from a minor. Support. (15104694D-H1)

**HB 1570** (Orrock) (SRSS) Requires fingerprint-based national criminal history records checks for licensed child day centers and family day homes. The bill also requires family day homes providing care for five or more children, other than the children of the provider or children that reside in the home, for compensation to be licensed by the Department of Social Services. Currently, only family day homes providing care for six or more children, other than the children of the provider or children that reside in the home, are required to be licensed. The bill also requires local commissioners of the revenue or other local business license officials to report to the Department of Social Services on a quarterly basis the name, address, and contact information for any child day center or family day home to which a business license was issued; requires the Department of Social Services to promulgate regulations requiring licensed and registered child day centers and family day homes to notify the parent of every child enrolled in the child day center or family day home, in writing, of any emergency situation that occurs while the child is receiving care; and requires all unlicensed and unregistered family day homes, other than those in which all of the children receiving care are related by blood or marriage to the provider, to provide written notice to the parents of every child receiving care stating that the family day home is not regulated by the Department of Social Services and referring the parents to a website maintained by the Department for additional information regarding licensed, registered, and unlicensed, unregistered family day homes. The bill also requires all child day centers and family day homes that enter into a contract with the Department of Social Services or a local department of social services to provide child care services that are funded, in whole or in part, by the Child Care and Development Block Grant to comply with all requirements established by federal law and regulation. The bill also requires the Department of Social Services to develop recommendations related to appropriate criminal and civil penalties for individuals who operate or engage in the conduct of a child day center or family day home without first obtaining a license or after such license has been revoked or has expired and not been renewed, or who operate or engage in the conduct of a child day center or family day home serving more children than the maximum stipulated in the

license, and that the Department report on the requirements established in the Child Care and Development Block Grant to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by December 1, 2015. This bill was selected by the House to be the vehicle for revisions to state policy on licensure of family day home child care services, and includes provisions from or addresses policies proposed in HB 1552 (Filler-Corn), HB 1931 (Anderson), HB 2046 (Filler-Corn), and HB 2069 (Keam). Support with amendment to grandfather locally permitted programs. (15104920D-H2)

**SB 1168** (Hanger) (HAPP) provides that the children of a family day home provider and any children who reside in the family day home who are under the age of six and are present in the home while care is being provided shall be included in determining the number of children receiving care for the purpose of licensure. The bill amends the definition of "family day home" to include any home that voluntarily registers pursuant to § 63.2-1704 and to exclude any home where all of the children in care (i) are grandchildren of the provider and the provider does not receive funds from the federal Child Care and Development Block Grant or (ii) reside in the home. The bill requires commissioners of revenue or other local officials to report to the Department of Social Services semiannually the contact information of any child day center or family day home to which a business license was issued and requires every unlicensed and unregistered family day home to file, prior to providing care, a written declaration of intent to operate such family day home with the Commissioner of the Department of Social Services. The provisions of the bill related to the definition of "family day home" have a delayed effective date of July 1, 2016. The provisions of the bill are contingent on funding in a general appropriation act. The bill incorporates SB 780, SB 1029, SB 1069, and SB 1124. Support with amendment to grandfather locally permitted programs. (15104711D-S2)

**SB 1459** (McWaters) (STRAN) requires the members of the Hampton Roads Transportation Accountability Commission to allow for five minutes of public comment before each vote. Monitor. (15104126D)

### **Legislation Provided for Discussion**

**HB 2223** (Morris) (SGL) provides that in addition to the civil enforcement provisions of FOIA, any officer, employee, or member of a public body who, without legal excuse or justification, deliberately, willfully, and knowingly violates certain FOIA provisions is guilty of a Class 1 misdemeanor. Oppose. (15104295D-H1)

**SB 1410** (Deeds) (HHWI) Provides for the certification of crisis intervention specialists and crisis intervention specialist licensed clinical supervisors. The bill also requires community services boards and behavioral health authorities to employ or contract with certified crisis intervention specialists for evaluations for emergency custody or temporary detention. Support with amendment to allow locally administered training to be certified by the state as equivalent to the credentialing requirement. (15104439D-S1)

### **Ethics Reform**

**HB 2070** (Gilbert) (SRUL) removes the distinction between tangible and intangible gifts and prohibits any state or local officer or employee, member of the General Assembly, and certain candidates from soliciting, accepting, or receiving a single gift with a value exceeding \$100 from certain persons. The bill also prohibits the immediate family of such officers, employees, members, or candidates from soliciting, accepting, or receiving such gifts. The bill provides an exception for gifts received at widely attended events, which are those events in which there is a reasonable expectation that at least 25 persons will attend the event. The bill requires disclosure of any single gift or entertainment, or any combination of gifts or entertainment, with a value exceeding \$50. The bill also requires persons subject to the Conflict of Interest Acts to request a approval from the Virginia Conflict of Interest and Ethics Advisory Council and receive the approval of the Council prior to accepting or receiving any travel-related transportation, lodging, meal, hospitality, or other thing of value provided by certain third parties that has a value exceeding \$100. The bill requires electronic filing of disclosure forms with the Council and provides that local officers and employees will file disclosure forms locally instead of with the Council. The bills provides that the making of a knowing and intentional false statement on a disclosure form is punishable as a Class 5 felony. The bill also prohibits the Governor, his campaign committee, and any political action committee established on his behalf from knowingly soliciting or accepting a contribution, gift, or other item with a value greater than \$100 from persons and entities seeking loans or grants from the Governor's Development Opportunity Fund, restricts such gifts and contributions from persons and entities seeking loans or grants from the Fund, and provides that any violation shall result in a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater. This bill incorporates HB 1598, HB 1667, HB 1689, HB 1919, HB 1947, and HB 2060. Amend to ensure that local government officials and employees and General Assembly members are treated consistently with respect to ethics requirements. (15104752D-H1)

**SB 1424** (Norment) (House Floor) authorizes the Virginia Conflict of Interest and Ethics Advisory Council to (i) prescribe, receive, and review all disclosure forms required by the State and Local Government Conflict of Interests Act, the General Assembly Conflicts of

Interests Act, and the lobbying laws; (ii) conduct annual inspections of those disclosure forms; (iii) issue advisory opinions; (iv) grant waivers for certain travel and gifts; and (v) refer certain violations to the appropriate authority for assessment of civil penalties. The bill modifies the current composition of the Council, reducing the number of members from 15 to 9 and requires there be bipartisan balance of the General Assembly members appointed to the Council. The bill prohibits any single gift or any combination of gifts in a calendar year with a value exceeding \$100 from any single source to those persons subject to the Conflicts of Interests Acts and members of their immediate family. Certain gifts are exempt from the \$100 limit on gifts, including gifts from business associates, relatives, gifts received in conjunction with a personal celebration or while in attendance at a widely attended event, or travel-related gifts for which the Council granted a waiver. Gifts for which the filer has reimbursed the giver for the full value of the gift are not required to be disclosed. The bill removes the required disclosure forms from the Code, outlines the required information to be reported on the disclosure forms, authorizes the Council to prescribe the forms, and requires all disclosure forms be filed electronically with the Council. The bill also prohibits the Governor, his campaign committee, and any political action committee established on his behalf from knowingly soliciting or accepting a contribution, gift, or other item with a value greater than \$50 from persons and entities seeking loans or grants from the Governor's Development Opportunity Fund, restricts such gifts and contributions from persons and entities seeking loans or grants from the Fund, and provides that any violation shall result in a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater. Amend to ensure that local government officers and employees and General Assembly members are treated consistently with respect to ethics requirements. (15104983D-ES2)

#### **Legislation Requiring Further Review**

**HB 2204** (Jones) (SFIN) revises the Line of Duty Act (the Act) by codifying revisions to the Act in the appropriation act, transferring overall administration of the Act to the Virginia Retirement System, transferring administration of health insurance benefits under the Act to the Department of Human Resource Management, and providing for an administrative appeal process. The bill also directs the Virginia Retirement System ("VRS") and the Department of Human Resource Management ("DHRM"), with the input of all stakeholders, to develop proposals, on ways the Act can be improved and to ensure its long-term fiscal viability. Except for the proposals by VRS and DHRM, the bill becomes effective July 1, 2016, and only if reenacted by the 2016 Session of the General Assembly. (15104787D-H1)

#### **Education**

**HB 1361** (Bell, R.B.) (SEH) establishes the Board of the Virginia Virtual School (the Board) as a policy agency in the executive branch of state government, under the authority of the Secretary of Education, for the purpose of governing the full-time virtual school programs offered to students enrolled in the Virginia Virtual School (the School). The bill gives the 13-member Board operational control of the School and assigns the Board's powers and duties. The bill requires the School to be open to any school-age person in the Commonwealth and

provide an educational program meeting the Standards of Quality for grades kindergarten through 12. The bill has a delayed effective date of July 1, 2016. (15104888D-H1)

**HB 2238** (LaRock) (SEH) permits the parents of certain students with disabilities to apply to his resident school division for a Parental Choice Education Savings Account to consist of the student's Standards of Quality per pupil funds and to be used for certain expenses of the student, including (i) tuition, fees, or required textbooks at a private elementary or secondary school or preschool that is located in the Commonwealth and does not discriminate on the basis of race, color, or national origin; (ii) educational therapies or services for the student from a practitioner or provider, including paraprofessionals or educational aides; (iii) tutoring services; (iv) curriculum; (v) tuition or fees for a private online learning program; (vi) fees for a nationally standardized norm-referenced achievement test, an Advanced Placement examination, or any examination taken to gain admission to an institution of higher education; or (vii) tuition fees or required textbooks at a public two-year or four-year institution of higher education in the Commonwealth or at an accredited private institution of higher education in the Commonwealth. The bill also contains provisions for the audit and revocation of such accounts. (15104891D-H2)

**SB 823** (Miller) (HED) requires at least 20 minutes of physical activity per day or an average of 100 minutes per week during the regular school year for students in grades kindergarten through five. This requirement becomes effective beginning with the 2017-2018 school year. (15101177D)

### **Procurement**

**HB 1835** (Gilbert) (SGL) clarifies that small purchase procedures include the procurement of construction and that any such procedures shall not waive compliance with the Uniform State Building Code. The bill also increases contract amounts for job order contracting and provides that (i) order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited, (ii) no public body shall issue or use a job order solely for the purpose of procuring professional architectural or engineering services, and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The bill clarifies the provisions of the VPPA related to cooperative procurement and requires that by October 1, 2017, the Department of Small Business and Supplier Diversity, public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005, any state agency utilizing job order contracting, and the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing on behalf of local public bodies working cooperatively report their respective experiences and findings relating to the appropriateness and effectiveness of job order contracting in general, the job order project cost limitations as added by this bill, and the architectural and professional engineering term contract limits to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The bill also requires for construction projects in excess of \$1 million, a public body, including public institutions of higher education, provide their justification for use of any procurement method,

other than competitive sealed bidding, to the Director of the Department of General Services. The bill authorized the Director of the Department of General Services to issue advisory opinions on whether a specific, pending construction contract entered into by any of the above named public bodies complies with procurement law. The bill further provides that its provisions shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by this bill, shall apply to any renewal of a job order contract. The bill contains numerous technical amendments and is a recommendation of the General Laws Special Joint Subcommittee Studying the Virginia Public Procurement Act. (15103750D-EH1)

**SB 1371** (Ruff) (HGL) clarifies that small purchase procedures include the procurement of non transportation -related construction and that any such procedures shall not waive compliance with the Uniform State Building Code. The bill increases contract amounts for job order contracting and provides that (i) order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited, (ii) no public body shall issue or use a job order solely for the purpose of procuring professional architectural or engineering services, however such services may be included on a job order if the services are incidental and directly related and subject to other limitations, and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The bill also clarifies the provisions of the VPPA related to cooperative procurement and includes independent agencies of the Commonwealth in the definition of public body. In addition, the bill requires that by October 1, 2017, the Department of Small Business and Supplier Diversity, public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005, any state agency utilizing job order contracting, and the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing on behalf of local public bodies working cooperatively report their respective experiences and findings relating to the appropriateness and effectiveness of job order contracting in general, the job order project cost limitations as added by this bill, and the architectural and professional engineering term contract limits to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The bill also requires for construction projects in excess of \$1 million, a public body, including public institutions of higher education, provide their justification for use of any procurement method, other than competitive sealed bidding, to the Director of the Department of General Services. The bill authorized the Director of the Department of General Services to issue advisory opinions on whether a specific, pending construction contract entered into by any of the above named public bodies complies with procurement law. The bill further provides that its provisions shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by this bill, shall apply to any renewal of a job order contract. The bill contains numerous technical amendments and is a recommendation of the General Laws Special Joint Subcommittee Studying the Virginia Public Procurement Act. (15104925D-S1)

### **Utilities**

**HB 1475** (Ware) (SCL) establishes a procedure under which a natural gas utility may seek State Corporation Commission (SCC) approval of a system expansion plan that includes, among other things, a schedule for recovery of eligible system expansion infrastructure costs through a system expansion rider and a methodology for deferral of unrecovered eligible system expansion costs. A system expansion plan and system expansion rider shall allocate and charge costs in accordance with cost causation principles in order to avoid any undue cross-subsidization between rate classes. The SCC is barred from examining other revenue requirement or ratemaking issues in its consideration of the natural gas utility's application. Costs recovered under this measure shall be in addition to all other costs that the natural gas utility is permitted to recover, shall not be considered an offset to other approved costs of service or revenue requirements, and shall not be included in any computation relative to a performance-based regulation plan revenue-sharing mechanism. The measure does not apply to interstate pipeline companies regulated by the Federal Energy Regulatory Commission. Construction projects undertaken pursuant to this measure are required to be completed in accordance with standards filed with the Department of Environmental Quality. (15104079D-H1)

### **Legislation to be Monitored by Staff; State Revenue/Policy Implications**

**HB 1488** (Pogge) (SACNR) allows a landowner or other party to a conservation easement to request that the Virginia Land Conservation Foundation use the Administrative Dispute Resolution Act to resolve a dispute relating to the interpretation of the easement. (15104154D-H1)

**HB 1827** (Scott) (SACNR) exempts routine highway maintenance projects of the Virginia Department of Transportation from the requirements of the Erosion and Sediment Control Act, including the reduction of flow runoff rates. This exemption is consistent with the exemption for similar routine highway maintenance projects under the Stormwater Management Program. (15101372D)

**SB 693** (Martin) (HACNR) permits a person to trap and sterilize a feral cat before returning it to the site where it was trapped. The bill excludes a participant in such an activity from the definition of "owner" regarding custody of the subject cat; under current law, abandonment of an animal by an owner is a misdemeanor. (15104554D-S1)

**SB 1047** (Hanger, Jr.) (HCCT) provides that where two adjoining localities each hold a permit to discharge stormwater from a municipal separate storm sewer system (MS4), a waiver of charges to a public entity for property that is covered by an MS4 permit shall also apply to covered property of a school board of one locality that is located in the other locality. (15104692D-S1)

### **Energy/Environment**

**HB 1446** (Marshall, D.W.) (SLG) expands the requirements of a local ordinance authorizing contracts to provide loans for clean energy improvements. The bill adds water efficiency improvements to the list of improvements for which loans may be offered; allows a locality to contract with a third party to administer the loan program; and requires a locality to identify any administrative fee it intends to impose on participants and sets parameters for the imposition of that fee. The bill also details the priority, enforceability, and other characteristics of the lien, now called a voluntary special assessment lien, that a locality is permitted to place against the property where the clean energy systems are installed. Finally, the bill directs the Department of Mines, Minerals and Energy (DMME) to develop underwriting guidelines for local loans made to finance clean energy improvements. The bill requires DMME to finalize the guidelines by December 1, 2015, incorporating input from certain groups representing real estate, energy efficiency, banking, and other interests or industries and evaluating certain specific criteria. This bill is a recommendation of the Virginia Housing Commission. (15104819D-H1)

**SB 1103** (McWaters) (HCL) allows any locality by ordinance to prohibit the distribution, sale, or offer of disposable plastic shopping bags to consumers. The bill exempts from any such prohibition reusable bags of a certain thickness; bags that are used to carry certain products, such as ice cream or newspapers; and garbage bags that are sold in multiples. (15101066D)

### **Health and Human Services**

**SB 779** (McWaters) (HCT) increases from 96 to 120 hours the length of time a minor 14 years of age or older who objects to admission for inpatient treatment or who is incapable of making an informed decision may be admitted to a willing mental health facility. The bill also amends the criteria for admitting an objecting minor 14 years of age or older for psychiatric treatment to match the criteria for determining whether a nonobjecting minor or a minor younger than 14 years of age should be admitted. Finally, the bill provides that if a minor 14 years of age or older who did not initially object to treatment objects to further treatment, the mental health facility where the minor is being treated shall immediately notify the parent who consented to the minor's treatment and provide to such parent a summary of the procedures for requesting continued treatment of the minor. (15104086D-S1)

### **Public Safety**

**HB 1553** (Marshall, D.W.) (SLG) provides that any locality may by ordinance establish a system to deliver notifications to residents by email, phone, text message or other similar means of communication. Such ordinance shall be adopted only after a public hearing and shall contain an opt-in provision for non-emergency notifications. Existing notification systems shall be deemed to meet the requirements of the bill. (15104135D-H1)

**SB 721** (Marsden) (HCT) requires the agency seizing property to issue contemporaneously with the seizure, a receipt itemizing the property seized. (15103694D-S1)

**SB 845** (Stanley, Jr.) (HCT) provides that no volunteer firefighter or volunteer emergency services personnel shall be liable for any injury to persons or property arising out of the operation of an emergency vehicle when such volunteer is en route to render emergency care or assistance to any ill or injured person or to respond to a fire and displays warning lights and sounds a siren, unless such injury results from gross negligence or willful or wanton misconduct. (15103727D-S1)

### **Taxation**

**HB 1828** (Ware) (SFIN) makes several changes to the credit by (i) reducing the maximum amount of tax credits that may be issued in each calendar year from \$100 million to \$75 million beginning in 2015; (ii) with the exception of credits issued for fee simple interest donations, reducing the maximum amount of the land preservation tax credit that may be claimed in any year from \$100,000 in taxable year 2014 to \$20,000 in taxable years 2015 and 2016 and \$50,000 for each taxable year thereafter; (iii) requiring that a complete application for tax credit with regard to a conveyance be filed with the Department of Taxation by December 31 of year following the calendar year of the conveyance; and (iv) prohibiting the Department of Taxation from issuing any tax credit for a donation from any allocation or pool of tax credits attributable to a calendar year prior to the year in which the complete tax credit application for the donation was filed. (15103287D-E)

### **Legislation Provided for Information**

**HB 1698** (Wilt) (SEH) requires each school board, in any case in a questionnaire or survey requesting that students provide sexual information, mental health information, medical information, information on student health risk behaviors, other information on controlled substance use, or any other information that the school board deems to be sensitive in nature is to be administered, to give the parent 30 days' written notice of the nature and types of questions, the purposes and age-appropriateness of the questionnaire or survey, how such information will be used, who will have access to such information, the steps that will be taken to protect student privacy, and whether and how any findings or results will be disclosed. The bill gives the parent the right to request that an advance copy of the questionnaire or survey be sent to him, to review the document in person at the school, and to exempt his child from participation. Under current law, (i) such written notice only applies to surveys or questionnaires on sexual information and information on student health risk behaviors, (ii) the detailed contents of the notice only apply to information on student health risk behaviors, and (iii) the parent has the right to review questionnaires and surveys but no right to request that a copy be sent to him. (15104519D-EH1)

**HB 1790** (Massie) (SFIN) prohibits a state agency or official from attempting, guaranteeing, or purporting to pay for a good or service or a debt unless the General Assembly has appropriated funds or funds are otherwise lawfully available, to pay the same. The prohibition on payment does not apply to payments required by federal law. The bill also prohibits a state agency or

official from furnishing an IOU in exchange for any good or service, as a means to pay for any good or service, or in lieu of a payment on a debt. (15102052D-E)

**HB 2304** (Lingamfelter) (STRAN) allows localities to apply the \$200 penalty for speeding to an additional classification of highways. (15103565D-E)

### **Constitutional Amendments**

**HJ 490** (Bell, R.B.) (SPE) provides that any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization are denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is against public policy and constitutes an illegal combination or conspiracy and is void. (15100066D)

**HJ 515** (Head) (SPE) provides that the General Assembly may suspend or nullify any or all portions of any administrative rule or regulation by joint resolution agreed to by a majority of the members elected to each house. When the General Assembly is not in a regular session, a standing committee of each house acting jointly or a joint legislative commission as designated by the General Assembly may suspend any or all portions of any administrative rule or regulation until the end of the next regular session. (15100541D)

**HJ 577** (Bell, R.B.) (SPE) grants the Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth. (15101631D)

**SJ 256** (Obenshain) (HPE) grants the Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth. (15100782D)

**SJ 238** (Dance) (HPE) authorizes the General Assembly to provide by law for the restoration of civil rights to persons convicted of nonviolent felonies who have completed service of their sentences, including any period or condition of parole, probation, or suspension of sentence, subject to the conditions, requirements, and definitions set forth in that law. At present, the Constitution of Virginia authorizes the Governor to restore civil rights to persons convicted of a felony; that provision is retained. (15102377D)

**SJ 263** (Garrett) (HPE) permits a Governor elected in 2017 and thereafter to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. Service for more than two years of a partial term counts as service for one term. This bill incorporates SJ 215. (15104048D-S1)

**SJ 284** (Vogel) (HPE) establishes the Virginia Redistricting Commission that will conduct the decennial reapportionment of the election districts for the House of Representatives and the

General Assembly. The amendment also establishes the criteria and process to be used for each decennial reapportionment. The bill incorporates SJ 224. (15104051D-S1)

### **DNA Collection**

**HB 1928** (Bell, R.B.) (SCT) adds misdemeanor violations of § 16.1-253.2 (violation of a protective order), 18.2-60.3 (stalking), 18.2-60.4 (violation of a stalking protective order), 18.2-67.4:1 (infected sexual battery), 18.2-102 (unauthorized use of animal, aircraft, vehicle, or boat valued at less than \$200), 18.2-121 (entering property of another for purpose of damaging it), 18.2-387 (indecent exposure), 18.2-387.1 (obscene sexual display) and 18.2-479.1 (resisting arrest) to the list of offenses for which an adult convicted of such offense must have a sample of his blood, saliva, or tissue taken for DNA analysis. Under current law, a sample is taken for DNA analysis from adults convicted of only five misdemeanor sex offenses: (i) § 18.2-67.4 (sexual battery), (ii) § 18.2-67.4:2 (sexual abuse of a child 13 years of age or older but under 15), (iii) § 18.2-67.5 (attempted sexual battery), (iv) § 18.2-130 (peeping), or (v) § 18.2-370.6 (penetrating the mouth of a child under 13 with the tongue). The bill also increases the fee collected for the withdrawal of the DNA sample from \$25 to \$53. The provisions of the bill apply only to persons convicted on or after July 1, 2015. This bill incorporates HB 1617. (15104864D-H2)

**SB 1187** (Obenshain) (HAPP) adds misdemeanor violations of § 16.1-253.2 (violation of a protective order), 18.2-60.3 (stalking), 18.2-60.4 (violation of a stalking protective order), 18.2-67.4:1 (infected sexual battery), 18.2-102 (unauthorized use of animal, aircraft, vehicle, or boat valued at less than \$200), 18.2-121 (entering property of another for purpose of damaging it), 18.2-387 (indecent exposure), 18.2-387.1 (obscene sexual display) and 18.2-479.1 (resisting arrest) to the list of offenses for which an adult convicted of such offense must have a sample of his blood, saliva, or tissue taken for DNA analysis. Under current law, a sample is taken for DNA analysis from adults convicted of only five misdemeanor sex offenses: (i) § 18.2-67.4 (sexual battery), (ii) § 18.2-67.4:2 (sexual abuse of a child 13 years of age or older but under 15), (iii) § 18.2-67.5 (attempted sexual battery), (iv) § 18.2-130 (peeping), or (v) § 18.2-370.6 (penetrating the mouth of a child under 13 with the tongue). The bill also increases the fee collected for the withdrawal of the DNA sample from \$25 to \$53. The provisions of the bill apply only to persons convicted on or after July 1, 2015. The provisions of the bill are contingent on funding in a general appropriation act. (15104763D-S1)

### **Substance Abuse**

#### *Naloxone*

**HB 1458** (O'Bannon) (Senate Floor) provides that a pharmacist may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written or standing order in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, that a person may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opiate overdose, and that firefighters

and law enforcement officers who have completed a training program may possess and administer naloxone. The bill also provides that a person who in good faith prescribes, dispenses or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opioid overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of § 54.1-3408 or in his role as a member of an emergency medical services agency. (15105065D-S1)

**SB 1186** (Obenshain) (HHWI) allows a practitioner to prescribe naloxone to a patient for administration to a person other than the patient when the patient believes the person is experiencing or is about to experience a life-threatening opiate overdose and allows a person to possess naloxone and administer naloxone to a person experiencing or about to experience a life-threatening opiate overdose. The bill provides that under such circumstances (i) a person who administers naloxone to another person shall not be liable for civil damages and (ii) a prescriber shall not be civilly or criminally liable for injuries resulting from the prescription of naloxone to a patient for administration to another person. The bill also allows emergency medical services personnel and other first responders to possess and administer naloxone pursuant to a written order or standing protocol, and the bill provides that first responders and emergency medical services personnel who administer naloxone pursuant to a written order or standing protocol shall not be civilly or criminally liable for injuries resulting from the administration of naloxone. (15103537D)

*Good Samaritan Laws*

**HB 1500** (Carr) (SCT) establishes an affirmative defense to prosecution of an individual for (i) simple possession of a controlled substance, marijuana, or controlled paraphernalia; (ii) intoxication in public; or (iii) the unlawful purchase, possession, or consumption of alcohol if such individual sought or obtained emergency medical attention for himself or for another individual because of a drug- or alcohol-related overdose and if the evidence for the charge was obtained as a result of the individual seeking or obtaining emergency medical attention. The bill provides that the affirmative defense may only be invoked by an individual who (a) remains at the scene of the overdose or at any location to which he is transported for emergency medical attention until a law-enforcement officer responds to the report of an overdose, (b) identifies himself to the responding law-enforcement officer, and (c) cooperates, upon request, with any criminal investigation reasonably related to the drug or alcohol that resulted in the overdose. No individual may assert this affirmative defense if the emergency medical attention sought or obtained was during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest. (15100050D-E)

**SB 892** (Petersen) (House Floor) establishes an affirmative defense to prosecution of an individual for (i) simple possession of a controlled substance, marijuana, or controlled paraphernalia; (ii) intoxication in public; or (iii) the unlawful purchase, possession, or consumption of alcohol if such individual sought or obtained emergency medical attention for himself or for another individual because of a drug- or alcohol-related overdose and if the

evidence for the charge was obtained as a result of the individual seeking or obtaining emergency medical attention. The bill provides that the affirmative defense may only be invoked by an individual who (a) remains at the scene of the overdose or at any location to which he is transported for emergency medical attention until a law-enforcement officer responds to the report of an overdose, (b) identifies himself to the responding law-enforcement officer, and (c) if requested by a law enforcement officer, substantially cooperates in a criminal investigation related to the drug or alcohol that resulted in the overdose. This affirmative defense does not prohibit the use of such evidence in the prosecution of such individual for any other offense or the prosecution of other individuals for any offense. (15105004D-H1)

Attachments: Supplementary documents dated January 30 and February 13, 2015

cc: Susan Datta, Chief Financial Officer  
Patricia Harrison, Deputy County Executive  
David J. Molchany, Deputy County Executive  
Dave Rohrer, Deputy County Executive  
Robert A. Stalzer, Deputy County Executive  
David P. Bobzien, County Attorney  
Catherine A. Chianese, Assistant County Executive and Clerk to the Board  
Richmond Team  
Tom Biesiadny, Director, Department of Transportation  
Gail Langham, Deputy County Attorney

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**FAIRFAX COUNTY  
LEGISLATIVE SUMMARY**

***2015 GENERAL ASSEMBLY***

February 14, 2015

# Fairfax County Legislative Summary 2015 General Assembly

## Board of Supervisors Report Key

Bill No. – Patron, (District No.) Bill Title	Committee/Floor Actions	
<p><b>HB 589</b> - Watts (39) Blue Star Memorial Highway; designating as portion of Old Keene Mill Road in Fairfax County.</p>	<p>1/10/2006 House: Referred to Committee on Transportation</p>	<p><b>12/5/2005</b></p>
<p><b>Initiate</b> (067916260) <b>Summary:</b> Designates a portion of Old Keene Mill Road in Fairfax County a "Blue Star Memorial Highway."</p>		

**Bold** = Date Position taken by full Board of Supervisors  
 [ ] = Date position taken by BOS Legislative Committee  
*Italics* = Date position recommended by staff

**Bold = Board Position**, [ ] = BOS Legislative Committee Position, *Italics=Staff Recommended Position Changes* (LD No. is version of bill on which position was taken)  
**Summary** -- Reflects latest version of summary available on the Legislative Information System Web Site (If not noted otherwise, reflects summary as introduced)

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<a href="#">SB 890</a> Petersen, J	Zoning ordinance; vehicle title loan businesses and payday lenders.
<a href="#">SB 910</a> Wexton, J	Elections; absentee voting by persons age 65 or older.
<a href="#">SB 925</a> Edwards, J	School zone; speed limit photo-enforcement system.
<a href="#">SB 981</a> Favola, B	Higher educational institutions; memorandum of understanding and policies.
<a href="#">SB 1004</a> Ebbin, A	Electronic cigarettes and other vapor products; state tax created, localities authorized to impose.
<a href="#">SB 1011</a> Stuart, R	Cash proffers; purchase of development rights by locality.
<a href="#">SB 1023</a> Stuart, R	Mass transit; transit funding in statewide prioritization.

<a href="#"><u>SB 1026</u></a> Garrett, T	Lobbyist disclosure; reporting by certain political subdivisions.
<a href="#"><u>SB 1033</u></a> Wexton, J	Northern Virginia Transportation Authority; increases membership.
<a href="#"><u>SB 1065</u></a> Obenshain, M	Cash proffer for residential construction; sunset date.
<a href="#"><u>SB 1091</u></a> Vogel, J	Public schools; adjustment of calculation of local composite index for funding.
<a href="#"><u>SB 1124</u></a> Barker, G	Licensure of family day homes.
<a href="#"><u>SB 1132</u></a> Garrett, T	Concealed handgun; possession on school property prohibited.
<a href="#"><u>SB 1210</u></a> Ebbin, A	Retail sales and transient occupancy taxes on room rentals.
<a href="#"><u>SB 1274</u></a> Barker, G	State highways; allocation of funds.
<a href="#"><u>SB 1279</u></a> Wexton, J	Handheld personal communications devices; use while driving, penalty.
<a href="#"><u>SJ 302</u></a> Stuart, R	Constitutional amendment (first resolution); general warrants of search or seizure prohibited.

***Fairfax County Positions***  
***(Oppose or Amend)***

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Bills	General Assembly Actions	Date of BOS Position
<p><b><u>HB 1318</u></b> - Campbell (6) Absentee ballots; photo identification required for submission of application.</p>	<p>11/18/14 House: Referred to Committee on Privileges and Elections 1/30/15 House: Reported from Privileges and Elections (16-Y 6-N) 2/3/15 Floor substitutes printed 15104728D-H1 (Krupicka) and 15104722D-H2 (Krupicka) 2/3/15 House: Speaker ruled substitutes by Delegate Krupicka, 15104728D-H1 and 15104722D-H2, not germane 2/6/15 House: Amendment by Delegate Campbell agreed to 2/6/15 House: Printed as engrossed 15100844D-E 2/9/15 House: VOTE: PASSAGE (62-Y 34-N) 2/10/15 Senate: Referred to Committee on Privileges and Elections</p>	<p>[1/30/15]</p>
<p>[Oppose] (15100844D) <b>Summary:</b> Applications for absentee ballots; photo identification required. Requires that any voter submitting his application for an absentee ballot by mail or by electronic or telephonic transmission to a facsimile device shall submit with his application a copy of one of the forms of identification acceptable under current law. The bill exempts from this requirement military and overseas voters and persons with a disability. Currently, only a voter who completes his application for an absentee ballot in person is required to show a form of identification.</p>		
<p><b><u>HB 1721</u></b> - Ramadan (87) Real property tax; exemption for surviving spouses of members of armed forces killed in action.</p>	<p>1/12/15 House: Referred to Committee on Finance 1/28/15 Subcommittee recommends reporting (10-Y 0-N) 2/4/15 House: Reported from Finance (20-Y 0-N) 2/10/15 House: Read third time and passed House BLOCK VOTE (100-Y 0-N) 2/10/15 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N) 2/11/15 Senate: Referred to Committee on Finance</p>	<p><b>1/27/15</b></p>
<p><b>Amend</b> (15101172D) - Amend to support as a state tax credit. <b>Summary:</b> Real property tax exemption; surviving spouses of members of armed forces killed in action. Exempts from taxation the principal residence of a surviving spouse of a member of the armed forces of the United States killed in action regardless of the value of the residence. Pursuant to subdivision (b) of Section 6-A of Article X of the Constitution of Virginia, which was adopted by the voters in 2014, the General Assembly enacted legislation exempting from taxation the principal residence of such surviving spouse, provided that the assessed value of the residence was not in excess of the averaged assessed value of dwellings in the county or city situated on property zoned as single family residential. The bill exempts the principal residence of any such surviving spouse regardless of assessed value. Subdivision (b) of Section 6-A of Article X provides that the exemption will cease if the surviving spouse remarries.</p>		

**Bold** – Indicates BOS formal action

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*Italics*- Indicates Staff Recommended Position Change

Bills	General Assembly Actions	Date of BOS Position
<p><a href="#"><b>HB 1849</b></a> - Marshall, III (14) Zoning appeals, board of; applications for variances.</p>	<p>1/13/15 House: Referred to Committee on Counties, Cities and Towns 2/4/15 House: Subcommittee recommends reporting with amendment(s) (11-Y 0-N) 2/6/15 House: Reported from Counties, Cities and Towns with substitute (22-Y 0-N) 2/10/15 House: Read third time and passed House BLOCK VOTE (100-Y 0-N) 2/10/15 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N) 2/11/15 Senate: Referred to Committee on Local Government</p>	<p><b>1/27/15</b></p>
<p><b>Oppose</b> (15101133D) <b>Summary:</b> Variances. Changes the standard by which a board of zoning appeals shall grant an application for a variance by eliminating or altering several of the requirements.</p>		
<p><a href="#"><b>HB 1915</b></a> - LeMunyon (67) Northern Virginia Transportation Authority; regional plan.</p>	<p>1/13/15 House: Referred to Committee on Transportation 1/29/15 Subcommittee recommends reporting with amendment(s) (6-Y 0-N) 2/3/15 House: Reported from Transportation with substitute (22-Y 0-N) 2/5/15 House: Committee substitute agreed to 15104457D-H1 2/6/15 House: Read third time and passed House BLOCK VOTE (99-Y 0-N) 2/6/15 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N) 2/9/15 Senate: Referred to Committee on Transportation</p>	<p><b>1/27/15</b> [1/30/15]</p>
<p>[Amend] (15104457D-H1) - Amend to moderate prioritization and reporting requirements. See also SB 1314 (Marsden). <del><b>Oppose</b> (15103478D) - See also SB 1314 (Marsden).</del> <b>Summary:</b> Requires the Northern Virginia Transportation Authority to include in its regional transportation plan as its primary objective reducing congestion in Planning District 8 to the greatest extent possible and in the most rapid and cost-effective manner. The Authority shall document in quantitative terms the reduction in congestion and improvement in regional mobility in Planning District 8 expected by implementing the plan. Also, each locality embraced by the Authority shall annually report to the Authority any aspects of its comprehensive plan that are not consistent with the regional transportation plan.</p>		

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<b>Bills</b>	<b>General Assembly Actions</b>	<b>Date of BOS Position</b>
<p><b><u>HB 1917</u></b> - LeMunyon (67) Governmental agencies; certain contracts for procurement of goods or services prohibited.</p>	<p>1/13/15 House: Referred to Committee on General Laws 2/5/15 House: Reported from General Laws with substitute (21-Y 0-N) 2/10/15 House: Read third time and passed House BLOCK VOTE (100-Y 0-N) 2/10/15 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N) 2/11/15 Senate: Referred to Committee on General Laws and Technology</p>	<p>[2/13/15]</p>
<p>[Oppose] (15104248D-H1) <b>Summary:</b> Certain contracts between governmental agencies prohibited. Requires any governmental agency that intends to purchase services for an amount over \$25,000 from another governmental agency, which service is found on the commercial activities list, to post notice of such purchase and provide the opportunity for comment by or the submission of information from the private sector on each such intended purchase. The bill specifies where the notice is to be posted and defines commercial activities list and governmental agency.</p>		
<p><b><u>HB 1986</u></b> - Byron (22) Workforce Development, Virginia Board of; changes to Board requirements.</p>	<p>1/13/15 House: Referred to Committee on Commerce and Labor 1/29/15 House: Reported from Commerce and Labor with substitute (20-Y 0-N) 1/29/15 House: Committee substitute printed 15104274D-H1 2/4/15 House: Floor substitute printed 15104786D-H2 (Byron) 2/5/15 House: Committee substitute rejected 15104274D-H1 2/5/15 House: Substitute by Delegate Byron agreed to 15104786D-H2 2/6/15 House: VOTE: PASSAGE (98-Y 0-N 1-A) 2/9/15 Senate: Referred to Committee on Commerce and Labor</p>	<p>[1/30/15]</p>
<p>[Oppose Unless Amended] (15104274D-H1) - Amend to provide for flexibility in requirement to spend 40 percent of state funds on training. Incorporates HB 2033 (Byron). <b>Summary:</b> Virginia Board of Workforce Development. Makes several changes to the Virginia Board of Workforce Development (Board), including (i) requiring quarterly meetings of the Board; (ii) establishing a full-time director position to be supervised by the Governor's Chief Workforce Development Advisor (Advisor) and dedicated to supporting the Board's operations; and (iii) adding, as an area of policy advice to the Governor, issues to create a business-driven system that increases the rates of attainment of workforce credentials and jobs. Beginning November 1, 2016, and annually thereafter, each agency administering any publicly funded career and technical education and workforce development program shall submit to the Governor and the Board a report detailing the program's performance against state-level metrics established by the Advisor. In addition, the Advisor, the Commissioner of the Virginia Employment Commission (VEC), and the Chancellor of the Virginia Community College System (VCCS) shall enter into a memorandum of understanding that sets forth (a) the roles and responsibilities of each of these publicly funded entities; (b) a funding mechanism that adequately supports operations under the federal provisions; and (c) a procedure for the resolution of any</p>		

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<b>Bills</b>	<b>General Assembly Actions</b>	<b>Date of BOS Position</b>
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disagreements that may arise. The Advisor, VEC, and VCCS shall collaborate to produce an annual executive summary. Each local workforce development board shall develop and execute a strategic plan designed to combine public and private resources to support sector strategies, career pathways, and career readiness skills development. This bill also sets the minimum level of fiscal support from WIOA Adult and Dislocated Worker funds, and provides incentives. The bill also makes several technical amendments required with the transition from the federal Workforce Investment Act of 1998 to the federal Workforce Innovation and Opportunity Act of 2014. On October 1, 2017, the Executive Director of the Board shall provide members of the Board with a detailed report evaluating local workforce develop boards' rate of the expenditures for incentives from July 1, 2015, to July 1, 2017.

<p><b>HB 2070</b> - Gilbert (15) State and Local Government Conflict of Interests Act, General Assembly Conflicts of Interests Act.</p>	<p>1/14/15 House: Referred to Committee for Courts of Justice 2/4/15 House: Reported from Courts of Justice with substitute (20-Y 0-N) 2/4/15 House: Referred to Committee on Appropriations 2/6/15 House: Reported from Appropriations (20-Y 0-N) 2/10/15 House: VOTE: PASSAGE (93-Y 6-N) 2/11/15 Senate: Referred to Committee on Rules</p>	<p>[2/13/15]</p>
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[Amend] (15104752D-H1) - Amend to ensure that local government officers and employees and General Assembly members are treated consistently with respect to ethics requirements.  
**Summary:** State and Local Government Conflict of Interests Act, General Assembly Conflicts of Interests Act, and Virginia Conflict of Interest and Ethics Advisory Council; certain gifts prohibited; approvals required for certain travel. Removes the distinction between tangible and intangible gifts and prohibits any state or local officer or employee, member of the General Assembly, and certain candidates from soliciting, accepting, or receiving a single gift with a value exceeding \$100 from certain persons. The bill also prohibits the immediate family of such officers, employees, members, or candidates from soliciting, accepting, or receiving such gifts. The bill provides an exception for gifts received at widely attended events, which are those events in which there is a reasonable expectation that at least 25 persons will attend the event. The bill requires disclosure of any single gift or entertainment, or any combination of gifts or entertainment, with a value exceeding \$50. The bill also requires persons subject to the Conflict of Interest Acts to request a approval from the Virginia Conflict of Interest and Ethics Advisory Council and receive the approval of the Council prior to accepting or receiving any travel-related transportation, lodging, meal, hospitality, or other thing of value provided by certain third parties that has a value exceeding \$100. The bill requires electronic filing of disclosure forms with the Council and provides that local officers and employees will file disclosure forms locally instead of with the Council. The bills provides that the making of a knowing and intentional false statement on a disclosure form is punishable as a Class 5 felony. The bill also prohibits the Governor, his campaign committee, and any political action committee established on his behalf from knowingly soliciting or accepting a contribution, gift, or other item with a value greater than \$100 from persons and entities seeking loans or grants from the Governor's Development Opportunity Fund, restricts such gifts and contributions from persons and entities seeking loans or grants from the Fund, and provides that any violation shall result in a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater. This bill incorporates HB 1598, HB 1667, HB 1689, HB 1919, HB 1947, and HB 2060.

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#"><b>HB 2223</b></a> - Morris (64) Virginia Freedom of Information Act; willful and knowing violations of certain provisions, penalty.</p>	<p>1/16/15 House: Referred to Committee for Courts of Justice 2/6/15 House: Reported from Courts of Justice with substitute (21-Y 0-N) 2/10/15 House: VOTE: PASSAGE (99-Y 1-N) 2/11/15 Senate: Referred to Committee on General Laws and Technology</p>	<p>[2/13/15]</p>
<p>[Oppose] (15104295D-H1) <b>Summary:</b> Virginia Freedom of Information Act; willful violations a misdemeanor; penalty. Provides that in addition to the civil enforcement provisions of FOIA, any officer, employee, or member of a public body who, without legal excuse or justification, deliberately, willfully, and knowingly violates certain FOIA provisions is guilty of a Class 1 misdemeanor.</p>		
<p><a href="#"><b>HJ 597</b></a> - Hugo (40) Constitutional amendment; real property tax exemption.</p>	<p>1/12/15 House: Referred to Committee on Privileges and Elections 2/2/15 House: Subcommittee recommends reporting (6-Y 1-N) 2/6/15 House: Reported from Privileges and Elections with amendment (21-Y 1-N) 2/9/15 House: VOTE: ADOPTION (93-Y 0-N) 2/10/15 Senate: Referred to Committee on Privileges and Elections</p>	<p><b>1/27/15</b></p>
<p><b>Amend</b> (15101096D) - Amend to provide state funding for this initiative. <b>Summary:</b> Constitutional amendment (first resolution); real property tax exemption. Provides that the General Assembly may provide for a local option to exempt from taxation the primary residence of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel killed in the line of duty. Such tax exemption may not be claimed by a surviving spouse who has remarried.</p>		
<p><a href="#"><b>SB 770</b></a> - McEachin (9) Workers' compensation; exclusivity of remedy.</p>	<p>12/23/14 Senate: Referred to Committee on Commerce and Labor 1/19/15 Senate: Rereferred to Courts of Justice 2/2/15 Senate: Reported from Courts of Justice with substitute (8-Y 5-N) 2/4/15 Senate: Committee substitute agreed to 15104616D-S1 2/12/15 House: Referred to Committee on Commerce and Labor 2/13/15 House: Referred from Commerce and Labor by voice vote 2/13/15 House: Referred to Committee for Courts of Justice</p>	<p>[2/13/15] <b>1/27/15</b></p>
<p>[Amend] (15104616D-S1) Amend, to clarify that the court has determined the facts of the claim, not just allegations. See also HB 1486 (Habeeb) <del><b>Oppose</b> (15100341D)</del> <b>Summary:</b> Provides that if a court or the Worker's Compensation Commission makes a finding in an unappealed order that an accident, disease, injury, disease or death is barred by the exclusivity provisions of the</p>		

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Bills	General Assembly Actions	Date of BOS Position
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Workers' Compensation Act, then that finding shall be res judicata between the parties and estop them and certain others from arguing before the Commission or a court that the accident, injury, disease or death did not arise out of and in the course and scope of the employee's employment. The bill further sets out the notice provisions required in order for the court finding to be res judicata.

<p><b>SB 921</b> - Wexton (33) Northern Virginia Transportation Authority; use of revenues by towns.</p>	<p>1/8/15 Senate: Referred to Committee on Transportation 1/21/15 Senate: Reported from Transportation (14-Y 0-N) 1/27/15 Senate: Read third time and passed Senate (40-Y 0-N) 1/30/15 House: Referred to Committee on Transportation</p>	<p><b>1/27/15</b></p>
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**Oppose** (15102245D)  
**Summary:** Use of revenues by Northern Virginia Transportation Authority. Adds towns to the list of localities whose transportation projects can benefit from revenues from the Northern Virginia Transportation Authority. The bill also requires that such cities and towns receive funds for street maintenance to be eligible to receive revenues from NVT A.

<p><b>SB 1061</b> - Obenshain (26) Electronic pollbooks; photographs and identifying information for each voter.</p>	<p>1/13/15 Senate: Referred to Committee on Privileges and Elections 1/27/15 Senate: Reported from Privileges and Elections with substitute (14-Y 1-N) 2/2/15 Senate: Substitute by Senator Obenshain agreed to 15104676D-S2 2/3/15 Senate: Passed Senate (38-Y 0-N) 2/3/15 Senate: Reconsideration of passage agreed to by Senate (38-Y 0-N) 2/3/15 Senate: Passed Senate (38-Y 0-N) 2/6/15 House: Referred to Committee on Privileges and Elections 2/12/15 House: Subcommittee recommends reporting with amendment(s) (7-Y 0-N) 2/12/15 House: Subcommittee recommends referring to Committee on Appropriations 2/13/15 House: Reported from Privileges and Elections with amendment (14-Y 6-N) 2/13/15 House: Referred to Committee on Appropriations</p>	<p><b>1/27/15</b></p>
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**Oppose** (15100744D)  
**Summary:** Elections; electronic pollbooks; photographs. Requires electronic pollbooks to contain a photograph and identifying information received by the State Board of Elections from the Department of Motor Vehicles for each registered voter for whom the Department of Motor Vehicles has such a photograph and identifying information. Lists of voters furnished pursuant to current law are prohibited from containing any voter's photograph or identifying physical information. The bill also provides that if the electronic pollbook contains the voter's photograph and identifying information, the officer of election is required to access that photograph and identifying information and the voter is not required to present one of the statutorily required forms of identification. Additionally, the bill requires the officer of election to challenge the voter's vote if the voter does

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<b>Bills</b>	<b>General Assembly Actions</b>	<b>Date of BOS Position</b>
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not appear to be the same person depicted in the photograph or in the pollbook. The bill has a delayed effective date of July 1, 2016.

<p><b>SB 1158</b> - Garrett (22) Statewide Fire Prevention Code; authorizes use of consumer fireworks in Commonwealth.</p>	<p>1/13/15 Senate: Referred to Committee on General Laws and Technology 2/2/15 Senate: Reported from General Laws and Technology with amendments (9-Y 5-N 1-A) 2/5/15 Senate: Committee amendments rejected 2/5/15 Senate: Substitute by Senator Garrett agreed to 15104757D-S1 2/6/15 Senate: Read third time and passed Senate (30-Y 8-N) 2/10/15 House: Referred to Committee on General Laws</p>	<p>[1/30/15]</p>
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[Oppose] (15103254D)  
**Summary:** Statewide Fire Prevention Code; State Fire Marshal; consumer fireworks; penalties. Adds definitions for consumer fireworks and display fireworks and authorizes the use of consumer fireworks in the Commonwealth. The bill defines "consumer fireworks" as small fireworks devices (i) containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion and (ii) complying with certain federal regulations regarding composition and labeling. The bill also provides that the storage and transportation of consumer fireworks are to be considered the same hazard class as 1.4G explosives under the Statewide Fire Prevention Code (SFPC) and Uniform Statewide Building Code. The bill excludes from the provisions of the SFPC, unless prohibited by a local ordinance, (i) the sale of permissible or consumer fireworks, (ii) any person using, igniting or exploding permissible or consumer fireworks on residential or agricultural property with the consent of the owner of such property, or (iii) when such permissible or consumer fireworks are being transported from a locality where they were legally obtained to a locality where they are legally permitted. Current law only excludes sale of permissive fireworks or the use of such fireworks on private property. The provisions of the bill have a delayed effective date of January 1, 2016.

<p><b>SB 1257</b> - Smith (22) Cash proffer for residential construction; sunset date.</p>	<p>1/14/15 Senate: Referred to Committee on Local Government 1/27/15 Senate: Reported from Local Government with substitute (13-Y 0-N) 1/28/15 Incorporates SB 1065 and SB 726 1/30/15 Senate: Committee substitute agreed to 15104310D-S1 2/2/15 Senate: Passed Senate (38-Y 0-N) 2/6/15 House: Referred to Committee on Counties, Cities and Towns 2/13/15 House: Reported from Counties, Cities and Towns (21-Y 0-N)</p>	<p><b>1/27/15</b></p>
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**Oppose** (15102679D) - Board has historically opposed.  
**Summary:** Cash proffers; acceptance by localities. Repeals the July 1, 2017, expiration of a 2010 Act of Assembly that delays collection or acceptance of a cash proffer by a locality until the completion of the final inspection of the subject property and prior to the time of the issuance of any certificate of occupancy.

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#"><u>SB 1272</u></a> - Deeds (25) Alcoholic beverage control; limited distillers' licenses.</p>	<p>1/14/15 Senate: Referred to Committee on Rehabilitation and Social Services            1/23/15 Senate: Reported from Rehabilitation and Social Services with substitute (14-Y 1-N)            1/27/15 Committee substitute agreed to 15104148D-S1            1/28/15 Senate: Read third time and passed Senate (37-Y 2-N)            1/30/15 House: Referred to Committee on General Laws</p>	<p><b>1/27/15</b></p>
<p><b>Oppose</b> (15102005D)  <b>Summary:</b> Alcoholic beverage control; limited distiller's license. Creates a limited distiller's license for distilleries that (i) manufacture no more than 36,000 gallons of spirits per calendar year, (ii) are located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner, and (iii) grow agricultural products on the farm that are used in the manufacture of its alcoholic beverages. The bill also establishes local and state taxes for limited distillers' licenses and prevents local regulation of certain activities by such licensees.</p>		
<p><a href="#"><u>SB 1424</u></a> - Norment, Jr. (3) Conflicts of Interests Act, State &amp; Local Government, &amp; General Assembly, etc.; ethics reforms.</p>	<p>1/23/15 Senate: Referred to Committee on Rules            2/6/15 Senate: Reported from Rules with substitute (15-Y 0-N)            2/12/15 House: Referred to Committee for Courts of Justice            2/13/15 House: Reported from Courts of Justice with substitute (21-Y 0-N)</p>	<p>[2/13/15]</p>
<p>[Amend] (15104983D-ES2) - Amend to ensure that local government officers and employees and General Assembly members are treated consistently with respect to ethics requirements.  <b>Summary:</b> State and Local Government Conflict of Interests Act, General Assembly Conflicts of Interests Act, and the Virginia Conflict of Interest and Ethics Advisory Council; ethics reforms. Authorizes the Virginia Conflict of Interest and Ethics Advisory Council to (i) prescribe, receive, and review all disclosure forms required by the State and Local Government Conflict of Interests Act, the General Assembly Conflicts of Interests Act, and the lobbying laws; (ii) conduct annual inspections of those disclosure forms; (iii) issue advisory opinions; (iv) grant waivers for certain travel and gifts; and (v) refer certain violations to the appropriate authority for assessment of civil penalties. The bill modifies the current composition of the Council, reducing the number of members from 15 to 9 and requires there be bipartisan balance of the General Assembly members appointed to the Council. The bill prohibits any single gift or any combination of gifts in a calendar year with a value exceeding \$100 from any single source to those persons subject to the Conflicts of Interests Acts and members of their immediate family. Certain gifts are exempt from the \$100 limit on gifts, including gifts from business associates, relatives, gifts received in conjunction with a personal celebration or while in attendance at a widely attended event, or travel-related gifts for which the Council granted a waiver. Gifts for which the filer has reimbursed the giver for the full value of the gift are not required to be disclosed. The bill removes the required disclosure forms from the Code, outlines the required information to be reported on the disclosure forms, authorizes the Council to prescribe the forms, and requires all disclosure forms be filed electronically with the Council. The bill also prohibits the Governor, his campaign committee, and any political action committee established on his behalf from knowingly soliciting or accepting a contribution, gift, or other</p>		

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<b>Bills</b>	<b>General Assembly Actions</b>	<b>Date of BOS Position</b>
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item with a value greater than \$50 from persons and entities seeking loans or grants from the Governor's Development Opportunity Fund, restricts such gifts and contributions from persons and entities seeking loans or grants from the Fund, and provides that any violation shall result in a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater.

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***Fairfax County Positions***  
***(Support)***

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Bills	General Assembly Actions	Date of BOS Position
<p><b><u>HB 1287</u></b> - Cole (88) Forfeiture of property used in connection with commission of crimes; conviction required.</p>	<p>9/23/14 House: Referred to Committee for Courts of Justice 1/21/15 Subcommittee recommends reporting with amendment(s) (10-Y 1-N) 1/28/15 House: Reported from Courts of Justice with substitute (20-Y 1-N) 2/3/15 House: VOTE: PASSAGE (92-Y 6-N) 2/4/15 Senate: Referred to Committee for Courts of Justice 2/11/15 Senate: Reported from Courts of Justice (11-Y 2-N) 2/11/15 Senate: Rereferred to Finance</p>	<p><b>1/27/15</b></p>
<p><b>Support Study</b> (15100438D) - Support referring bill to Crime Commission for study, similar to SB 684. <b>Summary:</b> Forfeiture of property used in connection with the commission of crimes; conviction required. Requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the person whose property is the subject of the forfeiture action has been convicted of the crime authorizing the forfeiture and has exhausted all appeals. The bill provides that property may be forfeited even though no final conviction order is entered if (i) the forfeiture is ordered by the court pursuant to a plea agreement or (ii) the owner of the property has not submitted a written demand for the return of the property within one year from the date the property was seized. This bill incorporates HB 1468.</p>		
<p><b><u>HB 1560</u></b> - Rust (86) Electronic summons systems; fees assessed by towns.</p>	<p>1/7/15 House: Referred to Committee for Courts of Justice 1/14/15 Subcommittee recommends reporting with amendment(s) (9-Y 0-N) 1/28/15 House: Reported from Courts of Justice with amendments (21-Y 0-N) 2/3/15 House: Read third time and passed House BLOCK VOTE (98-Y 0-N) 2/3/15 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 2/4/15 Senate: Referred to Committee for Courts of Justice 2/11/15 Senate: Reported from Courts of Justice with substitute (12-Y 1-N) 2/11/15 Senate: Rereferred to Finance</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15101955D) - See also SB 888 (Petersen). <b>Summary:</b> Electronic summons systems; fees; towns. Allows towns to assess a fee not to exceed \$5, as part of the costs in each criminal or traffic case in the district or circuit courts located where such cases are brought, to be used for the implementation and maintenance of an electronic summons system.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><b><u>HB 1570</u></b> - Orrock, Sr. (54)                      Unlicensed, unregistered family day homes; notice to Department of Social Services.</p>	<p>1/7/15 House: Referred to Committee on Health, Welfare and Institutions                      2/5/15 House: Reported from Health, Welfare and Institutions with substitute (9-Y 5-N)                      2/5/15 House: Referred to Committee on Appropriations                      2/6/15 House: Reported from Appropriations with substitute (17-Y 3-N)                      2/10/15 House: VOTE: PASSAGE (69-Y 30-N)                      2/11/15 Senate: Referred to Committee on Rehabilitation and Social Services</p>	<p>[2/13/15]</p>

[Support w/ Amend.] (15104920D-H2) - Support with amendment to grandfather locally permitted programs. This bill was selected by the House to be the vehicle for revisions to state policy on licensure of family day home child care services, and includes provisions from or addresses policies proposed in HB 1552 (Filler-Corn), HB 1931 (Anderson), HB 2046 (Filler-Corn), and HB 2069 (Keam).

**Summary:** Unlicensed, unregistered family day homes; notice to Department of Social Services and notice to parents. Requires fingerprint-based national criminal history records checks for licensed child day centers and family day homes. The bill also requires family day homes providing care for five or more children, other than the children of the provider or children that reside in the home, for compensation to be licensed by the Department of Social Services. Currently, only family day homes providing care for six or more children, other than the children of the provider or children that reside in the home, are required to be licensed. The bill also requires local commissioners of the revenue or other local business license officials to report to the Department of Social Services on a quarterly basis the name, address, and contact information for any child day center or family day home to which a business license was issued; requires the Department of Social Services to promulgate regulations requiring licensed and registered child day centers and family day homes to notify the parent of every child enrolled in the child day center or family day home, in writing, of any emergency situation that occurs while the child is receiving care; and requires all unlicensed and unregistered family day homes, other than those in which all of the children receiving care are related by blood or marriage to the provider, to provide written notice to the parents of every child receiving care stating that the family day home is not regulated by the Department of Social Services and referring the parents to a website maintained by the Department for additional information regarding licensed, registered, and unlicensed, unregistered family day homes. The bill also requires all child day centers and family day homes that enter into a contract with the Department of Social Services or a local department of social services to provide child care services that are funded, in whole or in part, by the Child Care and Development Block Grant to comply with all requirements established by federal law and regulation. The bill also requires the Department of Social Services to develop recommendations related to appropriate criminal and civil penalties for individuals who operate or engage in the conduct of a child day center or family day home without first obtaining a license or after such license has been revoked or has expired and not been renewed, or who operate or engage in the conduct of a child day center or family day home serving more children than the maximum stipulated in the license, and that the Department report on the requirements established in the Child Care and Development Block Grant to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by December 1, 2015.

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<b>Bills</b>	<b>General Assembly Actions</b>	<b>Date of BOS Position</b>
<p><a href="#"><b>HB 1673</b></a> - Anderson (51) Government Data Collection and Dissemination Practices Act; limitation on collection.</p>	<p>1/9/15 House: Referred to Committee for Courts of Justice 1/21/15 House: Referred from Courts of Justice by voice vote 1/21/15 House: Referred to Committee on Militia, Police and Public Safety 2/6/15 House: Reported from Militia, Police and Public Safety with amendments (17-Y 4-N) 2/10/15 House: VOTE: PASSAGE (89-Y 11-N) 2/11/15 Senate: Referred to Committee on General Laws and Technology</p>	<p>[1/30/15] <b>1/27/15</b></p>
<p>[Support Study] (15102702D) - Support study prior to passing legislation to ensure privacy issues and law enforcement needs are appropriately balanced. <b>Monitor</b> <b>Summary:</b> Government Data Collection and Dissemination Practices Act; license plate readers; limitation on collection and use of personal information by law enforcement. Limits the ability of law-enforcement and regulatory agencies to use license plate readers to collect and maintain personal information on individuals and organizations where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individual or organization. Information collected by a license plate reader without a warrant shall only be retained for seven days and shall only be used for the investigation of a crime or a report of a missing person. The bill codifies an opinion of the Attorney General regarding the Government Data Collection and Dissemination Practices Act.</p>		
<p><a href="#"><b>HB 1785</b></a> - Massie, III (72) Campus police departments; sexual assault reporting.</p>	<p>1/13/15 House: Referred to Committee for Courts of Justice 1/29/15 House: Referred from Courts of Justice by voice vote 1/29/15 House: Referred to Committee on Education 2/3/15 House: Subcommittee recommends reporting with amendment(s) (9-Y 0-N) 2/3/15 House: Subcommittee recommends referring to Committee for Courts of Justice 2/4/15 House: Reported from Education with substitute (22-Y 0-N) 2/4/15 House: Referred to Committee for Courts of Justice 2/4/15 House: Reported from Courts of Justice with substitute (19-Y 0-N) 2/10/15 House: Read third time and passed House BLOCK VOTE (100-Y 0-N) 2/10/15 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N) 2/11/15 Senate: Referred to Committee for Courts of Justice</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15101919D) <b>Summary:</b> Requires that mutual aid agreements between a campus police force and a law-enforcement agency contain provisions requiring either the campus police force or the agency with which it has established a mutual aid agreement to notify the local attorney for the Commonwealth within 48 hours of any investigation involving felony criminal sexual assault occurring on campus property or other property related to the</p>		

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Bills	General Assembly Actions	Date of BOS Position
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institution of higher education that is victim-initiated or is required to be reported to the campus community. The bill also requires institutions of higher education that have security departments instead of campus police forces to enter into a memorandum of understanding with a law-enforcement agency and such memorandum of understanding shall contain similar provisions requiring reports to the local attorney for the Commonwealth.

<p><b>HB 1886</b> - Jones (76) Public-Private Transportation Act; establishes requirement for finding of public interest.</p>	<p>1/13/15 House: Referred to Committee on Transportation 1/29/15 House: Reported from Transportation with substitute (20-Y 0-N) 2/3/15 House: Read third time and passed House BLOCK VOTE (98-Y 0-N) 2/3/15 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 2/4/15 Senate: Referred to Committee on Transportation</p>	<p><b>1/27/15</b></p>
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**Support w/ Amend.** (15103395D) - Amend to clarify high/medium/low risk levels.  
**Summary:** Public-Private Transportation Act; finding of public interest. Establishes the requirements for a finding of public interest, requires such a finding prior to an initiation of procurement, and establishes the Transportation Public-Private Partnership Advisory Committee to determine whether a proposal for the operation and development of a transportation facility serves a public purpose and report such determination to the General Assembly. The bill also requires certification of the finding prior to the execution of a comprehensive agreement and requires the public-private partnership guidelines to incorporate the finding. The bill also requires VDOT to establish (i) a process for identifying high-risk projects and (ii) procurement processes and guidelines for such projects to ensure that the public interest is protected.

<p><b>HB 1887</b> - Jones (76) Transportation; funding, formula, updates annual reporting, and allocations.</p>	<p>1/13/15 House: Referred to Committee on Transportation 1/29/15 House: Reported from Transportation with substitute (17-Y 3-N) 2/3/15 House: Engrossed by House - committee substitute with amendment HB1887EH1 2/4/15 House: VOTE: PASSAGE (93-Y 4-N) 2/4/15 House: VOTE: PASSAGE #2 (96-Y 2-N) 2/4/15 House: Reconsideration of passage agreed to by House 2/5/15 Senate: Referred to Committee on Transportation</p>	<p><b>1/27/15</b></p>
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**Support w/ Amend.** (15103429D) - Support with amendments to: provide/retain local governments' ability to determine where funds will be allocated within their respective jurisdictions; retain the ability of the Transportation Partnership Opportunity Fund to be used for public-private partnerships or tax districts; and clarify that there will not be a negative impact on the Virginia Railway Express.  
**Summary:** The bill establishes the high-priority projects program and the highway construction district grant program and replaces the \$500 million annual allocation made by the CTB and the 40-30-30 allocation formula to the primary, secondary, and urban highways with a new 40-30-30 allocation of funds to state of good repair purposes, high-priority projects, and highway construction district grants.

The bill adds to transportation funding considerations the state of good repair purposes along with asset management practices and maintenance and requires the CTB to develop a priority ranking system for structurally deficient bridges and deteriorated pavements.

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Bills	General Assembly Actions	Date of BOS Position
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The bill updates the annual report of the Commissioner of Highways made to the Governor and the General Assembly and adds that such report be submitted to the Joint Legislative Audit and Review Commission and the CTB.

The bill also reallocates the interest, dividends, and appreciation that currently accrue to the Transportation Trust Fund and Highway Maintenance and Operating Fund: two-thirds of such current accruals to the Virginia Transportation Infrastructure Bank (VTIB) and one-third of such accruals to the Transportation Partnership Opportunity Fund. The bill also removes the ability of a governmental entity to apply for a VTIB grant. The bill also allows the CTB to make transfers from the Toll Facilities Revolving Account to the VTIB.

The bill provides an additional \$40 million annually for transit projects, beginning in FY 2017. Funding will be shifted from the Port and Aviation shares of the Transportation Trust Fund and several highway funding sources. These provisions will expire if the federal government enacts the Marketplace Fairness Act.

<p><b>HB 1964</b> - Hugo (40) Commercial sex trafficking; penalties.</p>	<p>1/13/15 House: Referred to Committee for Courts of Justice                  2/4/15 House: Reported from Courts of Justice with substitute (20-Y 0-N)                  2/4/15 House: Referred to Committee on Appropriations                  2/6/15 House: Reported from Appropriations (20-Y 0-N)                  2/10/15 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)                  2/10/15 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)                  2/11/15 Senate: Referred to Committee for Courts of Justice</p>	<p>[2/13/15]</p>
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[Support] (15104694D-H1)

**Summary:** Creates new felonies for trafficking of persons for commercial sexual activity. The bill provides that any person who solicits, invites, recruits, encourages, or otherwise causes or attempts to cause a person to engage in prostitution with the intent to receive money or other valuable thing or to assist another in receiving money or other valuable thing from the earnings of the solicited person from an act of prostitution is guilty of a Class 5 felony. Felonies are increased if such behavior is done by an adult and the person solicited is a minor (Class 3 felony) and if force is used or threatened against the person solicited or the person's family or household member (Class 4 felony). The new crime was added to the definition of violent felony for the purposes of the sentencing guidelines, the Virginia Racketeer Influence and Corrupt Organization Act, multijurisdiction grand jury, and asset forfeiture and if a minor is solicited, the Sex Offender Registry. The bill also amends two existing Code sections on receiving money for procuring a person prostitution and receiving money from the earnings of a person engaged in prostitution to increase penalties if the receipt is from a minor.

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Bills	General Assembly Actions	Date of BOS Position
<p><b><u>HB 2042</u></b> - Filler-Corn (41) Food truck vending on state highway rights-of-way; VDOT to amend its regulations to permit.</p>	<p>1/14/15 House: Referred to Committee on Transportation 2/4/15 House: Subcommittee recommends reporting with amendment(s) (6-Y 0-N) 2/5/15 House: Reported from Transportation with substitute (21-Y 1-N) 2/10/15 House: VOTE: PASSAGE (100-Y 0-N) 2/11/15 Senate: Referred to Committee on Transportation</p>	<p>[2/13/15] [1/30/15]</p>
<p>[Support] (15104807D-H1) [<del>Support w/ Amend.] (15104807D-H1) – Support concept; amend to provide local authority to regulate consistent with County zoning ordinance.</del> <b>Summary:</b> Food truck vending on state highway rights-of-way. Directs the Commonwealth Transportation Board to amend its regulations regarding food truck vending on state highway rights-of-way.</p>		
<p><b><u>HJ 603</u></b> - Knight (81) Higher educational institutions; prevention of sexual violence on campus.</p>	<p>1/13/15 House: Referred to Committee on Rules 2/5/15 House: Subcommittee recommends reporting with amendment(s) (4-Y 0-N) 2/6/15 House: Reported from Rules with substitute (14-Y 0-N) 2/9/15 House: Agreed to by House BLOCK VOTE (92-Y 0-N) 2/9/15 House: VOTE: BLOCK VOTE ADOPTION (92-Y 0-N) 2/10/15 Senate: Referred to Committee on Rules</p>	<p>[1/30/15]</p>
<p>[Support] (15103081D) <b>Summary:</b> Study; prevention of sexual violence on the campuses of public and private institutions of higher education in the Commonwealth; report. Directs the Virginia State Crime Commission to study the prevention of sexual violence on college campuses in Virginia. In conducting its study, the Commission must (i) ascertain the breadth of the problem of sexual violence on public and private college campuses in the Commonwealth; (ii) review all relevant state and federal laws, regulations, and policies to identify appropriate ways in which sexual violence may be abated; (iii) assess the policies, process, and procedures for reporting crimes of sexual violence used by colleges and universities in the Commonwealth; (iv) determine whether any institutions of higher education in the Commonwealth have pending U.S. Department of Education Office for Civil Rights investigations for the manner in which allegations and reports of sexual violence have been managed; (v) collaborate with other local, state, federal, college, and community advocates and police departments and entities to address the problem throughout the Commonwealth's higher education and criminal justice systems and among parents and students; (vi) make recommendations to ensure safe college and university campuses throughout the Commonwealth; and (vii) carry out any other duties the joint subcommittee deems proper to facilitate the study. The Commission must submit its report to the Chairmen of the House Committees on Education and for Courts of Justice, the Chairmen of the Senate Committees on Education and Health and for Courts of Justice, the Governor, and the 2016 Session of the General Assembly.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><b><u>SB 719</u></b> - McWaters (8) Elections; absentee voting by persons age 65 or older.</p>	<p>12/8/14 Senate: Referred to Committee on Privileges and Elections 1/27/15 Senate: Reported from Privileges and Elections with substitute (12-Y 3-N) 1/28/15 Incorporates SB 708, SB 758, SB 822, and SB 910 2/2/15 Senate: Read third time and passed Senate (33-Y 5-N) 2/6/15 House: Referred to Committee on Privileges and Elections 2/12/15 House: Subcommittee recommends laying on the table by voice vote</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15100753D) - Board has historically supported. See also SB 708 (Edwards), SB 758 (Barker), SB 822 (Miller), SB 910 (Wexton), HB 1922 (Murphy) and HB 2252 (Preston). <b>Summary:</b> Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee. The bill incorporates SB 708, SB 758, SB 822, and SB 910.</p>		
<p><b><u>SB 731</u></b> - Marsden (37) Juvenile law-enforcement records; restorative justice.</p>	<p>12/12/14 Senate: Referred to Committee for Courts of Justice 1/21/15 Senate: Reported from Courts of Justice with substitute (12-Y 0-N 1-A) 1/27/15 Senate: Read third time and passed Senate (39-Y 0-N) 1/30/15 House: Referred to Committee for Courts of Justice</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15100292D) <b>Summary:</b> Allows law enforcement agencies to release information on juvenile arrests for the purpose of referring a juvenile to a restorative justice program that has a contract with a local governing body or a court services unit. Restorative justice programs are prohibited from further and unrelated disclosure of the information.</p>		
<p><b><u>SB 736</u></b> - Howell (32) Courthouse and courtroom security; increases assessment.</p>	<p>12/16/14 Senate: Referred to Committee for Courts of Justice 1/14/15 Senate: Rereferred to Finance 2/5/15 Senate: Reported from Finance (12-Y 2-N) 2/12/15 House: Referred to Committee on Militia, Police and Public Safety 2/13/15 House: Referred from Militia, Police and Public Safety by voice vote 2/13/15 House: Referred to Committee on Appropriations</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15102438D) - See also HB 1388 (Albo). <b>Summary:</b> Courthouse security; assessment. Increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse security.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#"><b>SB 785</b></a> - McEachin (9) Public employment; prohibits discrimination based on basis of sexual orientation or gender identity.</p>	<p>12/31/14 Senate: Referred to Committee on General Laws and Technology 1/26/15 Senate: Reported from General Laws and Technology with substitute (8-Y 7-N) 1/27/15 Incorporates SB1181 1/29/15 Committee substitute agreed to 15104375D-S1 2/3/15 Senate: Chair votes yes 2/3/15 Senate: Read third time and passed Senate (19-Y 19-N) 2/6/15 House: Referred to Committee on General Laws 2/12/15 House: Subcommittee recommends passing by indefinitely by voice vote</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15103001D) - Board has historically supported. <b>Summary:</b> Nondiscrimination in public employment. Prohibits discrimination in public employment based on the basis of sexual orientation or gender identity, as defined in the bill. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a special disabled veteran or other veteran. The bill incorporates SB 1181.</p>		
<p><a href="#"><b>SB 821</b></a> - Miller (1) Opportunity Educational Institution; repeals Institution.</p>	<p>1/5/15 Senate: Referred to Committee on Education and Health 1/22/15 Senate: Reported from Education and Health (15-Y 0-N) 1/27/15 Senate: Read third time and passed Senate (40-Y 0-N) 1/30/15 House: Referred to Committee on Education</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15101219D) - Board has historically supported. <b>Summary:</b> Opportunity Educational Institution repealed. Repeals the Opportunity Educational Institution.</p>		
<p><a href="#"><b>SB 888</b></a> - Petersen (34) Electronic summons systems; fees assessed by towns.</p>	<p>1/7/15 Senate: Referred to Committee for Courts of Justice 1/19/15 Senate: Reported from Courts of Justice (12-Y 1-N) 1/19/15 Senate: Rereferred to Finance 2/3/15 Senate: Reported from Finance (11-Y 3-N) 2/6/15 Senate: Read third time and passed Senate (30-Y 7-N) 2/10/15 House: Referred to Committee for Courts of Justice 2/11/15 House: Reported from Courts of Justice with amendments (20-Y 0-N) 2/13/15 House: Rereferred to Courts of Justice</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15102002D) - See also HB 1560 (Rust). <b>Summary:</b> Electronic summons systems; fees; towns. Allows towns to assess a fee not to exceed \$5, as part of the costs in each criminal or traffic case in district or circuit court, to be used for the implementation and maintenance of an electronic summons system.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#"><b>SB 903</b></a> - Puller (36) Problem-Solving Docket Act; established, report.</p>	<p>1/7/15 Senate: Referred to Committee for Courts of Justice 1/19/15 Senate: Reported from Courts of Justice with substitute (14-Y 0-N) 1/19/15 Senate: Rereferred to Finance 1/27/15 Senate: Reported from Finance (15-Y 0-N) 1/29/15 Committee substitute agreed to 15103948D-S1 1/30/15 Senate: Read third time and passed Senate (38-Y 0-N) 2/6/15 House: Referred to Committee for Courts of Justice</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15103948D-S1) - See also HB 1630 (Lingamfelter). <b>Summary:</b> Problem-Solving Dockets; established. Establishes the Problem-Solving Docket Act (the Act). The bill allows the establishment of problem-solving courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have special conditions and needs based on military service, mental illness, or societal re-entry. The bill establishes a state problem-solving docket advisory committee and requires localities intending to establish such dockets to establish local advisory committees. The Supreme Court of Virginia is given administrative oversight for the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (§ 18.2-254.1).</p>		
<p><a href="#"><b>SB 935</b></a> - Wexton (33) Herndon, Town of; amending charter, moves election date of mayor and council.</p>	<p>1/8/15 Senate: Referred to Committee on Local Government 1/20/15 Senate: Reported from Local Government (15-Y 0-N) 1/26/15 Read third time and passed Senate (39-Y 0-N) 1/30/15 House: Referred to Committee on Counties, Cities and Towns 2/13/15 House: Reported from Counties, Cities and Towns (14-Y 6-N)</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15102253D) <b>Summary:</b> Charter; Town of Herndon; elections. Moves the date of election of the mayor and members of the Herndon town council from May to November beginning with the election of November 2016 and extends the terms of those in office as of July 2016 until December 31, 2016. The bill also provides for the election of a vice mayor at the first regular town council meeting in January following a municipal election.</p>		

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<b>Bills</b>	<b>General Assembly Actions</b>	<b>Date of BOS Position</b>
<p><a href="#"><u>SB 965</u></a> - Petersen (34) Government Data Collection and Dissemination Practices Act; use of personal information.</p>	<p>1/9/15 Senate: Referred to Committee on General Laws and Technology                      2/2/15 Senate: Reported from General Laws and Technology with amendments (12-Y 3-N)                      2/5/15 Senate: Committee amendments agreed to                      2/6/15 Senate: Read third time and passed Senate (38-Y 0-N)                      2/10/15 House: Referred to Committee for Courts of Justice                      2/11/15 House: Referred from Courts of Justice by voice vote                      2/11/15 House: Referred to Committee on Militia, Police and Public Safety                      2/13/15 House: Reported from Militia, Police and Public Safety with substitute (17-Y 4-N)</p>	<p>[1/30/15]  <b>1/27/15</b></p>
<p>[Support Study] (15103452D) - Support study prior to passing legislation to ensure privacy issues and law enforcement needs are appropriately balanced. <b>Monitor</b>  <b>Summary:</b> Government Data Collection and Dissemination Practices Act; passive collection and use of personal information by law-enforcement agencies. Limits the ability of law-enforcement and regulatory agencies to use technology to collect and maintain personal information on individuals and organizations where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individual or organization. The bill authorizes law-enforcement agencies to collect information from license plate readers, provided such information (i) is held for no more than seven days and (ii) is not subject to any outside inquiries or internal usage, except in the investigation of a crime or missing persons report. After seven days such collected information must be purged from the system unless it is being utilized in an ongoing investigation.</p>		
<p><a href="#"><u>SB 1017</u></a> - Dance (16) Employment applications; inquiries regarding criminal arrests, charges, or convictions.</p>	<p>1/12/15 Senate: Referred to Committee on General Laws and Technology                      1/26/15 Senate: Reported from General Laws and Technology (8-Y 7-N)                      2/3/15 Senate: Chair votes yes                      2/3/15 Senate: Read third time and passed Senate (19-Y 19-N)                      2/3/15 Senate: Reconsideration of passage agreed to by Senate (36-Y 1-N)                      2/5/15 Senate: Read third time and passed Senate (21-Y 17-N)                      2/5/15 Senate: Reconsideration of passage agreed to by Senate (38-Y 0-N)                      2/5/15 Senate: Read third time and passed Senate (21-Y 17-N)                      2/9/15 House: Referred to Committee for Courts of Justice                      2/11/15 House: Subcommittee recommends laying on the table by voice vote</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15100207D)  <b>Summary:</b> Prohibits state agencies from including on any employment application a question inquiring whether the prospective employee has ever been arrested or charged with, or convicted of, any crime, subject to certain exceptions. A prospective employee may not be asked if he has ever been convicted of any crime</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if the prospective employee has a conviction record that bears a rational relationship to the duties and responsibilities of the position. A prospective employee may not be asked if he has ever been arrested or charged with a crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if (i) the prospective employee's criminal arrest or charge resulted in the prospective employee's conviction of a crime and (ii) the crime of which he was convicted bears a rational relationship to the duties and responsibilities of the position. The prohibition does not apply to applications for employment with law-enforcement agencies, fire departments, and emergency medical services agencies. The bill also authorizes localities to prohibit such inquiries.</p>		
<p><b>SB 1054</b> - Hanger, Jr. (24) Comprehensive Services for At-Risk Youth and Families, State Executive Council for; regulations.</p>	<p>1/12/15 Senate: Referred to Committee on Rehabilitation and Social Services 1/30/15 Senate: Reported from Rehabilitation and Social Services (14-Y 0-N) 1/30/15 Senate: Rereferred to Finance 2/3/15 Senate: Reported from Finance with amendment (14-Y 0-N) 2/5/15 Senate: Committee amendment agreed to 2/5/15 Senate: Passed Senate (37-Y 0-N) 2/9/15 House: Referred to Committee on Appropriations</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15100962D) - Board has historically supported. <b>Summary:</b> State Executive Council for Comprehensive Services for At-Risk Youth and Families; regulations. Provides that the State Executive Council for Comprehensive Services for At-Risk Youth and Families shall promulgate regulations necessary to carry out its powers and duties. The bill contains technical amendments. The provisions of the bill are contingent on funding in a general appropriation act passed in 2015 that becomes law. Places the CSA under the Administrative Process Act.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><b><u>SB 1123</u></b> - Barker (39) Child care subsidy; license required.</p>	<p>1/13/15 Senate: Referred to Committee on Rehabilitation and Social Services 1/30/15 Senate: Reported from Rehabilitation and Social Services (14-Y 0-N) 2/2/15 Senate: Rereferred to Finance 2/3/15 Senate: Reported from Finance with amendment (13-Y 1-N) 2/5/15 Senate: Committee amendment rejected 2/5/15 Senate: Amendment by Senator Barker agreed to 2/6/15 Senate: Read third time and passed Senate (32-Y 6-N) 2/10/15 House: Referred to Committee on Health, Welfare and Institutions 2/11/15 House: Referred from Health, Welfare and Institutions by voice vote 2/11/15 House: Referred to Committee on Appropriations</p>	<p><b>1/27/15</b></p>
<p><b>Support w/ Amend.</b> (15102477D) - Amend to grandfather locally permitted programs. <b>Summary:</b> Requires licensure for any child day center or family day home, other than those located on federal property and operated or certified by the U.S. Department of Defense, that contracts with the State Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant. The bill has a delayed effective date of July 1, 2016.</p>		
<p><b><u>SB 1140</u></b> - Garrett (22) Local fiscal impact bills; first day introduction.</p>	<p>1/13/15 Senate: Referred to Committee on Rules 2/6/15 Senate: Reported from Rules with substitute (15-Y 0-N) 2/11/15 House: Referred to Committee on Rules</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15102531D) - Board has historically supported. See also HB 1865 (Kilgore). <b>Summary:</b> Requires bills that require a net reduction of revenues by local governments to be introduced no later than the first day of the regular session of the General Assembly.</p>		
<p><b><u>SB 1148</u></b> - Stuart (28) Restricted driver's license; activities related to seeking employment.</p>	<p>1/13/15 Senate: Referred to Committee for Courts of Justice 1/28/15 Senate: Reported from Courts of Justice (13-Y 0-N) 2/3/15 Senate: Read third time and passed Senate (38-Y 0-N) 2/6/15 House: Referred to Committee for Courts of Justice 2/11/15 House: Subcommittee recommends laying on the table by voice vote</p>	<p><b>1/27/15</b></p>
<p><b>Support w/ Amend.</b> (15102004D) - Amend to include travel to and from training for employment. <b>Summary:</b> Adds travel to and from a scheduled job interview or the office of the Virginia Employment Commission for the purpose of seeking employment to the list of purposes for which a court may issue a restricted driver's license.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#"><u>SB 1168</u></a> - Hanger, Jr. (24) Child welfare agencies, etc.; regulation.</p>	<p>1/13/15 Senate: Referred to Committee on Rehabilitation and Social Services 1/30/15 Senate: Reported from Rehabilitation and Social Services with substitute (13-Y 1-N) 1/30/15 Senate: Rereferred to Finance 2/3/15 Senate: Reported from Finance with substitute (10-Y 4-N)</p>	<p>[2/13/15]</p>
<p>[Support w/ Amend.] (15104711D-S2) - Support with amendment to grandfather locally permitted programs. <b>Summary:</b> Family day homes and child day centers; licensure and notice requirements. Provides that the children of a family day home provider and any children who reside in the family day home who are under the age of six and are present in the home while care is being provided shall be included in determining the number of children receiving care for the purpose of licensure. The bill amends the definition of "family day home" to include any home that voluntarily registers pursuant to Â§ 63.2-1704 and to exclude any home where all of the children in care (i) are grandchildren of the provider and the provider does not receive funds from the federal Child Care and Development Block Grant or (ii) reside in the home. The bill requires commissioners of revenue or other local officials to report to the Department of Social Services semiannually the contact information of any child day center or family day home to which a business license was issued and requires every unlicensed and unregistered family day home to file, prior to providing care, a written declaration of intent to operate such family day home with the Commissioner of the Department of Social Services. The provisions of the bill related to the definition of "family day home" have a delayed effective date of July 1, 2016. The provisions of the bill are contingent on funding in a general appropriation act. The bill incorporates SB 780, SB 1029, SB 1069, and SB 1124.</p>		
<p><a href="#"><u>SB 1201</u></a> - Wagner (7) Stormwater; procedure for approval of dredging operations in the Chesapeake Bay Watershed.</p>	<p>1/13/15 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/29/15 Senate: Reported from Agriculture, Conservation and Natural Resources with substitute (15-Y 0-N) 2/3/15 Senate: Committee substitute agreed to 15104465D-S1 2/4/15 Senate: Read third time and passed Senate (36-Y 1-N) 2/4/15 Senate: Reconsideration of passage agreed to by Senate (38-Y 0-N) 2/4/15 Senate: Passed Senate (38-Y 0-N) 2/9/15 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 2/12/15 House: Subcommittee recommends reporting with amendment(s) (6-Y 0-N)</p>	<p>[2/13/15] 2/6/15 [1/30/15] <b>1/27/15</b></p>
<p>[Support w. Amend] (House ACNR subcommittee version) Support with amendment to remove requirement to dredge at point of outfall. <del>Support w/ Amend. (15104465D-S1)</del> <del>Support with amendment to clarify which fund must be used to obtain the credit.</del> [Monitor] (15104465D-S1)– <b>Support w/ Amend.</b> (15100954D) <b>Summary:</b> Stormwater; municipal separate storm sewer system permittees; dredging. Directs the State Water Control Board (the Board) to establish a procedure for the approval of dredging operations in the Chesapeake Bay Watershed as a method by which to meet pollutant reduction and loading requirements. The bill provides</p>		

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Bills	General Assembly Actions	Date of BOS Position
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that before the Board is required to establish the procedure, the Chesapeake Bay Program shall first approve the procedure as a creditable practice for pollutant removal under the Chesapeake Bay Watershed Model. The bill requires that any dredging comply with all applicable laws. The bill also requires that any locality imposing certain stormwater fees shall make funds available for stormwater maintenance dredging where stormwater has contributed to the deposition of sediment in state waters.

<p><b>SB 1329</b> - Garrett (22) Higher educational institutions; memorandum of understanding and policies for sexual assaults.</p>	<p>1/15/15 Senate: Referred to Committee on Education and Health 1/26/15 Senate: Reported from Education and Health with substitute (12-Y 1-N 1-A) 1/26/15 Senate: Rereferred to Courts of Justice 1/27/15 Incorporates SB 1192 and SB 1379 2/9/15 Senate: Reported from Courts of Justice with substitute (13-Y 0-N) 2/12/15 House: Referred to Committee on Education</p>	<p><b>1/27/15</b></p>
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**Support** (15103641D)  
**Summary:** Institutions of higher education; sexual assault; memorandum of understanding and policies. Requires the governing board of each public or private institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies that require the institution to offer to refer the sexual assault victim to the sexual assault crisis center, encourage victims to take steps to preserve physical evidence, provide clear guidance on linking victims to other community resources, provide options for victims who do not want to make an official report to make an anonymous report, and provide for nonretaliation by the institution against victims who fear their conduct may also be questioned or who are concerned that an official report might jeopardize their academic status. The bill also requires the governing board of each public institution of higher education to certify to the State Council of Higher Education for Virginia that it has reviewed its sexual misconduct policy and updated it as appropriate. The bill requires the State Council and the Department of Criminal Justice Services to establish criteria for the certification process and to report to the Secretary of Education and the Secretary of Public Safety and Homeland Security on the certification status of institutions

<p><b>SB 1378</b> - Barker (39) Virginia Public Procurement Act; cooperative procurement, certain councils of governments.</p>	<p>1/20/15 Senate: Referred to Committee on General Laws and Technology 2/9/15 Senate: Reported from General Laws and Technology with amendments (15-Y 0-N) 2/12/15 House: Referred to Committee on General Laws 2/12/15 House: Subcommittee recommends reporting (6-Y 0-N)</p>	<p>[1/30/15]</p>
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[Support] (15103522D)  
**Summary:** Virginia Public Procurement Act; cooperative procurement; Metropolitan Washington Council of Governments . Provides that a public body may purchase from the contract of the Metropolitan Washington Council of Governments. The bill also provides that a public body may participate in, sponsor, conduct, or administer a cooperative procurement agreement on behalf of or in conjunction with the Metropolitan Washington Council of Governments .

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Bills	General Assembly Actions	Date of BOS Position
<p><b><u>SB 1410</u></b> - Deeds (25) Crisis intervention specialists; community services boards and behavioral health authorities.</p>	<p>1/23/15 Senate: Referred to Committee on Education and Health 1/29/15 Senate: Reported from Education and Health with substitute (10-Y 5-N) 1/29/15 Senate: Rereferred to Finance 2/3/15 Senate: Reported from Finance (13-Y 1-N)</p>	<p>[2/13/15]</p>
<p>[Support w/ Amend.] (15104439D-S1) - Support with amendment to allow locally administered training to be certified by the state as equivalent to the credentialing requirement. <b>Summary:</b> Crisis intervention specialists; community services boards; behavioral health authorities; emergency custody or temporary detention. Provides for the certification of crisis intervention specialists and crisis intervention specialist licensed clinical supervisors. The bill also requires community services boards and behavioral health authorities to employ or contract with certified crisis intervention specialists for evaluations for emergency custody or temporary detention.</p>		
<p><b><u>SJ 216</u></b> - Ebbin (30) United States Constitution; Equal Rights Amendment.</p>	<p>11/7/14 Senate: Referred to Committee on Privileges and Elections 1/27/15 Senate: Reported from Privileges and Elections (8-Y 7-N) 2/3/15 Senate: Reconsideration of passage agreed to by Senate (37-Y 0-N) 2/5/15 Senate: Read third time and agreed to by Senate (20-Y 18-N) 2/9/15 House: Referred to Committee on Privileges and Elections</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15100396D) - Board has historically supported. See also HJ 495 (Surovell). <b>Summary:</b> Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.</p>		

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***Fairfax County Positions***  
***(Monitor)***

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<b>Bills</b>	<b>General Assembly Actions</b>	<b>Date of BOS Position</b>
<p><b><u>HB 1276</u></b> - Cox (66) Northern Virginia Veterans Care Center; funding of project.</p>	<p>7/21/14 House: Referred to Committee on Appropriations 1/21/15 House: Reported from Appropriations with amendments (22-Y 0-N) 1/27/15 House: Read third time and passed House BLOCK VOTE (99-Y 0-N) 1/27/15 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N) 1/28/15 Senate: Referred to Committee on Finance 2/11/15 Senate: Reported from Finance with substitute (13-Y 0-N) 2/13/15 Senate: Passed Senate (36-Y 0-N)</p>	<p><b>1/27/15</b></p>
<p><b>Monitor</b> (15100105D) <b>Summary:</b> Northern Virginia Veterans Care Center project. Provides for funding of the Northern Virginia Veterans Care Center project through an allocation of the proceeds of \$300 million of Virginia Public Building Authority bonds, which were authorized pursuant to Chapter 1 of the Acts of Assembly of 2014, Special Session I. The bill provides that none of the proceeds of the \$300 million of authorized bonds may be used for any purpose until the state share of the funding requirements of the Northern Virginia Veterans Care Center project and the Hampton Roads Veterans Care Center project have been met in full through an allocation of the proceeds of such bonds. The bill also appropriates \$60 million in federal funds to the project. The Care Center is authorized up to a 230 bed facility.</p>		
<p><b><u>HB 1424</u></b> - Marshall, III (14) Virginia Water and Waste Authorities Act; delinquent payment.</p>	<p>12/23/14 House: Referred to Committee on Counties, Cities and Towns 2/4/15 House: Subcommittee recommends reporting (10-Y 0-N) 2/6/15 House: Reported from Counties, Cities and Towns (22-Y 0-N) 2/10/15 House: Read third time and passed House BLOCK VOTE (100-Y 0-N) 2/10/15 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N) 2/11/15 Senate: Referred to Committee on Local Government</p>	<p>[1/30/15] <b>1/27/15</b></p>
<p>[Monitor] (15101131D) - See also SB 868 (Chafin) <b>Oppose</b> <b>Summary:</b> Repeals the provisions of the Act that make the non-occupant owner of a property liable for up to 90 days of delinquent payments under certain circumstances.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#">HB 1470</a> - LaRock (33) Northern Virginia Transportation Authority; use of revenues, effective date.</p>	<p>12/31/14 House: Referred to Committee on Transportation 1/22/15 Subcommittee recommends reporting (5-Y 2-N) 1/29/15 House: Reported from Transportation with amendment (18-Y 2-N) 2/2/15 House: Committee amendment agreed to 2/3/15 House: Read third time and passed House (97-Y 0-N) 2/3/15 House: VOTE: PASSAGE (97-Y 0-N) 2/4/15 Senate: Referred to Committee on Transportation 2/11/15 Senate: Reported from Transportation (15-Y 0-N)</p>	<p><b>1/27/15</b> [1/30/15]</p>
<p>[Monitor] (15100978D-E) <del>Oppose (15100978D)</del> <b>Summary:</b> Use of revenues by the Northern Virginia Transportation Authority. Requires that 70 percent of the revenues received by the Authority under §33.2-2510 be used by the Authority solely to fund transportation projects selected by the Authority that are contained in the regional transportation plan in accordance with § 33.2-2500 and that have been rated in accordance with § 33.2-257. The bill has a delayed effective date of July 1, 2016.</p>		
<p><a href="#">HB 1486</a> - Habeeb (8) Workers' compensation; exclusivity of remedy.</p>	<p>1/5/15 House: Referred to Committee on Commerce and Labor 1/15/15 House: Referred from Commerce and Labor by voice vote 1/15/15 House: Referred to Committee for Courts of Justice 2/4/15 House: Subcommittee recommends reporting with amendment(s) (10-Y 0-N) 2/6/15 House: Reported from Courts of Justice with substitute (22-Y 0-N) 2/10/15 House: Read third time and passed House BLOCK VOTE (100-Y 0-N) 2/10/15 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N) 2/11/15 Senate: Referred to Committee on Commerce and Labor</p>	<p>[2/13/15] 2/6/15 <b>1/27/15</b></p>
<p>[Monitor] (15104730D-H1) - See also SB 770 (McEachin) <del>Amend (15104730D-H1) Amend, to clarify that the court has determined the facts of the claim, not just allegations.</del> <del>Oppose (15101541D)</del> <b>Summary:</b> Provides that if a court or the Worker's Compensation Commission makes a finding in an unappealed order that an accident, disease, injury, disease or death is barred by the exclusivity provisions of the Workers' Compensation Act, then that finding shall be res judicata between the parties and estop them and certain others from arguing before the Commission or a court that the accident, injury, disease or death did not arise out of and in the course and scope of the employee's employment. The bill further sets out the notice provisions required in order for the court finding to be res judicata.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><b><u>HB 1510</u></b> - Ward (92) Hampton Roads Transportation Accountability Commission; population estimates.</p>	<p>1/5/15 House: Referred to Committee on Transportation 1/21/15 Subcommittee recommends reporting with amendment(s) (5-Y 1-N) 1/27/15 House: Reported from Transportation with amendment (17-Y 4-N) 2/2/15 House: VOTE: PASSAGE (86-Y 12-N) 2/3/15 Senate: Referred to Committee on Transportation 2/11/15 Senate: Reported from Transportation (14-Y 1-N)</p>	<p><b>1/27/15</b></p>
<p><b>Monitor</b> (15101718D) <b>Summary:</b> Hampton Roads Transportation Accountability Commission. Provides that population estimates used by the Hampton Roads Transportation Accountability Commission in making its decisions shall be those estimates made by the Weldon Cooper Center for Public Service of the University of Virginia.</p>		
<p><b><u>HJ 635</u></b> - LaRock (33) Communications sales and use tax; Department of Taxation to study performance of tax.</p>	<p>1/14/15 House: Referred to Committee on Rules 1/29/15 Subcommittee recommends reporting (3-Y 1-N) 2/6/15 House: Reported from Rules (14-Y 0-N) 2/9/15 House: VOTE: ADOPTION (85-Y 4-N 3-A) 2/10/15 Senate: Referred to Committee on Rules</p>	<p><b>1/27/15</b></p>
<p><b>Monitor</b> (15102420D) <b>Summary:</b> Study; performance of the communications sales and use tax; report. Requests the Department of Taxation to conduct a study of the performance of the communications sales and use tax.</p>		
<p><b><u>SB 675</u></b> - Puller (36) Northern Virginia Veterans Care Center; funding of project.</p>	<p>8/4/14 Senate: Referred to Committee on Finance 1/27/15 Senate: Reported from Finance with substitute (15-Y 0-N) 1/30/15 Senate: Read third time and passed Senate (38-Y 0-N) 2/6/15 House: Referred to Committee on Appropriations 2/11/15 House: Reported from Appropriations with substitute (22-Y 0-N) 2/13/15 House: Passed House with substitute BLOCK VOTE (97-Y 0-N) 2/13/15 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)</p>	<p><b>1/27/15</b></p>
<p><b>Monitor</b> (15100218D) <b>Summary:</b> Northern Virginia Veterans Care Center project. Provides for funding of the Northern Virginia Veterans Care Center project through an allocation of the proceeds of bonds to be identified and authorized by a separate act of the 2015 General Assembly. The bill also appropriates \$63 million in federal funds to the project.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#">SB 742</a> - Carrico, Sr. (40) Elections; run-off elections.</p>	<p>12/16/14 Senate: Referred to Committee on Privileges and Elections 1/27/15 Senate: Reported from Privileges and Elections with substitute (8-Y 7-N) 1/27/15 Senate: Rereferred to Finance 1/28/15 Incorporates SB1397 2/4/15 Senate: Reported from Finance with amendment (14-Y 0-N) 2/6/15 Senate: Engrossed by Senate - committee substitute with amendment SB742ES1 2/11/15 House: Referred to Committee on Appropriations</p>	<p><b>1/27/15</b></p>
<p><b>Monitor</b> (15101178D) <b>Summary:</b> Provides that no candidate shall be deemed to have been elected at a general election to any statewide office or to the United States Senate unless such candidate receives more than 50 percent of the total votes cast for that office. The bill requires that when no candidate for an office receives more than 50 percent of the total votes cast at the general election for that office, a run-off election between the candidates receiving the highest and next-highest number of votes for that office shall be held. However, no run-off election shall be held if the total number of write-in votes cast for an office and the total number of votes cast for the candidate receiving the highest number of votes for an office together equal more than 50 percent of the total votes cast for that office. The bill requires run-off elections to be held on the fourth Tuesday following the date of the certification of the results of the general election or, if a recount is conducted after the general election, on the fourth Tuesday following the date of the certification of the results of the recount, unless the fourth Tuesday falls on a legal holiday, in which the case the run-off election will be held on the sixth Tuesday. The bill provides that all other elections, including a general election of electors for the President and Vice-President of the United States, the person having the highest number of votes for an office shall be deemed to have been elected to such office and shall receive the certificate of election. Under current law, except in the case of a recount, the person having the most votes cast at any election shall be deemed to have been elected to that office. The bill incorporates SB 1397. The provisions of the bill are contingent on funding in a 2015 general appropriation act.</p>		
<p><a href="#">SB 761</a> - Edwards (21) Personal injury and wrongful death actions; disclosure of address of insured person.</p>	<p>12/23/14 Senate: Referred to Committee for Courts of Justice 1/21/15 Senate: Reported from Courts of Justice (14-Y 0-N) 1/27/15 Senate: Read third time and passed (40-Y 0-N) 1/30/15 House: Referred to Committee for Courts of Justice 2/11/15 House: Subcommittee recommends reporting with amendment(s) (9-Y 0-N)</p>	<p>[2/13/15] <b>1/27/15</b></p>
<p>[Monitor] (House Courts subcommittee version) <del>Amend</del> (15100871D) <b>Summary:</b> Requires an insurance company to disclose the address of an alleged tortfeasor upon request of an injured person, personal representative, or attorney in a cause of action for personal injury or wrongful death due to a motor vehicle accident, if such address has not previously been disclosed. The bill also changes the requirement that an insurance company disclose the limits of liability at the time of the accident for any</p>		

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Bills	General Assembly Actions	Date of BOS Position
insurance policy that may be applicable to the claim such that the total of "available" rather than "all" medical bills and wage losses equals or exceeds \$12,500.		
<p><b>SB 781</b> - Alexander (5)                      Passing with a double yellow line; drivers allowed to pass a pedestrian, bicycle, skateboard, etc.</p>	<p>12/30/14 Senate: Referred to Committee on Transportation                      1/21/15 Senate: Reported from Transportation with substitute (13-Y 2-N)                      1/22/15 Senate: Incorporates SB 1027 and SB 1228                      1/27/15 Senate: Read third time and passed Senate (37-Y 1-N)                      1/30/15 House: Referred to Committee on Transportation</p>	<p><b>1/27/15</b></p>
<p><b>Monitor</b> (15104053D-S1)  <b>Summary:</b> Passing with a double yellow line. Allows drivers to pass a pedestrian, a device moved by human power, a stopped vehicle, or a vehicle traveling less than 25 miles per hour by crossing a double yellow line. The bill also relocates a definition from the end of the section to the beginning for clarity.</p>		
<p><b>SB 868</b> - Chafin (38)                      Water or sewer systems; delinquent payment of rates and charges.</p>	<p>1/7/15 Senate: Referred to Committee on Local Government                      1/27/15 Senate: Reported from Local Government (15-Y 0-N)                      2/2/15 Senate: Passed Senate (38-Y 0-N)                      2/6/15 House: Referred to Committee on Counties, Cities and Towns                      2/13/15 House: Reported from Counties, Cities and Towns (21-Y 0-N)</p>	<p>[1/30/15] <b>1/27/15</b></p>
<p>[Monitor] (15102480D) - See also HB 1424 (Marshall, D.W.). <b>Oppose</b>  <b>Summary:</b> Repeals a provision of the Virginia Water and Waste Authorities Act that limits a landlord's liability for a tenant's separately metered sewer or water charges to three delinquent billing periods of no more than 90 days in total. The provision being repealed also prohibits a water or sewer authority from refusing service to the affected premises, or other premises of the landlord, on account of the delinquency as long as the landlord has paid the charges for which he is liable.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p><a href="#"><u>SB 1154</u></a> - Wexton (33) Discharge of deleterious substance into state waters; notice.</p>	<p>1/13/15 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/29/15 Senate: Reported from Agriculture, Conservation and Natural Resources with substitute (15-Y 0-N) 2/3/15 Senate: Committee substitute agreed to 15104459D-S1 2/4/15 Senate: Read third time and passed Senate (36-Y 1-N) 2/4/15 Senate: Reconsideration of passage agreed to by Senate (38-Y 0-N) 2/4/15 Senate: Passed Senate (38-Y 0-N) 2/9/15 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 2/12/15 House: Subcommittee recommends laying on the table by voice vote</p>	<p><b>1/27/15</b> [1/30/15]</p>
<p>[Monitor] (15104459D-S1) <del>Oppose</del> (15102514D) <b>Summary:</b> Requires any person who unlawfully discharges any deleterious substance into state waters to notify the Department of Environmental Quality (the Department) or the coordinator of emergency services of the affected locality within 12 hours. Current law allows such a person 24 hours to give notice. The bill also requires the Board or the Department to provide each report of a discharge to local newspapers, television stations, and radio stations as soon as practicable after receiving it.</p>		
<p><a href="#"><u>SB 1314</u></a> - Marsden (37) Northern Virginia Transportation Authority; regional plan.</p>	<p>1/14/15 Senate: Referred to Committee on Transportation 2/4/15 Senate: Reported from Transportation with substitute (13-Y 0-N) 2/6/15 Senate: Passed Senate (37-Y 1-N) 2/10/15 House: Referred to Committee on Transportation</p>	<p>[2/13/15] [1/30/15] <b>1/27/15</b></p>
<p>[Monitor] (15104690D-S1) <del>[Amend] (15104690D-S1) Amend to moderate prioritization and reporting requirements. Oppose</del> (15103670D) — See also HB 1915 (LeMunyon) <b>Summary:</b> Northern Virginia Transportation Authority; regional transportation plan. Requires NVTVA's regional transportation plan to make reducing congestion its primary objective in Planning District 8 to the greatest extent practicable.</p>		

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<b>Bills</b>	<b>General Assembly Actions</b>	<b>Date of BOS Position</b>
<p><a href="#"><u>SB 1459</u></a> - McWaters (8) Hampton Roads Transportation Accountability Commission; members to allow public comment before vote.</p>	<p>1/27/15 Senate: Referred to Committee on Transportation</p>	<p>[2/13/15]</p>
<p>[Monitor] (15104126D) <b>Summary:</b> Hampton Roads Transportation Accountability Commission. Requires the members of the Hampton Roads Transportation Accountability Commission to allow for five minutes of public comment before each vote.</p>		
<p><a href="#"><u>SJ 288</u></a> - Vogel (27) Study; Department of Education; effect of local use value assessment of certain real estate.</p>	<p>1/14/15 Senate: Referred to Committee on Rules 1/27/15 Senate: Reported from Rules by voice vote 2/2/15 Senate: Read third time and agreed to by Senate by voice vote 2/6/15 House: Referred to Committee on Rules 2/13/15 House: Tabled in Rules by voice vote</p>	<p><b>1/27/15</b></p>
<p><b>Monitor</b> (15103715D) - Broader study of LCI is needed, to include factors such as cost of living, rather than individual components. See also HJ 514 (Webert). <b>Summary:</b> Study; Department of Education; effect of local use value assessment of certain real estate on the Composite Index of Local Ability to Pay; report. Requests the Department of Education to (i) determine, for each of the 95 localities that have adopted ordinances to provide for the use value assessment and taxation of certain real estate, the use value of all applicable (a) real estate devoted to agricultural use, (b) real estate devoted to horticultural use, (c) real estate devoted to forest use, and (d) real estate devoted to open-space use, as those terms are defined in the Code of Virginia, and (ii) recalculate the Composite Index of Local Ability to Pay for each locality after taking into consideration such use values.</p>		

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# ***Fairfax County Positions***

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## ***Legislation No Longer Under Consideration***

***(Failed to Report, Incorporated into other Legislation, Tabled, etc.)***

Bills	General Assembly Actions	Date of BOS Position
<p><a href="#"><u>HB 1274</u></a> - Farrell (56) Electronic devices; search without a warrant prohibited.</p>	<p>7/21/14 House: Referred to Committee for Courts of Justice 1/26/15 House: Subcommittee recommends laying on the table by voice vote 2/4/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Courts of Justice</p>	<p><b>1/27/15</b></p>
<p><b>Monitor</b> (15100087D) - Board has historically advocated amending bill to apply only to personally-owned devices. <b>Summary:</b> Search of electronic device without warrant prohibited. Provides that no officer of the law or any other person shall search any cellular telephone, tablet computer, portable computer, desktop computer, or other electronic device containing or designed to contain electronic data or digital information except by virtue of and under a warrant issued by a proper officer.</p>		
<p><a href="#"><u>HB 1293</u></a> - Morris (64) Stormwater fees; exemptions for religious groups.</p>	<p>10/30/14 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources 1/29/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Agriculture, Chesapeake and Natural Resources</p>	<p><b>1/27/15</b></p>
<p><b>Oppose</b> (15100024D) - Board has historically opposed. <b>Summary:</b> Requires the State Water Control Board, in establishing a statewide fee schedule for stormwater management programs, to waive permit fees for land-disturbing activities undertaken on property owned by certain churches, religious associations, or denominations. The bill also requires localities to waive stormwater management program service charges for properties owned by such organizations.</p>		
<p><a href="#"><u>HB 1294</u></a> - Morris (64) Churches and other religious bodies.</p>	<p>10/31/14 House: Referred to Committee on Finance 1/30/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Finance</p>	<p><b>1/27/15</b></p>
<p><b>Oppose</b> (15100044D) <b>Summary:</b> Exempts churches, religious associations, and religious denominations from all state and local taxes, fees, and other charges.</p>		
<p><a href="#"><u>HB 1310</u></a> - Krupicka (45) Taxes on electronic cigarettes and other vapor products.</p>	<p>11/11/14 House: Referred to Committee on Finance 1/28/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Finance</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15100391D) <b>Summary:</b> Creates a state tax on electronic cigarettes, electronic cigars, electronic cigarillos, and similar products and devices (vapor products) and authorizes cities and towns and certain counties to impose a tax on vapor products. The state tax would be imposed at a rate \$0.40 per milliliter of nicotine liquid solution or other material containing nicotine that is depleted as the vapor product is used. All revenues from the state tax on</p>		

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vapor products would be deposited into the Virginia Health Care Fund, into which all revenues from the state tax on cigarettes are currently deposited.		
<a href="#">HB 1317</a> - Campbell (6) Speeding; reckless driving.	11/18/14 House: Referred to Committee on Transportation 1/20/15 House: Reported from Transportation (15-Y 7-N) 1/20/15 House: Referred to Committee for Courts of Justice 1/26/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Courts of Justice	<b>1/27/15</b>
<b>Oppose</b> (15100416D) <b>Summary:</b> Raises the threshold for per se reckless driving for speeding from driving in excess of 80 miles per hour to driving in excess of 85 miles per hour. The threshold for per se reckless driving for speeding for driving at or more than 20 miles per hour in excess of the speed limit remains unchanged.		
<a href="#">HB 1343</a> - Filler-Corn (41) Campus police departments; sexual assault reporting.	12/1/14 House: Referred to Committee for Courts of Justice 1/29/15 House: Referred from Courts of Justice by voice vote 1/29/15 House: Referred to Committee on Education 2/3/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Education	<b>1/27/15</b>
<b>Support</b> (15101213D) <b>Summary:</b> Requires that mutual aid agreements between campus police force and law-enforcement agencies contain provisions requiring either the campus police force or an agency with which it has established a mutual aid agreement to notify the local attorney for the Commonwealth of any investigation involving felony criminal sexual assault occurring on property owned or controlled by the institution of higher education within 48 hours of beginning such investigation.		
<a href="#">HB 1352</a> - Ramadan (87) BPOL tax; deduction for amounts paid under subcontracts.	12/2/14 House: Referred to Committee on Finance 2/4/15 House: Tabled in Finance by voice vote	<b>1/27/15</b>
<b>Oppose</b> (15100249D) <b>Summary:</b> Allows a deduction from gross receipts for amounts paid by the licensee to persons who are not employees pursuant to a subcontract between the licensee and such other persons. The deduction would become effective beginning with the 2016 license year.		
<a href="#">HB 1359</a> - Campbell (6) Concealed handgun permits; lifetime permits.	12/2/14 House: Referred to Committee on Militia, Police and Public Safety 2/5/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Militia, Police and Public Safety	<b>1/27/15</b>
<b>Oppose</b> (15101524D) - Board has historically opposed. See also SB 689 (Black).		

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<p><b>Summary:</b> Provides for the issuance of concealed handgun permits for Virginia residents that do not expire. Currently, such permits must be renewed every five years.</p>		
<p><b>HB 1388</b> - Albo (42) Courthouse and courtroom security; increase of certain fee.</p>	<p>12/15/14 House: Referred to Committee for Courts of Justice 1/28/15 Subcommittee recommends referring to Committee on Appropriations 2/4/15 House: Reported from Courts of Justice (14-Y 6-N) 2/4/15 House: Referred to Committee on Appropriations 2/6/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Appropriations</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15100425D) - See also SB 736 (Howell). <b>Summary:</b> Courthouse and courtroom security fee. Increases the maximum local fee on criminal and traffic cases from \$10 to \$20.</p>		
<p><b>HB 1394</b> - Herring (46) Elections; absentee voting; no-excuse, in-person.</p>	<p>12/16/14 House: Referred to Committee on Privileges and Elections 1/27/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Privileges and Elections</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15102576D) - Board has historically supported. See also HB 1992 (Morrissey). <b>Summary:</b> Allows qualified voters to vote absentee in person without providing an excuse for not being able to vote in person on election day. The bill retains the statutory list of specific reasons allowing a voter to cast an absentee ballot by mail.</p>		
<p><b>HB 1410</b> - Marshall (13) Motor fuels; reduces tax rate on gasoline and gasohol.</p>	<p>12/18/14 House: Referred to Committee on Appropriations 2/10/15 House: Left in Appropriations</p>	<p><b>1/27/15</b></p>
<p><b>Oppose</b> (15102019D) <b>Summary:</b> Motor fuels tax rate. Reduces the motor fuels tax on gasoline and gasohol from 5.1% to 3.5% of the statewide average wholesale price of a gallon of unleaded regular gasoline. The rate increased from 3.5% to 5.1% on January 1, 2015, as required by Chapter 766 of the Acts of Assembly of 2013, because Congress did not pass a law permitting the Commonwealth to require out-of-state sellers to collect and remit sales and use tax.</p>		

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<p><a href="#"><b>HB 1416</b></a> - Taylor (85) Real property tax assessment; appeal to circuit court.</p>	<p>12/22/14 House: Referred to Committee for Courts of Justice 1/19/15 House: Subcommittee recommends laying on the table by voice vote 1/28/15 Subcommittee failed to recommend reporting (3-Y 5-N) 2/10/15 House: Left in Courts of Justice</p>	<p><b>1/27/15</b></p>
<p><b>Oppose</b> (15101546D) - Board has historically opposed. <b>Summary:</b> Provides that neither the taxpayer nor the locality shall have the burden of proof in an appeal of a real property assessment to the circuit court.</p>		
<p><a href="#"><b>HB 1497</b></a> - Sullivan, Jr. (48) Absentee voting; registered voter using absentee ballot.</p>	<p>1/5/15 House: Referred to Committee on Privileges and Elections 1/27/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Privileges and Elections</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15101185D) <b>Summary:</b> Absentee voting; no-excuse. Allows for any registered voter to vote by absentee ballot in any election in which he is qualified to vote. This bill removes the current list of statutory reasons a person may be entitled to vote by absentee ballot and consolidates multiple sections relating to absentee voting by uniformed and overseas voters into one section and multiple sections related to absentee voting by persons with a disability into one section. It repeals several sections, including one section made obsolete by the expansion of federal write-in absentee ballots to all elections.</p>		
<p><a href="#"><b>HB 1508</b></a> - Sullivan, Jr. (48) Higher educational institutions; memorandum of understanding and policies.</p>	<p>1/5/15 House: Referred to Committee for Courts of Justice 1/29/15 House: Referred from Courts of Justice by voice vote 1/29/15 House: Referred to Committee on Education 2/3/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Education</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15102669D) <b>Summary:</b> Institutions of higher education; sexual assault; memorandum of understanding and policies. Requires the governing board of each public or private institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies that mandate the referral of a sexual assault victim to the sexual assault crisis center, provide clear guidance on linking victims to other community resources, provide options for victims who do not want to make an official report to make an anonymous report, and provide amnesty for victims who are concerned that an official report might jeopardize their academic status.</p>		

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<p><a href="#">HB 1514</a> - Minchew (10) Composite index of local ability-to-pay; use value of real estate in certain localities.</p>	<p>1/5/15 House: Referred to Committee on Education 1/21/15 Subcommittee recommends reporting (4-Y 3-N) 1/26/15 House: Failed to report (defeated) in Education (10-Y 12-N)</p>	<p><b>1/27/15</b></p>
<p><b>Oppose</b> (15102516D) <b>Summary:</b> Requires, for the purpose of determining the state and local shares of basic aid funding, that the composite index of local ability-to-pay or "local composite index" (LCI) utilize the use value of all applicable real estate (i) devoted to agricultural use, horticultural use, forest use, and open-space use in each locality that has adopted an ordinance by which it provides for the use valuation and taxation of such real estate and (ii) used in agricultural and forestal production within an agricultural district, forestal district, agricultural and forestal district, or agricultural and forestal district of local significance in each locality that provides for the use valuation and taxation of such real estate, regardless of whether it has adopted a local land-use plan or local ordinance for such valuation and taxation.</p>		
<p><a href="#">HB 1525</a> - Minchew (10) NVTA; Department of Taxation's costs in administering certain taxes.</p>	<p>1/6/15 House: Referred to Committee on Finance 1/28/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Finance</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15102761D) <b>Summary:</b> Department of Taxation's costs in administering certain taxes; Northern Virginia Transportation Authority. Requires the Department of Taxation to provide to the Northern Virginia Transportation Authority (NVTA) the methodology it uses in calculating, and an itemized accounting of, the amount of revenue it retains in costs incurred for administering the collection of sales tax revenue otherwise due to the NVTA.</p>		
<p><a href="#">HB 1528</a> - Berg (29) Government Data Collection and Dissemination Practices Act; limitation on collection.</p>	<p>1/6/15 House: Referred to Committee for Courts of Justice 2/10/15 House: Left in Courts of Justice</p>	<p>[1/30/15] <b>1/27/15</b></p>
<p>[Support Study] (15101692D) - Support study prior to passing legislation to ensure privacy issues and law enforcement needs are appropriately balanced. <b>Monitor</b> <b>Summary:</b> Government Data Collection and Dissemination Practices Act; limitation on collection and use of personal information by law enforcement; penalty. Limits the ability of law-enforcement and regulatory agencies to use technology to collect and maintain personal information on individuals and organizations where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individual or organization. The bill codifies an opinion of the Attorney General regarding the Government Data Collection and Dissemination Practices Act. The bill also allows a law-enforcement agency to collect information from a license plate reader provided that any information collected shall only be retained for 24 hours and shall only be used for the investigation of a crime or a report of a missing person. The bill provides that any person who sells or uses information collected from a license plate reader by a law-enforcement agency in any unauthorized manner is guilty of a Class 6 felony.</p>		

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<p><a href="#">HB 1529</a> - Berg (29) General appropriation act; expiration date of second enactment Chapter 2, 2014 Sp. I Acts.</p>	<p>1/6/15 House: Referred to Committee on Appropriations 2/10/15 House: Left in Appropriations</p>	<p><b>1/27/15</b></p>
<p><b>Monitor</b> (15102351D) <b>Summary:</b> General appropriation act. Provides that the enactment of the current general appropriation act that states that "no provision of this act shall result in the expiration of any provision of: (i) Chapter 896 of the Acts of Assembly of 2007 pursuant to the 22nd enactment of that chapter or (ii) Chapter 766 of the Acts of Assembly of 2013 pursuant to the 14th enactment of that chapter" shall expire on June 30, 2015.</p>		
<p><a href="#">HB 1552</a> - Filler-Corn (41) Child welfare agencies; regulation, national criminal history record check requirement.</p>	<p>1/7/15 House: Referred to Committee on Health, Welfare and Institutions 2/11/15 House: Left in Health, Welfare and Institutions</p>	<p><b>1/27/15</b></p>
<p><b>Support w/ Amend.</b> (15101077D) - Amend to grandfather locally permitted programs. <b>Summary:</b> Regulation of child welfare agencies; national criminal history record checks. Establishes a national criminal history record check requirement for licensure as a child welfare agency, for approval as a family day home by a family day system, for approval as a foster or adoptive parent; for employment or to volunteer at a child welfare agency or family day home; and for all adults residing in a home in which a family day home is operated. The bill requires all family day homes that provide care for one or more children for compensation to be licensed by the Department of Social Services. Currently, only family day homes providing care for six or more children must be licensed. The bill also provides that, for the purposes of determining the number of children receiving care, the provider's own children and any children residing in the home shall be counted.</p>		
<p><a href="#">HB 1576</a> - Pogge (96) Real property tax assessments; arbitration.</p>	<p>1/7/15 House: Referred to Committee on Finance 2/2/15 House: Subcommittee recommends laying on the table by voice vote</p>	<p><b>1/27/15</b></p>
<p><b>Oppose</b> (15101153D) <b>Summary:</b> Permits the taxpayer to submit the valuation of an owner-occupied dwelling to binding arbitration in lieu of an appeal to court.</p>		
<p><a href="#">HB 1622</a> - Sullivan, Jr. (48) Electric utilities; net energy metering.</p>	<p>1/8/15 House: Referred to Committee on Commerce and Labor 2/3/15 House: Subcommittee recommends laying on the table by voice vote</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15102542D) - Board has historically supported. <b>Summary:</b> Increases the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's residential customer that may be eligible for participation in the utility's net energy metering program from 20 kilowatts to 40 kilowatts. The measure also increases the maximum generating capacity of such a facility owned or operated by a nonresidential customer that may be eligible for participation</p>		

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<p>in such a program from 500 kilowatts to one megawatt. This change to the definition of an "eligible customer-generator" also affects the definition of a "qualified energy project" as used in the Virginia Small Business Financing Act.</p>		
<p><a href="#">HB 1630</a> - Lingamfelter (31) Problem-Solving Courts; established, report.</p>	<p>1/8/15 House: Referred to Committee for Courts of Justice 1/26/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Courts of Justice</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15102024D) - See also SB 903 (Puller). <b>Summary:</b> Problem-Solving Courts; established. Establishes the Problem-Solving Court Act(the Act). The bill allows the establishment of problem-solving courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have special conditions and needs based on military service, mental illness, or societal re-entry. The bill establishes a state problem-solving court docket advisory committee and requires localities intending to establish such courts to establish local advisory committees. The Supreme Court of Virginia is given administrative oversight for the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (§18.2-254.1).</p>		
<p><a href="#">HB 1636</a> - Minchew (10) Net energy metering; program for community subscriber organizations.</p>	<p>1/8/15 House: Referred to Committee on Commerce and Labor 2/5/15 House: Tabled in Commerce and Labor by voice vote</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15102497D) - Board has historically supported. <b>Summary:</b> Electric utilities; net energy metering; community subscriber organizations. Directs the State Corporation Commission to establish by regulation a program that affords community subscribers and community subscriber organizations the opportunity to participate in net energy metering. A community subscriber is a retail customer of an electric utility who owns a subscription in a community generation facility and receives on-bill credits for each kilowatt hour of energy produced by their portion of the community generation facility. The subscriber's premises is required to be located in the service territory of the utility in which the community generation facility is located and in the county in which the community generation facility is located or a neighboring county. A community generation facility is an electrical generating facility that uses as its total source of fuel renewable energy and has a capacity of not more than two megawatts. The measure also increases the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer, or a customer that operates a generation facility as part of an agricultural operation, that may be eligible for participation in the utility's net energy metering program from 500 kilowatts to two megawatts.</p>		
<p><a href="#">HB 1644</a> - Villanueva (21) Commonwealth Transportation Board; membership chosen from congressional districts.</p>	<p>1/9/15 House: Referred to Committee on Transportation 1/29/15 Subcommittee recommends laying on the table (6-Y 0-N) 2/11/15 House: Left in Transportation</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15102665D) - Board has historically supported.</p>		

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<p><b>Summary:</b> Commonwealth Transportation Board membership; align with congressional districts. Provides that the nonlegislative citizen members of the Commonwealth Transportation Board shall be chosen from Virginia's congressional districts instead of from the highway construction districts and retains the five at-large members. As a result, the overall membership of the Board would increase by two.</p>		
<p><a href="#">HB 1670</a> - Berg (29) Sheriffs; always serving as chief law-enforcement officer of locality.</p>	<p>1/9/15 House: Referred to Committee on Appropriations 1/28/15 Subcommittee recommends striking from docket (7-Y 0-N) 2/10/15 House: Left in Appropriations</p>	<p><b>1/27/15</b></p>
<p><b>Oppose</b> (15102780D) <b>Summary:</b> Sheriffs; chief law-enforcement officer of locality. Provides that sheriffs shall always serve as the chief law-enforcement officer of a locality and receive funding in an amount as provided in the general appropriation act to perform in that capacity. The bill also provides that a locality may still establish a police department.</p>		
<p><a href="#">HB 1708</a> - Marshall (13) Certain industrial uses; transmission lines.</p>	<p>1/12/15 House: Referred to Committee on Commerce and Labor 2/10/15 House: Left in Commerce and Labor</p>	<p><b>1/27/15</b></p>
<p><b>Oppose</b> (15103531D) <b>Summary:</b> Requires that a zoning ordinance shall provide that any proposed data center that will require utilization of a 230 kilovolt electrical transmission line shall be located only in an area zoned for industrial use. However, if a zoning ordinance authorizes a data center, or similar land use, that will require utilization of a 230 kilovolt or greater electrical transmission line outside of an area zoned for industrial use, any electrical transmission lines that support such a land use and that are located at a distance greater than 300 feet from an existing electrical transmission line shall be placed underground at the expense of the owner of the data center.</p>		
<p><a href="#">HB 1744</a> - Hugo (40) Local employee grievance procedure; final step in procedure adopted by local government.</p>	<p>1/12/15 House: Referred to Committee on Education 1/29/15 Subcommittee recommends reporting (7-Y 2-N) 1/29/15 Subcommittee recommends referring to Committee on Counties, Cities and Towns 2/2/15 House: Reported from Education (15-Y 7-N) 2/2/15 House: Referred to Committee on Counties, Cities and Towns 2/6/15 House: Referred from Counties, Cities and Towns by voice vote 2/6/15 House: Referred to Committee on Education 2/10/15 House: Left in Education</p>	<p>[2/13/15] <b>1/27/15</b></p>
<p>[Monitor] (House CCT version) <b>Oppose</b> (15103369D) – Board has historically opposed. <b>Summary:</b> Local employee grievance procedure. Requires that the final step in an employee grievance procedure adopted by a local governing body, providing for a hearing before an administrative hearing officer or an impartial panel hearing, be selected by the aggrieved employee. Currently, the selection of this final step requires the agreement of both parties. The bill also permits a school board to conduct a teacher grievance hearing before a three-member fact-finding panel. Under current law, the school board has the option of</p>		

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appointing a hearing officer or conducting such hearing itself. The bill contains technical amendments.		
<a href="#">HB 1760</a> - James (80) Hampton Roads Transportation Accountability Commission; local representation.	1/12/15 House: Referred to Committee on Transportation 1/29/15 Subcommittee recommends reporting with amendment(s) (7-Y 0-N) 2/5/15 House: Subcommittee recommends laying on the table (4-Y 0-N) 2/11/15 House: Left in Transportation	1/27/15
<b>Monitor</b> (15102902D) - See also SB 743 (Lucas). <b>Summary:</b> Allows the chief elected officer of each locality within Planning District 23 to have a representative from the same governing body serve on the Hampton Roads Transportation Accountability Commission.		
<a href="#">HB 1762</a> - Watts (39) Retail sales and transient occupancy taxes; room rentals, lodgings, etc.	1/12/15 House: Referred to Committee on Finance 1/21/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Finance	1/27/15
<b>Support</b> (15102146D) - Board has historically supported. See also SB 1210 (Ebbin). <b>Summary:</b> Retail sales and transient occupancy taxes on room rentals. Provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill would require the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room.		
<a href="#">HB 1773</a> - Berg (29) Concealed handgun; possession on school property.	1/12/15 House: Referred to Committee on Education 2/10/15 House: Left in Education	[1/30/15]
[Oppose] (15101684D) - See also SB 1132 (Garrett) <b>Summary:</b> Possession of concealed handgun on school property. Provides an exception to the crime of possessing a firearm on school property if a person has a valid concealed handgun permit and possession of a concealed handgun occurs outside normal school hours. The bill also provides an exception if a person with a concealed handgun permit stores a concealed handgun in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school; current law allows possession while the person is in the motor vehicle in one of those areas.		
<a href="#">HB 1865</a> - Kilgore (1) Local fiscal impact bills; first day introduction.	1/13/15 House: Referred to Committee on Rules 2/10/15 House: Left in Rules	1/27/15
<b>Support</b> (15102723D) - Board has historically supported. See also SB 1140 (Garrett). <b>Summary:</b> Requires local fiscal impact bills to be introduced no later than the first day of the session.		

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<a href="#">HB 1922</a> - Murphy (34) Elections; absentee voting by persons age 65 or older.	1/13/15 House: Referred to Committee on Privileges and Elections 1/27/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Privileges and Elections	<b>1/27/15</b>
<b>Support</b> (15101429D) - Board has historically supported. See also SB 708 (Edwards), SB 719 (McWaters), SB 758 (Barker), SB 822 (Miller), SB 910 (Wexton), and HB 2252 (Preston). <b>Summary:</b> Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee.		
<a href="#">HB 1929</a> - Anderson (51) Family day homes; licensure.	1/13/15 House: Referred to Committee on Health, Welfare and Institutions 2/11/15 House: Left in Health, Welfare and Institutions	<b>1/27/15</b>
<b>Monitor</b> (15102492D) <b>Summary:</b> Licensure of family day homes. Provides that the children of a family day home provider and any children who reside in the family day home where care is provided shall be included in determining the number of children receiving care for the purpose of licensure.		
<a href="#">HB 1973</a> - Preston (63) Businesses, certain; local limitations on number.	1/13/15 House: Referred to Committee on Commerce and Labor 1/27/15 House: Tabled in Commerce and Labor by voice vote	<b>1/27/15</b>
<b>Support</b> (15102274D) - Board has historically supported. <b>Summary:</b> Local limitations on number of certain businesses. Provides that a locality may by ordinance reasonably limit the number of motor vehicle title loan businesses, payday lenders, check cashers, and precious metals dealers that may be operated at any one time within its territorial limits. The ordinance may limit the number of such establishments based on a specific number of businesses per magisterial or election district or by limiting the number of such businesses within an established radius.		
<a href="#">HB 1992</a> - Morrissey (74) Elections; absentee voting; no-excuse, in-person.	1/14/15 House: Referred to Committee on Privileges and Elections 1/27/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Privileges and Elections	<b>1/27/15</b>
<b>Support</b> (15102436D) - Board has historically supported. <b>Summary:</b> Allows qualified voters to vote absentee in person without providing an excuse for not being able to vote in person on election day. The bill retains the statutory list of specific reasons allowing a voter to cast an absentee ballot by mail.		

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Bills	General Assembly Actions	Date of BOS Position
<a href="#">HB 2004</a> - Torian (52) School nurses; divisionwide ratio students in average daily membership.	1/14/15 House: Referred to Committee on Education 1/28/15 House: Subcommittee recommends striking from docket by voice vote 2/10/15 House: Left in Education	<b>1/27/15</b>
<b>Oppose</b> (15102507D) - Potential fiscal impact is \$17 million to Fairfax County. <b>Summary:</b> Divisionwide ratio of school nurses to students in average daily membership. Requires local school boards to employ at least one school nurse per 750 students in average daily membership in grades kindergarten through 12.		
<a href="#">HB 2017</a> - Surovell (44) Aircraft, certain; local regulation.	1/14/15 House: Referred to Committee for Courts of Justice 1/28/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Courts of Justice	<b>1/27/15</b>
<b>Monitor</b> (15100618D) - Substitute being drafted. <b>Summary:</b> Local regulation of certain aircraft. Provides that a locality may by ordinance regulate the use of privately owned, unmanned, autonomous aircraft within its boundaries. Such ordinance may place reasonable restrictions on the time, place, and manner of use of such aircraft.		
<a href="#">HB 2023</a> - BaCote (95) Child care subsidy; license required.	1/14/15 House: Referred to Committee on Health, Welfare and Institutions 2/11/15 House: Left in Health, Welfare and Institutions	<b>1/27/15</b>
<b>Support w/ Amend.</b> (15102479D) - Amend to grandfather locally permitted programs. <b>Summary:</b> Requires licensure for any child day center or family day home, other than those located on federal property and operated or certified by the U.S. Department of Defense, that contracts with the State Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Fund.		
<a href="#">HB 2033</a> - Byron (22) Workforce development; coordination of statewide delivery of training programs & activities, report.	1/14/15 House: Referred to Committee on Commerce and Labor 1/27/15 House: Subcommittee recommends striking from docket by voice vote 1/29/15 House: Stricken from docket by Commerce and Labor by voice vote	<b>1/27/15</b>
<b>Oppose Unless Amended</b> (15103265D) - Amend to provide for flexibility in requirement to spend 40 percent of state funds on training. <b>Summary:</b> Workforce development; coordination of statewide delivery of workforce development and training programs and activities. Makes several changes to coordinate the delivery of workforce development and training programs and activities at the state, regional, and local levels. Changes include (i) creating the Workforce Development Consortium to administer the coordinated implementation of programs and activities under the federal Workforce Innovation and Opportunity Act (WIOA) of 2014, (ii) requiring a regional convener of workforce development partners, (iii) establishing minimum levels of fiscal support for workforce credential attainment, and (iv) utilizing WIOA reserve funds for incentive programs to increase workforce		

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Bills	General Assembly Actions	Date of BOS Position
credential attainment.		
<a href="#">HB 2046</a> - Filler-Corn (41) Licensure of family day homes.	1/14/15 House: Referred to Committee on Health, Welfare and Institutions 2/11/15 House: Left in Health, Welfare and Institutions	<b>1/27/15</b>
<b>Support w/ Amend.</b> (15101349D) - Amend to grandfather locally permitted programs. <b>Summary:</b> Requires all family day homes that provide care for one or more children for compensation to be licensed by the Department of Social Services. Currently, only family day homes providing care for six or more children must be licensed. The bill also provides that, for the purposes of determining the number of children receiving care, the provider's own children and any children residing in the home shall be counted.		
<a href="#">HB 2066</a> - Keam (35) Public libraries; policy of the Commonwealth concerning service to the communities.	1/14/15 House: Referred to Committee on General Laws 1/29/15 Subcommittee recommends reporting with amendment(s) (5-Y 2-N) 2/3/15 House: Reported from General Laws with amendments (13-Y 6-N) 2/3/15 House: Referred to Committee on Appropriations 2/10/15 House: Left in Appropriations	<b>1/27/15</b>
<b>Monitor</b> (15101262D) <b>Summary:</b> Public libraries. Provides that it is the policy of the Commonwealth that public libraries are deemed to provide an essential service to the communities of the Commonwealth.		
<a href="#">HB 2095</a> - Keam (35) Real property tax on commercial and industrial property.	1/14/15 House: Referred to Committee on Finance 1/28/15 Subcommittee failed to recommend reporting (2-Y 6-N) 2/10/15 House: Left in Finance	<b>1/27/15</b>
<b>Oppose</b> (15101728D) <b>Summary:</b> Requires counties to appropriate 30 percent of the revenue from the special tax on commercial and industrial property attributable to property located within any town that constructs and maintains its streets to such town, unless the county and town agree otherwise.		
<a href="#">HB 2097</a> - Keam (35) Condemnation proceedings; mandatory dispute resolution orientation session.	1/14/15 House: Referred to Committee for Courts of Justice 1/28/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Courts of Justice	<b>1/27/15</b>
<b>Oppose</b> (15101473D) <b>Summary:</b> Condemnation proceedings; dispute resolution session. Provides that when the court refers the parties in a condemnation proceeding to a dispute resolution orientation session, the court shall also provide the name of a single independent appraiser to determine the fair market value of the property in question.		
<a href="#">HB 2163</a> - Cline (24) Photo-monitoring systems; for traffic light enforcement.	1/14/15 House: Referred to Committee on Militia, Police and Public Safety 1/22/15 House: Subcommittee recommends laying on the	<b>1/27/15</b>

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Bills	General Assembly Actions	Date of BOS Position
	table by voice vote 2/10/15 House: Left in Militia, Police and Public Safety	
<p><b>Oppose</b> (15102674D) - Board has historically opposed.  <b>Summary:</b> Use of photo-monitoring systems for traffic lights; repeal. Repeals the authority for localities to operate a photo-monitoring system for traffic light enforcement, colloquially known as a "photo red" program.</p>		
<p><b>HB 2170</b> - Minchew (10) Northern Virginia Transportation Commission; transfer of powers and duties.</p>	<p>1/14/15 House: Referred to Committee on Transportation 2/5/15 House: Subcommittee recommends laying on the table (6-Y 0-N) 2/11/15 House: Left in Transportation</p>	<p><b>1/27/15</b></p>
<p><b>Oppose</b> (15102863D)  <b>Summary:</b> Northern Virginia Transportation Commission; Northern Virginia Transportation Authority. Transfers the powers and duties of the Northern Virginia Transportation Commission to the Northern Virginia Transportation Authority.</p>		
<p><b>HB 2186</b> - Kory (38) Public school buildings; minimum standards, recommendations for minimum usable school site size.</p>	<p>1/14/15 House: Referred to Committee on Education 2/10/15 House: Left in Education</p>	<p><b>1/27/15</b></p>
<p><b>Oppose</b> (15102521D)  <b>Summary:</b> Minimum standards for public school buildings; recommendations for minimum usable school site size. Requires the Board of Education's minimum standards for the erection of or addition to public school buildings to include the following recommendations for minimum usable site sizes: (i) one acre per 100 students in enrollment and (ii) an additional four acres for elementary schools, 10 acres for middle schools, and 10 acres for high schools. Such standards shall require local school boards to provide the Board with justifications for deviations from such recommendations.</p>		
<p><b>HB 2252</b> - Preston (63) Elections; absentee voting by persons age 65 or older.</p>	<p>1/19/15 House: Referred to Committee on Privileges and Elections 1/27/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Privileges and Elections</p>	<p><b>1/27/15</b></p>
<p><b>Support</b> (15102278D) - Board has historically supported.  <b>Summary:</b> Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee.</p>		
<p><b>HB 2258</b> - Head (17) Nursing facility services; preadmission screening.</p>	<p>1/19/15 House: Referred to Committee on Health, Welfare and Institutions 2/3/15 House: Subcommittee recommends reporting with amendment(s) (11-Y 0-N) 2/3/15 House: Subcommittee recommends referring to</p>	<p>[1/30/15]</p>

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Bills	General Assembly Actions	Date of BOS Position
	Committee on Appropriations 2/5/15 House: Reported from Health, Welfare and Institutions with substitute (22-Y 0-N) 2/5/15 House: Referred to Committee on Appropriations 2/5/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Appropriations	
<p>[Oppose Unless Amended] (15103266D) - Oppose unless amended to remove mandate that a private provider assume the UAI activities currently performed successfully by County staff.</p> <p><b>Summary:</b> Preadmission screening for nursing facility services. Eliminates a requirement that physicians serving as members of screening teams for community-based long-term care services as defined in the state plan for medical assistance be an employee of the Department of Health or the local department of social services; eliminates the requirement that the Department of Medical Assistance Services (the Department) contract with an acute care hospital for institutional screenings for long-term care services as defined in the state plan for medical assistance, so that the Department may but is not required to contract with acute care hospitals for such screenings; and allows the Department to contract with one or more vendors to receive, conduct, track, and monitor requests for all community-based and institutional long-term care screenings. The bill also requires the Board of Medical Assistance Services to promulgate regulations to implement the bill's provisions within 280 days and allows the Board to implement changes necessary to implement the bill's provisions upon its passage and prior to the promulgation of regulations.</p>		
<p><b><u>HB 2262</u></b> - Morris (64)            Planning commissions, local; notice to applicants of preapproval requirements.</p>	1/19/15 House: Referred to Committee on Counties, Cities and Towns 1/28/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Counties, Cities and Towns	<b>1/27/15</b>
<p><b>Oppose</b> (15103259D)</p> <p><b>Summary:</b> Planning commissions; notice to applicants of preapproval requirements. Provides that upon request of the applicant, the local planning commission shall designate an officer or employee who shall (i) advise the applicant of the feasibility of the applicant's rezoning request and (ii) provide a list of all required or anticipated materials, assessments, surveys, or reports that will be required of the applicant before consideration of the rezoning request. The bill provides that such information, while not constituting early approval of the applicant's rezoning plan, shall be deemed a preliminary approval of the plan pending fulfillment of any preapproval requirements.</p>		
<p><b><u>HB 2294</u></b> - Joannou (79)            Public-Private Transportation Act of 1995; comprehensive agreements.</p>	1/21/15 House: Referred to Committee on Transportation 2/5/15 House: Subcommittee recommends laying on the table (6-Y 1-N) 2/11/15 House: Left in Transportation	[1/30/15]
<p>[Oppose] (15103693D)</p> <p><b>Summary:</b> Requires comprehensive agreements between the responsible public entity and a private entity to be approved by both houses of the General Assembly.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<a href="#">HB 2296</a> - Joannou (79) Tolling authority; approval by General Assembly before collecting or imposing tolls.	1/21/15 House: Referred to Committee on Transportation 2/5/15 House: Subcommittee recommends laying on the table (6-Y 1-N) 2/11/15 House: Left in Transportation	[1/30/15]
[Oppose] (15103519D) <b>Summary:</b> Tolling authority. Requires approval by the General Assembly before the imposition or collection of tolls or user fees on any interstate, primary, or secondary highway, on any project undertaken pursuant to the PPTA, or by the HRTAC, NVTA, or RMTA.		
<a href="#">HB 2297</a> - Joannou (79) Hampton Roads Transp. Accountability Commission and public-private partnerships; powers and duties.	1/21/15 House: Referred to Committee on Transportation 2/5/15 House: Subcommittee recommends laying on the table (6-Y 1-N) 2/11/15 House: Left in Transportation	[1/30/15]
[Monitor] (15103764D) <b>Summary:</b> Powers and duties of public-private partnerships and the Hampton Roads Transportation Accountability Commission. Requires approval of the General Assembly prior to the imposition or collection of any tolls or user fees on a project undertaken pursuant to the Public-Private Transportation Act of 1995 or by the Hampton Roads Transportation Accountability Commission.		
<a href="#">HB 2327</a> - Leftwich (78) Offsite improvements or land dedications; regulation of development by localities.	1/23/15 House: Referred to Committee on Counties, Cities and Towns 2/4/15 House: Subcommittee recommends striking from docket by voice vote 2/6/15 House: Stricken from docket by Counties, Cities and Towns by voice vote	[1/30/15]
[Oppose] (15103114D) <b>Summary:</b> Offsite improvements or land dedications. Provides that localities shall not require a landowner to make offsite improvements or make dedications of land as a condition of use of an existing parcel when such use is a permitted use pursuant to the zoning ordinance and when existing public facilities are available to such parcel.		
<a href="#">HB 2351</a> - Leftwich (78) Land subdivision and development; approval not to be conditioned on consent of easement holder.	1/23/15 House: Referred to Committee on Counties, Cities and Towns 2/4/15 House: Subcommittee recommends striking from docket by voice vote 2/6/15 House: Stricken from docket by Counties, Cities and Towns by voice vote	[1/30/15]
[Oppose] (15103860D) <b>Summary:</b> Provides that no locality shall condition the approval of a subdivision plan, site plan, plat, or construction plan, or condition the issuance of any required occupancy permit for occupancy of such property or		

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the structures thereon, upon the consent or permission of any person or entity holding an easement over, under, or through the property that is the subject of such plan or plat.		
<a href="#">HJ 495</a> - Surovell (44) United States Constitution; Equal Rights Amendment.	8/16/14 House: Referred to Committee on Privileges and Elections 2/10/15 House: Left in Privileges and Elections	<b>1/27/15</b>
<b>Support</b> (15100137D) - Board has historically supported. See also SJ 216 (Ebbin). <b>Summary:</b> Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.		
<a href="#">HJ 514</a> - Webert (18) Composite Index of Local Ability to Pay; DOE to study effect of local use value assessment.	12/8/14 House: Referred to Committee on Rules 1/29/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Rules	<b>1/27/15</b>
<b>Monitor</b> (15100853D) - Broader study of LCI is needed, to include factors such as cost of living, rather than individual components. See also SJ 288 (Vogel). <b>Summary:</b> Study; Department of Education; effect of local use value assessment of certain real estate on the Composite Index of Local Ability to Pay; report. Requests the Department of Education to (i) determine, for each of the 95 localities that have adopted ordinances to provide for the use value assessment and taxation of certain real estate, the use value of all applicable (a) real estate devoted to agricultural use, (b) real estate devoted to horticultural use, (c) real estate devoted to forest use, and (d) real estate devoted to open-space use, as those terms are defined in the Code of Virginia, and (ii) recalculate the Composite Index of Local Ability to Pay for each locality after taking into consideration such use values.		
<a href="#">HJ 520</a> - Hope (47) Constitutional amendment; property tax exemption for nonprofit medical clinics serving the indigent.	12/12/14 House: Referred to Committee on Privileges and Elections 2/10/15 House: Left in Privileges and Elections	<b>1/27/15</b>
<b>Amend</b> (15100093D) - Amend to provide state funding for this initiative; historical position of the Board. <b>Summary:</b> Constitutional amendment (first resolution); property tax exemption for nonprofit medical clinics serving the indigent. Exempts from taxation property owned by nonprofit medical clinics organized to provide health care services without charge to the indigent.		
<a href="#">HJ 536</a> - Lingamfelter (31) Constitutional amendment; Lottery Proceeds Fund.	12/29/14 House: Referred to Committee on Privileges and Elections 2/10/15 House: Left in Privileges and Elections	<b>1/27/15</b>
<b>Oppose</b> (15100006D) - Concern about diversion of funding from K-12. <b>Summary:</b> Constitutional amendment (first resolution); Lottery Proceeds Fund. Allows lottery proceeds to be appropriated from the Lottery Proceeds Fund to public institutions of higher education for purposes of		

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providing education and employment training for veterans who have been honorably discharged from an active or reserve component of the United States armed forces or the Virginia National Guard and who are domiciled in the Commonwealth.		
<a href="#">HJ 578</a> - Anderson (51) Constitutional amendment; general warrants of search or seizure prohibited.	1/9/15 House: Referred to Committee on Privileges and Elections 2/10/15 House: Left in Privileges and Elections	<b>1/27/15</b> [1/30/15]
<p>[Support Study] (House P&amp;E subcommittee version) - Support study prior to proceeding with Constitutional amendment to ensure that current case law and interpretation of the Fourth Amendment of the U.S. Constitution are preserved. See also SJ 302 (Stuart). <del>Amend (15102466D) - Amend to remove immunity clause to preserve existing legislative and judicial authority.</del></p> <p><b>Summary:</b> Constitutional amendment (first resolution); general warrants of search or seizure prohibited. Clarifies that the right of the people to be secure against unreasonable searches and seizures of their persons, houses, businesses, lands, papers, and effects applies also to communications and stored personal information and data. Furthermore, the requirement that a warrant particularly describe the place to be searched or the persons or things to be seized is extended to communications, personal information, and data to be accessed. The amendment provides that a person's disclosure to another person of his papers, effects, or electronic communications, personal information, or data is not alone a waiver of this right. The amendment also provides that the people shall have remedies of exclusion and actions for damages and other remedies and that defendants shall not enjoy greater immunity than other citizens of the Commonwealth.</p>		
<a href="#">HJ 590</a> - Ramadan (87) Tangible personal property tax relief; reimbursement payments to localities.	1/12/15 House: Referred to Committee on Rules 1/29/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Rules	<b>1/27/15</b>
<p><b>Oppose</b> (15101763D) <b>Summary:</b> Study; reimbursement payments to localities providing tangible personal property tax relief; report. Requests the Department of Taxation to conduct a study of reimbursement payments to localities providing tangible personal property tax relief.</p>		
<a href="#">HJ 619</a> - Lingamfelter (31) Metrorail extension; DRPT to study.	1/13/15 House: Referred to Committee on Rules 1/29/15 House: Subcommittee recommends laying on the table by voice vote 2/10/15 House: Left in Rules	<b>1/27/15</b>
<p><b>Monitor</b> (15103536D) <b>Summary:</b> Study; Department of Rail and Public Transportation to study Metrorail extension; report. Requests the Department of Rail and Public Transportation to study the efficacy and desirability of extending the Metrorail in Virginia and to report on its findings no later than the first day of the 2016 Regular Session of the General Assembly.</p>		

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<a href="#">HJ 633</a> - Landes (25) Constitutional amendment; Board of Education, powers and duties.	1/14/15 House: Referred to Committee on Privileges and Elections 2/10/15 House: Left in Privileges and Elections	[1/30/15]
<p>[Oppose] (15100971D) - Consistent with Board's opposition to the Opportunity Educational Institution. Concern about potential diversion of local funding.</p> <p><b>Summary:</b> Constitutional amendment (first resolution); Board of Education; power to establish, operate, maintain, or supervise schools. Permits the General Assembly to grant to the Board of Education the power and duty to assume the operation or supervision of one or more schools within a school division on a temporary basis when necessary to ensure that an educational program of high quality is established and continually maintained, or establish, maintain, or operate one more elementary or secondary schools pursuant to Section 9 of Article VIII of the Constitution of Virginia.</p>		
<a href="#">SB 684</a> - Carrico, Sr. (40) Forfeiture of property used in connection with the commission of crimes; conviction required.	10/21/14 Senate: Referred to Committee for Courts of Justice 1/21/15 Senate: Passed by indefinitely in Courts of Justice with letter (12-Y 0-N)	<b>1/27/15</b>
<p><b>Support Study</b> (15100578D) - Support referring bill to Crime Commission for study.</p> <p><b>Summary:</b> Requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the person whose property is the subject of the forfeiture action has been convicted of the crime and has exhausted all appeals.</p>		
<a href="#">SB 689</a> - Black (13) Concealed handgun permits; lifetime permits.	11/21/14 Senate: Referred to Committee for Courts of Justice 1/26/15 Senate: Reported from Courts of Justice with substitute (10-Y 4-N) 1/26/15 Senate: Rereferred to Finance 2/11/15 Senate: Left in Finance	<b>1/27/15</b>
<p><b>Oppose</b> (15100379D) - Board has historically opposed. See also HB 1359 (Campbell).</p> <p><b>Summary:</b> Provides for the issuance of concealed handgun permits for Virginia residents that do not expire. Currently, such permits must be renewed every five years.</p>		
<a href="#">SB 708</a> - Edwards (21) Elections; absentee voting by persons age 65 or older.	12/2/14 Senate: Referred to Committee on Privileges and Elections 1/27/15 Incorporated by Privileges and Elections (SB719- McWaters) (15-Y 0-N)	<b>1/27/15</b>
<p><b>Support</b> (15100901D) - Board has historically supported. See also SB 719 (McWaters), SB 758 (Barker), SB 822 (Miller), SB 910 (Wexton), HB 1922 (Murphy), and HB 2252 (Preston).</p> <p><b>Summary:</b> Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee. This bill was incorporated into SB 719.</p>		

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<a href="#">SB 726</a> - Cosgrove (14) Cash proffer for residential construction; sunset date.	12/11/14 Senate: Referred to Committee on Local Government 1/27/15 Incorporated by Local Government (SB1257-Smith) (12-Y 0-N)	1/27/15
<p><b>Oppose</b> (15100983D) - Board has historically opposed.  <b>Summary:</b> Removes the July 1, 2017, expiration of a Code section that delays the payment of certain per-dwelling-unit cash proffers until after the final inspection of the subject property and prior to the issuance of any certificate of occupancy. The removal of the sunset date also extends existing provisions barring the assertion of a cause of action to enforce a right to delayed payment of cash proffers and allowing a court to award fees and costs to a party that prevails in a legal challenge to a conflicting ordinance.</p>		
<a href="#">SB 743</a> - Lucas (18) Hampton Roads Transportation Accountability Commission; local representation.	12/17/14 Senate: Referred to Committee on Rules 2/11/15 Senate: Left in Rules	1/27/15
<p><b>Monitor</b> (15101573D) - See also HB 1760 (James).  <b>Summary:</b> Allows the chief elected officer of each locality within Planning District 23 to have a representative from the same governing body serve on the Hampton Roads Transportation Accountability Commission.</p>		
<a href="#">SB 758</a> - Barker (39) Elections; absentee voting by persons age 65 or older.	12/22/14 Senate: Referred to Committee on Privileges and Elections 1/27/15 Incorporated by Privileges and Elections (SB719-McWaters) (15-Y 0-N)	1/27/15
<p><b>Support</b> (15101639D) - Board has historically supported. See also SB 708 (Edwards), SB 719 (McWaters), SB 822 (Miller), SB 910 (Wexton), HB 1922 (Murphy), and HB 2252 (Preston).  <b>Summary:</b> Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee. This bill was incorporated into SB 719.</p>		
<a href="#">SB 764</a> - Edwards (21) Electric utilities; net energy metering programs.	12/23/14 Senate: Referred to Committee on Commerce and Labor 2/2/15 Senate: Incorporated by Commerce and Labor (SB1395-Dance) (15-Y 0-N)	1/27/15
<p><b>Support</b> (15101229D) - Board has historically supported.  <b>Summary:</b> Electric utilities; net energy metering. Increases, from 500 kilowatts to two megawatts, the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer that may be eligible for participation in the utility's net energy metering program. This change to the definition of an "eligible customer-generator" also affects the definition of a "qualified energy project" as used in the Virginia Small Business Financing Act.</p>		

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<a href="#">SB 780</a> - Favola (31) Family day homes; licensure.	12/30/14 Senate: Referred to Committee on Rehabilitation and Social Services 1/30/15 Senate: Incorporated by Rehabilitation and Social Services (SB1168-Hanger) (14-Y 0-N)	<b>1/27/15</b>
<b>Monitor</b> (15100664D) <b>Summary:</b> Licensure of family day homes. Provides that the children of a family day home provider and any children who reside in the family day home where care is provided shall be included in determining the number of children receiving care for the purpose of licensure. This bill was incorporated into SB 1168.		
<a href="#">SB 796</a> - Lucas (18) County food and beverage tax; referendum requirement.	1/1/15 Senate: Referred to Committee on Local Government 1/27/15 Senate: Reported from Local Government (9-Y 3-N 3-A) 1/30/15 Senate: Stricken from Senate calendar (37-Y 0-N)	<b>1/27/15</b>
<b>Support</b> (15101941D) - Consistent with County principles for revenue diversification. <b>Summary:</b> Removes the requirement that a county food and beverage tax be approved by a referendum before the county may pass an ordinance.		
<a href="#">SB 818</a> - Favola (31) Family day homes; licensure by Department of Social Services.	1/2/15 Senate: Referred to Committee on Rehabilitation and Social Services 1/30/15 Senate: Stricken at request of Patron in Rehabilitation and Social Services (14-Y 0-N)	<b>1/27/15</b>
<b>Support w/ Amend.</b> (15100846D) - Amend to grandfather locally permitted programs. <b>Summary:</b> Licensure of family day homes. Requires all family day homes that provide care for one or more children for compensation to be licensed by the Department of Social Services. Currently, only family day homes providing care for six or more children must be licensed. The bill also provides that, for the purposes of determining the number of children receiving care, the provider's own children and any children residing in the home shall be counted.		
<a href="#">SB 822</a> - Miller (1) Elections; absentee voting by persons age 65 or older.	1/5/15 Senate: Referred to Committee on Privileges and Elections 1/27/15 Incorporated by Privileges and Elections (SB719-McWaters) (15-Y 0-N)	<b>1/27/15</b>
<b>Support</b> (15101175D) - Board has historically supported. See also SB 708 (Edwards), SB 719 (McWaters), SB 758 (Barker), SB 910 (Wexton), HB 1922 (Murphy), and HB 2252 (Preston). <b>Summary:</b> Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee. This bill was incorporated into SB 719.		
<a href="#">SB 833</a> - Edwards (21) Electric utilities; net energy metering.	1/5/15 Senate: Referred to Committee on Commerce and Labor 1/26/15 Stricken at request of patron. (15-Y 0-N)	<b>1/27/15</b>
<b>Support</b> (15103022D) - Board has historically supported. <b>Summary:</b> Increases, from 500 kilowatts to two megawatts, the maximum generating capacity of an electrical		

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generating facility owned or operated by an electric utility's nonresidential customer that may be eligible for participation in the utility's net energy metering program. This change to the definition of an "eligible customer-generator" also affects the definition of a "qualified energy project" as used in the Virginia Small Business Financing Act.		
<a href="#">SB 890</a> - Petersen (34) Zoning ordinance; vehicle title loan businesses and payday lenders.	1/7/15 Senate: Referred to Committee on Local Government 1/27/15 Failed to report (defeated) in Local Government (7-Y 8-N)	<b>1/27/15</b>
<b>Support</b> (15102009D) - Board has historically supported. <b>Summary:</b> Zoning; vehicle title loan businesses and payday lenders. Allows a local zoning ordinance to include reasonable limits on the number of motor vehicle title loan businesses and payday lenders that may be operated at any one time within a zoning district.		
<a href="#">SB 910</a> - Wexton (33) Elections; absentee voting by persons age 65 or older.	1/8/15 Senate: Referred to Committee on Privileges and Elections 1/27/15 Incorporated by Privileges and Elections (SB719-McWaters) (15-Y 0-N)	<b>1/27/15</b>
<b>Support</b> (15100480D) - Board has historically supported. See also SB 708 (Edwards), SB 719 (McWaters), SB 758 (Barker), SB 822 (Miller), HB 1922 (Murphy), and HB 2252 (Preston). <b>Summary:</b> Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee. This bill was incorporated into SB 719.		
<a href="#">SB 925</a> - Edwards (21) School zone; speed limit photo-enforcement system.	1/8/15 Senate: Referred to Committee on Local Government 2/3/15 Senate: Stricken at request of Patron in Local Government (13-Y 0-N)	<b>1/27/15</b>
<b>Support w/ Amend.</b> (15102657D) - Amend to remove strict liability civil penalty. <b>Summary:</b> School zone speed limit photo-enforcement system. Allows a locality having its own school district or school system to provide by ordinance for the establishment of a school zone speed limit photo-enforcement system imposing monetary liability on the operator of a motor vehicle for failure to comply with the speed limit in a school zone or school crossing in such locality. Proof of a violation of this section shall be evidenced by information obtained from a school zone speed limit photo-enforcement system. In the prosecution for a violation of any local ordinance adopted as provided in this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of such ordinance, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty imposed under this section shall exceed \$50, nor shall it include court costs.		

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<a href="#"><b>SB 981</b></a> - Favola (31) Higher educational institutions; memorandum of understanding and policies.	1/11/15 Senate: Referred to Committee on Education and Health 1/26/15 Incorporated by Education and Health (SB712-Black) (14-Y 0-N)	<b>1/27/15</b>
<p><b>Support</b> (15101757D)  <b>Summary:</b> Institutions of higher education; sexual assault; memorandum of understanding and policies. Requires the governing board of each public or private institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies that require the institution to offer to refer the sexual assault victim to the sexual assault crisis center, encourage victims to take steps to preserve physical evidence, provide clear guidance on linking victims to other community resources, provide options for victims who do not want to make an official report to make an anonymous report, and provide amnesty for victims who fear their conduct may also be questioned or who are concerned that an official report might jeopardize their academic status.</p>		
<a href="#"><b>SB 1004</b></a> - Ebbin (30) Electronic cigarettes and other vapor products; state tax created, localities authorized to impose.	1/12/15 Senate: Referred to Committee on Finance 1/21/15 Senate: Passed by indefinitely in Finance (15-Y 0-N)	<b>1/27/15</b>
<p><b>Support</b> (15102363D)  <b>Summary:</b> Taxes on electronic cigarettes and other vapor products. Creates a state tax on electronic cigarettes, electronic cigars, electronic cigarillos, and similar products and devices (vapor products) and authorizes cities and towns and certain counties to impose a tax on vapor products. The state tax would be imposed at a rate \$0.18 per milliliter of nicotine liquid solution or other material containing nicotine that is depleted as the vapor product is used. All revenues from the state tax on vapor products would be deposited into the Virginia Health Care Fund, into which all revenues from the state tax on cigarettes are currently deposited.</p>		
<a href="#"><b>SB 1011</b></a> - Stuart (28) Cash proffers; purchase of development rights by locality.	1/12/15 Senate: Referred to Committee on Local Government 2/3/15 Senate: Passed by indefinitely in Local Government (13-Y 0-N)	<b>1/27/15</b>
<p><b>Support</b> (15101258D)  <b>Summary:</b> Allows a locality to use a cash payment voluntarily proffered by a landowner to purchase development rights within the locality in accordance with the comprehensive plan and local ordinances allowing for the transfer of development rights. The bill provides that the locality seeking to purchase such rights must first notify the proffering landowner and conduct a public hearing. Following the hearing, the locality is required to find that the purchase is in accordance with the local ordinance allowing the transfer of development rights, the rights to be purchased are within the areas identified in the comprehensive plan for land conservation, and the purchase is in the public interest. The bill contains technical amendments.</p>		

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<a href="#">SB 1023</a> - Stuart (28) Mass transit; transit funding in statewide prioritization.	1/12/15 Senate: Referred to Committee on Transportation 1/28/15 Stricken at request of Patron in Transportation (15-Y 0-N)	<b>1/27/15</b>
<p><b>Oppose</b> (15103232D)  <b>Summary:</b> Transit funding in statewide prioritization; review of project prioritization. Includes moneys from the Commonwealth Mass Transit Fund and highway aid to mass transit in the list of funds subject to the statewide prioritization process. The bill also requires the Joint Commission on Transportation Accountability to review the prioritization of projects by the Commonwealth Transportation Board and to make necessary recommendations regarding the process to the General Assembly.</p>		
<a href="#">SB 1026</a> - Garrett (22) Lobbyist disclosure; reporting by certain political subdivisions.	1/12/15 Senate: Referred to Committee on Rules 2/11/15 Senate: Left in Rules	<b>1/27/15</b>
<p><b>Oppose</b> (15102649D)  <b>Summary:</b> Requires political subdivisions composed of, or managed or controlled by, one or more counties, cities, towns, or other local or regional political subdivisions to file a separate registration statement on behalf of their officers and employees who will be engaged in lobbying. The bill also prohibits such political subdivisions from using public funds to support lobbying efforts and requires funds used for lobbying to be segregated from public funds and held in a separate bank account.</p>		
<a href="#">SB 1033</a> - Wexton (33) Northern Virginia Transportation Authority; increases membership.	1/12/15 Senate: Referred to Committee on Rules 1/27/15 Senate: Reported from Rules with substitute (16-Y 0-N) 1/27/15 Senate: Rereferred to Finance 2/4/15 Senate: Passed by indefinitely in Finance with letter (14-Y 0-N)	<b>1/27/15</b>
<p><b>Oppose</b> (15102244D)  <b>Summary:</b> Northern Virginia Transportation Authority; membership composition. Increases the membership of the NVTA by one nonlegislative member to represent towns that receive funds for urban highway systems.</p>		
<a href="#">SB 1065</a> - Obenshain (26) Cash proffer for residential construction; sunset date.	1/13/15 Senate: Referred to Committee on Local Government 1/27/15 Incorporated by Local Government (SB1257-Smith) (12-Y 0-N)	<b>1/27/15</b>
<p><b>Oppose</b> (15101705D) - Board has historically opposed.  <b>Summary:</b> Removes the July 1, 2017, expiration of a current law that delays the payment of certain per-dwelling-unit cash proffers until after the final inspection of the subject property and prior to the issuance of any certificate of occupancy. The removal of the sunset date also extends existing provisions protecting a right to delayed payment of cash proffers and allowing a court to award fees and costs to a party that prevails in a legal challenge to a conflicting ordinance. In addition, the bill repeals the July 1, 2017, expiration of a 2009 act of assembly that lowered the cap on the administrative costs a locality could charge a developer for the dedication</p>		

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of a public right-of-way from 25 percent to 10 percent of the estimated construction cost.		
<a href="#">SB 1091</a> - Vogel (27) Public schools; adjustment of calculation of local composite index for funding.	1/13/15 Senate: Referred to Committee on Education and Health 1/29/15 Senate: Passed by indefinitely in Education and Health (15-Y 0-N)	<b>1/27/15</b>
<b>Oppose</b> (15102756D) <b>Summary:</b> Adjustment of the calculation of the local composite index for public school funding. Directs the Department of Education to adjust its funding calculations for the local ability to pay by using the use-value assessment of real property, instead of the true value, in localities that have adopted use-value taxation.		
<a href="#">SB 1124</a> - Barker (39) Licensure of family day homes.	1/13/15 Senate: Referred to Committee on Rehabilitation and Social Services 1/30/15 Senate: Incorporated by Rehabilitation and Social Services (SB1168-Hanger) (14-Y 0-N)	<b>1/27/15</b>
<b>Monitor</b> (15102490D) <b>Summary:</b> Provides that the children of a family day home provider and any children who reside in the family day home where care is provided shall be included in determining the number of children receiving care for the purpose of licensure. This bill was incorporated into SB 1168.		
<a href="#">SB 1132</a> - Garrett (22) Concealed handgun; possession on school property prohibited.	1/13/15 Senate: Referred to Committee for Courts of Justice 1/26/15 Senate: Reported from Courts of Justice with amendments (8-Y 5-N) 2/2/15 Senate: Read third time and defeated by Senate (18-Y 20-N) 2/2/15 Senate: Reconsideration of defeated action agreed to by Senate (38-Y 0-N) 2/2/15 Senate: Read third time and defeated by Senate (18-Y 20-N)	[1/30/15]
[Oppose] (15101291D) - See also HB 1773 (Berg) <b>Summary:</b> Possession of concealed handgun on school property. Provides an exception to the crime of possessing a firearm on school property if a person has a valid concealed handgun permit and possession of a concealed handgun occurs outside normal school hours. The bill also provides an exception if a person with a concealed handgun permit stores a concealed handgun in a motor vehicle in a parking lot, traffic circle or other means of vehicular ingress or egress to the school; current law allows possession while the person is in the motor vehicle in one of those areas.		
<a href="#">SB 1210</a> - Ebbin (30) Retail sales and transient occupancy taxes on room rentals.	1/13/15 Senate: Referred to Committee on Finance 2/3/15 Senate: Reported from Finance (9-Y 5-N) 2/5/15 Senate: Defeated by Senate (14-Y 24-N)	<b>1/27/15</b>
<b>Support</b> (15103399D) - Board has historically supported. See also HB 1762 (Watts). <b>Summary:</b> Provides that retail sales and hotel taxes on transient room rentals are computed based upon the total		

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charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill would require the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room.		
<a href="#">SB 1274</a> - Barker (39) State highways; allocation of funds.	1/14/15 Senate: Referred to Committee on Transportation 1/28/15 Senate: Passed by indefinitely in Transportation with letter (15-Y 0-N)	1/27/15
<p><b>Monitor</b> (15102817D)  <b>Summary:</b> Allocation of funds for state highways. Allocates 10 percent of state revenues allocated to state secondary highways for use in reconstructing deteriorated state secondary highway pavements. The bill reduces from 25 to 20 percent the share of such revenues currently allocated to bridge reconstruction and rehabilitation and reduces from 15 to 10 percent the share of such revenues currently allocated to projects undertaken pursuant to the Public-Private Transportation Act of 1995.</p>		
<a href="#">SB 1279</a> - Wexton (33) Handheld personal communications devices; use while driving, penalty.	1/14/15 Senate: Referred to Committee on Transportation 1/28/15 Senate: Passed by indefinitely in Transportation (8-Y 7-N)	1/27/15
<p><b>Support</b> (15102249D) - Board has historically supported.  <b>Summary:</b> Use of handheld personal communications devices while driving; penalty. Provides that, subject to certain exceptions, using a handheld personal communications device while operating a moving vehicle, unless such device is used in voice-operated or hands-free mode, is a traffic infraction punishable by a fine of \$125 for a first offense and \$250 for a second or subsequent offense. If a person is using such a device at the same time he (i) violates any traffic offense punishable as a misdemeanor or a felony or (ii) causes an accident as the proximate result of his use of the device, he is guilty of reckless driving, a Class 1 misdemeanor. Currently, only texting while driving is a traffic infraction, subject to the same \$125 and \$250 fines. The bill also eliminates the additional mandatory minimum fine imposed upon a person convicted of reckless driving who was texting while driving at the time of the offense.</p>		
<a href="#">SJ 302</a> - Stuart (28) Constitutional amendment (first resolution); general warrants of search or seizure prohibited.	1/21/15 Senate: Referred to Committee on Privileges and Elections 1/27/15 Senate: Rereferred to Courts of Justice 2/11/15 Senate: Left in Courts of Justice	1/27/15 [1/30/15]
<p>[Support Study] (House P&amp;E subcommittee version) - Support study prior to proceeding with Constitutional amendment to ensure that current case law and interpretation of Fourth Amendment to the U.S. Constitution are preserved. See also HJ 578 (Anderson). <del><b>Amend</b> (15103613D) - Amend to remove immunity clause to preserve existing legislative and judicial authority. See also HJ 578 (Anderson).</del>  <b>Summary:</b> Clarifies that the right of the people to be secure against unreasonable searches and seizures of their persons, houses, businesses, lands, papers, and effects applies also to communications and stored personal information and data. Furthermore, the requirement that a warrant particularly describe the place to be searched</p>		

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or the persons or things to be seized is extended to communications, personal information, and data to be accessed. The amendment provides that a person's disclosure to another person of his papers, effects, or electronic communications, personal information, or data is not alone a waiver of this right. The amendment also provides that the people shall have remedies of exclusion and actions for damages and other remedies and that defendants shall not enjoy greater immunity than other citizens of the Commonwealth.

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## Key House and Senate Member Budget Amendments for Fairfax County 2015 General Assembly

### Support

#### Jail Per Diems

*House: Item 67 #1h (Preston)*

Provides funding in FY 2016 based on the current projected expenditures to local and regional jails for jail per diems. The introduced budget provided \$11.4 million in funding in FY 2015 but no additional funding for FY 2016.

#### Cost of Competing Adjustment for Support Positions

*House: Item 136 #7h (Albo) (All County House delegation members are co-patrons)/#20h (Ramadan)*

Provides \$36.8 million the second year to fund the Cost of Competing Adjustment (COCA) rate for the SOQ Basic Aid support positions at 24.61 percent in FY 2016 for school divisions in Planning District 8 (City of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, Prince William). The COCA rate for the SOQ Basic Aid support positions for the counties of Clarke, Culpeper, Fauquier, Frederick, Spotsylvania, Stafford, and Warren and the Cities of Fredericksburg and Winchester will be funded at 6.15 percent in FY 2016. (This amendment provides full restoration of funding for COCA for support positions.)

*Senate: Item 136 #3s (Black)/#4s (Colgan)/#5s (Howell)*

Provides funding to restore the 24.61 percent Cost of Competing Adjustment (COCA) for support positions for school divisions in Planning District 8, and one-quarter of that rate for the counties of Stafford, Fauquier, Spotsylvania, Clarke, Warren, Frederick, Culpeper and the cities of Fredericksburg and Winchester.

*House: Item 136 #10h (Greason)*

Provides \$33.3 million the second year to fund the Cost of Competing Adjustment (COCA) rate for the SOQ Basic Aid support positions at 24.61 percent in FY 2016 for school divisions in Planning District 8.

*House: Item 136 #12h (Albo)*

Provides \$3.5 million the second year to fund the Cost of Competing Adjustment (COCA) rate for the SOQ Basic Aid support positions at 2.461 percent in FY 2016 for school divisions in Planning District 8. The COCA rate for the SOQ Basic Aid support positions for the counties of Clarke, Culpeper, Fauquier, Frederick, Spotsylvania, Stafford, and Warren and the cities of Fredericksburg and Winchester will be funded at 0.62 percent in FY 2016. (Provides a small restoration to ensure COCA is included in future budgets.)

*House: Item 136 #13h (Albo)*

Reinstates COCA for support positions for the next biennial budget (fiscal year 2016-2018). (Seeks to ensure some COCA funding is restored in 2016-2018 biennium budget.)

Community Services Board Priorities

*House: Item 308 #3h (Yost)*

*Senate: Item 308 #5s (Hanger)*

Provides \$2.4 million from the general fund the second year for five regional projects to assess, identify and implement programming to prevent and reduce risk factors that lead to youth violence, alcohol/drug abuse, mental health problems and other risky behaviors.

*House: Item 308 #11h (Hodges)*

*Senate: Item 308 #3s (Hanger)*

Provides \$4.0 million the second year from the general fund to expand existing peer support programs for individuals recovering from substance use disorders, including those co-occurring with mental illness.

*House: Item 308 #14h (Yost)*

*Senate: Item 308 #12 s (Howell)*

Provides \$7.1 million from the general fund in FY 2016 to support 500 rental subsidies. The subsidies will be administered by community services boards or private entities to provide stable, supportive housing for persons with serious mental illness, along with outreach and in-home clinical services and support staff to help maintaining community-based living and to avoid costly hospitalizations, incarceration, and homelessness.

Part C/Early Intervention

*House: Item 308 #7h (Ingram)*

*Senate: Item 308 #9s (Howell)*

Increases funding by \$2.0 million from the general fund each year for Part C Early Intervention Services for infants and toddlers with disabilities ages birth to age three.

*House: Item 308 #8h (Ingram)*

Adds \$2.2 million from the general fund the second year, to provide increased rates for Part C Early Intervention Services case management from \$132 per month per child to \$175.40 for infants and toddlers with disabilities who are Medicaid-eligible.

Community Action Agencies

*House: Item 341 #4h (Kilgore)/#5h (BaCote)*

*Senate: Item 341 #2s (Edwards)/#3s (Lucas)/#4s (Carrico)*

Provides \$2.0 million from nongeneral funds in additional support for Community Action Agencies to expand services for child care, community and economic development, education, employment, training, health and nutrition counseling, housing and transportation. The additional funding comes from the Temporary Assistance for Needy Families block grant.

Domestic Violence and Sexual Assault

*House: Item 389 #1h (Peace)*

*Senate: Item 389 #1s (Vogel)*

Provides an additional \$3.1 million the second year from the general fund to increase support for sexual assault crisis centers that provides services to victims of sexual violence.

*Senate: Item 338 #1s (Favola)*

Provides \$150,000 the second year for a pilot project to increase the availability of counseling for children who have witnessed domestic violence.

Housing

*House: Item 3-5.20 #3h (Villanueva)*

Increases the cap associated with the Livable Homes Tax Credit from \$1.0 million to \$1.5 million each year beginning in tax year 2015.

HB 599

*House: Item 391 #1h (Preston)/#2h (Carr)*

*Senate: Item 391 #1s (Locke)*

Adjusts House Bill 599 funding in the second year to reflect estimated anticipated 3.1 percent change in total general fund revenue collections from the first year to the second year.

Route 1 Transit Study

*House: Item 439 #3h (Surovell)*

Directs that \$4.0 million in transit funding in the second year be used to continue to advise the Route 1 transit study for the Counties of Fairfax and Prince William and the City of Alexandria.

Virginia Railway Express

*Senate: Item 439 #3s (Colgan)*

Dedicates \$2.0 million NGF in each year from mass transit program funding to advance the core capacity projects of the Virginia Railway Express.

Judgeships

*House: Item 468 #2h (Sickles)/#3h (Surovell)*

Authorizes the filling of two vacant judgeships on the 19<sup>th</sup> judicial circuit and two vacant judgeships on the 19<sup>th</sup> general district court.

*Senate: Item 39 #4s (Howell)*

Expresses the intent of the General Assembly that, out of the \$5,324,041 from the general fund the second year (which was transferred in the budget as introduced from Central Appropriations to the circuit courts for filling vacant judgeships), three vacancies from the 19th Judicial Circuit (Fairfax County) shall be filled as of July 1, 2015.

*Senate: Item 40 #2s (Howell)*

Expresses the intent of the General Assembly that, out of the \$2,197,565 from the general fund the second year (which is transferred in the budget as introduced from Central Appropriations to the general district courts for filling vacant judgeships), two vacancies from the 19th Judicial District (Fairfax County) shall be filled as of July 1, 2015.

Aid to Localities

*House: Item 471.30 #1h (James)*

*Senate: Item 471.30 #1s (Alexander)/#2s (Lucas)/#3s (Stanley)/#4s (Colgan)*

Eliminates the Aid to Local Government Reversion Clearing Account.

Stormwater

*House: Item C-43 #2h (Lopez)*

Provides approximately \$51 million in additional bond authority for the Stormwater Local Assistance Fund.

*Senate: Item C-43 #1s (Hanger)*

Provides \$40 million in bond proceeds in FY 2016 for the Stormwater Local Assistance Fund.

**Oppose**

Washington Metropolitan Area Transit Authority (WMATA)

*House: Item 439 #1h (LeMunyon)*

Stipulates that FY 2016 funding shall not be provided to WMATA if the annual external financial audit of WMATA does not result in a "clean audit" (unqualified opinion) until the Director of the Department of Rail and Public Transportation (DRPT) certifies that any material deficiencies in financial controls identified in the audit have been remedied.

*House: Item 439 #2h (Peace)*

Limits the distribution of state funds to WMATA if the WMATA Board of Directors has not addressed all the recommendations cited in the U.S. Federal Transit Administration's report "Full Scope of Systems Review of the Washington Metropolitan Transit Authority," dated June 10, 2014. The determination of compliance will be made by the Director of DRPT, in consultation with the appropriate compliance officer of the Federal Transit Administration and the Chairs of the House Appropriations and Senate Finance Committees.

Northern Virginia Transportation Commission (NVTC)

*House: Item 439 #6h (LeMunyon)*

Ties growth in NVTC administrative and personnel costs to growth in local contributions from its member jurisdictions.

Garage Counters at Vienna and West Falls Church Metrorail Stations

*House: Item 439 #7h (LeMunyon)*

Directs the use of up to \$7 million in NVTC funding provided by the state for the installation of garage counters at the Vienna and West Falls Church Orange line Metro rail stations.

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## Monitor

### Northern Virginia Training Center

*Senate: Item 307 #5s (Newman)*

Delays the closure of the Northern Virginia Training Center until July 1, 2016, and directs that the Secretary of Health and Human Resources submit a report by November 1, 2015, to the General Assembly on the costs of continuing to operate three training centers on a smaller scale.

### Local Fines and Fees

*Senate: Item 3-6.05 #4s (Watkins)*

Adjusts the formula by which local collections of fines and fees based on local ordinances may not exceed a certain threshold of the total collections of fines and fees. This amendment sets the threshold at \$60 per capita in collections, and requires that for any locality where the local collections exceed 50 percent of the total collections, the excess local collections above \$60 per capita be transferred to the state Literary Fund.

### Secondary Road Maintenance

*Senate: Item 445 #1s (Watkins)*

Requires the Department of Transportation to annually publish the actual amount of secondary road maintenance funding provided in each jurisdiction of the Commonwealth compared to the amount that would be provided if the allocation were based on the number of registered vehicles.

**Conflict of Interests: Key Provisions of HB 1947(McClellan)/SB 1345 (McEachin); SB 1424 (Norment); and HB 2070 (Gilbert)**

State and Local COIA	HB 1947(McClellan)/SB 1345 (McEachin)	SB 1424 (Norment) <small>*Asterisked provisions of SB 1424 are identical (or virtually identical) to HB 1947(McClellan)/SB 1345 (McEachin)</small>	HB 2070 (Gilbert)
<p>§ 2.2-3103 § 2.2-3103.1</p>	<p>Eliminates the provisions added in 2014 that required special treatment of gifts from lobbyists/their principals and current or potential contractors and that distinguished between tangible and intangible gifts.</p> <p>Prohibits persons required to file the long form and members of their immediate families from soliciting or accepting gifts (either a single gift or a combination of gifts) with a value greater than \$100 from <i>any person</i> other than a relative or personal friend. Exception for invitations to “widely attended events” and meals provided there.</p> <p>Prohibits persons required to file the long form from soliciting or accepting “travel-related things of value” with a value greater than \$100 from “<i>a third party</i>” unless the Commission grants a waiver. Waivers are not required for acceptance of “travel paid for or provided by the government of the United States, any of its territories, or another state in the United States or the political subdivision of such other state.” (§ 2.2-2541 (A).)</p>	<p>*Eliminates the provisions added in 2014 that required special treatment of gifts from lobbyists/their principals and current or potential contractors and that distinguished between tangible and intangible gifts.</p> <p>Prohibits persons required to file the long form from accepting gifts (either single or a combination of gifts) with a value greater than \$100 from <i>any person</i>. Exceptions for gifts from relatives and gifts received while in attendance at a personal celebration. Exception for gifts received while attending “widely attended events.” [The definition of “widely attended event” is significantly different from the definition in other bills.]</p> <p>Allows persons required to file the long form <i>and their spouses and dependent children</i> to accept gifts worth more than \$100 from a personal friend if the Commission grants a waiver. Allows persons required to file the long form to accept travel-related things of value provided by a third party and that are directly related to official duties if the Commission grants a waiver. *Waivers are not required for acceptance of “travel paid for or provided by the government of the United States, any of its territories, or another state in the United States or the political subdivision of such other state.” (§ 30-356.2(A).)</p>	<p>Eliminates the distinction between tangible and intangible gifts, but retains concept of special treatment of gifts given by lobbyists/their principals and current or prospective contractors.</p> <p>Prohibits officers/employees from soliciting or accepting any single gift with a value greater than \$100 from <i>lobbyists/their principals and current or prospective contractors</i>. Exception for gifts received while attending “widely attended events.” Exception for travel-related gifts if the Council grants a waiver.</p> <p>Prohibits officers/employees from soliciting or accepting any gift of travel with a value exceeding \$100 from <i>a third party</i> unless the Council grants a waiver. “Third party” does not include a relative, a personal friend, or “the Commonwealth or one of its political subdivisions; the government of the United States or any of its territories; or another state in the United States or a political subdivision of such other state.” (§ 30-356.1)</p>
<p>§ 2.2-3117</p>	<p>Eliminates disclosure form from the statute and directs Commission to prepare forms that include prescribed information.</p>	<p>Eliminates disclosure form from the statute and directs Commission to prepare forms that request prescribed information.</p>	<p>Retains disclosure form in the statute.</p>

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	<p>Required disclosures include, <u>but are not limited to</u>:</p> <ul style="list-style-type: none"> <li>• Salaries, wages, and other remuneration that filers and members of their immediate families receive from paid employment. (Current law requires identification of an employer who pays salary or wages in excess of \$5,000 annually.)</li> <li>• Debts of filers and members of their immediate families. (Current law requires disclosure of debts of more than \$5,000 to any one creditor and excludes certain recorded liens and debts owed to governments.)</li> <li>• Information about payments or reimbursements a filer received for attending or participating in meetings, conferences, or events in his/her official capacity.</li> <li>• Gifts received by a filer or a member of his/her immediate family that are valued at more than \$25 (vs. \$50/\$100 in current law).</li> <li>• Information about "travel not paid for by a governmental entity of the United States or another state of the United States."</li> </ul> <p>Knowingly making a material misstatement on the form is a Class 5 felony.</p>	<p>Required disclosures include, <u>but are not limited to</u>:</p> <ul style="list-style-type: none"> <li>• *Salaries, wages, and other remuneration that filers and members of their immediate families receive from paid employment. (Current law requires identification of an employer who pays salary or wages in excess of \$5,000 annually.)</li> <li>• *Debts of filers and members of their immediate families. (Current law requires disclosure of debts of more than \$5,000 to any one creditor and excludes certain recorded liens and debts owed to governments.)</li> <li>• *Information about payments or reimbursements a filer received for attending or participating in meetings, conferences, or events in his/her official capacity.</li> <li>• *Gifts received by a filer or a member of his/her immediate family that are valued at more than \$25 (vs. \$50/\$100 in current law).</li> <li>• Information about "travel not paid for by a governmental entity of the United States or another state of the United States."</li> </ul> <p>*Knowingly making a material misstatement on the form is a Class 5 felony.</p>	<p>No change to \$50 reporting threshold for single gifts, decreases reporting threshold for combination of gifts from \$100 to \$50.</p> <p>[No other changes to disclosure requirements.]</p>
§ 2.2-3101	<p>Expands definition of "immediate family" to encompass "any other person" residing in the officer's/employee's household who is a "dependent." Current definition encompasses "any child" residing in the official's household who is a dependent. Adds definition of "dependent."</p> <p>Amends definition of "gift" to exclude unsolicited, personally inscribed awards; provides factors to be considered in determining if a gift giver is a personal friend.</p>	<p>[No change to definition of "immediate family" of state and local officers/employees.]</p> <p>Amends definition of "gift" to exclude food or beverages consumed while attending an event at which the filer is performing duties related to the filer's public service; unsolicited, personally inscribed awards; and gifts received from relatives at personal celebrations. Deletes exclusion for gifts from "personal friends."</p>	<p>No changes to definitions.</p>

	Amends definition of “personal interest in a transaction” to include interests held by a child, grandchild, parent, or siblings.		
§ 2.2-3124	Imposes \$250 civil penalty for failure to file (no such penalty in current law).	*Adds a \$250 civil penalty for failure to file (no such penalty in current law).	No penalty added.

<b>Council/ Commission</b>	<b>HB 1947(McClellan)/SB 1345 (McEachin)</b>	<b>SB 1424 (Norment)</b>	<b>HB 2070 (Gilbert)</b>
§ 2.2-2537 Through § 2.2-2546  § 30-355 Through § 30-358	Establishes a 7-member Independent Ethics Review Commission in the executive branch. One member must be a retired local government official. VML/VACO to submit names for consideration.  Abolishes the Conflict of Interest and Ethics Advisory Council established in the 2014 law and the Senate and House Ethics Advisory Panels, both of which reside in the legislative branch.	Maintains the Conflict of Interest and Ethics Advisory Council, but reduces its membership from 15 to 10 members. Deletes provision requiring appointments from a list of names submitted by VML/VACO.	No changes to composition of Conflict of Interest and Ethics Advisory Council.
§ 2.2-2541  § 30-355 § 30-356.1	Authorizes the Commission to prescribe disclosure forms, maintain a searchable database of all filed disclosure forms online; issue advisory opinions; offer training; conduct audits; conduct investigations; hold hearings on alleged violations and refer knowing violations to the Attorney General (state filers) or the Commonwealth’s Attorney (local filers).  Authorizes the Commission grant waivers to allow persons subject to the Conflict of Interests Acts to accept noncommercial loans of more than \$5,000, or “to accept any transportation, lodging, meal, hospitality, or other travel-related thing of value” that exceeds the monetary thresholds imposed in the law.	Authorizes the Commission to prescribe disclosure forms, maintain a searchable database of all filed disclosure forms online; issue advisory opinions; offer training; and conduct audits.  Authorizes the Council to grant waivers to allow persons required to file “to accept any transportation, lodging, meal, hospitality, or other travel-related thing of value” that exceeds the monetary thresholds imposed in the law, and to accept gifts provided by a personal friend that exceed the monetary thresholds (including such gifts given to the filer’s spouse and dependent children).	Authorizes the Commission to prescribe disclosure forms, maintain a searchable database of all filed disclosure forms online; issue advisory opinions; and offer training [no change to current law].  Authorizes the Council to grant waivers allowing persons required to file to accept transportation, lodging, meals, hospitality, or other travel-related thing of value provided by a third party that has a value exceeding \$100.

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## **HB 1662/SB 1025 - Transportation Network Companies**

HB 1662 (Rust)/SB 1025 (Watkins) establishes a process for the licensing of transportation network companies (TNCs) by the Department of Motor Vehicles (DMV), provided that TNCs comply with the requirements for licensure. Items in the legislation include:

### **Administration of Provisions and Associated Fees**

- The bill authorizes DMV to conduct periodic reviews of the TNC to confirm compliance and authorizes fees to cover DMV's costs of administering the program, including an initial TNC license fee of \$100,000, and an annual license renewal fee of \$60,000.

### **Vehicle Identification**

- For each TNC partner vehicle it authorizes, a transportation network company must issue trade dress to the TNC partner associated with that vehicle. The trade dress (logo or emblem) must be sufficient to identify the transportation network company or digital platform with which the vehicle is affiliated and must be displayed in a manner that complies with Virginia law. The trade dress must be readily identifiable during daylight hours from a distance of 50 feet while the vehicle is not in motion and must be reflective, illuminated, or otherwise patently visible in darkness.
- The TNC will submit to DMV proof that the TNC has established the trade dress by filing an illustration or photograph of the trade dress.
- A TNC partner must keep the trade dress visible at all times while the vehicle is being operated as a TNC partner vehicle.
- No person can operate a vehicle bearing trade dress issued under this subsection without the authorization of the transportation network company issuing the trade dress.

### **Background Checks**

- The TNC must screen drivers.
- The TNC must confirm the individual is at least 21 years old and possesses a valid driver's license.
- The TNC must conduct a background check before an individual is authorized as a driver, and at least once every two years thereafter. The background check must include a Multi-State/Multi-Jurisdiction Criminal Records Database Search or a search of a similar nationwide database with validation (primary source search) and (ii) a search of the U.S. Department of Justice's National Sex Offender Public Website. The person conducting the background check must be accredited by the National Association of Professional Background Screeners or a comparable entity approved by the Department.
- A driver's license record check must be done initially and every year thereafter.
- A National criminal history and sex offender check must occur initially and every 2 years thereafter.
- Various barrier offenses include lifetime, 7-year, and 3-year bans.

### **Wheelchair-accessible services**

- The transportation network company must provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a transportation network company cannot arrange wheelchair-accessible service in a TNC partner vehicle in any instance, it must direct the passenger to an alternate provider of wheelchair-accessible service, if available. A transportation network company cannot impose additional charges for providing services to persons with disabilities because of those disabilities.
- TNC partners must comply with all applicable laws relating to accommodation of service animals.
- The bill requires that DMV periodically consult with local government officials to determine whether transportation network companies have had an effect on the availability of wheelchair-accessible transportation services. If evidence suggests an effect, the Department must work

collaboratively with appropriate stakeholders to develop recommendations to be submitted to the Chairmen of the House and Senate Committees on Transportation.

### **Insurance**

#### *Until January 1, 2016:*

- From the moment the TNC partner accepts a prearranged ride request on the digital platform (iphone, blackberry, etc.) until the TNC Partner completes the transaction on the digital platform, or until the prearranged ride is complete, whichever is later:
  - \$1 million in primary liability coverage is required
  - \$1 million in Uninsured Motorist/Underinsured Motorist coverage is required
- From the moment a TNC partner logs on to a TNC's digital platform until the TNC partner accepts a request to transport a passenger and (ii) from the moment the TNC partner completes the transaction on the digital platform or the prearranged ride is complete, whichever is later, until the TNC partner either accepts another prearranged ride request on the digital platform or logs off the digital platform:
  - TNC insurance must provide motor vehicle liability coverage. Such coverage must be secondary and must provide liability coverage of at least \$125,000 per person, and \$250,000 per incident, for death and bodily injury, and at least \$50,000 for property damage.
- When not on the digital platform, the driver's personal insurance (if any) applies

#### *After January 1, 2016*

- From the moment the TNC partner accepts a prearranged ride request on the digital platform until the TNC Partner completes the transaction on the digital platform or until the prearranged ride is complete, whichever is later:
  - \$1 million in primary liability coverage is required
  - \$1 million in Uninsured Motorist/Underinsured Motorist coverage is required
- All other times while logged on to TNC platform:
  - Primary liability coverage of at least \$50,000 per person/\$100,000 per incident for death and bodily injury, and at least \$25,000 per incident for property damage is required.
- When not on the platform, the driver's personal insurance (if any) applies.

TNCs have discretion to determine how insurance will be provided.

### **Recordkeeping and Reporting**

- TNCs must maintain records for 3 years.
- DMV is authorized to conduct periodic reviews, but no more than on an annual basis, of TNCs.
- A transportation network company must maintain certain records and make them available, in an acceptable format, on request to the Commissioner, a law-enforcement officer, an official of the Washington Metropolitan Area Transit Commission, or an airport owner and operator to investigate and resolve a complaint or respond to an incident.

### **Review of Program**

- Beginning July 1, 2016, DMV will review: enforcement activity undertaken regarding provisions of this act; insurance policies available to TNC partners that may require changes to the act; and the fees set forth in the act to determine if they adequately cover the costs of administering the program. The department will report the results of its review to the House and Senate Transportation Committees by December 1, 2016.

### **Local Regulation of Taxicabs**

- SB 1025 does not impact any local regulation of taxicabs.

2015 General Assembly Session Transportation Funding/Allocation Bills

Bills	Patron	Description	Committee	Status	Summary
<b>Transportation Funding Bills</b>					
<b>House</b>					
HB 1279	Garrett, T.	Motor vehicle sales and use tax; expands certain exemption	H Finance	Sub #2 Recommends Reporting 10-0	Expands the exemption from payment of the motor vehicle sales and use tax for gifts of vehicles to certain family members to include gifts to a parent.
HB 1340	Scott, T.	Tangible personal property tax relief; autocycles.	H Floor	House Passage 97-1	Adds autocycles to those motor vehicles that qualify for tangible personal property tax relief. Beginning in 2016, certain localities would be required to apply tangible personal property tax relief to autocycles used for nonbusiness purposes.
HB 1410	Marshall, R.	Motor fuels; reduces tax rate on gasoline and gasohol.	H Appropriations	Referred to Committee	Reduces the motor fuels tax on gasoline and gasohol from 5.1% to 3.5% of the statewide average wholesale price of a gallon of unleaded regular gasoline. The rate increased from 3.5% to 5.1% on January 1, 2015, as required by Chapter 766 of the Acts of Assembly of 2013, because Congress did not pass the Marketplace Fairness Act.
HB 1529	Berg, M.	General appropriation act; expiration date of second enactment Chapter 2, 2014 Sp. I Act.	H Appropriations	Referred to Committee	Provides that the enactment of the current general appropriation act that states that "no provision of this act shall result in the expiration of any provision of: (i) Chapter 896 of the Acts of Assembly of 2007 (HB 3202) pursuant to the 22nd enactment of that chapter or (ii) Chapter 766 of the Acts of Assembly of 2013 (HB 2313) pursuant to the 14th enactment of that chapter" shall expire on June 30, 2015.
<b>Senate</b>					
SB 716	Lucan, L	Virginia Casino Gaming Commission; regulation of casino gaming, penalties.	General Laws and Technology	Assigned to Committee	Creates the Virginia Casino Gaming Commission as the licensing body for casino gaming; specifies licensing requirements for casino gaming; and imposes penalties for violations of casino gaming law. Under the bill, casino gambling shall be limited to localities in which at least 40 percent of the land area is exempt from local real property taxation pursuant to federal law or subdivisions (a) (1) through (a) 5 and (a) 7 of Section 6 of Article X of the Constitution of Virginia. Proceeds of the gross receipts tax and admission tax imposed on casino gaming operators to be paid as follows: (i) 10 percent to the locality in which the casino gaming operation is located and (ii) 90 percent into the Toll Mitigation Fund, to be used to mitigate the tolls for specified projects in Hampton Roads.
SB 754	Carrico, C	Vehicle registration; increases fees, allocates funds for Department of State Police.	S Finance	Referred from S Transportation	Raises the vehicle registration fee an additional \$1.25 per year on each July 1 from 2015 through 2024 and allocates the funds to the Department of State Police.
SB 791	Carrico, C	Motor vehicle safety inspection; increases charge.	S Finance	Rereferred to S Finance	Increases the price of a vehicle safety inspection by \$1 for each category of vehicle and allocates \$0.50 of the additional \$1 to the Department of State Police toward the Department's costs in administering the motor vehicle safety inspection program; the remaining \$0.50 is retained by the inspection station.
SB 949	Stuart, R.	Hybrid vehicle registration; tax credit for certain vehicle owners.	S Finance	Referred to Committee	Creates a \$64 tax credit for the 2015 tax year for hybrid vehicle owners who paid the \$64 annual license tax between July 1, 2013, and July 1, 2014. The bill has a July 1, 2018, expiration date.
SB 1219	Reeves, B	Tangible personal property tax relief; autocycles.	S Floor	S Finance Reported 15-0	Adds autocycles to those motor vehicles that qualify for tangible personal property tax relief. Beginning in 2016, certain localities would be required to apply tangible personal property tax relief to autocycles used for nonbusiness purposes.
<b>Transportation Allocation Formula Bills</b>					
<b>House</b>					
HB 1402	Loupassi, G.	Highway maintenance; payments to certain cities and towns.	H Floor	H Transportation Reported 17-4	Provides that cities and towns that receive highway maintenance payments from the Commonwealth based on moving-lane-miles of highway will not have such payments reduced if moving-lane-miles of highway are converted to two-way bicycle travel lanes.

2015 General Assembly Session Transportation Funding/Allocation Bills

Bills	Patron	Description	Committee	Status	Summary
HB 1887	Jones, C	Transportation; funding, formula, update annual reporting, and allocations.	H Transportation	Reported from Committee 17-3	The bill establishes the high-priority projects program and the highway construction district grant program and replaces the \$500 million annual allocation made by the CTB and the 40-30-30 allocation formula to the primary, secondary, and urban highways with a new 40-30-30 allocation of funds to state of good repair purposes, high-priority projects, and highway construction district grants. The bill adds to transportation funding considerations the state of good repair purposes along with asset management practices and maintenance and requires the CTB to develop a priority ranking system for structurally deficient bridges and deteriorated pavements. The bill updates the annual report of the Commissioner of Highways made to the Governor and the General Assembly and adds that such report be submitted to the Joint Legislative Audit and Review Commission and the CTB. The bill also reallocates the interest, dividends, and appreciation that currently accrue to the Transportation Trust Fund and Highway Maintenance and Operating Fund: two-thirds of such current accruals to the Virginia Transportation Infrastructure Bank (VTIB) and one-third of such accruals to the Transportation Partnership Opportunity Fund. The bill also removes the ability of a governmental entity to apply for a VTIB grant. The bill also allows the CTB to make transfers from the Toll Facilities Revolving Account to the VTIB. The bill provides an additional \$40 million annually for transit projects, beginning in FY 2017. Funding will be shifted from the Port and Aviation shares of the Transportation Trust Fund and several highway funding sources. These provisions will expire if the federal government enacts the Marketplace Fairness Act.
<b>Senate</b>					
SB 1070	Lewis, L	Virginia Commercial Space Flight Authority; dedicated revenues.	S Floor	Reported from S Finance 15-0	Extends through fiscal year 2016 the dedication of certain income tax revenues to the Authority. Current law dedicates the income tax revenues attributable to the sale of commercial human spaceflights or commercial spaceflight training, or incidental to the sale of commercial human spaceflights, to the Authority through fiscal year 2015.
<b>Transportation Trust Fund Bills</b>					
<b>House</b>					
HJ 502	Fowler, H.	Constitutional amendment; Transportation Funds.	H Privileges and Elections, Constitutional Amendments Sub	Assigned to Sub	Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund (TTF), Highway Maintenance and Operating Fund (HMOF), Priority Transportation Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds. The General Assembly by general law, other than a general appropriation law, may alter the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within three years. No moneys designated for deposit into funds other than Transportation Funds shall be used for any transportation-related purpose except for making certain debt service payments on transportation-related bonds and notes.
HJ 576	LeMunyon, J.	Constitutional amendment; Transportation Funds.	H Privileges and Elections, Constitutional Amendments Sub	Assigned to Sub	Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, TTF, HMOF, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly shall not borrow from the Funds for any other purpose.

2015 General Assembly Session Transportation Funding/Allocation Bills

Bills	Patron	Description	Committee	Status	Summary
<b>Senate</b>					
<i>NVTA Allocation Bills</i>					
<b>House</b>					
HB 1470	LaRock, D	Northern Virginia Transportation Authority; use of revenues.	H Floor	Reported from H Transportation 18-2	Requires that the 70% of the regional revenues allocated by NVTA be used by NVTA solely to fund transportation projects that are contained in the regional transportation plan and that have evaluated by VDOT in accordance with HB 599 (2012). Delays enactment of this requirement until July 1, 2016.
HB 1915	LeMunyon, J	Northern Virginia Transportation Authority; regional plan.	H Transportation, Sub #4	Sub Recommends Reporting with Amendments 6-0	Requires NVTA to include in its regional transportation plan as its primary objective reducing congestion in Planning District 8 to the greatest extent possible. Also, each locality embraced by the Authority shall annually report to the Authority any aspects of its comprehensive plan that are not consistent with the regional transportation plan.
HB 2296	Joannou, J	Tolling authority; approval by General Assembly before collecting or imposing tolls.	H Transportation	Referred to Committee	Requires approval by the General Assembly before the imposition or collection of tolls or user fees on any interstate, primary, or secondary highway, on any project undertaken pursuant to the PPTA, or by the HRTAC, NVTA, or RMTA.
<b>Senate</b>					
SB 921	Wexton, J.	Northern Virginia Transportation Authority; use of revenues by towns.	H Transportation	Passed Senate 40-0	Adds towns to the list of localities whose transportation projects can benefit from revenues from the NVTA. The bill also requires that such cities and towns receive funds for street maintenance to be eligible to receive revenues from NVTA.
SB 1314	Marsden, D.	Northern Virginia Transportation Authority; regional plan.	S Transportation	Referred to Committee	Requires NVTA to include in its regional transportation plan as its primary objective reducing congestion in Planning District 8 to the greatest extent possible and in the most rapid and cost-effective manner. The Authority shall document in quantitative terms the reduction in congestion and improvement in regional mobility in Planning District 8 expected by implementing the plan. Also, each locality embraced by the Authority shall annually report to the Authority any aspects of its comprehensive plan that are not consistent with the regional transportation plan.
<i>Other Bills</i>					
<b>House</b>					
HB 1886	Jones, S.	Public-Private Transportation Act; establishes requirement for finding of public interest.	H Floor	Reported from Transportation 20-0	For Public-Private Transportation Act projects, establishes the requirements for a finding of public interest, requires such a finding prior to an initiation of procurement, and establishes the Transportation Public-Private Partnership Steering Committee to determine whether a proposal for the operation and development of a transportation facility serves a public purpose. The bill also requires certification of the finding prior to the execution of a comprehensive agreement and requires the public-private partnership guidelines to incorporate the finding. The bill also requires VDOT to establish (i) a process for identifying high-risk projects and (ii) procurement processes and guidelines for such projects to ensure that the public interest is protected.
Legislation No Longer Under Consideration					
<i>Transportation Funding Bills</i>					
<b>House</b>					
HB 1579	Cole, M.	Vehicle registrations; expiration and renewal on or after July 1, 2015.	H Transportation	Tabled by Voice Vote	Provides that vehicle registrations issued on and after July 1, 2015, will be permanent, unless vehicle ownership or the address where the vehicle is principally garaged changes.

2015 General Assembly Session Transportation Funding/Allocation Bills

Bills	Patron	Description	Committee	Status	Summary
HB 2095	Keam, M.	Real property tax on commercial and industrial property.	H Finance	Sub #1 Failed to Recommend Reporting 2-6	Requires counties to appropriate 30 percent of the revenue from the special tax on commercial and industrial property(C& I) attributable to property located within any town that constructs and maintains its streets to such town, unless the county and town agree otherwise.
HJ 581	Surovell, S.	Highways; JLARC to study alternative taxes and fees for funding in the Commonwealth.	H Rules	Studies Sub Recommends Laying on Table by Voice Vote	Directs JLARC to study the adequacy of taxes and fees currently dedicated to highway funding and the feasibility of alternative revenue sources, including but not limited to road usage charges based on vehicle miles traveled, other flat fees, increased use of tolls, and charges on motor vehicle parts and fluids that must be replaced as vehicle miles traveled increase, such as tires and motor oil.
<b>Senate</b>					
SB 887	Petersen, J.	Real property; tax on commercial and industrial property in certain localities.	S Finance	S Finance Passed by indefinitely 15-0	Requires counties to appropriate 30 percent of the revenue from the special tax on commercial and industrial property attributable to property located within any town that constructs and maintains its streets to such town, unless the county and town agree otherwise.
<b>Transportation Allocation Formula Bills</b>					
<b>House</b>					
HB 1407	Lingamfelter, L.	State secondary highways; allocation of 10 per cent of funds.	H Transportation, Sub \$4	Sub #4 Recommends Laying on the Table 6-0	Allocates 10 percent of state revenues allocated to state secondary highways for use in reconstructing deteriorated state secondary highway pavements. The bill reduces from 25 to 20 percent the share of such revenues currently allocated to advancing high priority projects statewide and reduces from 15 to 10 percent the share of such revenues currently allocated to projects undertaken pursuant to the Public-Private Transportation Act of 1995.
HB 1501	Carr, B	Highway maintenance; bases payments to cities and towns on lane-miles of highways.	H Transportation, Sub \$4	Sub #4 Recommends Laying on the Table 6-0	Bases highway maintenance payments to cities and towns on lane-miles of highways. Under current law, such payments are based on moving-lane-miles available to peak-hour traffic.
HB 1502	Carr, B	Highway maintenance; payments to certain cities.	H Transportation, Sub \$4	Sub #4 Recommends Laying on the Table 7-0	Provides for highway maintenance payments to cities for paved trails that accommodate all modes of nonmotorized transportation, at a rate of 50 percent of the per-miles rate established for highway maintenance payments for collector roads and local streets.
HJ 599	Watts, V.	Study; JLARC; highway construction allocations; report.	H Rules, Studies Sub	Studies Sub Recommends Laying on Table by Voice Vote	Directs the Joint Legislative Audit and Review Commission to study the reasonableness, appropriateness, and equity of highway construction allocations in the Commonwealth.
HJ 601	Villanueva, R.	Study; JLARC; equity of funding for transportation programs; report.	H Rules, Studies Sub	Studies Sub Recommends Laying on Table by Voice Vote	Directs the Joint Legislative Audit and Review Commission to study the adequacy and equity of funding for transportation programs in the Commonwealth.
<b>Senate</b>					
SB 952	Dance, R.	Highway maintenance payments to cities and towns.	S Transportation	S Transportation Passed by Indefinitely 15-0	Bases highway maintenance payments to cities and towns on lane-miles of highways. Under current law, such payments are based on moving-lane-miles available to peak-hour traffic.
SB 953	Dance, R.	Highway maintenance payments to certain cities.	S Transportation	S Transportation Passed by Indefinitely 15-0	Provides for highway maintenance payments to cities for paved trails that accommodate all modes of nonmotorized transportation, at a rate of 50 percent of the per-miles rate established for highway maintenance payments for collector roads and local streets.
SB 1023	Stuart, R.	Mass transit; transit funding in statewide prioritization.	S Transportation	Stricken at request of Patron 15-0	Includes moneys from the Commonwealth Mass Transit Fund and highway aid to mass transit in the list of funds subject to the statewide prioritization process (HB 2). The bill also requires the Joint Commission on Transportation Accountability to review the prioritization of projects by the CTB and to make necessary recommendations regarding the process to the General Assembly.

2015 General Assembly Session Transportation Funding/Allocation Bills

Bills	Patron	Description	Committee	Status	Summary
SB 1159	Edwards, J.	Highway projects; Commonwealth Transportation Board to develop a life-cycle cost analysis.	S Transportation	S Transportation Passed by Indefinitely 15-0	Requires the Commonwealth Transportation Board to develop a life-cycle cost analysis for all primary highway projects approved by the Board for which the total cost of initial construction exceeds \$500,000. The bill requires the analysis to include the total initial cost of the project and projected future maintenance costs and requires the Board to make project decisions accordingly.
SB 1274	Barker, G.	State highways; allocation of funds.	S Transportation	S Transportation Passed by Indefinitely 15-0	Allocates 10 percent of state revenues allocated to state secondary highways for use in reconstructing deteriorated state secondary highway pavements. The bill reduces from 25 to 20 percent the share of such revenues currently allocated to bridge reconstruction and rehabilitation and reduces from 15 to 10 percent the share of such revenues currently allocated to projects undertaken pursuant to the Public-Private Transportation Act of 1995.
<b>Transportation Trust Fund Bills</b>					
<b>House</b>					
<b>Senate</b>					
SJ 217	Black, R.	Constitutional amendment; Transportation Funds.	S Floor	Rejected by Senate 17-22	Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, TTF, HMOF, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house and that the loan must be repaid with reasonable interest within four years.
SJ 219	Cosgrove, J.	Constitutional amendment; Transportation Funds.	S Privileges and Elections	Incorporated into SJ217	Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, TTF, HMOF, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house and that the loan must be repaid with reasonable interest within four years.
SJ 255	Obenshain, M.	Constitutional amendment (first resolution); Transportation Funds.	S Privileges and Elections	Incorporated into SJ217	Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, TTF, HMOF, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house and that the loan must be repaid with reasonable interest within four years.
<b>NVTA Allocation Bills</b>					
<b>House</b>					
HB 1525	Minchew, J.	NVTA; Department of Taxation's costs in administering certain taxes.	H Finance, Sub #1	Sub Recommends Laying on the Table by Voice Vote	Requires the Department of Taxation to provide to NVTA the methodology it uses in calculating, and an itemized accounting of, the amount of revenue it retains in costs incurred for administering the collection of sales tax revenue otherwise due to the NVTA.
HB 2099	Keam, M.	Use of certain revenues by the Northern Virginia Transportation Authority.	H Transportation, Sub #4	Sub Recommends Laying on the Table 6-0	Allows new sidewalk projects to be funded by NVTA.
<b>Senate</b>					
SB 932	Petersen, J.	Northern Virginia Transportation Authority; use of certain revenues for new sidewalk projects.	S Transportation	S Transportation Failed to Report 7-8	Allows new sidewalk projects to be funded by NVTA.

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**BUDGET PROPOSALS FOR FY 2015 and FY 2016 DURING THE 2015 GENERAL ASSEMBLY SESSION  
as of February 13, 2015**

**Estimated Impact to Fairfax County - Increase Over Prior Fiscal Year**

Direct County Impact	Governor		House		Senate	
	FY 2015	FY 2016	FY 2015	FY 2016	FY 2015	FY 2016
Decrease Funding to Local Health Departments	\$0	(\$0.6)	\$0	\$0.0	\$0	\$0.0
Allow Localities to Increase Restaurant Fees	\$0	\$0.6	\$0	\$0.0	\$0	\$0.0
Decrease in Aid to Localities	(\$2.3)	(\$2.3)	(\$2.3)	(\$2.3)	(\$2.3)	\$0.0
Increased Salary Reimbursement - Entry Level Sheriffs	\$0	\$0.1	\$0	\$0.1	\$0	\$0.1
Increased Salary Reimbursement - Constitutional Officers	\$0	\$0.0	\$0	\$0.3	\$0	\$0.5
Partial Reimbursement for Voting Machines over 3 years	\$0	\$0.7	\$0	\$0	\$0	\$0
<b>TOTAL DIRECT COUNTY IMPACT</b>	<b>(\$2.3)</b>	<b>(\$1.5)</b>	<b>(\$2.3)</b>	<b>(\$1.9)</b>	<b>(\$2.3)</b>	<b>\$0.6</b>
<b>TOTAL OVER THE BIENNIUM</b>	<b>(\$3.8)</b>		<b>(\$4.2)</b>		<b>(\$1.7)</b>	

**Impact to the Fairfax County Public School's (FCPS) Proposed Budget**

**Governor McAuliffe's Budget:** The lower VRS contribution rate (from 14.5% to 14.15%) would generate expenditure savings of \$4.8 million for FCPS. This has not been reflected in the Superintendent's Proposed Budget.

**House:** Includes \$4.9 million for the state's share of a 1.5% salary increase for teachers and support staff in FY 2016. The lower VRS contribution rate (from 14.5% to 14.07%) would generate net savings of \$5.9 million for FCPS. These adjustments totaling \$10.8 million have not been reflected in the Superintendent's Proposed Budget.

**Senate:** Includes \$4.5 million for the state's share of a 1.5% salary increase for teachers and support staff in FY 2016. The lower VRS contribution rate (from 14.5% to 14.07%) would generate net savings of \$5.9 million for FCPS. These adjustments totaling \$10.4 million have not been reflected in the Superintendent's Proposed Budget.

**BUDGET PROPOSALS FOR FY 2015 - FY 2016 DURING THE 2015 GENERAL ASSEMBLY SESSION  
as of February 13, 2015**

Budget Bill Item #	Issue	Fairfax County Impact
<b>Revenue</b>		
<b>Local Health Departments/Restaurant Inspection Fees</b>		
290; 471.10	<p><b>Governor McAuliffe's Budget:</b> Increases maximum Restaurant Inspection fee from \$40 to \$285. Separate language reduces GF support for local health departments.</p> <p><b>House and Senate:</b> Eliminates the increase in the Restaurant Inspection Fee and does not reduce support for local health departments.</p>	<p>Reduces GF support for Fairfax County's Health Department by \$673,000. It appears the increased restaurant fee may be designed to allow the County to replace the reduced state funding by increasing restaurant fees.</p> <p>No impact. Ensures no loss in revenue.</p>
<b>Central Appropriations</b>		
<b>Aid to Localities</b>		
471.30	<p><b>Governor McAuliffe's Budget:</b> Maintains the \$30 million reduction in aid to localities in FY 2015 and slightly lowers it to \$29.8 million in FY 2016.</p> <p><b>House:</b> No change</p> <p><b>Senate:</b> Eliminates the \$30 million reduction in aid to localities in FY 2016.</p>	<p>Fairfax County's share of the reduction is about \$2.3 million in each year.</p> <p>Reduces Fairfax County revenue \$2.3 million each year.</p> <p>County revenue would still be reduced \$2.3 million in FY 2015, but eliminates the reduction in FY 2016.</p>
<b>Compensation Board</b>		
<b>State-Supported Employee Compensation</b>		
66	<p><b>Sheriffs</b></p> <p><b>Governor McAuliffe's Budget:</b> Provides \$1.6 million to increase the starting salaries for Grade 7 and 8 Sheriff's Deputies in FY 2016. The starting salary for a Grade 7 Deputy will rise from \$29,081 to \$31,009 and the starting salary for Grade 8 will increase from \$31,788 to \$32,009. Included language that mandated that future salary increases be funded by localities to keep up with inflation.</p> <p><b>House and Senate:</b> Maintains the Governor's proposal for increasing entry level Sheriffs' salaries. Eliminated language requiring localities to fund future salary increases based on inflation.</p> <p><b>All Constitutional Officers</b></p> <p><b>Governor McAuliffe's Budget:</b> No salary increase for constitutional officers</p> <p><b>House:</b> Provides a 2% salary increase for all constitutional officers and employees effective August 1, 2015 contingent upon final FY 2015 revenue.</p> <p><b>Senate:</b> Provides a 3% salary increase for all constitutional officers and employees effective September 1, 2015 contingent upon final FY 2015 revenue.</p>	<p>Results in additional salary reimbursement of approximately \$0.1 million for Fairfax County in FY 2016.</p> <p>Additional salary reimbursement of approximately \$0.1 million for Fairfax County in 2016.</p> <p>No impact.</p> <p>Results in additional salary reimbursement of approximately \$330,000 million for Fairfax County in FY 2016.</p> <p>Results in additional salary reimbursement of approximately \$460,000 for Fairfax County in FY 2016.</p>
67	<p><b>Inmate Per Diem Funding</b></p> <p><b>Governor McAuliffe's Budget:</b> Includes \$11.3 million in FY 2015 to address the increased cost of housing inmates.</p> <p><b>House and Senate:</b> Includes an additional \$2.5 million in FY 2015 to bring the state per diem level to \$13.8 million based on latest projected statewide need from the Inmate Population Forecasting Committee.</p>	<p>Funding to localities will be based on actual inmate population.</p> <p>Ensures sufficient funding to reimburse localities in FY 2015.</p>

**BUDGET PROPOSALS FOR FY 2015 - FY 2016 DURING THE 2015 GENERAL ASSEMBLY SESSION  
as of February 13, 2015**

Budget Bill Item #	Issue	Fairfax County Impact
	<b>Public Safety</b>	
391	<p><b>State Aid to Localities with Police Departments (HB 599)</b></p> <p><b>Governor McAuliffe's Budget:</b> Maintains the HB 599 law enforcement program at the adopted level.</p> <p><b>House and Senate:</b> No Change</p>	<p>Holds funding at the FY 2014 level. No increase in FY 2015 or FY 2016 despite the statutory policy of growing payments at the rate of GF revenue growth.</p>
	<b>Other Items of Interest</b>	
83	<p><b>Voting Machines</b></p> <p><b>Governor McAuliffe's Budget:</b> Includes \$28 million in bond proceeds to replace voting machines statewide. For 401 precincts out of 2,567 that have already purchased machines, the Governor included \$1.6 million for the first of a proposed 3-year reimbursement.</p> <p><b>House and Senate:</b> Eliminates the plan to reimburse localities for replacing voting machines.</p>	<p>The County purchased voting machines in spring 2014 and could expect to receive at partial reimbursement for those costs over the next 3 years. Based on statewide funding, an estimated \$0.7 million could be possible in FY 2016.</p> <p>No reimbursement for County voting machines.</p>
101 N	<p><b>World Police and Fire Games</b></p> <p><b>Governor McAuliffe's Budget:</b> Maintains \$1.0 million in FY 2016 to support the 2015 World Police and Fire Games.</p> <p><b>House and Senate:</b> No Change</p>	<p>Requires a memorandum of understanding with the Commonwealth regarding the use of these funds.</p>

**BUDGET PROPOSALS FOR FY 2015 - FY 2016 DURING THE 2015 GENERAL ASSEMBLY SESSION  
as of February 13, 2015**

Budget Bill Item #	Human Services	Fairfax County Impact
	<b><u>Housing</u></b>	
103	<b>Governor McAuliffe's Budget:</b> Provides \$1 million GF in FY 2016 for rapid re-housing efforts.	TBD
103 #1h	<b>House:</b> Reduces appropriation by \$500,000; directs that funding be used to reduce homelessness among veterans.	
103 #1s	<b>Senate:</b> Reduces appropriation by \$500,000.	
	<b><u>Virginia Preschool Initiative</u></b>	
136	<b>Governor McAuliffe's Budget:</b> Allows unused slots to be transferred to school divisions that have used 100 percent of their slots and have a waiting list.	As the County often does not use its full allocation of VPI slots due to budgetary constraints, this provision may allow those slots to be redirected to other jurisdictions – it will be important to better understand how this provision will be implemented, in the event the County seeks to utilize more of its designated slots in the future.
136 #2h	<b>House:</b> Provides that eligibility must be consistent with eligibility for free lunch (130% of Federal Poverty Level).	Currently, the County uses 250% of the Federal Poverty Level as part of program eligibility determination. Approximately 38% of children currently being served in the County would be ineligible under the House proposal.
136 #5s	<b>Senate:</b> Requires the Department of Education to offer any unobligated balances for one-time grants, with priority to proposals to expand the use of partnerships with either non-profit or for-profit providers. Removes provisions proposed in the introduced budget authorizing unused slots to be transferred.	
	<b><u>Medicaid Expansion</u></b>	
301	<b>Governor McAuliffe's Budget:</b> Directs DMAS to implement coverage for newly eligible individuals under the Affordable Care Act by January 1, 2015, or as soon as feasible thereafter.	Support for the expansion of Medicaid as envisioned by the Affordable Care Act is included in the County's Legislative Program.
301 #11h	<b>House:</b> Eliminates Medicaid expansion proposal.	
301 #11s	<b>Senate:</b> Eliminates Medicaid expansion proposal.	
	<b><u>Medicaid Waivers</u></b>	
301	<b>Governor McAuliffe's Budget:</b> Directs DMAS to seek federal approval to amend the Day Support waiver to add 200 slots, effective January 1, 2016. At that time, the Day Support waiver will be renamed the Building Independence waiver, and will be available to individuals with intellectual and developmental disabilities. DMAS is directed to provide a report detailing the changes and estimated costs of the new waiver to the Governor and the money committee chairs 30 days prior to seeking federal approval for amendments to the Day Support waiver.	TBD; any consolidation must include funding that allows an appropriate level of services to continue for individuals who are presently receiving those services in the community. Additionally, utilization of a new waiver model must ensure that the management structure and reimbursement rates account for service model and regional cost differences unique to the Northern Virginia area.

**BUDGET PROPOSALS FOR FY 2015 - FY 2016 DURING THE 2015 GENERAL ASSEMBLY SESSION  
as of February 13, 2015**

Budget Bill Item #	Human Services	Fairfax County Impact
301 #3h, 307 #1h, 307 #2h	<b>House:</b> Eliminates \$1.2 million GF and \$1.2 million NGF for new waiver slots associated with the proposed redesign of the Day Support Waiver. Eliminates language authorizing the submission of amendments to the waiver to the federal Centers for Medicare and Medicaid (CMS). Requires DBHDS, in consultation with DMAS, to provide a detailed report on its plans to redesign the Medicaid comprehensive Intellectual and Developmental Disability waivers prior to submission of a request to CMS to amend the waivers. Requires stakeholders from the brain injury community to be involved in ID/DD waiver redesign process.	TBD.
307 #4s	<b>Senate:</b> Requires stakeholders from the brain injury community to be involved in ID/DD waiver redesign process.	
308	<b>Governor McAuliffe's Budget:</b> Provides \$675,000 for rental subsidies for up to 250 people who will transition to the Building Independence waiver.	See note above.
307 #3h	<b>House:</b> Eliminates funding for proposed rental subsidies.  <b>Senate:</b> No change to introduced budget.	
	<b>Governor McAuliffe's Budget:</b> Provides \$453,888 GF and \$453,888 NGF to create a new and consolidated system for managing the Intellectual Disability (ID) and Developmental Disability (DD) waivers, to include wait list and waiver enrollment management, among other services. <b>House:</b> No change.	See note above.
307 #1s	<b>Senate:</b> Requires the Department of Behavioral Health and Developmental Services to post on the agency's web page a report on the budget, costs and numbers of recipients regarding Medicaid intellectual disability and developmental disability services for each fiscal year.	
	<b>Early Intervention/Part C</b>	
308	<b>Governor McAuliffe's Budget:</b> Level-funds the program at approximately \$13.2 million/year.	
308 #2h	<b>House:</b> Adds \$1 million in FY 2016.	Additional funding for the program is a County human services priority.
308 #5s	<b>Senate:</b> Adds approximately \$602,000 in FY 2016.	See note above.
	<b>Behavioral Health</b>	
305	<b>Governor McAuliffe's Budget:</b> Directs the DBHDS Commissioner to establish licensing fees for adult behavioral health and developmental services licensed by the department, including day support and residential treatment. The Commissioner shall charge a \$750 fee per service for the initial application and a license renewal fee of \$500 per service. (Funds received are to be paid into the General Fund.)	TBD
305 #1h	<b>House:</b> Eliminate proposed fees.	
305 #1s	<b>Senate:</b> Eliminates proposed fees.	
C-19.10	<b>Governor McAuliffe's Budget:</b> Allows \$4.7 million in remaining bond proceeds authorized by the 2009 General Assembly to be used to subsidize costs associated with the construction, rehabilitation, and/or acquisition of single-family or multi-family rental housing that is dedicated to individuals with an intellectual or developmental disability. <b>House:</b> No change. <b>Senate:</b> No change.	TBD

**BUDGET PROPOSALS FOR FY 2015 - FY 2016 DURING THE 2015 GENERAL ASSEMBLY SESSION  
as of February 13, 2015**

Budget Bill Item #	Human Services	Fairfax County Impact
318	<p><b>Northern Virginia Training Center (NVTC)</b>  <b>Governor McAuliffe's Budget:</b> Provides \$1.3 million in FY 2016 to keep the facility operational for an additional six months.</p> <p><b>House:</b> No change.</p>	As of November 5, 2014, 73 individuals from Fairfax County reside in training centers, primarily at NVTC.
307 #3s	<p><b>Senate:</b> Directs the Special Joint Subcommittee to Consult on the Plan to Close State Training Centers, created to monitor the closure of the state training centers, to continue those efforts and to evaluate any options deemed necessary to ensure that the appropriate supports and safeguards are in place for individuals that transition from training centers into the community.</p>	Positive.
	<p><b>Governor McAuliffe's Budget:</b> Increases funding for quality service reviews required by the settlement agreement with the U.S. Department of Justice (\$91,000 GF and \$273,000 NGF in FY 2016).  <b>House:</b> No change.  <b>Senate:</b> No change.</p>	TBD
	<p><b>Governor McAuliffe's Budget:</b> Provides \$31,450 GF in FY 2015 and \$125,801 GF in FY 2016 to address the needs of individuals not covered by Medicaid who are currently residing in state-operated training centers and to assist them in transitioning to the community.  <b>House:</b> No change.  <b>Senate:</b> No change.</p>	TBD
308 #1h 308 #4s	<p><b>Mental Health</b>  <b>Governor McAuliffe's Budget:</b> Provides \$950,000 in additional GF support for Local Inpatient Purchase of Services (LIPOS) in FY 2016 and \$1.2 million GF to contract for additional inpatient psychiatric beds for children and adolescents in FY 2016.  <b>House:</b> Adds \$2,500,000 GF the second year to expand child psychiatry and children's crisis response services.  <b>Senate:</b> Provides \$1.0 million to increase support for child psychiatry and children's crisis response services.</p>	TBD
	<p><b>Governor McAuliffe's Budget:</b> Provides \$3.1 million GF in FY 2015 and \$1.5 million GF in FY 2016 for the costs of hospital and physician services for persons subject to an involuntary mental commitment.  <b>House:</b> No change.  <b>Senate:</b> No change.</p>	TBD
334	<p><b>Foster Care/Adoption Assistance</b>  <b>Governor McAuliffe's Budget:</b> Provides additional funding in FY 2016 (\$5.7 GF and \$1.7 NGF) to implement federal legislation that would extend foster care and adoption payments to age 21.</p>	Likely positive; extending adoption payments until age 21 is included in the County's Human Services Issues Paper.
334 #1h, 339 #1h, 279 #1h	<p><b>House:</b> Eliminates this initiative; reallocates funding to Comprehensive Services Act program, which was reduced in the introduced budget as part of this proposal.  <b>Senate:</b> No change to introduced budget.</p>	

**BUDGET PROPOSALS FOR FY 2015 - FY 2016 DURING THE 2015 GENERAL ASSEMBLY SESSION  
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Budget Bill Item #	Human Services	Fairfax County Impact
336	<p><b><u>Local Eligibility Workers</u></b>  <b>Governor McAuliffe's Budget:</b> Provides \$2.1 million GF and \$3.9 million NGF in FY 2015, and \$1.9 million GF and \$3.6 million NGF in FY 2016 to increase support for local eligibility staff by three percent (the equivalent of 93 local eligibility workers).  <b>House:</b> Removes funding for FY 2015; retains funding for FY 2016.  <b>Senate:</b> Removes funding in the first year; moves a portion of the first year savings amount to the second year for the one-time costs of new staff</p>	Likely positive.
336 #1h 336 #1s		
341	<p><b><u>Northern Virginia Family Services</u></b>  <b>Governor McAuliffe's Budget:</b> Removes \$200,000 appropriation for NVFS in FY 2015 and FY 2016. Funding was to be provided for supportive services to address the basic needs of families in crisis.  <b>House:</b> No change to Governor's proposal.  <b>Senate:</b> Restores appropriation to NVFS in both years.</p>	TBD
341 #2s		
342	<p><b><u>Child Care</u></b>  <b>Governor McAuliffe's Budget:</b> Provides \$2.6 million in FY 2016 to fund 28 additional staff positions to address increased workload; funding is provided to accompany proposed legislation that will require licensure of all child care providers receiving subsidies.</p>	Monitor proposed new requirements for licensure of child care providers.
335 #1h 342 #1s	<p><b>House:</b> Reduces \$2.7 million GF and increases \$17.2 million from federal Child Care and Development Block Grant funds the second year and adds 79 positions to fund the fiscal impact of HB 1570, a comprehensive revision to Virginia's child day care regulatory program  <b>Senate:</b> Supplants \$2.7 million GF in the second year with a corresponding increase in NGF for 28 licensing positions added in the introduced budget to handle the increase in licensing resulting from the requirement in SB 1123 that requires every family day home provider caring for a child, receiving a child care subsidy payment, to be licensed. The source of the NGF is federal funding through the Child Care and Development Block Grant, which has significant balances available for child care related activities.</p>	

**BUDGET PROPOSALS FOR FY 2015 - FY 2016 DURING THE 2015 GENERAL ASSEMBLY SESSION  
as of February 13, 2015**

Public Education	Fairfax County Impact
<p><b>Direct Aid to Public Education</b></p> <p><b>Governor McAuliffe's Budget:</b> Provides no salary increases for teachers or support staff in FY 2016. No policy reductions to public education.</p> <p><b>House:</b> Includes \$55 million to provide the state's share of a 1.5 percent pay increase for teachers and support staff in FY 2016.</p> <p><b>Senate:</b> Includes \$50.4 million to provide the state's share of a 1.5 percent pay increase for teachers and support staff in FY 2016.</p>	<p>This results in an additional \$4.9 million to FCPS.</p> <p>This results in an additional \$4.5 million to FCPS.</p>
<p><b>Virginia Retirement System (VRS) Contributions</b></p> <p><b>Governor McAuliffe's Budget:</b> Deposits \$150 million directly into the VRS Teacher Retirement Fund. Lowers FY 2016 VRS employer contribution rate from the current 14.5% to 14.15%.</p> <p><b>House:</b> Increases the deposit into the VRS Teacher Retirement Fund to \$190.0 million. This will lower the FY 2016 VRS employer contribution rate from the current 14.5% to 14.07%.</p> <p><b>Senate:</b> Increases the deposit into the VRS Teacher Retirement Fund from \$150 million to \$187.2 million. This proposal is contingent upon meeting revenue forecast. This will lower the FY 2016 VRS employer contribution rate from the current 14.5% to 14.07%.</p>	<p>The lower VRS contribution rate would generate expenditure savings of \$4.8 million for FCPS.</p> <p>The lower VRS contribution rate would generate net savings of \$5.9 million for FCPS.</p> <p>The lower VRS contribution rate would generate net savings of \$5.9 million for FCPS.</p>
<p><b>School Construction</b></p> <p><b>Governor McAuliffe's Budget:</b> Proposes to use the Literary Fund for school construction (\$75 million in FY 2016, with \$50 million reserved for loans and \$25 million for interest rate subsidies).</p> <p><b>House:</b></p> <p><b>Senate:</b></p>	<p>Likely minimal; historically the County has not used either of these financing options, as interest rates on Literary Fund loans are based on a wealth factor, so the County is typically able to obtain more favorable lending terms directly.</p>
<p><b>Elimination of Cost-of-Competing (COCA)</b></p> <p><b>Governor McAuliffe's Budget:</b> Maintains the elimination of the cost-of-competing funding for support positions in Northern Virginia.</p> <p><b>House:</b> No change.</p> <p><b>Senate:</b> No change.</p>	<p>No additional loss, A loss of \$3.4 million in FY 2016 to FCPS from what would have been received if the partial restoration of cost-of-competing included in the FY 2014 budget had not been eliminated for FY 2015 and FY 2016 (reduction already reflected in the Superintendent's Proposed Budget). Full restoration of COCA would result in approximately \$12 million per year to FCPS.</p>

Budget  
Bill  
Item #

BUDGET PROPOSALS FOR FY 2015 - FY 2016 DURING THE 2015 GENERAL ASSEMBLY SESSION  
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<p><b>Elimination of Non-personal Inflation Factor</b> <b>Governor McAuliffe's Budget:</b> Maintains the elimination of the non-personal inflation factor.</p> <p><b>House:</b> No change.</p> <p><b>Senate:</b> No change.</p>	<p>This results in a \$4.0 million loss in FY 2016 to FCPS from what would have been received if the non-personal inflation factor was not eliminated (already reflected in the Superintendent's Proposed Budget).</p>
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<p><b>Impact to the Fairfax County Public School's (FCPS) Proposed Budget</b></p> <p><b>Governor McAuliffe's Budget:</b> The lower VRS contribution rate (from 14.5% to 14.15%) would generate expenditure savings of \$4.8 million for FCPS. This has not been reflected in the Superintendent's Proposed Budget.</p> <p><b>House:</b> Includes \$4.9 million for the state's share of a 1.5% salary increase for teachers and support staff in FY 2016. The lower VRS contribution rate (from 14.5% to 14.07%) would generate net savings of \$5.9 million for FCPS. These adjustments totaling \$10.8 million have not been reflected in the Superintendent's Proposed Budget.</p> <p><b>Senate:</b> Includes \$4.5 million for the state's share of a 1.5% salary increase for teachers and support staff in FY 2016. The lower VRS contribution rate (from 14.5% to 14.07%) would generate net savings of \$5.9 million for FCPS. These adjustments totaling \$10.4 million have not been reflected in the Superintendent's Proposed Budget.</p>
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**BUDGET PROPOSALS FOR FY 2015 - FY 2016 DURING THE 2015 GENERAL ASSEMBLY SESSION  
as of February 13, 2015**

Budget Item #	Transportation	Fairfax County Impact
	<b><u>HB 2313 Regional Implementation</u></b>	
1	<p><b>Governor's Budget:</b> retains language directing the Joint Commission on Transportation Accountability (JCTA) to regularly review, and provide oversight of the usage of funding generated pursuant to the provisions of House Bill 2313 (2013). To this end the Secretary of Transportation, NVTA and the Hampton Roads Transportation Accountability Commission must each prepare a report on the uses of their respective funds by November 15 each year to be presented to the JCTA.</p> <p><b>House:</b> No Change <b>Senate:</b> No Change</p>	<p>Based on how "oversight" is interpreted, there are concerns regarding the authority this may provide JCTA to direct how the region can allocate the regional funds. NVTA did submit its FY 2014 report prior to the November 15 deadline.</p>
272	<p><b>Governor's Budget:</b> retains language authorizing the Department of Taxation to request and receive a treasury loan to fund the necessary start-up costs associated with the regional taxes imposed by HB 2313. The treasury loan will be repaid by the tax revenues. Additionally, the Department is authorized to retain sufficient revenues to recover its costs incurred administering these taxes.</p> <p><b>House:</b> No Change <b>Senate:</b> No Change</p>	<p>Funds retained by Taxation could be used, instead, on regional projects. As Fairfax County is expected to benefit from approximately half of the Northern Virginia regional funds, approximately half of the NVTA funds retained by Taxation could be allocated to projects within the County. As such, Taxation should ensure that their expenses are reasonable. Through December 2014, \$919,000 has been retained by Taxation over a period of 18 months.</p>
447	<p><b>Governor's Budget:</b> includes the regional funds provided for in HB 2313, including \$596.4 million for distribution of Northern Virginia Transportation Authority Fund Revenues over the biennium, which is \$13.3 million less than projected in the last budget.</p> <p><b>House:</b> No Change <b>Senate:</b> No Change</p>	<p>Over the biennium, Fairfax County should receive approximately \$89 million to allocate on local projects approved by the Board of Supervisors, minus the respective shares provided to Vienna and Herndon (30% funding returned to localities). NVTA will allocate approximately \$417 million, of which approximately \$208 million should benefit the County (70% funding retained by NVTA). Lower budget projects are due to economic fluctuations. Fairfax County's share of the \$13.3 million reduction is approximately \$6.7 million.</p>
427	<p><b><u>HB 2 Implementation</u></b></p> <p><b>Governor's Budget:</b> notes that the HB 2 (2014) Prioritization Process will not apply to the federal Surface Transportation Program funds required to be allocated for public transportation purposes</p> <p><b>House:</b> No Change <b>Senate:</b> No Change</p>	<p>This corresponds to the current policy for other transit funds, which are allocated through their own process developed through SB 1140 (2013). These are state controlled federal surface transportation funds. HB 2 already exempts CMAQ and RSTP funds from the prioritization process.</p>

**BUDGET PROPOSALS FOR FY 2015 - FY 2016 DURING THE 2015 GENERAL ASSEMBLY SESSION  
as of February 13, 2015**

Budget Item #	Transportation	Fairfax County Impact
	<b><u>Local Project Funding</u></b>	
427	<p><b>Governor's Budget:</b> retains language directing the Secretary of Transportation to report to the General Assembly by December 1, 2014, on methods to provide assistance for local transportation projects. The recommendations must consider geographic equity, as well as the needs of local governments, transit agencies, and metropolitan planning organizations.</p> <p><b>House:</b> No Change</p> <p><b>Senate:</b> No Change</p>	<p>Due to revenue projections, the secondary formula is not expected to receive new funds until after 2020. This report has not yet been released.</p>
	<b><u>Mass Transit Funding</u></b>	
439	<p><b>Governor's Budget:</b> increases funding for Financial Assistance for Public Transportation for FY 2016 biennium by \$25 million. Estimated funding levels for Operating Assistance and Capital Assistance have no changed.</p> <p><b>House:</b> No Change</p> <p><b>Senate:</b> No Change</p>	<p>Fairfax County will receive approximately the same amount of funds received in years past, for funds allocated through the old formula. Any new funds, allocated through the formula created by SB 1140 (2013), will be based on performance metrics and the proposed capital programs for the County and its transit systems. As a result, it is unclear what portion of the \$25 million will be ultimately allocated to Fairfax County.</p>
	<b><u>WMATA Funding</u></b>	
439	<p><b>Governor's Budget:</b> No Language</p> <p><b>House:</b> stipulates that fiscal year 2016 funding shall not be provided to WMATA if the annual external financial audit of WMATA results in other than an unqualified opinion until the Director, DRPT determines that any material deficiencies in financial controls identified in the audit have been addressed.</p> <p><b>Senate:</b> No Language</p>	<p>The amount of state assistance for WMATA operations for the County in FY 2016 is approximately \$59 million. If the funding were eliminated, the County would have to significantly increase our local funding to WMATA and/or service would have to be substantially reduced.</p>
439	<p><b>House:</b> Limits the distribution of state funds to WMATA if they have not addressed the requirements of the USDOT review of its operations.</p> <p><b>Senate:</b> No Language</p>	<p>The amount of state assistance for WMATA operations for the County in FY 2016 is approximately \$59 million. If the funding were eliminated, the County would have to significantly increase our local funding to WMATA and/or service would have to be substantially reduced.</p>
	<b><u>NVTC Administrative Expenses</u></b>	
439	<p><b>Governor's Budget:</b> No Language</p> <p><b>House:</b> Ties growth in NVTC administrative and personnel costs to growth in local contributions from the member jurisdictions which comprise the Northern Virginia Transportation Commission.</p> <p><b>Senate:</b> No Language</p>	<p>This could hamper NVTC's activities and could also prevent NVTC from taking on any new and worthwhile initiatives that would cost additional funds.</p>

**BUDGET PROPOSALS FOR FY 2015 - FY 2016 DURING THE 2015 GENERAL ASSEMBLY SESSION  
as of February 13, 2015**

Budget Item #	Transportation	Fairfax County Impact
	<p><b><u>Rail Enhancement Fund</u></b>  <b>Governor's Budget:</b> No Language  <b>House:</b> Directs DRPT to undertake a comprehensive review of the Rail Enhancement Fund and its usage. Established in 2005, after 10 years there is a need to review how effective the guidelines governing its use have been and whether any modifications are required to reflect changes in revenue streams and transportation needs in the intervening years.  <b>Senate:</b> No Language</p>	<p>No Impact at this time. However, a review may result in changes to the program, which may impact rail projects in the future, possibly including VRE projects.</p>
439	<p><b><u>I-95 Transit/Transportation Demand Management (TDM)</u></b>  <b>Governor's Budget:</b> retains language directing the allocation of funding from the Mass Transit Fund to implement transit and transportation demand management improvements identified in the I-95 corridor, including direct transit capital and operating costs and TDM activities.  <b>House:</b> No Change  <b>Senate:</b> No Change</p>	<p>Fairfax County may be able to receive funds for transit and TDM service associated with this project and has applied for \$479,000 in funding for FY 2015.</p>
442	<p><b><u>Air Quality Monitoring - 95 HOT Lane NB Terminus</u></b>  <b>Governor's Budget:</b> retains language dedicating \$243,160 NGF from VDOT's environmental monitoring program funding for air quality monitoring, to be conducted by the Department of Environmental Quality, at the I-395 express lanes terminus.  <b>House:</b> No Change  <b>Senate:</b> No Change</p>	<p>There is no fiscal impact to the County. These funds may be associated with the air quality monitoring requested by the Overlook neighborhood in Fairfax County.</p>
444	<p><b><u>Highway Maintenance and Construction</u></b>  <b>Governor's Budget:</b> reduces overall funding for Highway System Acquisition and Construction by \$83.7 million for the biennium. Within that account, dedicated and statewide construction increases by \$401.2 million; while interstate construction decreases by \$264.9 million, primary construction decreases by \$193.2 million, secondary construction decreases by \$14.8 million, and urban construction decreases by \$11.9 million.  <b>House:</b> No Change  <b>Senate:</b> No Change</p>	<p>Many of these funds are expected to be subject to the new HB 2 prioritization process, so the impact to Fairfax County is currently unclear.</p>
445	<p><b>Governor's Budget:</b> increases funding for Highway System Maintenance and Operations by \$66.8 million for the biennium; with \$145.3 million less for Interstates, \$84.4 million less for primaries, and \$43.7 million less for Transportation Operations Services, with a \$356.7 million increase for secondaries.   <b>Item 3-1.01:</b> Transfers \$31 million from the General Fund to the HMOF. Previous budget transferred \$30 million from the HMOF to the General Fund.  <b>House:</b> No Change  <b>Senate:</b> No Change</p>	<p>Using historical estimates, an estimated additional \$10 million may be available for maintenance within Northern Virginia.   <i>Does not make any changes over the biennium. Returns funds temporarily transferred in previous year.</i></p>
445	<p><b><u>Secondary Roads</u></b>  <b>Governor's Budget:</b> No Language  <b>House:</b> Directs VDOT to report to the House and Senate Transportation Committees and the money committees regarding the level and distribution of funding for secondary road construction and maintenance activities.  <b>Senate:</b> Requires VDOT to annually publish the actual amount of secondary road maintenance funding provided in each jurisdiction of the Commonwealth compared to the amount that would be provided if the allocation were based on the number of registered vehicles.</p>	<p>Would not directly impact the County currently, but may provide information that may impact funds in the future.           Would provide additional information on how much secondary maintenance is occurring in the County and other counties.</p>

Dear [conferees]:

We are writing to you to discuss three amendments to the biennial budget included in the House-passed budget bill (HB 1400) that are detrimental to transportation in Northern Virginia. Two of these potentially affect a significant amount of state funding (approximately \$108 million in FY 2016) for WMATA bus and rail operations; the third puts limits on expenditures by the Northern Virginia Transportation Commission. We ask that you oppose the amendments as written. Our reasons for opposition to the amendments are stated below.

### **The WMATA Amendments**

1. *Item 439 #1h* states that state funding to support Metro operations cannot be provided to Metro until Metro receives an “unqualified audit,” or can demonstrate to the satisfaction of the House Appropriations and Senate Finance Committee chairs and the Director of the Department of Rail and Public Transportation that it has addressed any negative audit findings.

As elected officials whose localities fund large portions of Metro operations, and whose residents depend heavily on Metro bus and rail, we are concerned about any problems that a Metro audit may uncover. However, denying Metro state operating funds is not the way to address such problems. Instead, we should be insisting that Metro staff develop an action plan to correct any shortcomings and provide regular updates on how this plan is being implemented. It would certainly be reasonable for the General Assembly to ask for such updates.

2. *Item 439 #2h* states that State funding to support Metro operations cannot be provided until Metro supplies the House Appropriations and Senate Finance Committee chairs and the Director of the Department of Rail and Public Transportation with evidence that it has addressed all the recommendations from the Federal Transit Administration (FTA) report on Metro federal grant administration (“Full Scope of Systems Review of the Washington Metropolitan Area Transit Authority”).

As Jim Dyke, a Metro Board member until early this month, told the House Appropriations Transportation Subcommittee, Metro (with the concurrence of FTA) has already committed to a 65-item Corrective Action Plan. It has submitted documentation and completed work to address 62 of those items, and with FTA support, is addressing the remaining three. Again, denying Metro state operating funds is not the way to address such issues.

### **Potential effects of the two WMATA Amendments**

These amendments have the potential to restrict approximately \$108 million in state funding to Northern Virginia. The approximate amount of state assistance that flows through each of the WMATA localities is: \$17.5 million for the City of Alexandria; \$29.6 million for Arlington County; \$1 million for the City of Fairfax; \$59 million for Fairfax County; and \$1.2 million for the City of Falls Church. If this state funding is eliminated, WMATA localities would have to significantly increase local funding to WMATA, or substantially reduce Metrorail and Metrobus

service. Current local budget pressures make it unlikely that local governments could provide this amount of additional funding for WMATA at this time, and sizable service reductions would be detrimental to residents and businesses who depend on Metro service every day. The result of such actions would be many riders choosing to abandon Metro for their personal cars, further increasing traffic on already congested roadways.

### **Northern Virginia Transportation Commission**

3. *Item 439 #3h* would limit the growth in administrative and personnel costs for the Northern Virginia Transportation Commission to the same rate of growth in direct local contributions.

Such an amendment could not only hamper the Commission's activities, but would also prevent the Commission from taking on any new and worthwhile initiatives that would cost additional funds. We believe that NVTTC's administrative budget should be acted on by its voting membership, which includes state and local elected officials, as well as Administration appointees.

### **Our Request**

For all of the reasons outlined above, we ask that the conferees on the budget not include these three amendments in their conference report. As noted above, we would support requirements for WMATA to keep the General Assembly apprised of any activities it undertakes to address any audit findings or the FTA report. We look forward to working with you on these critical issues as you address the 2014-2016 biennium budget amendments.

Sincerely,

William D. Euille, Mayor, City of Alexandria  
Mary Hughes Hynes, Chair, Arlington County Board  
R. Scott Silverthorne, Mayor, City of Fairfax  
Sharon Bulova, Chairman, Fairfax County Board of Supervisors  
David Tarter, Mayor, City of Falls Church

cc: Northern Virginia General Assembly Delegation

**Conflict of Interests: Key Provisions of HB 2070 As Passed by the House and SB 1424 As Passed by the Senate**

State/ Local COIA	HB 2070 As Passed by the House	SB 1424 As Passed by the Senate
§ 2.2-3101	<p>Amends definition of “gift”:</p> <ul style="list-style-type: none"> <li>• Would exclude “unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service.”</li> <li>• Gifts from “personal friends” continue to be excluded; however, it expands the categories of persons who do not constitute “personal friends.” Those categories continue to include registered lobbyists; lobbyists’ principals; a person, organization, or business that is a party to or is seeking to become a party to a contract with the local agency, and the bill adds to those categories of persons who do not constitute “personal friends” the following: A person, organization, or business “who is seeking to enter a business relationship with the local agency.”*</li> </ul> <p>*Note: The bill does not propose to insert the same language into the General Assembly COIA definition of “gift.” Moreover, the bill would delete from the General Assembly COIA the provision added in 2014 that says that a person, organization, or business that is a party to or is seeking to become a party to a contract with the Commonwealth is not a personal friend. Currently, the definition of “gift” in the General Assembly COIA is essentially identical to the definition in the State and Local COIA.</p> <p>Amends definition of “immediate family”:</p> <ul style="list-style-type: none"> <li>• Currently, the definition encompasses a spouse and “any child” who resides in the officer’s/employee’s home and is a dependent. The bill would amend the definition to encompass a spouse and “any other person” who resides in the officer’s/employee’s home and is a dependent.</li> </ul>	<p>Amends definition of “gift”:</p> <ul style="list-style-type: none"> <li>•Would exclude “unsolicited, <i>personally inscribed</i> awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service.”</li> <li>•No change to exclusion for gifts from relatives and personal friends; retains the provision added in 2014 that “personal friend” does not include any person that the filer knows or has reason to know is (a) a registered lobbyist; (b) a lobbyist’s principal; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee.</li> <li>•Would exclude food or beverages consumed while attending an event at which the filer is performing official duties related to the filer’s public service.</li> <li>•Would add an exclusion for inheritances.</li> <li>•Would amend existing exclusion for gifts related to the filer’s, or a family member’s, private profession to apply to gifts “given by a business associate or otherwise related to...”</li> </ul>

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State/ Local COIA	HB 2070 As Passed by the House	SB 1424 As Passed by the Senate
§ 2.2-3103		Prohibits any officer or employee of a local governmental or advisory agency [not just persons who file] from soliciting or receiving any travel-related gift with a value greater than \$100 from a third party absent a waiver from the Council. [“Third party” is not defined.]
§ 2.2-3103.1 § 2.2-3103.2	<p>Eliminates the distinction created in 2014 between tangible and intangible gifts.</p> <p><b>Prohibits persons required to file the long form and members of their immediate families from soliciting or accepting any single gift with a value greater than \$100 from a person whom the filer/family member knows or has reason to know is (i) a registered lobbyist; (ii) a lobbyist’s principal or (iii) a person, organization, or business who is or is seeking to become a party to a contract with or who is seeking to enter a business relationship with the local agency.</b></p> <p>Exceptions allow such persons to accept or receive:</p> <ul style="list-style-type: none"> <li>•Gifts of food and beverages with a value greater than \$100 while attending “widely attended events,” but such gifts must be reported.</li> </ul> <p>•There’s no violation of the prohibition if the gift is not used and either the gift or its equivalent in money is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes within a reasonable period of time.</p>	<p>Eliminates the distinction created in 2014 between tangible and intangible gifts.</p> <p><b>Eliminates the prohibition added in 2014 specific to gifts from lobbyists/their principals and current or potential contractors, and replaces it with a broader prohibition: Prohibits persons required to file the long form from soliciting or accepting gifts (either single or a combination of gifts) with a value greater than \$100 from <i>any person</i>. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.</b></p> <p>Exceptions allow such persons to accept or receive:</p> <ul style="list-style-type: none"> <li>•Gifts with a value greater than \$100 while attending “widely attended events,” but it appears such gifts must be reported.</li> <li>•Gifts from business associates, relatives, or in conjunction with a personal celebration; such gifts are not subject to the prohibition and need not be reported.</li> <li>•Payment or reimbursement of registration or attendance fees, food, and beverages for any event at which the filer is a featured speaker, presenter or lecturer. Such gifts are not subject to the prohibition but it appears they must be reported.</li> <li>•Gifts from a foreign dignitary valued at more than \$100 if they are accepted “on behalf of the Commonwealth and archived in accordance with guidelines established by the Library of Virginia.” Such gifts must be disclosed as having been accepted “on behalf of the Commonwealth” but the value need not be disclosed.</li> </ul>

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State/ Local COIA	HB 2070 As Passed by the House	SB 1424 As Passed by the Senate
	Such persons may accept or receive gifts of travel, including travel-related transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of \$100 that is paid for or provided by a person within one of the 3 categories above <u>if</u> the officer/employee has received the approval of the Council. Such gifts must be reported.	Allows persons required to file the long form to accept two categories of gifts worth more than \$100 if the Council grants a waiver: (1) Gifts from a personal friend; (2) Travel-related things of value provided by a third party that are directly related to the filer's official duties. Waivers are not required for acceptance of "travel paid for or provided by the government of the United States, any of its territories, or another state in the United States or the political subdivision of such other state."
§ 2.2-3115	Reverses 2014 amendment that required (a) local government officers and employees; and (b) nonsalaried citizen members of local boards, commissions and councils designated by the Board, to file electronically with the Council, and restores previous requirement to file with the clerk to the board. [Note: This is inconsistent with § 2.2-3117, which says that the forms must be filed electronically with the Council.]	Continues change made in 2014 that requires: (a) local government officers and employees; and (b) nonsalaried citizen members of local boards, commissions and councils designated by the Board, to file electronically with the Council.
100 § 2.2-3117 ("The long form," used by Board members, County employees, and certain BAC members.)	<p>Provides that all completed forms shall be filed electronically with the Council. [This is inconsistent with § 2.2-3115.] The bill delays the effective date of that requirement until July 1, 2016.</p> <p>Retains disclosure form in statute; form shall be "substantially similar" to what is in the statute.</p> <p>Lowers reporting threshold for payments for talks, meetings, and publications to \$100 (vs. \$200 in current law).</p> <p>No change to \$50 reporting threshold for single gifts, lowers reporting threshold for combination of gifts from \$100 to \$50.</p> <p>[No other changes to disclosure requirements.]</p>	<p>Provides that all completed forms shall be filed electronically with the Council, but delays the effective date of that requirement until July 1, 2016.</p> <p>Eliminates disclosure form from the statute and directs Council to prepare forms that request prescribed information, "but in no case shall the forms require less information than that which is required to be reported by" the Acts.</p> <p>Required disclosures include, <u>but are not limited to</u>:</p> <ul style="list-style-type: none"> <li>•Salaries, wages, and other remuneration that filers and members of their immediate families receive from paid employment. Information required to be reported includes the name and address of the employer, what is the position and who holds it, and the salary or other remuneration. (Current law requires a filer to list any employer who pays the filer or a member of the filer's immediate family salary or wages in excess of \$5,000 annually.)</li> <li>•Information about real estate in which the filer or a member of the filer's immediate family holds an interest. Information required to be reported includes whether or not it is the principal residence of any such person, the county or city where it is located, the type of real estate and the name in which it is owned or recorded. (Current law requires a filer</li> </ul>

State/ Local COIA	HB 2070 As Passed by the House	SB 1424 As Passed by the Senate
7 4	<p>Knowingly and intentionally making a false statement of a material fact on the form is a Class 5 felony.</p>	<p>to list real estate <i>other than</i> the filer's principal residence in which the filer or a member of the filer's immediate family has an interest valued at more than \$5,000.)</p> <ul style="list-style-type: none"> <li>•Information about payments or reimbursements a filer received for attending or participating in meetings, conferences, or events in his/her official capacity. Information required to be reported includes who paid for the event, the date and location of the event, the purpose of the event, the type of payment received, and the approximate value of the payment received. (Current law requires a filer to list each source from which s/he received anything of value exceeding \$200 for the filer's presentation of a single talk or participation in one meeting where the event was designed to educate the filer on issues relevant to his/her duties or enhance his/her knowledge and skills relative to his/her duties. Payments/reimbursements from an advisory or governmental agency only need to be disclosed if they are for meetings or travel outside the Commonwealth.)</li> <li>•Gifts or entertainment events valued at more than \$50 received by a filer or a member of his/her immediate family. (Current law requirement is that filers disclose gifts valued at more than \$50 or a combination of gifts with a value greater than \$100.)</li> <li>•Information about travel. Information required to be reported includes the date and destination of the trip, the purpose, "an itemized accounting of all expenses related to the trip," and whether a waiver was received for the travel. (Current law does not require separate reporting of travel; it is reported along with attendance and participation in meetings, conferences, and events.)</li> </ul> <p>Knowingly making a material misstatement on the form is a Class 6 felony.</p>
§ 2.2-3118 ("The short form," used by certain citizen BAC members.)	Retains disclosure form in statute; form shall be "substantially similar" to what is in the statute.	Eliminates disclosure form from the statute and directs Council to prepare forms that request prescribed information. Authorizes the Council to specify which parts of the form are not applicable to "officers and employees of local governmental and local advisory agencies."
§ 2.2-3124	No penalty added.	Adds a \$250 civil penalty for failure to file the long form if filing is required (no such penalty in current law).

COIEA Council	HB 2070 As Passed by the House	SB 1424 As Passed by the Senate
<p>§ 30-355 Through § 30-356.2</p>	<p>No changes to size or appointment authority for members of the Conflict of Interest and Ethics Advisory Council, but adds provisions relating to partisan balance for certain appointments. Retains provision requiring appointments from a list of names submitted by VACO and VML.</p> <p>Requires the Council to maintain an online, searchable electronic database of all properly filed disclosure forms beginning July 1, 2015. [This is inconsistent with delayed effective date of electronic filing requirement.]</p> <p>Adds section authorizing the Council to receive and review requests for approval to accept travel-related things of value from a registered lobbyist, a lobbyist's principal, or a person, organization, or business who is or is seeking to become a party to a contract with or who is seeking to enter a business relationship with the local agency.</p> <ul style="list-style-type: none"> <li>•Approval is not required for travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.).</li> <li>•Approval is not required for travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity to which such person has been appointed or elected by virtue of his office or employment, but such travel must be disclosed.</li> </ul>	<p>Retains the Conflict of Interest and Ethics Advisory Council, but reduces its membership from 15 to 9 members. Retains provision requiring appointments from a list of names submitted by VACO and VML, but such appointees shall be appointed by the Governor rather than the Senate Committee on Rules (VACO) and the Speaker of the House (VML).</p> <p>Requires the Council to maintain an online, searchable electronic database of all properly filed disclosure forms beginning July 1, 2016. Requires the Council to redact from any document or form that is made available to the public any residential address, personal phone number, or signature.</p> <p>Authorizes the Council to grant waivers to allow persons who are required to file the long form to accept:</p> <ul style="list-style-type: none"> <li>•Any gift of travel, including transportation, lodging, meal, hospitality, or other travel-related thing of value provided by a third party that has a value exceeding \$100. "A waiver shall not be required for acceptance of travel paid for or provided by the government of the United States, any of its territories, or another state in the United States or the political subdivision of such other state."</li> <li>•Gifts from a personal friend with a value greater than \$100. [§ 30-356.2 indicates that a waiver is also required for gifts that a "personal friend" provides to the filer's spouse or dependent children, although such gifts do not appear to be prohibited or made subject to the waiver requirement in § 2.2-3103.1.] [This provision is inconsistent with the definition of "gift," which excludes gifts from personal friends altogether.]</li> </ul>

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## **SB 1410 (Deeds) – CSB Emergency Training**

### **Overview of SB 1410**

SB 1410 provides for the certification of crisis intervention specialists and crisis intervention specialist licensed clinical supervisors by:

- Requiring Community Services Boards (CSBs) and behavioral health authorities to employ or contract with certified crisis intervention specialists for evaluations for emergency custody or temporary detention (these provisions have a delayed effective date of July 1, 2020).
- The certification process would include:
  - licensure issued by relevant health regulatory boards, some also with proof of relevant specialty;
  - at least 3 years of specific work experience;
  - successful completion of a training program to be established by the Department of Behavioral Health and Developmental Services (DBHDS); and,
  - successful completion of a written exam approved by DBHDS.
- Requiring DBHDS to develop an implementation plan and timetable by January 1, 2016, for the implementation of the provisions of this bill.

### **Concerns with SB 1410**

- Recruiting licensed clinicians to provide Behavioral Health Outpatient treatment for adults with a Serious Mental Illness (SMI) is challenging for the Fairfax-Falls Church CSB, and recruiting challenges are even greater when trying to fill Emergency Services positions.
- The CSB struggles to compete with private sector organizations vying for the same qualified candidates in a marketplace with 5% or less unemployment – Emergency Services currently has a 26% vacancy rate.
- Individuals interested in doing such work for this target population who are willing to work nights, overnights, weekends and holidays are especially difficult to recruit.
- As a result, all emergency clinicians and clinical supervisors are either licensed or license-eligible, but requiring a license, plus three years of experience with SMI (when numerous existing staff are license-eligible but not licensed) will likely exacerbate hiring challenges.
- The Virginia Association of Community Service Boards estimates a \$13 million statewide impact to local governments.
- The bill could have a significant impact on the CSB workforce – CSBs will have to attract and hire a workforce that meets additional certification mandates, replacing many existing employees who have years of knowledge but would not fall under the new certification standards.

### **Fiscal Impact of SB 1410 to Fairfax-Falls Church CSB**

\$ 991,476	Fill vacancies (to include 2.0 FTE retirements)
\$1,013,760	Replace license-eligible prescreening clinicians with licensed clinicians
\$ 271,616	Replace license-eligible clinical supervisors with licensed clinicians
\$ 193,946	Supervision
\$2,470,798	

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## Select Studies of Interest

February 13, 2015

**HJ 506** (Ware) (SRUL) requests the Virginia Institute of Marine Science and the Department of Mines, Minerals, and Energy's Division of Geology and Mineral Resources' Virginia geological survey, in consultation with the United States Geological Survey's Toxic Hydrology Regional Contamination Investigation Program, to study the short- and long-term effects of the storage and land application of industrial wastes and sewage sludge on public health, residential wells, and surface and ground water.

**HJ 557** (O'Bannon) (SRUL)/**SJ 243** (Dance) (HRUL) directs the Joint Legislative Audit and Review Commission to review the Department of Veterans Services, including, among other things, the review of programs administered by the Department's agencies and other issues related to the provision of services to veterans. The Commission must report to the Governor and 2017 Session of the General Assembly.

**HJ 558** (Orrock) (SRUL) requests the Virginia Department of Education and the State Council of Higher Education for Virginia to examine shortages of qualified teachers generally and in certain teaching endorsement areas and to recommend strategies for addressing the shortages. The Department and the Council must report their findings and recommendations no later than the first day of the 2016 Regular Session of the General Assembly.

**HJ 586** (Yost) (SRUL) requests that the Department of Behavioral Health and Developmental Services (i) identify one or more appropriate mental health screening tools, (ii) identify one or more school divisions in which the parents of each student shall be notified of the availability of such mental health screening tools and may give permission for their child to participate in a mental health screening, (iii) analyze the (a) number and type of mental illness diagnoses, (b) additional in-school services provided to diagnosed students as a result of such screenings, and (c) most appropriate grade level for the administration of such screenings, and (iv) report its findings to the Governor and General Assembly by November 30, 2016.

**HJ 587** (DeSteph) (SRUL) requests the Department of Environmental Quality to conduct a two-year study of the application of the post development stormwater management technical criteria, as established in the Virginia Stormwater Management Regulations, in areas with a seasonal high groundwater table.

**HJ 598** (Loupassi) (SRUL) creates a joint subcommittee to study the use of driver's license suspension as a collection method for unpaid court fines and costs and make recommendations for improvements to the current law.

**HJ 603** (Knight) (SRUL) directs the Virginia State Crime Commission to study the prevention of sexual violence on college campuses in Virginia. In conducting its study, the Commission must (i) ascertain the breadth of the problem of sexual violence on public and private college campuses in the Commonwealth; (ii) review all relevant state and federal laws, regulations, and policies to identify appropriate ways in which sexual violence may be abated; (iii) assess the policies, process, and procedures for reporting crimes of sexual violence used by colleges and

universities in the Commonwealth; (iv) determine whether any institutions of higher education in the Commonwealth have pending U.S. Department of Education Office for Civil Rights investigations for the manner in which allegations and reports of sexual violence have been managed; (v) collaborate with other local, state, federal, college, and community advocates and police departments and entities to address the problem throughout the Commonwealth's higher education and criminal justice systems and among parents and students; (vi) make recommendations to ensure safe college and university campuses throughout the Commonwealth; and (vii) carry out any other duties the joint subcommittee deems proper to facilitate the study. The Commission must submit its report to the Chairmen of the House Committees on Education and for Courts of Justice, the Chairmen of the Senate Committees on Education and Health and for Courts of Justice, the Governor, and the 2016 Session of the General Assembly.

**HJ 623** (Hodges) (SRUL)/**SJ 272** (Norment) (HRUL) directs the Joint Legislative Audit and Review Commission to study Virginia's water resource planning and management, particularly with regard to groundwater. This study is a recommendation of the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding.

**HJ 635** (LaRock) (SRUL) requests the Department of Taxation to conduct a study of the performance of the communications sales and use tax.

**HJ 637** (Landes) (SRUL) directs the Joint Legislative Audit and Review Commission (JLARC) to study the Commonwealth's Medicaid program. In conducting its study, JLARC shall (i) analyze the impact of major cost drivers on the growth of Medicaid program expenditures; (ii) identify highest-cost Medicaid recipients and services and assess whether opportunities exist to improve the cost-effectiveness of health care delivery; (iii) examine the efficiency of the administration of the Commonwealth's Medicaid program, including financial processes and controls and the recovery of third-party payments, and review the implementation status of recommendations made in 2011 JLARC report on improper payments and other reports related to improving efficiency and cost-effectiveness; (iv) identify evidence-based practices and strategies that have been successfully adopted in other states and that could be used in the Commonwealth to provide cost-effective care, strengthen patient outcomes, and maximize the efficiency and integrity of internal processes; and (v) review other relevant issues and make recommendations as appropriate. JLARC shall complete its work by November 30, 2016. (15101724D-E)

**SB 1213** (Ebbin) (HAPP) creates an advisory council in the executive branch of government for the purpose of studying human trafficking in the Commonwealth, providing recommendations for the prevention of human trafficking and for services to victims of human trafficking and to develop effective strategies to combat human trafficking. The commission will expire in three years.

**SJ 218** (Howell) (HAPP) requests the Department of Education to study the feasibility of implementing a program in the Commonwealth to track teacher turnover by developing exit questionnaires and other means. The provisions of the resolution are contingent on funding in a 2015 general appropriation act.

**SJ 235** (Watkins) (HRUL) directs the Virginia Housing Commission to study methods to evaluate and determine a dedicated revenue source for the Virginia Housing Trust Fund.

**SJ 236** (Favola) (HRUL) requests the Department for Aging and Rehabilitative Services to study the auxiliary grant program. In conducting its study, the Department is directed to (i) evaluate current funding for the auxiliary grant program and recommend strategies to increase funding, (ii) examine the extent of goods and services currently covered and paid for by the auxiliary grant program and recommend strategies to expand allowable costs, and (iii) evaluate the extent of allowable family and third-party contributions for services provided to auxiliary grant recipients that are not considered for purposes of eligibility or calculating the amount of an auxiliary grant and recommend strategies to expand the list of such allowable contributions.

**SJ 237** (Favola) (HRUL) requests the Department of Housing and Community Development (DHCD) to study the Virginia Homeless Solutions Program \$500 asset cap for individuals transitioning from shelters to permanent housing who require rapid re-housing financial assistance. DHCD is requested to (i) identify and examine alternatives to the \$500 asset cap, including a higher asset cap or a cap that ranges based on the size and needs of the particular family; (ii) research and compare asset caps used in other states; and (iii) make recommendations regarding an asset cap that would better serve families transitioning from shelters to permanent housing and reduce the number of individuals that return to homelessness in the Commonwealth.

**SJ 242** (Ruff) (HRUL) requests the Virginia Economic Development Partnership Authority and the Department of Housing and Community Development to jointly study the feasibility of incorporating programs to support existing high-growth companies into the state's current economic development programs and activities. Existing high-growth companies are privately held enterprises with high potential for growth that (i) employ fewer than 100 employees, (ii) generate annual revenues of \$50 million or less, and (iii) have moved beyond the startup phase of business development to become established businesses within the local and regional community. This bill is a recommendation of the Small Business Commission.

**SJ 268** (Hanger) (HRUL) directs the Joint Legislative Audit and Review Commission to study pathways for determining eligibility for Medicaid-funded long-term care. In conducting its study, JLARC shall review (i) the Commonwealth's long-term care preadmission screening process, including the process by which individuals access such screenings, the timeliness of such screenings, support for individual choice upon meeting long-term care criteria, and assurance that the assessment teams are neutral and have no financial or legal ties to discharge locations and (ii) state and federal long-term care financial eligibility laws, including the use of annuities to protect assets, transfer of assets, lien and estate recovery, assessing a child as a family of one for eligibility purposes, and the effects of the new Modified Adjusted Gross Income eligibility standards and access to nursing home care services. The Joint Legislative Audit and Review Commission shall complete its meetings by November 30, 2016.

**SJ 271** (Norment) (HRUL) requests the Secretary of Natural Resources, the Secretary of Health and Human Resources, and the Secretary of Agriculture and Forestry to convene a joint task

force to review and evaluate existing scientific literature on the impact of biosolids and industrial residuals on human health and the environment.

**SJ 274** (Wagner) (HRUL) directs JLARC to update its 2006 study of the impact of regulations on Virginia's manufacturing sector.

**SJ 280** (Deeds) (HRUL) directs the Joint Legislative Audit and Review Commission to study consolidation of all state law-enforcement agencies in the executive branch under the Department of State Police.

**SJ 281** (Edwards) (HAPP) establishes a joint subcommittee to study the unique and specific challenges facing urban school divisions. The provisions of the resolution are contingent on funding in a 2015 general appropriation act.

**SJ 285** (Dance) (HAPP) establishes an 11-member joint subcommittee to study the feasibility of expanding family and medical leave in the state to complement existing federal requirements. The provisions of the resolution are contingent on funding in a 2015 general appropriation act.

**SJ 288** (Vogel) (HRUL) requests the Department of Education to (i) determine, for each of the 95 localities that have adopted ordinances to provide for the use value assessment and taxation of certain real estate, the use value of all applicable (a) real estate devoted to agricultural use, (b) real estate devoted to horticultural use, (c) real estate devoted to forest use, and (d) real estate devoted to open-space use, as those terms are defined in the Code of Virginia, and (ii) recalculate the Composite Index of Local Ability to Pay for each locality after taking into consideration such use values.

**SJ 299** (McEachin) (HRUL) directs the Virginia Housing Commission to study opportunities for and barriers to safe and affordable housing for people reentering society from Virginia's jails and prisons and to provide a report of its activities and findings.

2015 General Assembly Session Transportation Funding/Allocation Bills

Bills	Patron	Description	Committee	Status	Summary
<b>Transportation Funding Bills</b>					
<b>House</b>					
HB 1279	Garrett, T.	Motor vehicle sales and use tax; expands certain exemption	S Finance	Passed House 100-0	Expands the exemption from payment of the motor vehicle sales and use tax for gifts of vehicles to certain family members to include gifts to a parent.
HB 1340	Scott, T.	Tangible personal property tax relief; autocycles.	S Floor	H Finance Reported 12-0	Adds autocycles to those motor vehicles that qualify for tangible personal property tax relief. Beginning in 2016, certain localities would be required to apply tangible personal property tax relief to autocycles used for nonbusiness purposes.
<b>Senate</b>					
SB 754	Carrico, C	Vehicle registration; increases fees, allocates funds for Department of State Police.	H Transportation	Passed Senate 31-5	Raises the vehicle registration fee an additional \$1.25 per year on each July 1 from 2015 through 2024 and allocates the funds to the Department of State Police.
SB 1219	Reeves, B	Tangible personal property tax relief; autocycles.	H Floor	H Finance Reported 21-0	Adds autocycles to those motor vehicles that qualify for tangible personal property tax relief. Beginning in 2016, certain localities would be required to apply tangible personal property tax relief to autocycles used for nonbusiness purposes.
<b>Transportation Allocation Formula Bills</b>					
<b>House</b>					
HB 1402	Loupassi, G.	Highway maintenance; payments to certain cities and towns.	S Transportation	Passed House 84-12	Provides that cities and towns that receive highway maintenance payments from the Commonwealth based on moving-lane-miles of highway will not have such payments reduced if moving-lane-miles of highway are converted to two-way bicycle travel lanes.
HB 1887	Jones, C	Transportation; funding, formula, update annual reporting, and allocations.	S Transportation, Funding Sub	Passed House 96-2	The bill establishes the high-priority projects program and the highway construction district grant program and replaces the \$500 million annual allocation made by the CTB and the 40-30-30 allocation formula to the primary, secondary, and urban highways with a new 40-30-30 allocation of funds to state of good repair purposes, high-priority projects, and highway construction district grants. The bill adds to transportation funding considerations the state of good repair purposes along with asset management practices and maintenance and requires the CTB to develop a priority ranking system for structurally deficient bridges and deteriorated pavements. The bill updates the annual report of the Commissioner of Highways made to the Governor and the General Assembly and adds that such report be submitted to the Joint Legislative Audit and Review Commission and the CTB. The bill also reallocates the interest, dividends, and appreciation that currently accrue to the Transportation Trust Fund and Highway Maintenance and Operating Fund: two-thirds of such current accruals to the Virginia Transportation Infrastructure Bank (VTIB) and one-third of such accruals to the Transportation Partnership Opportunity Fund. The bill also removes the ability of a governmental entity to apply for a VTIB grant. The bill also allows the CTB to make transfers from the Toll Facilities Revolving Account to the VTIB. The bill provides an additional \$40 million annually for transit projects, beginning in FY 2017. Funding will be shifted from the Port and Aviation shares of the Transportation Trust Fund and several highway funding sources. These provisions will expire if the federal government enacts the Marketplace Fairness Act.
<b>Senate</b>					
SB 1070	Lewis, L	Virginia Commercial Space Flight Authority; dedicated revenues.	H Finance	H Finance Sub 2 Recommends Reporting 9-0	Extends through fiscal year 2016 the dedication of certain income tax revenues to the Authority. Current law dedicates the income tax revenues attributable to the sale of commercial human spaceflights or commercial spaceflight training, or incidental to the sale of commercial human spaceflights, to the Authority through fiscal year 2015.

2015 General Assembly Session Transportation Funding/Allocation Bills

Bills	Patron	Description	Committee	Status	Summary
<b>Transportation Trust Fund Bills</b>					
<b>House</b>					
<b>Senate</b>					
<b>NVTA Allocation Bills</b>					
<b>House</b>					
HB 1470	LaRock, D	Northern Virginia Transportation Authority; use of revenues.	S Transportation	S Transportation Reported 15-0	Requires that the 70% of the regional revenues allocated by NVTA be used by NVTA solely to fund transportation projects that are contained in the regional transportation plan and that have evaluated by VDOT in accordance with HB 599 (2012). Delays enactment of this requirement until July 1, 2016.
HB 1915	LeMunyon, J	Northern Virginia Transportation Authority; regional plan.	S Transportation	Passed 99-0	Requires NVTA to include in its regional transportation plan as its primary objective reducing congestion in Planning District 8 to the greatest extent possible. Also, each locality embraced by the Authority shall annually report to the Authority any aspects of its comprehensive plan that are not consistent with the regional transportation plan.
<b>Senate</b>					
SB 921	Wexton, J.	Northern Virginia Transportation Authority; use of revenues by towns.	H Transportation, Sub 4	Passed Senate 40-0	Adds towns to the list of localities whose transportation projects can benefit from revenues from the NVTA. The bill also requires that such cities and towns receive funds for street maintenance to be eligible to receive revenues from NVTA.
SB 1314	Marsden, D.	Northern Virginia Transportation Authority; regional plan.	H Transportation, Sub 4	Passed Senate 37-1	Requires NVTA's regional transportation plan to make reducing congestion its primary objective in Planning District 8 to the greatest extent practicable.
<b>Other Bills</b>					
<b>House</b>					
HB 1886	Jones, S.	Public-Private Transportation Act; establishes requirement for finding of public interest.	S Transportation	Passed House 98-0	For Public-Private Transportation Act projects, establishes the requirements for a finding of public interest, requires such a finding prior to an initiation of procurement, and establishes the Transportation Public-Private Partnership Steering Committee to determine whether a proposal for the operation and development of a transportation facility serves a public purpose. The bill also requires certification of the finding prior to the execution of a comprehensive agreement and requires the public-private partnership guidelines to incorporate the finding. The bill also requires VDOT to establish (i) a process for identifying high-risk projects and (ii) procurement processes and guidelines for such projects to ensure that the public interest is protected.
Legislation No Longer Under Consideration					
<b>Transportation Funding Bills</b>					
<b>House</b>					
HB 1410	Marshall, R.	Motor fuels; reduces tax rate on gasoline and gasohol.	H Appropriations	Left in H Appropriations	Reduces the motor fuels tax on gasoline and gasohol from 5.1% to 3.5% of the statewide average wholesale price of a gallon of unleaded regular gasoline. The rate increased from 3.5% to 5.1% on January 1, 2015, as required by Chapter 766 of the Acts of Assembly of 2013, because Congress did not pass the Marketplace Fairness Act.
HB 1529	Berg, M.	General appropriation act; expiration date of second enactment Chapter 2, 2014 Sp. 1 Act.	H Appropriations	Left in H Appropriations	Provides that the enactment of the current general appropriation act that states that "no provision of this act shall result in the expiration of any provision of: (i) Chapter 896 of the Acts of Assembly of 2007 (HB 3202) pursuant to the 22nd enactment of that chapter or (ii) Chapter 766 of the Acts of Assembly of 2013 (HB 2313) pursuant to the 14th enactment of that chapter" shall expire on June 30, 2015.

2015 General Assembly Session Transportation Funding/Allocation Bills

Bills	Patron	Description	Committee	Status	Summary
HB 1579	Cole, M.	Vehicle registrations; expiration and renewal on or after July 1, 2015.	H Transportation	H Transportation Tabled by Voice Vote	Provides that vehicle registrations issued on and after July 1, 2015, will be permanent, unless vehicle ownership or the address where the vehicle is principally garaged changes.
HB 2095	Keam, M.	Real property tax on commercial and industrial property.	H Finance	Sub 1 Failed to Recommend Reporting 2-6	Requires counties to appropriate 30 percent of the revenue from the special tax on commercial and industrial property(C& I) attributable to property located within any town that constructs and maintains its streets to such town, unless the county and town agree otherwise.
HJ 581	Surovell, S.	Highways; JLARC to study alternative taxes and fees for funding in the Commonwealth.	H Rules	Studies Sub Recommends Laying on Table by Voice Vote	Directs JLARC to study the adequacy of taxes and fees currently dedicated to highway funding and the feasibility of alternative revenue sources, including but not limited to road usage charges based on vehicle miles traveled, other flat fees, increased use of tolls, and charges on motor vehicle parts and fluids that must be replaced as vehicle miles traveled increase, such as tires and motor oil.
<b>Senate</b>					
SB 716	Lucan, L	Virginia Casino Gaming Commission; regulation of casino gaming, penalties.	General Laws and Technology	S General Laws and Technology Failed to Report 4-10	Creates the Virginia Casino Gaming Commission as the licensing body for casino gaming; specifies licensing requirements for casino gaming; and imposes penalties for violations of casino gaming law. Under the bill, casino gambling shall be limited to localities in which at least 40 percent of the land area is exempt from local real property taxation pursuant to federal law or subdivisions (a) (1) through (a) 5 and (a) 7 of Section 6 of Article X of the Constitution of Virginia. Proceeds of the gross receipts tax and admission tax imposed on casino gaming operators to be paid as follows: (i) 10 percent to the locality in which the casino gaming operation is located and (ii) 90 percent into the Toll Mitigation Fund, to be used to mitigate the tolls for specified projects in Hampton Roads.
SB 791	Carrico, C	Motor vehicle safety inspection; increases charge.	S Finance	S Finance Stricken at Request of Patron 14-0	Increases the price of a vehicle safety inspection by \$1 for each category of vehicle and allocates \$0.50 of the additional \$1 to the Department of State Police toward the Department's costs in administering the motor vehicle safety inspection program; the remaining \$0.50 is retained by the inspection station.
SB 887	Petersen, J.	Real property; tax on commercial and industrial property in certain localities.	S Finance	S Finance Passed by indefinitely 15-0	Requires counties to appropriate 30 percent of the revenue from the special tax on commercial and industrial property attributable to property located within any town that constructs and maintains its streets to such town, unless the county and town agree otherwise.
SB 949	Stuart, R.	Hybrid vehicle registration; tax credit for certain vehicle owners.	S Finance	S Finance Passed By Indefinitely 13-1	Creates a \$64 tax credit for the 2015 tax year for hybrid vehicle owners who paid the \$64 annual license tax between July 1, 2013, and July 1, 2014. The bill has a July 1, 2018, expiration date.
<b>Transportation Allocation Formula Bills</b>					
<b>House</b>					
HB 1407	Lingamfelter, L.	State secondary highways; allocation of 10 per cent of funds.	H Transportation, Sub \$4	Sub #4 Recommends Laying on the Table 6-0	Allocates 10 percent of state revenues allocated to state secondary highways for use in reconstructing deteriorated state secondary highway pavements. The bill reduces from 25 to 20 percent the share of such revenues currently allocated to advancing high priority projects statewide and reduces from 15 to 10 percent the share of such revenues currently allocated to projects undertaken pursuant to the Public-Private Transportation Act of 1995.
HB 1501	Carr, B	Highway maintenance; bases payments to cities and towns on lane-miles of highways.	H Transportation, Sub \$4	Sub #4 Recommends Laying on the Table 6-0	Bases highway maintenance payments to cities and towns on lane-miles of highways. Under current law, such payments are based on moving-lane-miles available to peak-hour traffic.
HB 1502	Carr, B	Highway maintenance; payments to certain cities.	H Transportation, Sub \$4	Sub #4 Recommends Laying on the Table 7-0	Provides for highway maintenance payments to cities for paved trails that accommodate all modes of nonmotorized transportation, at a rate of 50 percent of the per-miles rate established for highway maintenance payments for collector roads and local streets.
HJ 599	Watts, V.	Study; JLARC; highway construction allocations; report.	H Rules, Studies Sub	Studies Sub Recommends Laying on Table by Voice Vote	Directs the Joint Legislative Audit and Review Commission to study the reasonableness, appropriateness, and equity of highway construction allocations in the Commonwealth.
HJ 601	Villanueva, R.	Study; JLARC; equity of funding for transportation programs; report.	H Rules, Studies Sub	Studies Sub Recommends Laying on Table by Voice Vote	Directs the Joint Legislative Audit and Review Commission to study the adequacy and equity of funding for transportation programs in the Commonwealth.

2015 General Assembly Session Transportation Funding/Allocation Bills

Bills	Patron	Description	Committee	Status	Summary
<b>Senate</b>					
SB 952	Dance, R.	Highway maintenance payments to cities and towns.	S Transportation	S Transportation Passed by Indefinitely 15-0	Bases highway maintenance payments to cities and towns on lane-miles of highways. Under current law, such payments are based on moving-lane-miles available to peak-hour traffic.
SB 953	Dance, R.	Highway maintenance payments to certain cities.	S Transportation	S Transportation Passed by Indefinitely 15-0	Provides for highway maintenance payments to cities for paved trails that accommodate all modes of nonmotorized transportation, at a rate of 50 percent of the per-miles rate established for highway maintenance payments for collector roads and local streets.
SB 1023	Stuart, R.	Mass transit; transit funding in statewide prioritization.	S Transportation	Stricken at request of Patron 15-0	Includes moneys from the Commonwealth Mass Transit Fund and highway aid to mass transit in the list of funds subject to the statewide prioritization process (HB 2). The bill also requires the Joint Commission on Transportation Accountability to review the prioritization of projects by the CTB and to make necessary recommendations regarding the process to the General Assembly.
SB 1159	Edwards, J.	Highway projects; Commonwealth Transportation Board to develop a life-cycle cost analysis.	S Transportation	S Transportation Passed by Indefinitely 15-0	Requires the Commonwealth Transportation Board to develop a life-cycle cost analysis for all primary highway projects approved by the Board for which the total cost of initial construction exceeds \$500,000. The bill requires the analysis to include the total initial cost of the project and projected future maintenance costs and requires the Board to make project decisions accordingly.
SB 1274	Barker, G.	State highways; allocation of funds.	S Transportation	S Transportation Passed by Indefinitely 15-0	Allocates 10 percent of state revenues allocated to state secondary highways for use in reconstructing deteriorated state secondary highway pavements. The bill reduces from 25 to 20 percent the share of such revenues currently allocated to bridge reconstruction and rehabilitation and reduces from 15 to 10 percent the share of such revenues currently allocated to projects undertaken pursuant to the Public-Private Transportation Act of 1995.
<b>Transportation Trust Fund Bills</b>					
<b>House</b>					
HJ 502	Fowler, H.	Constitutional amendment; Transportation Funds.	H Privileges and Elections, Constitutional Amendments Sub	Left in H Privileges and Elections	Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund (TTF), Highway Maintenance and Operating Fund (HMOF), Priority Transportation Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds. The General Assembly by general law, other than a general appropriation law, may alter the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within three years. No moneys designated for deposit into funds other than Transportation Funds shall be used for any transportation-related purpose except for making certain debt service payments on transportation-related bonds and notes.
HJ 576	LeMunyon, J.	Constitutional amendment; Transportation Funds.	H Privileges and Elections, Constitutional Amendments Sub	Left in H Privileges and Elections	Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, TTF, HMOF, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly shall not borrow from the Funds for any other purpose.
<b>Senate</b>					
SI 217	Black, R.	Constitutional amendment; Transportation Funds.	S Floor	Rejected by Senate 17-22	Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, TTF, HMOF, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house and that the loan must be repaid with reasonable interest within four years.

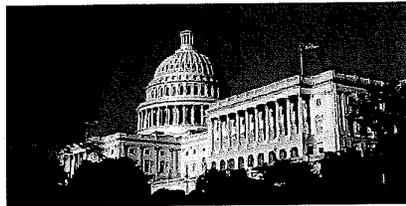
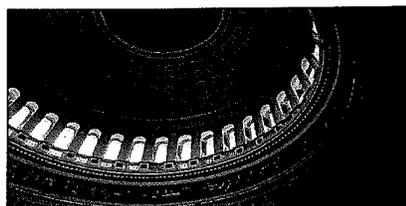
2015 General Assembly Session Transportation Funding/Allocation Bills

Bills	Patron	Description	Committee	Status	Summary
SJ 219	Cosgrove, J.	Constitutional amendment; Transportation Funds.	S Privileges and Elections	Incorporated into SJ217	Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, TTF, HMOF, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house and that the loan must be repaid with reasonable interest within four years.
SJ 255	Obenshain, M.	Constitutional amendment (first resolution); Transportation Funds.	S Privileges and Elections	Incorporated into SJ217	Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, TTF, HMOF, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house and that the loan must be repaid with reasonable interest within four years.
<b>NVTA Allocation Bills</b>					
<b>House</b>					
HB 1525	Minchew, J.	NVTA; Department of Taxation's costs in administering certain taxes.	H Finance, Sub #1	Sub Recommends Laying on the Table by Voice Vote	Requires the Department of Taxation to provide to NVTA the methodology it uses in calculating, and an itemized accounting of, the amount of revenue it retains in costs incurred for administering the collection of sales tax revenue otherwise due to the NVTA.
HB 2099	Keam, M.	Use of certain revenues by the Northern Virginia Transportation Authority.	H Transportation, Sub #4	Sub Recommends Laying on the Table 6-0	Allows new sidewalk projects to be funded by NVTA.
<b>Senate</b>					
SB 932	Petersen, J.	Northern Virginia Transportation Authority; use of certain revenues for new sidewalk projects.	S Transportation	S Transportation Failed to Report 7-8	Allows new sidewalk projects to be funded by NVTA.
HB 2296	Joannou, J	Tolling authority; approval by General Assembly before collecting or imposing tolls.	H Transportation	Left in H Transportation	Requires approval by the General Assembly before the imposition or collection of tolls or user fees on any interstate, primary, or secondary highway, on any project undertaken pursuant to the PPTA, or by the HRTAC, NVTA, or RMTA.

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# ALCALDE & FAY

## HIGHLIGHTS OF THE PRESIDENT'S FY 2016 BUDGET



Since release of the Obama Administration's Fiscal Year (FY) 2016 Budget on February 2, 2015, we have reviewed budgetary analysis and information from relevant Federal Agencies. The Administration's recommendations are intended to serve as a guide to funding levels for Congress to enact through the annual appropriations process. Proposed funding allocations for programs generally of interest to local governments have been highlighted below as provided in the Agencies' congressional justifications and Budget summaries.

The Administration's FY 2016 Budget includes the following funding and policy proposals:

### DEPARTMENT OF AGRICULTURE

\$25 billion in Department of Agriculture discretionary budget authority, an increase of about \$1 billion above the FY 2015 enacted level, to fund programs and operating expenses. This amount includes funding for Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Rural Development, food safety, Forest Service, research and conservation activities. Funding for mandatory programs is estimated at \$131 billion, about \$3 billion above the FY 2015 level, which largely reflects increases in the Commodity Credit Corporation Fund.

#### *Food and Nutrition Service*

- \$6.6 billion for WIC to fully support projected participation of 8.5 million participants per month in 2016. WIC is critical to the health of low-income pregnant women, new mothers, and their infants and young children. The Supplemental Nutrition Assistance Program (SNAP) is proposed to be increased from \$82 billion to \$84 billion, and Child Nutrition Programs are proposed to increase from \$21 billion in FY 2015 to \$22 billion.

#### *Natural Resources and Environment*

- No funding is requested for the Watershed Rehabilitation program, the Water Bank Program, or the Emergency Watershed Protection Program, which are managed by NRCS within USDA.

#### *Animal and Plant Health Inspection Service*

- \$1.163 billion for the Animal Plant and Health Inspection Service, a slight increase compared to the FY 2015 level of \$1.136 billion.

***Water and Wastewater Grants***

- The FY 2016 Budget would keep level funds for loans but decrease funds for grants for rural water and wastewater projects. \$1.2 billion is requested for water/wastewater loans, which is the same as FY 2015 levels. Grants would be funded at \$452 million, a decrease from \$455 million in FY 2015.

***Telecommunications Deployment***

- No funding is requested for telecommunications loans used for the improvement and construction of telecommunications facilities that meet broadband standards. The Budget includes \$25 million for grants under the Distance Learning and Telemedicine program.

**DEPARTMENT OF COMMERCE**

\$9.8 billion in discretionary funding for the Department of Commerce, an increase of \$1.3 billion over the FY 2015 enacted level.

***Economic Development Assistance (EDA) Programs***

- \$213 million, approximately \$227,000 more than the FY 2015 level, for EDA to support innovative economic development planning, regional capacity building, and capital projects.
- \$25 million is included for the Regional Innovation Strategies Program to promote economic development projects that spur entrepreneurship and innovation at the regional level.
- \$14 million reduction in funding for the Public Works Program to allow distribution of resources across the range of EDA grant programs to provide a diverse set of options for promoting innovation and economic development.

***National Telecommunications and Information Administration (NTIA)***

- \$49 million for the National Telecommunications and Information Administration (NTIA) to increase technical assistance and advisory services to communities looking to expand their broadband infrastructure, support spectrum sharing research and testing, and help manage the transition of Federal telecommunications services from copper to IP-based system.
- \$135 million for grants to states and localities to plan for the build-out of the first responders' network. NTIA will administer grants that assist state, regional, tribal, and local jurisdictions in identifying, planning, and implementing the most efficient, effective options for utilizing and integrating infrastructure associated with the nationwide public safety broadband network.
- The First Responder Network Authority (FirstNet) builds, maintains, and operates a nationwide, interoperable public safety broadband network to support first responders. FirstNet is expected to be fully funded in FY 2015 at \$7 billion through spectrum auction proceeds. Following consultation with regional, state, tribal, and local jurisdictions, FirstNet in FY 2016 will issue a request for proposal (RFP) to develop its network.

***National Institute of Standards and Technology (NIST)***

- \$1.1 billion for expanding the NIST's work to accelerate scientific measurements and standards and improve competitiveness in manufacturing sectors, which is \$255.8 million above FY 2015 enacted levels.

- \$141 million for the Hollings Manufacturing Extension Partnership (MEP), with an increased focus on expanding technology and supply chain capabilities to support technology adoption by smaller manufacturers to improve their competitiveness.
- \$6 million for the Advanced Manufacturing Technology Consortia (AMTech), a public-private partnership that will support industry-led consortia developing technologies to address major manufacturing challenges faced by American businesses.

## DEPARTMENT OF EDUCATION

\$70.7 billion in total discretionary budget authority for the Department of Education, an increase of \$3.6 billion over the previous year. The request includes increases for preschool development grants, education technology, and a new proposal that would make attending community college free of charge. Notably, the Administration's Budget does not propose new funding for the Race to the Top program.

### *Preschool for All (P4A)*

- \$1.3 billion, the same amount as in FY 2015, and \$75 billion in mandatory funds over 10 years, for the Preschool for All program, which will help states implement universal high-quality preschool programs that help prepare all 4-year-olds from low- and moderate-income families for success in kindergarten and beyond.

### *Preschool Development Grants*

- \$750 million in FY 2016 for Preschool Development Grants, a \$500 million increase over the FY 2015 enacted level, to significantly expand the reach of the program, which was launched in FY 2014 with awards to 18 States. These grants increase the quality of preschool programs and give more children access to their benefits.
- One key goal of the Preschool Development Grants would address fundamental needs including workforce development, and quality infrastructure components such as program standards, monitoring, and evaluation.
- A second key goal would support the scale-up of high-quality local programs that could serve as models for Preschool for All.

### *Title I Grants to Local Educational Agencies*

- \$15.4 billion, an increase of \$1 billion, for Title I Grants to Local Educational Agencies (LEAs), which provide support to school districts and schools that have been serving a greater number of students from low-income families in recent years and are also working to implement new college- and career-ready (CCR) standards and aligned assessments, close achievement gaps, turn around their lowest-performing schools, and use new educator evaluation systems to improve instruction and provide better support to teachers. The request also would help build State capacity to carry out these critical reforms by increasing the State-level set-aside of Title I funds from one percent to three percent.

### ***School Improvement Grants (SIG)***

- \$555.8 million, a \$50 million increase over 2015, targeted to States that demonstrate a strong commitment to using SIG funds for evidence-based interventions, with new funds being used only for subgrants to LEAs that propose to implement proven interventions or school closures.

### ***Investing in Innovation (i3)***

- \$300 million in FY 2016 for the Investing in Innovation (i3) program, an increase of \$120 million over the 2015 enacted level, to develop, validate, and scale up proven education practices and strategies.
- The increase for i3 includes \$50 million for a new education-based research agency modeled after the military's Defense Advanced Research Projects Agency (DARPA)-ED.
- In order to create incentives to leverage existing public education funding, including Federal formula funding, to support activities that are evidence-based and more likely to improve student outcomes, the Administration will seek appropriations language providing grantees with new flexibility to use Federal, State, or local resources to meet the program's matching requirement.

### ***Leveraging What Works***

- \$100 million for a new Leveraging What Works pilot for districts that agree to use the grant—as well as a portion of their existing formula funds—to implement evidence-based strategies and interventions, evaluate those interventions, and report publicly on school level expenditure and outcome data.

### ***Next Generation High Schools***

- \$125 million for a new, competitive Next Generation High Schools program to transform the high school experience and more effectively prepare students for college and careers by using Federal, State, and local resources to create learning models that are rigorous, relevant, and focus on real-world experiences and incorporate personalized learning and career and college exploration. Special consideration would be given to projects designed to improve readiness for postsecondary education and careers in science, technology, engineering, and mathematics fields.

### ***21<sup>st</sup> Century Community Learning Centers***

- \$1.1 billion, the same as the 2015 enacted level, for 21<sup>st</sup> Century Community Learning Centers to support State and local efforts to implement in-school and out-of-school strategies for providing students (and, where appropriate, teachers and family members), particularly those in high-need schools, the additional time, support, and enrichment activities needed to improve student achievement.
- The Administration's request would continue to allow funds to be used for before- and after-school programs, summer enrichment programs, and summer school programs, and would also permit States and eligible local entities to use funds to support expanded-learning-time programs.

### ***Support for Educators***

- \$5 billion over five years for a new mandatory program, Teaching for Tomorrow, to provide funds to States or districts willing to make fundamental changes—based on proven or promising models—in how they recruit and prepare new teachers for the profession or their approaches to developing and supporting teachers throughout their careers.

- The President's Budget proposes replacing several current activities that address teaching and school leadership issues, namely the Teacher Incentive Fund; Transition to Teaching, School Leadership, and Teacher Quality Partnerships with programs such as:
  - **Excellent Educators Grants:** \$350 million, \$120 million more than in 2015, to support evidence-based State and local initiatives to strengthen systems for preparing, supporting, and retaining effective teachers and principals in high-need districts and schools.
  - **Teacher and Principal Pathways:** \$138.8 million to support investments in the recruitment, competitive selection, preparation, and placement of new teachers and principals for high-need schools.
  - **Improving Teacher Quality State Grants:** \$2.3 billion, the same as the 2015 level, to support ongoing State and local efforts to improve teacher and principal effectiveness and help ensure that all students have equitable access to highly effective teachers and principals, particularly in high-need LEAs, schools, fields, and subjects.
  - **Educational Technology State Grants:** \$200 million for a revised program that would fund State subgrants to model districts to support teachers and leaders in using technology to improve instruction and personalize learning.

#### *Expanding Educational Options*

- **Charter Schools Grants:** \$375 million, \$121 million more than the FY 2015 level, to support the start-up, replication, and expansion of successful charter schools. The requested increase reflects a priority in the President's Budget for supporting effective models of school reform and would be coupled by new authority for State grantees to make subgrants to charter management organizations and other nonprofit organizations to replicate and expand schools with demonstrated records of improving student achievement and attainment.
- **Magnet Schools Assistance to LEAs:** \$91.6 million, the same as in FY 2015, to establish and operate magnet schools that are part of an approved desegregation plan, and \$28.5 million for the Advanced Placement programs, which under the Administration's proposal would help provide access for low-income students to an expanded range of advanced course programs and tests, including dual-enrollment programs and early college high schools.
- **Advanced Placement:** \$28.5 million, the same as in FY 2015, for the Advanced Placement programs, which under the Administration's proposal would help provide access for low-income students to an expanded range of advanced course programs and tests, including dual-enrollment programs and early college high schools.

#### *Promise Neighborhoods*

- \$150 million for the Promise Neighborhoods program, a \$93 million increase, to provide competitive one-year planning grants and up to five-year implementation grants to community-based organizations for the development and implementation of comprehensive neighborhood programs. The program also supports efforts to combat the effects of poverty and improve educational and life outcomes for children and youth.
- Funds would support an estimated 25 new planning grants and up to 25 new implementation grants, as well as support for seven continuation awards for the 2012 cohort of implementation grantees.
- In coordination with the Department of Housing and Urban Development (HUD), the Department would reserve a portion of 2016 funds for planning grants to communities that intend to apply for

funding under both the Promise Neighborhoods and HUD's Choice Neighborhoods programs. Funds would also be used to expand technical assistance to grantees.

### *School Safety*

- \$90 million for Safe and Drug-Free Schools and Communities (SDFSC) National Activities, an increase of \$20 million more than the FY 2015 level, to expand support for key elements of the President's Now is the Time initiative (NITT), which is designed to protect our children and our communities by reducing gun violence, making schools safer, and increasing access to mental health services. Key activities include the following:
  - **School Climate Transformation Grants:** \$62.4 million to help schools train their teachers and other school staff to implement evidence-based behavioral intervention strategies to help improve the school climate.
  - **Project Prevent Grants:** \$14.6 million for LEAs to help schools in communities with pervasive violence break the cycle of violence.
  - **Project SERV (School Emergency Response to Violence):** \$5 million would be awarded to support the provision of education-related services to LEAs and to institutions of higher education (IHEs) in which the learning environment has been disrupted due to a violent or traumatic crisis.

### *Special Education Grants to States Program*

- \$11.7 billion for the Grants to States Program, an increase of \$175 million from the FY 2015 enacted level. Formula grants are provided to States to assist in providing special education and related services to children with disabilities ages three through 21.

### *Pell Grants*

- \$28.9 billion for Pell Grants, including \$22.5 billion in discretionary funds and \$6.5 billion in mandatory funds. The proposed allocation will provide sufficient resources to fully fund the maximum Pell Grant award, which is \$5,775 in the 2015-2016 award year, and will increase with inflation in the 2016-2017 award year, and index it to inflation beyond 2017.
- The President's Budget proposes to make several small reforms to the Pell Grant program, as outlined below:
  - Strengthen academic progress requirements in the Pell Grant program in order to encourage students to complete their studies on time.
  - Allow those students enrolled in eligible career pathways programs who are eligible under the recently restored Ability to Benefit provision to receive the full Pell Grant award.
  - Prevent additional Pell disbursements to recipients who repeatedly enroll and obtain aid but do not earn any academic credits.
  - Move Iraq Afghanistan Service Grants to the Pell Grant program to avoid further award reductions as a result of sequestration.

### *America's College Promise*

- \$1.4 billion for America's College Promise, a total of \$60.3 billion over the next decade, a new proposed grant program for States to make community college free for responsible students, enabling them to earn a certificate, an associate's degree or up to two years' worth of credits towards a bachelor's degree without paying any tuition and fees.

***College Opportunity and Graduation Bonus***

- \$647 million, a total of \$7 billion over the next decade, for the College Opportunity and Graduation Bonus program that will reward colleges that successfully enroll and graduate a significant number of low- and moderate-income students on time and encourage all institutions to improve their performance. Eligible institutions may receive a grant that will support innovation, interventions, and reforms to further increase college access and success based upon the number of Pell Grant recipients they graduate on time.

***First in the World (FITW) Program***

- \$200 million for the First in the World program, a \$140 million increase from 2015. These competitive awards aim to improve postsecondary completion rates through innovative, promising, and evidence-based strategies.
- The Administration plans to set aside up to 30 percent of the funds available for a competition to support the implementation of projects at Minority Serving Institutions.

***Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)***

- The President's request includes \$301 million, the same as in FY 2015, for this program designed to increase the number of low-income students who are prepared to enter and succeed in postsecondary education.

***Federal TRIO Programs***

- The proposal includes \$859.8 million, an increase of \$20 million, for college preparation programs, including approximately 2,800 TRIO projects serving middle school, high school, and college students and adults. The Budget also will support a new TRIO initiative designed to give existing grantees the opportunity to compete for increased funding to implement, evaluate, and scale additional, evidence-based college access and success strategies.

**DEPARTMENT OF ENERGY**

\$29.9 billion in discretionary funds for the Department of Energy, a 9.2 percent increase over the FY 2015 enacted level of \$27.4 billion.

***Energy Efficiency & Renewable Energy (EERE)***

- \$2.72 billion, a 42 percent increase from the FY 2015 enacted level of \$1.9 billion, for the EERE program, through which the EPA works with business, industry, and universities to increase the use of renewable energy and energy efficiency technologies.

***Weatherization and Intergovernmental Grants***

- \$318 million, representing a 31 percent increase from the FY 2015 enacted level of \$243 million for the Weatherization Assistance Program, the State Energy Program and a new competitive grants program to form partnerships with local governments for the promotion of clean energy investments.

## ENVIRONMENTAL PROTECTION AGENCY

\$8.6 billion for the Environmental Protection Agency, a \$452 million increase from the \$8.2 billion FY 2015 enacted level.

### *Clean Water State Revolving Fund (CWSRF)*

- \$1.1 billion for the CWSRF program, which provides funding for wastewater infrastructure, nonpoint source pollution control, and estuary management projects. This would represent a \$333 million reduction from the FY 2015 enacted level of \$1.45 billion.

### *Drinking Water State Revolving Fund (DWSRF)*

- \$1.2 billion for the DWSRF program, \$279 million more than the FY 2015 enacted level of \$907 million. The DWSRF program provides funding for communities to finance infrastructure improvements for public drinking water systems.

### *Brownfields Program*

- \$110 million for Brownfields projects, a \$30 million increase from the FY 2015 enacted level of \$80 million. The program provides funding to communities for the clean-up and redevelopment of properties, which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

\$83.8 billion in discretionary budget authority for the Department of Health and Human Services (HHS), approximately \$4.8 billion above the FY 2015 enacted level.

### *Grants to States for Medicaid*

- \$356.8 billion, an increase of \$18.7 billion above the FY 2015 enacted level. The majority of the increase is attributed to the Affordable Care Act's Medicaid expansion, and the funding consists of \$243.5 billion for FY 2016 and \$113.3 billion in an advance appropriation from FY 2015.
- The request also includes a number of policy provisions aimed at saving money and implementing program reforms.

### *Substance Abuse and Mental Health Service Administration (SAMHSA)*

- \$3.66 billion for SAMHSA, an increase of \$45 million above the FY 2015 level. This request is divided, in part, among the following four program partnerships with states, communities, tribal and private not-for-profit organizations to enhance health and reduce the adverse impact of substance abuse and mental illness on America's communities:
  - Substance Abuse Prevention: \$210.9 million, \$35.8 million above the FY 2015 enacted level.
  - Substance Abuse Treatment: \$2.14 billion, \$40.7 million below the FY 2015 enacted level.
  - Health Surveillance and Program Support: \$236.6 million, an increase of \$42.8 million above the FY 2015 enacted level.
  - Mental Health: \$1.078 billion, \$6.8 million above the FY 2015 enacted level.

- \$10 million for a new Strategic Prevention Framework for Prescription Drugs (SPF Rx), to raise public awareness about the dangers of sharing medications and to work with pharmaceutical and medical communities to raise awareness on the risks of overprescribing.
- \$151 million for programs within the President's Now is the Time (NITT) violence prevention initiative, an increase of \$35 million above the FY 2015 enacted level. As outlined below, the requested funding will be allocated among existing programs as well as three new initiatives:
  - \$55 million for Project AWARE to improve mental health awareness, increase referrals to behavioral health services and support systems, including \$40 million for Project AWARE State Grants and \$15 million for Mental Health First Aid. Funding will be used to increase awareness of mental health issues and connect young people with behavioral health issues and their families with needed services.
  - \$20 million for Healthy Transitions to support youth ages 16 to 25 with mental health and substance abuse problems and their families.
  - \$72.25 million for the continuation of workforce-related programs initiative in FY 2015, which includes \$56 million (an increase of \$21 million over the FY 2015 enacted level) for the jointly administered SAMHSA-HRSA Behavioral Health Workforce Education and Training (BHWET) Grant program to increase the clinical service capacity of the behavioral health workforce.
  - \$10 million for a new Peer Professional Workforce Development program, which will award grants to provide tuition support and further the capacity of community colleges to develop and sustain behavioral health paraprofessional training and education programs.
  - \$4 million for a new initiative, Science of Changing Social Norms, which includes two components: Building the Evidence, to measure and track attitudes, behaviors and community norms regarding mental health and substance abuse; and Social Norms, to develop and test an array of messages.
  - In addition to SAMHSA funding, the President is also requesting additional funding for the Now is the Time initiative within his CDC budget, including \$10 million to conduct research on the causes and prevention of gun violence (investigating links between video games, media images, and violence), as well as \$23.6 million to complete expansion to all 50 states of the National Violent Death Report System, which reports anonymous data on all types of violent deaths.

### *Community Health Centers*

- \$4.2 billion for Community Health Centers (CHC) is included within the Health Resources and Services Administration (HRSA) request, which is approximately \$809 million below the FY 2015 enacted level but which would now include \$2.7 billion in new mandatory resources (also requests \$2.7 billion in mandatory funding in both FY 2017 and FY 2018). This funding is projected to serve approximately 28.6 million patients in 2016, an increase of 1.1 million patients over 2015. The request is projected to support 75 new access point grants, and continuation and quality improvement activities for more than 1,300 health centers operating over 9,000 primary care sites.

### *Ryan White Grants*

- \$2.32 billion for the Ryan White HIV/AIDS Programs, approximately the same as the FY 2015 enacted level. The Budget proposes consolidating the Part D (Children, Youth, Women, and Families) program within the Part C (Early Intervention) program in FY 2016, in order to achieve

the following goals: expand the focus on women, infants, children and youth across all the funded grantees; increase points of access for these populations; and reduce duplication of effort and reporting/administrative burden among co-funded grantees.

#### *Precision Medicine Initiative*

- The Administration is proposing a new cross-Department initiative, primarily between the NIH and FDA, to focus on developing treatments, diagnostics, and prevention strategies tailored to the individual genetic characteristics of each patient, also known as precision medicine. The FDA will use approximately \$10 million to modernize the regulatory framework to aid the development and use of molecular diagnostics in precision medicine, and the Office of the National Coordinator for Health Information Technology (ONC) will use approximately \$5 million to help develop technology and define standards and certification criteria to enable the exchange of genomic data.
- The majority of the funding would be allocated to the NIH, who would receive approximately \$200 million to be used for the following initiatives:
  - Cancer Genomics: \$70 million to expand current cancer genomics research to initiate new studies of how a tumor's DNA can be used to predict and treat tumor cells that develop resistance to a therapy, apply new non-invasive methods to track response to therapy, and explore the efficacy of new combinations of cancer drugs targeted to specific tumor mutations.
  - National Research Cohort: \$130 million to launch a national research cohort of one million or more individuals, who volunteer to share their genetic information in the context of other health data over time.

### DEPARTMENT OF HOMELAND SECURITY

\$41.2 billion in Department of Homeland Security (DHS) funding – an overall decrease of \$3 billion below the FY 2015 enacted level. Of this funding, \$1.5 billion, \$577 million more than in FY 2015, is requested for critical state and local programs, such as the prevention of terrorist attacks, border security, aviation security, disaster preparedness, and cybersecurity.

The Budget also proposes to consolidate and restructure several of the Department's stand-alone FEMA grant programs (State Homeland Security, Urban Area Security Initiative, Port Security) into a new National Preparedness Grant Program to better develop, sustain, and leverage core capabilities across the country while supporting national preparedness and response. Key proposed DHS – FEMA funding includes:

#### *National Preparedness Grant Program*

- \$1.043 billion for the new program, which would consist of a mix of formula grants to the states intended to sustain current activities including some Urban Area Security Initiative grants, and competitive grants to states and regions for specific policy areas, including critical infrastructure, counterterrorism, and transportation.

#### *Firefighter Assistance Grants*

- \$670 million, identical to FY 2015 enacted levels, for direct grant assistance to local fire departments improve the ability to safeguard the lives of firefighting personnel and citizens. This request

includes grants to hire and retain firefighters (Staffing for Adequate Fire and Emergency Response - SAFER); provide training, equipment and personal protective gear (Assistance to Firefighters Grants - AFG); and support projects that enhance the safety of the public and firefighters from fire and related hazards (Fire Prevention & Safety - FP&S).

#### *Emergency Management Performance Grants*

- \$350 million, identical to FY 2015 enacted levels, to assist state, local, tribal and territorial governments in preparing for all hazards by providing direction, coordination, guidance, and assistance so that a comprehensive emergency preparedness system exists for all hazards.

### **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

\$49.3 billion in gross discretionary funding for the Department of Housing and Urban Development (HUD), approximately \$4 billion above FY 2015 enacted levels.

#### *Community Development Fund*

- \$2.88 billion, of which \$2.8 billion is requested for the Community Development Block Grant (CDBG) program, approximately \$200 million less than the FY 2015 enacted level.
- The Administration also recommends a number of CBDG reforms, including; helping grantees target funding to the areas of greatest need; enhancing program accountability; synchronizing program cycles; eliminating the number of small grantees; and providing options for regional coordination, administration, and planning.

#### *Housing Opportunities for Persons with AIDS (HOPWA)*

- \$332 million, \$2 million more than FY 2015 enacted levels, for grants to local communities, States, and nonprofit organizations for projects that benefit low-income persons living with HIV/AIDS and their families.

#### *Homeless Assistance Grants*

- \$2.48 billion, \$345 million more than FY 2015 enacted levels, to support new permanent supportive housing and cover a wide range of activities to assist homeless persons and prevent future homelessness.

#### *Housing Counseling Assistance*

- \$60 million for Housing Counseling Assistance, a \$13 million increase over FY 2015 enacted levels to provide counseling to consumers on seeking, financing, maintaining, renting, or owning a home, and assist homeowners facing foreclosure.

#### *Tenant-Based Rental Assistance/Housing Choice Vouchers*

- \$21.125 billion, \$1.821 billion more than FY 2015 enacted levels to assist very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market.

***Project-Based Rental Assistance***

- \$10.76 billion, \$1.03 billion more than FY 2015 enacted levels, to provide rental subsidies for eligible tenant families residing in newly constructed, rehabilitated and existing rental and cooperative apartment projects.

***Public Housing Capital Fund***

- \$1.97 billion, \$95 million for than FY 2015 enacted levels, for the capital and management activities of Public Housing Agencies.

***Public Housing Operating Fund***

- \$4.461 billion, \$112 million more than FY 2015 enacted levels, for the operation, management, and maintenance of publicly owned affordable rental housing.

***HUD-Veterans Affairs Supportive Housing (HUD-VASH) Program***

- \$75 million, identical to the FY 2015 enacted level, for new rental assistance vouchers for homeless Veterans.

***HOME Investments Partnerships Program***

- \$1.06 billion, \$160 million above FY 2015 enacted levels, for formula grants to States and localities to fund a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people.

***Housing for the Elderly***

- \$455 million, \$35 million more than FY 2015 enacted levels for project rental assistance for the elderly.

***The Choice Neighborhoods Initiative***

- \$250 million, \$170 million more than FY 2015 enacted levels, for competitive grants to transform, rehabilitate and replace public housing in distressed neighborhoods.

***Housing for People with Disabilities***

- \$177 million, \$42 million more than FY 2015 enacted levels, for project rental assistance for supportive housing for persons with disabilities.

***Neighborhood Stabilization Program (NSP)***

- \$72 million, \$175 million less than FY 2015 enacted levels, for the purpose of stabilizing communities that have suffered from foreclosures and abandonment, through the purchase and redevelopment of foreclosed, abandoned and short-sale homes.

***Revitalization of Severely Distressed Public Housing (HOPE VI)***

- \$80 million, \$10 million less than FY 2015 enacted levels, for broad range transformative investments in high-poverty neighborhoods where public housing and other HUD-assisted housing are located.

## DEPARTMENT OF THE INTERIOR

\$13 billion in Department of the Interior discretionary funding, a \$753 million increase from the FY 2015 enacted level of \$12.3 billion.

### *Land and Water Conservation Fund*

- \$900 million for Land and Water Conservation Fund (LWCF) programs in the Departments of the Interior and Agriculture, a \$594 million increase from the FY 2015 enacted level. Of that total, \$672 million for the Interior Department alone, a \$467 million increase from the FY 2015 enacted level. The Fund would, in part, provide conservation grants under the National Park Service, including \$100 million for State Assistance Grants, a \$52 million increase from the FY 2015 enacted level, and \$25 million for the Urban Parks and Recreation Fund, which has not been funded since 2002.

## DEPARTMENT OF JUSTICE

\$28.7 billion, approximately \$1.3 billion above the FY 2015 enacted levels, in Department of Justice discretionary funding. This funding includes \$3.511 billion, \$1.039 billion less than FY 2015 enacted levels, for State and local Programs.

### *Community Oriented Policing Services*

\$303 million, \$95 million more than FY 2015 enacted levels, for grants to enable State and local law enforcement agencies to increase the number of officers available for targeted patrol and other proven strategies to prevent and reduce crime. This funding includes \$249.5 million, \$69.5 million more than FY 2015, for the COPS Hiring Program.

### *Office of Justice Programs*

The Budget requests more than \$1.142 billion, \$98.7 million less than FY 2015 enacted levels, for Office of Justice Programs (OJP) State and Local Law Enforcement Assistance. Within that allocation are the following programs:

- **Byrne Justice Assistance Grants (JAG):** \$388 million, \$12 million more than FY 2015 enacted levels, to support law enforcement, prosecution and courts, crime prevention, corrections, drug treatment and other important initiatives. This funding includes \$30 million for a Body Worn Camera Demonstration project and \$22.5 million for the Bulletproof Vests Program.
- **Byrne Incentive Grants:** \$15 million in new funding for supplementary grants to State and local governments to implement proven, evidence-based, public safety strategies.
- **Byrne Competitive Grants:** \$15 million in new funding to State and local governments, non-profit and community-based organizations to improve the functioning of the criminal justice system and assist victims of crime.
- **Residential Substance Abuse Treatment (RSAT) Program:** \$14 million, \$4 million more than FY 2015 enacted levels, to assist States and units of local government in developing and

implementing residential substance abuse treatment programs in State and local correctional and detention facilities and to create and maintain community-based aftercare services for offenders.

- **Byrne Criminal Justice Innovation Program:** \$29.5 million in new funding to work with local leadership in high-poverty communities to invest and engage more intensely to create jobs, leverage private investment, increase economic activity, reduce violence, and expand educational opportunities.
- **Drug Court Programs:** \$36 million, \$5 million less than FY 2015 enacted levels, for grants, training and technical assistance to State, local, and tribal governments to support the development, expansion, and enhancement of effective drug courts.
- **Justice and Mental Health Collaboration Program:** \$14 million, \$5.5 million more than FY 2015 enacted levels, for grants, training, and technical and strategic planning assistance to help State, local, and tribal governments develop multi-faceted strategies that bring together criminal justice, social services, and public health agencies, as well as community organizations, to develop system-wide responses to the needs of mentally ill individuals involved in the criminal justice system.
- **Veterans Treatment Court Program:** \$4 million, \$1 million less than FY 2015 enacted levels, for grants, training and technical assistance to State and local governments to support the creation and development of veteran treatment courts.
- **Prescription Drug Monitoring Program (PDMP):** \$9 million, \$2 million less than FY 2015 enacted levels, to enhance the capacity of regulatory and law enforcement agencies to collect and analyze controlled substance prescription data.
- **Second Chance Act Program:** \$120 million, \$52 million more than FY 2015 enacted levels, for grants to establish and expand various adult and juvenile offender reentry programs and funds reentry-related research. Included in this funding is \$10 million for the Smart Probation Program to help States and localities develop comprehensive, innovative probation, as well as parole supervision programs.
- **Victims of Trafficking Program:** \$10.5 million, \$31.75 million less than FY 2015 enacted levels, to empower local law enforcement to better identify and rescue trafficking victims.
- **Defending Childhood/Children Exposed to Violence Program:** \$23 million, \$15 million more than FY 2015 enacted levels, to support research and provide demonstration grants and training and technical assistance, in partnership with the Department of Health and Human Services, to encourage the development of comprehensive intervention and treatment programs to assist children who are victims of, or witnesses to, violence.
- **Implementation of the Adam Walsh Act:** \$20 million, identical to FY 2015 enacted levels, for grants and technical assistance to help State and local governments develop and enhance sex

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offender registration and notification systems that are in compliance with the Sex Offender Registration and Notification Act.

- **Community Teams to Reduce the SAK Backlog:** \$41 million, identical to FY 2015 enacted levels, for grants that support community efforts to develop plans and identify the most critical needs to address sexual assault prevention, investigation, prosecution and services, including addressing their untested sexual assault evidence kits (SAKs) at law enforcement agencies or backlogged crime labs.
- **State Criminal Alien Assistance Program (SCAAP):** As part of its program reduction and consolidation efforts, the Administration's FY 2016 Budget cuts all funding for the SCAAP, which provides federal payments to States and local governments to reimburse correctional officer salary costs incurred for incarcerating undocumented criminal aliens.

#### *Office of Juvenile Justice*

\$339.4 million, \$87.9 million more than FY 2015, to support state and local efforts to develop and implement effective and coordinated prevention and intervention juvenile programs. Within that allocation are the following programs:

- **Juvenile Justice Formula Grants:** \$70 million, \$14.5 million more than FY 2015 enacted levels, to support State and local efforts to develop and implement comprehensive State juvenile justice plans, as well as provide training and technical assistance.
- **Juvenile Delinquency Prevention Initiatives:** \$42 million, \$27 million more than FY 2015 enacted levels, to support delinquency prevention programs and activities to benefit youth who are at risk of having contact with the juvenile justice system.
- **Youth Mentoring Program:** \$58 million, \$32 million less than FY 2015 enacted levels, to enhance and expand existing community-based mentoring strategies and programs, and develop, implement, and pilot test mentoring strategies and programs designed for youth in the juvenile justice, reentry, and foster care systems.

#### *Office of Violence Against Women (OVW)*

\$473.5 million, \$43.5 million more than FY 2015, for OVW programs, which reduce violence against women and administer justice for and strengthen services to victims of domestic violence, dating violence, sexual assault, and stalking.

- **Grants to Combat Violence Against Women:** \$193 million, \$2 million less than FY 2015, for Grants to Combat Violence Against Women (STOP).
- **Grants to Encourage Arrest Policies:** \$50 million, identical to previous years for grants to encourage State and localities to treat sexual assault, domestic violence, dating violence, and stalking as serious violations of criminal law requiring the coordinated involvement of the entire criminal justice system and community-based victim service organizations.

- **Rural Domestic Violence and Child Abuse Enforcement Assistance:** \$33 million, identical to previous years, for State and local governments to identify, assess, and appropriately respond to child, youth, and adult victims of domestic violence, sexual assault, dating violence, and stalking in rural communities.
- **Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Stalking, or Sexual Assault Program:** \$25 million, \$1 million less than FY 2015, to assist victims of domestic violence, dating violence, sexual assault, and stalking who are in need of transitional housing, short-term housing assistance, and related supportive services.
- **Grants to Reduce Sexual Assault, Domestic Violence, Dating Violence, and Stalking on Campus Program:** \$26 million, \$14 million more than FY 2015, to strengthen the response of institutions of higher education to the crimes of sexual assault, domestic violence, dating violence and stalking on campuses and enhances collaboration among campuses, local law enforcement, and victim advocacy organizations. Eligible applicants are institutions of higher education.
- **Legal Assistance for Victims Grant Program:** \$52.5 million, \$10 million more than FY 2015 enacted funding to strengthen civil and criminal legal assistance programs for adult and youth victims of domestic violence, dating violence, sexual assault, and stalking.
- **Sexual Assault Services Formula Grant Program:** \$27 million, \$3 million less than FY 2015, for grants to States to assist in supporting rape crisis centers and other nonprofit, nongovernmental organizations or tribal programs that provide services, direct intervention, and related assistance to victims of sexual assault.

## DEPARTMENT OF LABOR

\$13.2 billion in Department of Labor discretionary funding – an increase of \$1.3 billion above the FY 2015 enacted level of \$11.9 billion. The Budget also makes investments to bolster the enforcement of critical wage and hour, whistleblower, retirement security, and worker safety laws. In addition, the Budget makes improvements in the Department's programs and infrastructure to ensure they are positioned to meet the needs of the modern workforce and economy.

Of note, the Workforce Innovation and Opportunity Act (WIOA) was signed into law in July 2014, and takes full effect by July 1, 2015. Designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy, WIOA is the first legislative reform in 15 years of the public workforce system, replacing the Workforce Investment Act of 1998. WIOA authorizes many programs within the Department of Labor, including employment and training services for adults, dislocated workers, and youth, as well as programs aimed at assisting specific vulnerable populations such as the Job Corps and YouthBuild. In addition, WIOA authorizes other programs administered by the Department of Education and the Department of Health and Human Services.

***Employment and Training Administration (ETA)***

- \$9.9 billion – a \$200 million increase from the FY 2015 enacted level of \$9.7 billion – for ETA programs. This amount includes \$816 million for Adult Employment and Training Formula Grants (increase from FY 2015); \$1.3 billion for dislocated worker employment and training activities (increase from FY 2015); and \$873 million for Youth Employment and Training Activities (increase from FY 2015).

***Job Corps***

- \$1.7 billion – \$17 million more than the FY 2015 enacted level – for the Office of Job Corps to help unemployed, young Americans receive education, job training, and employment assistance.

***Occupational Safety and Health Administration***

- \$592 million – a \$40 million increase from the FY 2015 enacted level of \$552 million – for the Occupational Safety and Health Administration. This funding allows OSHA to inspect hazardous workplaces and work with employers to help them understand and comply with safety and health regulations.

***Veterans Employment and Training Service (VETS)***

- \$271 million – a slight increase from the FY 2015 enacted level of \$270 million – for the Veterans Employment and Training Service (VETS), which serves America's veterans and service members by preparing them for meaningful careers, providing employment resources and expertise, and protecting their employment rights.

***YouthBuild***

- \$84.5 million – a slight increase from the FY 2015 enacted level of \$79.7 million – for the YouthBuild program, which addresses the challenges faced by unemployed, high school dropouts by providing them with an opportunity to gain both the education and occupational skills that will prepare them for employment with a living wage.

**DEPARTMENT OF TRANSPORTATION**

\$94.7 billion in discretionary and mandatory budgetary resources for the Department of Transportation, an increase of \$22.2 billion above the 2015 funding level.

The centerpiece of the President's FY 2016 budget for the Department is a six-year, \$478 billion surface transportation reauthorization proposal, which builds on the Administration's previous four-year proposal, the Generating Renewal, Opportunity, and Work with Accelerated Mobility, Efficiency, and Rebuilding of Infrastructure and Communities throughout America—or the GROW AMERICA Act, (submitted to Congress in 2014). The Administration plans to update the GROW AMERICA Act to reflect the longer length of the proposal, along with several policy modifications, and resubmit to Congress in the coming weeks. The proposal would be funded in large part by devoting to the Highway Trust Fund a one-time transition toll charge of 14 percent on the untaxed foreign earnings that U.S. companies have accumulated overseas (repatriation), estimated to generate approximately \$238 billion.

### *Office of the Secretary*

- **TIGER Grants:** \$1.25 billion of mandatory funding to continue the TIGER program, a \$750 million increase over the FY 2015 enacted level, to fund infrastructure projects of national and regional significance, planning grants, and award and oversight expenses.

### *New Bond Programs*

- **America Fast Forward Bonds (AFFB):** A permanent and expanded version of the popular, although short-lived, Build America Bond (BAB) program, AFFB's would be taxable bonds issued by State and local governments for which the federal government makes direct borrowing subsidy payments to those issuers (*through refundable tax credits*) at a subsidy rate equal to 28 percent of the coupon interest on the bonds. This subsidy rate is intended to be approximately revenue neutral relative to the estimated future federal tax expenditures for tax-exempt bonds. Expanding on BABs, AFFBs could be used for those projects typically financed with qualified private activity bonds in order to support a wider variety of public investments.
- **Qualified Public Infrastructure Bonds (QPIBs):** Created as a new category of qualified private activity bond, QPIBs would be a tax-exempt option for financing eligible infrastructure projects, including airports, docks and wharves, mass commuting facilities, facilities for the furnishing of water, sewage facilities, solid waste disposal facilities, and qualified highway or surface freight transfer facilities. The projects must be owned by State or local governments and be available for general public use, and unlike PABs, the QPIB bond program will have no expiration date, no issuance caps, and interest on these bonds will not be subject to the alternative minimum tax.

### *Federal Aviation Administration (FAA)*

\$15.84 billion in FAA budget authority, essentially the same as the FY 2015 enacted funding level. The Budget request also proposes increasing the non-Federal Passenger Facility Charge (PFC) limit from \$4.50 to \$8.00 and eliminates passenger and cargo entitlement funding for large hub airports but maintains discretionary eligibility.

### *Federal Highway Administration (FHWA)*

\$51.3 billion in FY 2016 to invest in the Nation's highway and bridge infrastructure, a \$10.3 billion increase above FY 2015 funding levels.

- **Freight Program:** \$1 billion for a new Multimodal Freight Investment Program (MFIP) that will improve goods movement and advance export and economic development opportunities in the U.S. by funding multimodal or multi-jurisdictional projects to improve goods movement, economic competitiveness and sustainability. The MFIP includes a discretionary grant program (National Freight Infrastructure Program) and an incentive grant program (Multimodal Freight Incentive Grants) based on distributions to States that account for State freight infrastructure and activity.
- **The Critical Immediate Safety Investments Program (CISIP):** \$7.45 billion as part of the "Fix-it-First" initiative to focus on the reconstruction, restoration, rehabilitation, preservation or safety improvement of existing highway assets.
- **Highway Safety Improvement Program:** \$2.6 billion to fund efforts to reduce traffic fatalities and serious injuries on all public roads.
- **National Highway Performance Program:** \$22.3 billion to support the condition and performance of the National Highway System.

- **Surface Transportation Program:** \$10.3 billion to provide transportation agencies the ability to target funds toward State and local priorities for the following: projects to improve or preserve the condition and performance on any Federal-aid highway; bridge and safety projects on any public road; facilities for non-motorized transportation; transit capital projects; and public bus terminals and facilities.
- **Congestion Mitigation and Air Quality Improvement (CMAQ) Program:** \$2.3 billion to help States, local governments, and private sponsors reduce highway congestion and harmful emissions.
- **Transportation Infrastructure Finance and Innovation Act (TIFIA) Program:** \$1.0 billion to provide Federal credit assistance funding to support nationally or regionally significant transportation projects.
- **Metropolitan Transportation Planning Program:** \$320 million to provide resources for the improvement of metropolitan and statewide transportation planning processes.
- **Transportation Alternatives Program:** \$847 million to increase transportation choices and access to transportation services.
- **Fixing and Accelerating Surface Transportation (FAST):** \$500 million for a new competitive grant program that will encourage innovative solutions to our most pressing transportation challenges. State and local partners will be evaluated on their willingness to commit to performance improvements in important areas such as safety or congestion management.

#### *Federal Transit Administration (FTA)*

\$18.4 billion to construct new public transit systems, improve the condition of transit assets, expand access, and increase transit safety. This amount represents an increase of approximately \$7.4 billion over the FY 2015 enacted level.

- **Formula Grants:** \$13.914 billion for FTA formula grant programs.
- **Capital Investment Grants:** \$3.25 billion for the construction of new fixed guideway systems or extensions to fixed guideway, corridor-based bus systems, and core capacity improvement projects. These projects include heavy rail, light rail, commuter rail, bus rapid transit, ferries, and streetcar systems that are implemented in communities across the country.
- **Rapid Growth Area Bus Rapid Transit Corridor Program:** \$500 million for a new Bus Rapid Transit discretionary grant program to help communities experiencing fast-growing populations by encouraging multi-modal development along corridors, which will be aided by allowing Federal-Aid Highway funding to be used as part of the local match requirement.

#### *Federal Railroad Administration (FRA)*

\$5 billion as the first year of a proposed six-year \$28.55 billion rail reauthorization included in the Administration's surface transportation proposal, an increase of \$3.4 billion above FY 2015 enacted levels.

- **National High Performance Rail System:** \$4.8 billion to support the National High-Performance Rail System, including two major new programs funded by a proposed new Rail Account included in the Transportation Trust Fund: 1) Current Passenger Rail Service, \$2.45 billion to return public rail assets to a state of good repair and to make other critical investments needed to maintain current rail services; and 2) Rail Service Improvement Program, \$2.325 billion to develop high-performance passenger rail networks throughout the United States. The program will also fund PTC for commuter railroads and support network development planning.

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Board Agenda Item  
February 17, 2015

10:35 a.m.

County Executive's Presentation of the Proposed FY 2016 and FY 2017 Multi-Year Budget Plan

ENCLOSED DOCUMENTS:

None. Materials to be distributed on February 17, 2015.

PRESENTED BY:

Edward L. Long Jr., County Executive

Board Agenda Item  
February 17, 2015

11:05 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard February 17, 2015  
(An updated list will be distributed at the Board meeting.)

STAFF:

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

**FINAL COPY**

**APPOINTMENTS TO BE HEARD FEBRUARY 17, 2015**  
**(ENCOMPASSING VACANCIES PROJECTED THROUGH FEBRUARY 28, 2015)**  
 (Unless otherwise noted, members are eligible for reappointment)

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

<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
VACANT (Formerly held by Charles T. Coyle; appointed 2/13-6/14 by Hyland) Term exp. 1/15 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mount Vernon

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

<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
VACANT (Formerly held by Sydney Stakley; appointed 6/07-9/13 by Smyth) Term exp. 9/17 <i>Resigned</i>	Providence District Representative		Smyth	Providence
VACANT (Formerly held by Robert Kyle McDaniel; appointed 10/08-9/12 by Herrity) Term exp. 9/16 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

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

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

**AIRPORTS ADVISORY COMMITTEE (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Carol Hawn (Appointed 1/97-1/03 by Hanley; 1/06 by Connolly; 2/09-2/12 by Bulova) Term exp. 1/15	At-Large Chairman's Representative		Bulova	At-Large Chairman's
VACANT (Formerly held by Barbara Kreykenbohm; appointed 1/09 by Gross) Term exp. 1/11 <i>Resigned</i>	Mason District Representative		Gross	Mason

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**AIRPORTS ADVISORY COMMITTEE (3 years)  
continued**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Mark Searle (Appointed 9/98-2/12 by Frey) Term exp. 1/15	Sully Business District Representative		Frey	Sully
Vikki Kinsman (Appointed 2/07-1/13 by Frey) Term exp. 1/15	Sully District Representative		Frey	Sully

**ATHLETIC COUNCIL (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jefferson Boggs; appointed 5/07-3/13 by Hyland) Term exp. 3/15	Mount Vernon District Alternate Representative	Keith Salisbury	Hyland	Mount Vernon

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
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.)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Wayne Bryan; appointed 1/10-2/13 by Bulova) Term exp. 2/17 <i>Resigned</i>	Alternate #2 Representative		By Any Supervisor	At-Large
John B. Scott (Appointed 2/08-2/11 by Frey) Term exp. 2/15	Alternate #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Susan Kim Harris; appointed 5/09-2/11 by Hudgins) Term exp. 2/15 <i>Resigned</i>	Alternate #4 Representative		By Any Supervisor	At-Large
Matthew Arnold (Appointed 1/05-2/07 by DuBois; 2/11 by Foust) Term exp. 2/15	Design Professional #2 Representative		By Any Supervisor	At-Large
Michael F. LeMay (appointed 2/87 by Pennino; 1/99 by Dix; 2/03-2/11 by Hudgins) Term exp. 2/15	Design Professional #4 Representative	Michael F. LeMay <b>(Hudgins)</b>	By Any Supervisor	At-Large

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Robert Mansker; appointed 9/06-11/13 by Gross) Term exp. 12/15 <i>Resigned</i>	At-Large #3 Representative	<b>Robert Mansker</b> (Gross)	By Any Supervisor	At-Large

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

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

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Pamela Nilsen; appointed 6/13-9/13 by McKay) Term exp. 9/15 <i>Resigned</i>	Lee District Representative		McKay	Lee

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Eric Rardin; appointed 4/13 by Hyland) Term exp. 9/15 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mount Vernon
VACANT (Formerly held by Joan C. Holtz; appointed 5/09 by Smyth) Term exp. 9/11 <i>Resigned</i>	Providence District Representative		Smyth	Providence
Gita D'Souza Kumar (Appointed 7/12-2/13 by Frey) Term exp. 2/15	Sully District Representative		Frey	Sully

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

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

**COMMISSION ON AGING (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Tena Bluhm; appointed 5/09-5/13 by Bulova) Term exp. 5/15 <i>Resigned</i>	At-Large Chairman's Representative		Bulova	At-Large Chairman's
VACANT (Formerly held by Julie Bloom Ellis; appointed 5/09-6/14 by Hyland) Term exp. 5/16 <i>Resigned</i>	Mount Vernon District Representative	<b>Robert Kuhns</b>	Hyland	Mount Vernon

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Howard Leroy Kelley; Appointed 8/01-1/13 by Hudgins) Term exp. 1/17 <i>Resigned</i>	At-Large Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Benjamin Gibson; appointed 4/11 by McKay) Term exp. 1/15 <i>Resigned</i>	Lee District Representative		McKay	Lee

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Carmen A. Cintron; appointed 2/13 by Hyland) Term exp. 1/15 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mount Vernon
VACANT (Formerly held by William Stephens; appointed 9/02-1/03 by McConnell; 1/07- 1/11 by Herrity) Term exp. 1/15 <i>Resigned.</i>	Springfield District Representative		Herrity	Springfield

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Douglas Dane (Appointed 2/09-2/12 by Bulova) Term exp. 2/15	At-Large Chairman's Representative		Bulova	At-Large Chairman's
Michelle Jefferson (Appointed 4/14 by Cook) Term exp. 2/15	Braddock District Representative		Cook	Braddock
Benjamin Zuhl (Appointed 6/13 by Foust) Term exp. 2/15	Dranesville District Representative		Foust	Dranesville

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jeannine Deem Purdy (Appointed 2/12 by McKay) Term exp. 2/15	Lee District Representative		McKay	Lee
Philip Rosenthal (Appointed 1/01-2/16 by McConnell; 2/09-2/12 by Herrity) Term exp. 2/15	Springfield District Representative		Herrity	Springfield

**CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robert Gehring (Appointed 1/14 by Hudgins) Term exp. 2/15	Hunter Mill District Representative	<b>Robert Gehring</b>	Hudgins	Hunter Mill
Justin E. Fairfax (Appointed 12/13 by Gross) Term exp. 2/15	Mason District Representative	<b>Justin E. Fairfax</b>	Gross	Mason

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

**CONFIRMATION NEEDED:**

- Mr. Michael J. Cooper as the BOS At-Large #2 Representative

**ECONOMIC ADVISORY COMMISSION (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Suzette Kern; appointed 1/09-12/11 by McKay) Term exp. 12/14 <i>Resigned</i>	Lee District Representative		McKay	Lee

**ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Glen White (Appointed 3/09-1/12 by Gross) Term exp. 1/15	Mason District Representative		Gross	Mason

**FAIRFAX AREA DISABILITY SERVICES BOARD**

**(3 years- limited to 2 full consecutive terms per MOU, after initial term)**

[NOTE: Persons may be reappointed after being off for 3 years. State Code requires that membership in the local disabilities board include at least 30 percent representation by individuals with physical, visual or hearing disabilities or their family members. For this 15-member board, the minimum number of representation would be 5.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Richard Nilsen; appointed 6/13 by McKay) Term exp. 11/15 <i>Resigned</i>	Lee District Representative		McKay	Lee
Jacqueline Browne (Appointed 9/08- 12/11 by Gross) Term exp. 11/14 <i>Not eligible for reappointment</i>	Mason District Representative		Gross	Mason

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Ann Pimley; appointed 9/03-11/6 by Frey) Term exp. 11/09 <i>Resigned</i>	Sully District Representative		Frey	Sully

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

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

**GEOTECHNICAL REVIEW BOARD (3 years)**

**CONFIRMATION NEEDED:**

- Mr. Daniel S. Rom as the Primary #2 Representative

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

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

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Andrew A. Painter; appointed 2/11 by Smyth) Term exp. 6/13 <i>Resigned</i>	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 <i>Resigned</i>	Consumer #6 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Samuel Jones; appointed 12/09 by Gross) Term exp. 6/12 <i>Resigned</i>	Provider #1 Representative		By Any Supervisor	At-Large

**HISTORY COMMISSION (3 years)**

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

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Esther McCullough (Appointed 3/00-11/02 by Hanley; 12/08-12/11 by Connolly) Term exp. 12/14 <i>(Sully District Resident)</i>	Citizen #10 Representative		By Any Supervisor	At-Large

**HUMAN SERVICES COUNCIL (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
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)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
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)**

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

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Eileen Nelson; appointed 3/04-6/07 by Connolly; 6/10 by Bulova) Term exp. 6/13 <i>Resigned</i>	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 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Adam Parnes; appointed 9/03-6/12 by Hudgins) Term exp. 6/15 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Richard Nilsen; appointed 3/10-6/10 by McKay) Term exp. 6/13 <i>Resigned</i>	Lee District Representative		McKay	Lee
Tina Montgomery (Appointed 9/10-6/11 by Smyth) Term exp. 6/14	Providence District Representative		Smyth	Providence

**REDEVELOPMENT AND HOUSING AUTHORITY  
(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by 2/01-4/13 by Hyland) Term exp. 4/17 <i>Resigned</i>	Mount Vernon District Representative	<b>Matthew J. Bell</b>	Hyland	Mount Vernon

**ROAD VIEWERS BOARD (1 year)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Joseph Bunnell; appointed 9/05-12/06 by McConnell; 2/08-11/13 by Herrity) Term exp. 12/14 <i>Resigned</i>	At-Large #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Stephen E. Still; appointed 6/06-12/11 by Smyth) Term exp. 12/12 <i>Resigned</i>	At-Large #4 Representative		By Any Supervisor	At-Large

**SMALL BUSINESS COMMISSION, FAIRFAX COUNTY (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Suchada Langley; appointed 11/11-12/11 by Hudgins) Term exp. 12/14 <i>Resigned</i>	At-Large #2 Representative		By Any Supervisor	At-Large
Michael Doherty (Appointed 12/11 by Bulova) Term exp. 12/14	Braddock District Representative		Cook	Braddock

<b>SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL (2 years)</b>
--

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Robert Dim; appointed 3/05-3/12 by Hudgins) Term exp. 3/14 <i>Resigned</i>	Fairfax County #5 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Cleveland Williams; appointed 12/11-3/13 by Hudgins) Term exp. 3/15 <i>Resigned</i>	Fairfax County #7 Representative		By Any Supervisor	At-Large

<b>TENANT LANDLORD COMMISSION (3 years)</b>
---

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Michael Schwarz; appointed 1/14 by Herry)	Citizen Member #3 Representative		By Any Supervisor	At-Large
Term exp. 12/15 <i>Resigned</i>				
VACANT (Formerly held by Sally D. Liff; appointed 8/04-1/11 by Smyth) Term exp. 1/14 <i>Deceased</i>	Condo Owner Representative		By Any Supervisor	At-Large

Continued on next page

**TENANT LANDLORD COMMISSION (3 years)  
continued**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
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 <i>Resigned</i>	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 <i>Resigned</i>	Tenant Member #3 Representative		By Any Supervisor	At-Large

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

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

**TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD  
(2 YEARS)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Laurie DiRocco (Appointed 5/14 by Bulova) Term exp. 2/15	Adjacent Community Member Representative #1	<b>Laurie DiRocco</b>	Bulova	At-Large
Tim Stephan (Appointed 2/13 by Bulova) Term exp. 2/15	Commercial or Retail Ownership Representative #2		Bulova	At-Large
Kip Killmon (Appointed 2/13 by Bulova) Term exp. 2/15	Commercial or Retail Ownership Representative #3		Bulova	At-Large
Maria Hawthorne (Appointed 2/13 by Smyth) Term exp. 2/15	Providence District Representative #1	<b>Christopher M. Auth</b>	Smyth	Providence
Michael Bogasky (Appointed 2/13 by Smyth) Term exp. 2/15	Residential Owners and HOA/Civic Association Representative #1		Smyth	Providence

**UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA) (4 years)**

**CONFIRMATIONS NEEDED:**

- Mr. Shahram Mohsenin as the Fairfax County #1 Representative
- Mr. Michael McGrath as the Fairfax County Alternate #1 Representative

**WETLANDS BOARD (5 years)**

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

Board Agenda Item  
February 17, 2015

11:10 a.m.

Items Presented by the County Executive

Board Agenda Item  
February 17, 2015

ADMINISTRATIVE - 1

Approval of a Portion of a Street Name Change from Roseland Drive to Roseland Ridge Road (Springfield District)

ISSUE:

Board of Supervisors approval of a portion of a street name change in the Official County Digital Property Map and the Master Addressing Repository from Roseland Drive to Roseland Ridge Road on Tax Map #096-4.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the street name change to Roseland Ridge Road effective 30 days following Board approval, in accordance with Section 102-1-9 of *The Code of the County of Fairfax, Virginia*.

TIMING:

Routine.

BACKGROUND:

The Site and Addressing Center has received a request from property owners to change a portion of the street name from Roseland Drive to Roseland Ridge Road. There are six properties on this stretch of roadway that are addressed from this street.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Road Name Petition and Application  
Attachment II – Vicinity Map

STAFF:

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

ROAD NAME PETITION AND APPLICATION

APPLICATION SECTION

Date: 12/10/2014

Contact Person: Katie Burke Phone: 678-596-9799 (c) or 703-646-4881  
(person filling out form)

Address: 8226 B Roseland Drive

City/State/Zip: Fairfax Station VA, 22039

Current Road Name: Roseland Drive

Alternative Road Name Choice(s):

First Choice: Roseland Ridge Road

Second Choice: Roseland Ridge

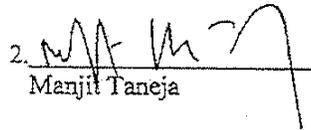
Third Choice: Roseland Ridge Drive

We, the undersigned property owners, request that an existing portion of a private road granting access to certain properties (designated on the attached plat as Parcels A, B, C, and D) as well as the Calvin Davis Heirs Cemetery (designated as Tax Map # 0964 01 0004A) be renamed and we hereby give permission to Fairfax County Development Services Department to rename said road. We understand this petition does not obligate Fairfax County in any way towards the maintenance, repair or replacement of the roadway. Also, a minimum of 75% of the property owners possessing property that borders this private roadway must concur with the suggested names. A one-time payment fee of \$280.00 will be issued to Fairfax County for the cost to manufacture and install the new street sign.

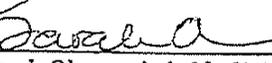
*Please note that we, the undersigned property owners, are only requesting to rename the gravel portion of the road Roseland Drive which serves lots/parcels A, B, C and D and the cemetery. 8228 Roseland Drive is to retain the current address, and Lot/Parcel E should be assigned the 8226 Roseland Drive address; these two properties will continue to be served by the current paved portion of the road, Roseland Drive. Please also note that the Fairfax County tax records currently list Lot/Parcel D as 8226 Roseland Drive.*

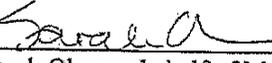
Name of Property Owner (Signature) Tax Number or Existing Address Phone

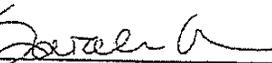
1.  8228 Roseland Drive/0964 01 0007Z/703-643-9393  
Sarah Ober

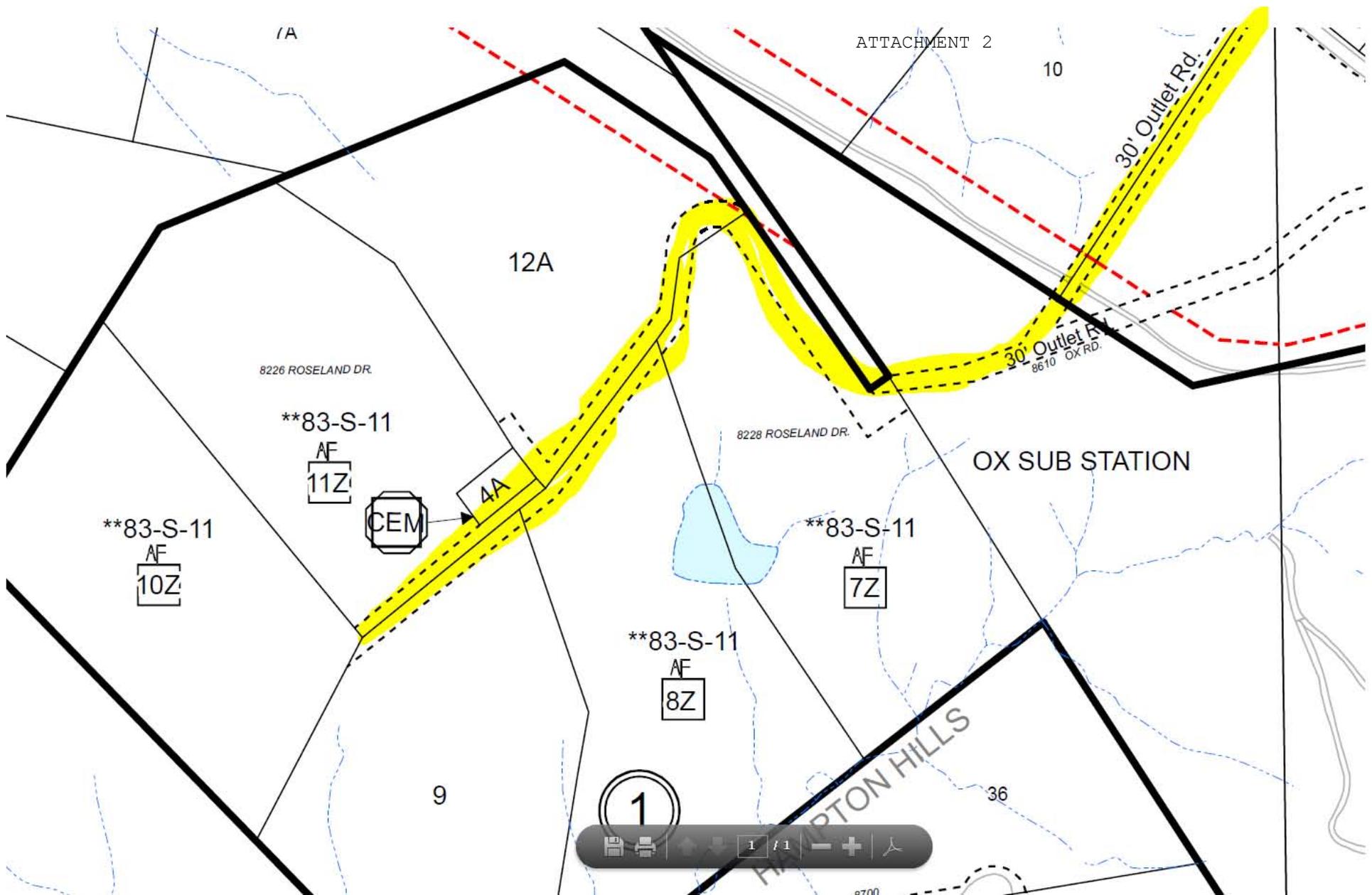
2.  Lot/Parcel E/0964 01 0012A/703-690-7258  
Manjit Taneja

3.  Lot/Parcel B/0964 01 0009/ 8226 B Roseland Drive/ 703-6464881  
Katie and Brian Burke

4.  Lot/Parcel A/0964 01 0008Z/703-643-9393  
Sarah Ober on behalf of Mary Webster Ober Revocable Trust ("Ober Trust")  
By Right of "Power of Attorney"

5.  Lot/Parcel C/0964 01 0010Z/703-643-9393  
Sarah Ober on behalf of Mary Webster Ober Revocable Trust ("Ober Trust")  
By Right of "Power of Attorney"

6.  Lot/Parcel D/0964 01 0011Z/703-643-9393  
Sarah Ober on behalf of Mary Webster Ober Revocable Trust ("Ober Trust")  
By Right of "Power of Attorney"



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ADMINISTRATIVE – 2

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Intersection Design @ Lukens Ln (Phase II) and Frye Rd (Phase II) @ Ladson Lane (Phase 4C) @ Mohawk Lane and Belford Drive (Lee and Mount Vernon Districts)

ISSUE:

Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project AA1400012-06, Intersection Design @ Lukens Ln (Phase II) and Frye Rd (Phase II), Fund 500-C50000, Federal-State Grant Fund; Project AA1400012-06, Intersection Design @ Ladson Ln (Phase 4C), Fund 500-C50000, Federal-State Grant Fund; and Project AA1400017-06, Intersection Design @ Mohawk and Belford, Fund 500-C50000, Federal-State Grant Fund.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for March 24, 2015, at 4:30 p.m.

TIMING:

Board action is requested on February 17, 2015, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep these projects on schedule.

BACKGROUND:

These projects consist of the construction of pedestrian and intersection improvements along Richmond Highway (Route 1), which include installation of ADA compliant sidewalks and curb ramps, the upgrading of existing bus stop facilities, curb and gutter, installation of various medians, pavement markings, and storm drainage improvements.

Land rights for these improvements are required on 22 properties. The construction of these projects requires the acquisition of deed of dedication, storm drainage easements, sidewalk easements, a perpetual street easement, a traffic signal easement, and grading agreement and temporary construction easements.

Negotiations are in progress with the affected property owners; however, because

Board Agenda Item  
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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 these projects 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 AA1400012-06, Intersection Design @ Lukens Ln (Phase II) and Frye Rd (Phase II), Fund 500-C50000, Federal-State Grant Fund; Project AA1400012-06, Intersection Design @ Ladson Ln (Phase 4C), Fund 500-C50000, Federal-State Grant Fund; and Project AA1400017-06, Intersection Design @ Mohawk and Belford, Fund 500-C50000, Federal-State Grant Fund. These projects are 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 A1 and A2 - Project Location Map (Intersection Design @ Lukens Ln (Phase II) and Frye Rd (Phase II))  
Attachment B – Project Location Map (Intersection Design @ Ladson Ln (Phase 4C))  
Attachment C1 and C2 – Project Location Map (Intersection Design @ Mohawk and Belford)  
Attachment D - 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





# INTERSECTION DESIGN @ LADSON LANE (PHASE 4C)

ATTACHMENT B



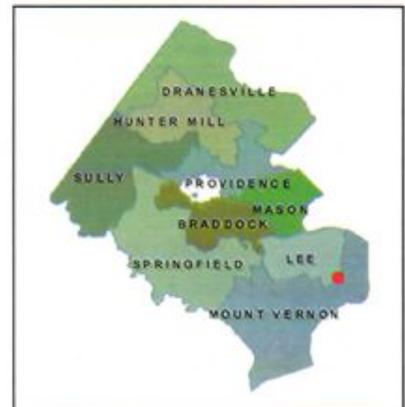
Tax Map: 101-2

Project AA1400012-06  
Lee District

Affected Property: 

Proposed Improvements: 

0 0.0175 0.035 0.07 Miles



# INTERSECTION DESIGN @ MOHAWK AND BELFORD

ATTACHMENT C1



Tax Map: 101-2

Project AA1400017-06  
Mount Vernon District

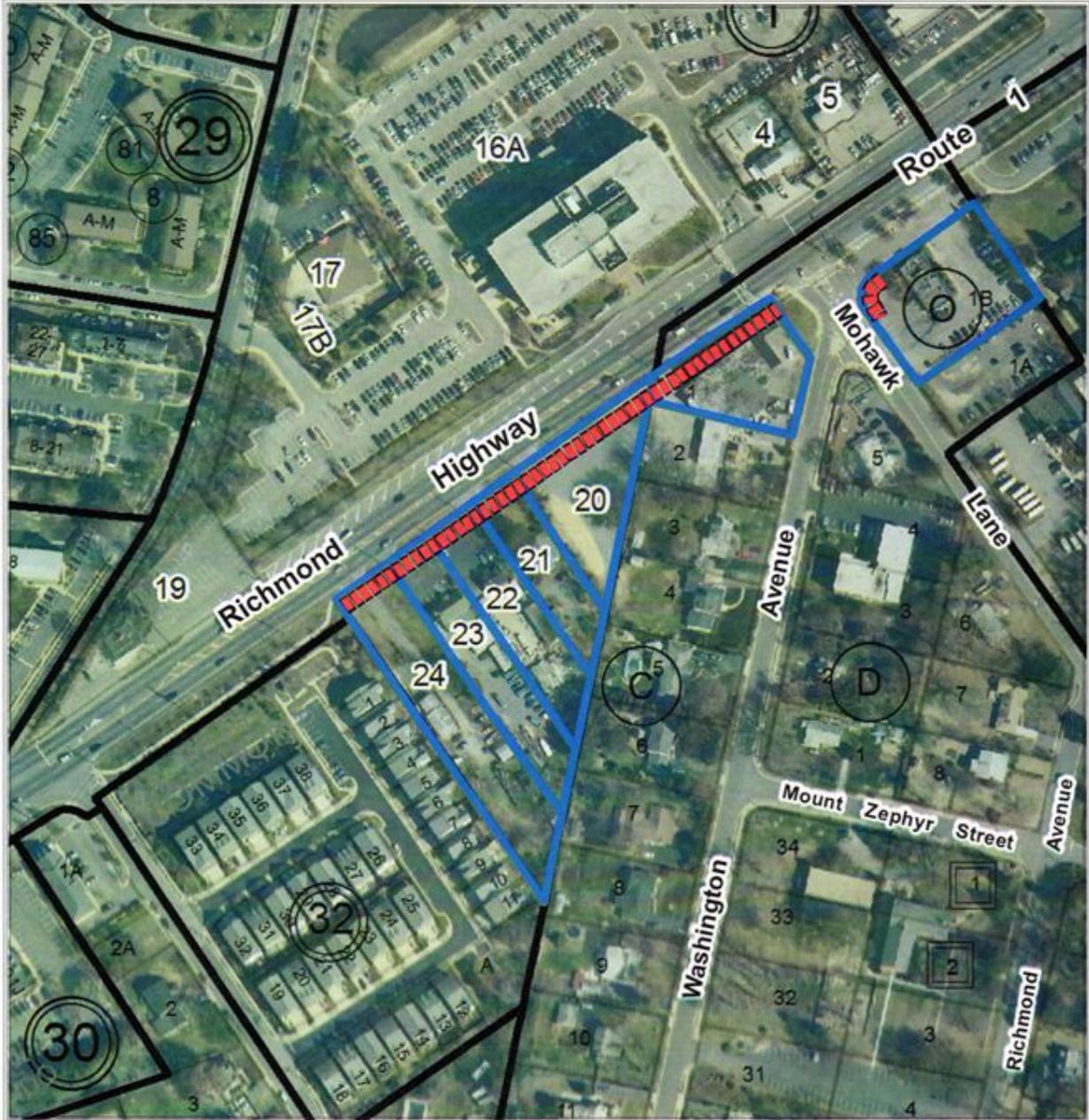
Affected Properties: 

Proposed Improvements:  



# INTERSECTION DESIGN @ MOHAWK AND BELFORD

ATTACHMENT C2



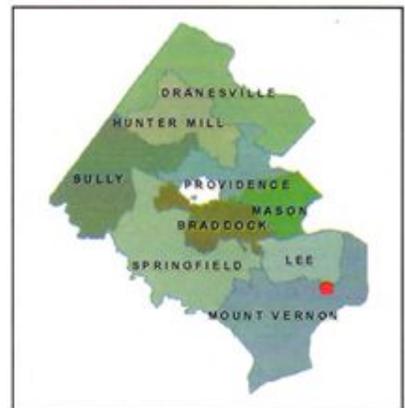
Tax Map: 101-3  
and 101-4

Project AA1400017-06  
Mount Vernon and Lee District

Affected Properties: 

Proposed Improvements: 

0 0.0225 0.045 0.09  
Miles



LISTING OF AFFECTED PROPERTIES  
Project AA1400012-06  
Intersection Design @ Lukens Ln (Phase II) and Frye Rd (Phase II)  
(Lee and Mount Vernon Districts)

PROPERTY OWNER(S)

1. Demetrios Demetriou 101-3-01-0065F  
Androula Demetriou  
  
Address:  
(No property address; adjacent to 101-3-01-0065G)
2. Demetrios Demetriou 101-3-01-0065G  
Androula Demetriou  
  
Address:  
8618 Richmond Highway  
Alexandria, VA 22309
3. Demetrios Demetriou 101-3-01-0066  
Androula Demetriou  
  
Address:  
8620 Richmond Highway  
Alexandria, VA 22309
4. Aasef Shafik 101-3-01-0067  
  
Address:  
8622 Richmond Highway  
Alexandria, VA 22309
5. Demetrios Nicholakos 101-3-01-0071  
George Nicholakos  
  
Address:  
8630 Richmond Highway  
Alexandria, VA 22309

6. Demetrios Nicholakos  
George Nicholakos  
101-3-01-0100  
  
Address:  
8643 Richmond Highway  
Alexandria, VA 22309
7. D & G Associates RLLP  
101-3-01-0101  
  
Address:  
8629 Richmond Highway  
Alexandria, VA 22309
8. Engleside Investors Two, Inc.  
Ahora Company, L.C.  
101-3-01-0032  
  
Address:  
8501 Richmond Highway  
Alexandria, VA 22309
9. Rapido Company, LC  
101-3-01-0033  
  
Address:  
8515 Richmond Highway  
Alexandria, VA 22309
10. Fry Road Associates, L.L.C.  
101-3-01-0039-B  
  
Address:  
8510-8526 Richmond Highway  
Alexandria, VA 22309
11. Nova Petroleum Realty, LLC  
101-3-11-0001  
  
Address:  
8500 Richmond Highway  
Alexandria, VA 22309

LISTING OF AFFECTED PROPERTIES  
Project AA1400012-06  
Intersection Design @ Ladson Ln (Phase 4C)  
(Lee District)

PROPERTY OWNER(S)

1. Shanti Corporation 101-2-06-0030-A  
  
Address:  
8000 Richmond Highway  
Alexandria, VA 22306

LISTING OF AFFECTED PROPERTIES  
Project AA1400017-06  
Intersection Design @ Mohawk and Belford  
(Lee and Mount Vernon District)

PROPERTY OWNER(S)

1. United Investments, Inc. 101-2-01-0071  
  
Address:  
3100 Sherwood Hall Lane  
Alexandria, VA 22306
2. Fairfax County Redevelopment and Housing Authority 101-2-01-0073  
  
Address:  
7837 Richmond Highway  
Alexandria, VA 22306
3. Hybla Center Limited Partnership 101-2-06-0507-B  
  
Address:  
7800-7844 Richmond Highway  
Alexandria, VA 22306
4. Bernard M. Fagelson, Trustee 101-2-06-0513  
Robert L. Travers, Trustee  
  
Address:  
7848 Richmond Highway  
Alexandria, VA 22306

5. 6551, LLC 101-3-01-0020  
Address:  
8357 Richmond Highway  
Alexandria, VA 22309
6. James F. Delano 101-3-01-0021  
Address:  
8359 Richmond Highway  
Alexandria, VA 22309
7. Kyriacos S. Kolas 101-3-01-0022  
Stephen F. Kolas  
Paula A. Kolas  
Address:  
8361 Richmond Highway  
Alexandria, VA 22309
8. Alexandrios Plioutis 101-3-01-0023  
Andoniki Plioutis  
Address:  
8365 Richmond Highway  
Alexandria, VA 22309
9. Stephen P. Carter 101-3-01-0024  
Judith M. Carter  
Address:  
8369 Richmond Highway  
Alexandria, VA 22309
10. 6551, LLC 101-3-08-C-0001  
Address:  
8351 Richmond Highway  
Alexandria, VA 22309
11. Le Restaurant, Inc. 101-4-08-O-0001-B  
Address:  
8339 Richmond Highway  
Alexandria, VA 22309

Board Agenda Item  
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ADMINISTRATIVE – 3

Street into the Secondary System (Lee District)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Groveton Woods	Lee	Holly Hill Road

TIMING:

Routine.

BACKGROUND:

Inspection has been made of the street, and it is recommended for acceptance into the State Secondary System.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Form

STAFF:

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

# Street Acceptance Form For Board Of Supervisors Resolution - June 2005

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

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

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

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

**PLAN NUMBER:** 1653-SP-01

**SUBDIVISION PLAT NAME:** Groveton Woods

**COUNTY MAGISTERIAL DISTRICT:** Lee

**ENGINEERING MANAGER:** Imad A. Salous, P.E.

BY: Media Alphonse

**FOR OFFICIAL USE ONLY**

**DATE OF VDOT INSPECTION APPROVAL:** 10/09/2014

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Holly Hill Road	Existing Holly Hill Road (Route 1408) - 2,203' W CL Richmond Highway (Route 1)	110' W to End of Cul-de-Sac	0.02

**NOTES:** 4' Concrete Sidewalk around cul-de-sac to be maintained by VDOT. **TOTALS:** 0.02

Board Agenda Item  
February 17, 2015

ADMINISTRATIVE - 4

Approval of "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Braddock and Hunter Mill Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board approve a resolution for the installation of "\$200 Additional Fine for Speeding" signs on Broadwater Drive from Paynes Church Drive to James Halley Drive (Braddock District) and Thunder Chase Drive from Colts Brook Drive to Sunrise Valley Drive (Hunter Mill District).

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) request VDOT to schedule the installation of the approved signs as soon as possible.

TIMING:

Board action is requested on February 17, 2015.

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. On December 18, 2014, and November 14, 2014, FCDOT received written verification from the appropriate local supervisor confirming community support.

Section 46.2-878.2 of the *Code of Virginia* permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less. In addition, to determine that a speeding problem exists, staff performs an engineering review to ascertain that additional speed and volume criteria are met. Broadwater Drive from Paynes Church Drive to James Halley Drive (attachment II) and Thunder Chase Drive from Colts Brook Drive to Sunrise Valley Drive (attachment III) meets the RTAP requirements for posting of the "\$200 Additional Fine for Speeding Signs".

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FISCAL IMPACT:

The estimated cost of \$600 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: "\$200 Additional Fine for Speeding" Signs Resolution – Broadwater Drive and Thunder Chase Drive

Attachment II: Area Map of Proposed "\$200 Additional Fine for Speeding" Signs – Broadwater Drive

Attachment III: Area Map of Proposed "\$200 Additional Fine for Speeding" Signs – Thunder Chase Drive

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

Guy Mullinax, Transportation Planner, Traffic Operations Section, FCDOT

**RESOLUTION**

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION  
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)  
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS  
BROADWATER DRIVE, THUNDER CHASE DRIVE  
BRADDOCK AND HUNTER MILL DISTRICTS

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, February 17, 2015, at which a quorum was present and voting, the following resolution was adopted:

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

**WHEREAS**, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Broadwater Drive from Paynes Church Drive to James Halley Drive and Thunder Chase Drive from Colts Brook Drive to Sunrise Valley Drive. Such roads also being identified as Local Roads; and

**WHEREAS**, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Broadwater Drive from Paynes Church Drive to James Halley Drive and Thunder Chase Drive from Colts Brook Drive to Sunrise Valley Drive.

**NOW, THEREFORE BE IT RESOLVED** that "\$200 Additional Fine for Speeding" signs are endorsed for Broadwater Drive from Paynes Church Drive to James Halley Drive and Thunder Chase Drive from Colts Brook Drive to Sunrise Valley Drive.

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

A Copy Teste:

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Catherine A. Chianese  
Clerk to the Board of Supervisors



PAYNES CHURCH DR

Road being considered for signage

DENEALE PL

JOHN TURLEY PL

SHOOTERS HILL LN

JAMES HALLEY DR

BROADWATER DR

ARK PL

**Legend**

Tax Map: 68-3, 77-1

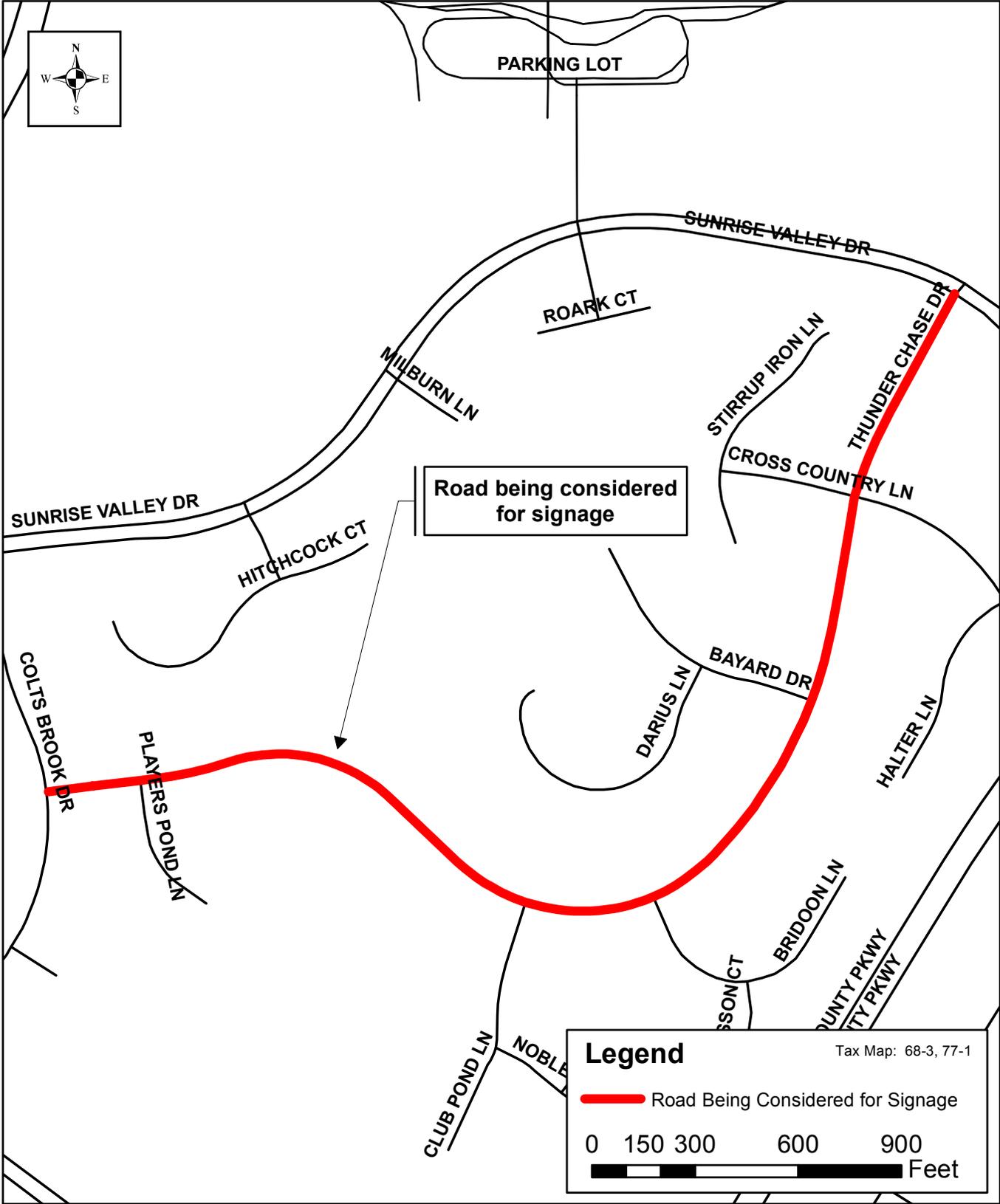
 Road Being Considered for Signage

0 75 150 300 450 Feet



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





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



Board Agenda Item  
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ADMINISTRATIVE – 5

Extension of Review Period for 2232 Applications (Sully and Mason Districts)

ISSUE:

Extension of review period for 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 the review period for the following applications: FS-Y14-44 and FSA-M04-46-2.

TIMING:

Board action is required on February 17, 2015, to extend the review period of the 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 period for the following applications should be extended:

FS-Y14-44	T-Mobile 5858 Old Centreville Road Centreville, VA Sully District Accepted December 3, 2014 Extend to May 2, 2015
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FSA-M04-46-2      Sprint  
7910T Towerbell Court  
Annandale, VA  
Mason District  
Accepted December 10, 2014  
Extend to May 9, 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

Board Agenda Item  
February 17, 2015

ADMINISTRATIVE - 6

Supplemental Appropriation Resolution AS 15204 for the Fire and Rescue Department to Accept a Subgrant Award from the Department of Homeland Security Urban Areas Security Initiative from the Government of the District of Columbia Homeland Security and Emergency Management Agency

ISSUE:

Board of Supervisors' approval of Supplemental Appropriation Resolution AS 15204 for the Fire and Rescue Department to accept grant funding in the amount of \$179,550 from the Department of Homeland Security (DHS) FY 2013 Urban Areas Security Initiative (UASI) subgrant award. These funds are made available by DHS through the District of Columbia, which is serving as the State Administrative Agency (SAA) and will be used to purchase 120 sets of Technical Rescue Personal Protective Equipment (PPE). This equipment will assist the department with meeting the NIMS Type II Typed Search & Rescue Resource definition. DHS provides financial assistance to address the unique planning, training, equipment, and exercise needs of high-threat, high-density urban areas to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from acts of terrorism. The grant period for this award is September 1, 2013 through May 31, 2015. No Local Cash Match is required.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 15204 in the amount of \$179,550. These funds will be used to procure 120 sets of Technical Rescue PPE for Fairfax County. No new positions will be created with this grant and no Local Cash Match is required.

TIMING:

Board approval is requested on February 17, 2015.

BACKGROUND:

These funds will enable the Fairfax County Technical Rescue Team to maintain a constant readiness for response. The intent of this project is to provide technical rescue Personal Protective Equipment to 63 percent of the technical rescue teams in each COG jurisdiction (120 personnel in Fairfax County).

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Technical rescue gear ensures that first responders are able to respond to a technical rescue incident with appropriate protective gear. This project will enhance responder safety and protect expensive structural firefighting PPE from damage when personnel respond to technical rescue incidents.

The project fully meets the objective of implementing Presidential Policy Directive 8 (PPD-8) by supporting the development and sustainment of core capabilities and will enhance the ability of the community to address a host of threats and risks posed by natural and man-made disasters and thus would meet Priority One of PPD-8 and the Whole Community Approach to Security and Emergency Management. During the immediate response phase of a CBRNE/WMD/Technical rescue incident, when the greatest impact is made on rescuing civilian casualties, the initial fire and EMS responders will rely on technical rescue PPE for their primary protection due to the continued threat of collapse or explosion.

FISCAL IMPACT:

Grant funding in the amount of \$179,550 is available in the DHS FY 2013 UASI grant funds through the District of Columbia. These funds will be used to procure 120 sets of Technical Rescue PPE for Fairfax County. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2015. Indirect cost recovery is allowed but the agency is not requesting the recovery of indirect costs in order to maximize funds available to accomplish the objectives of the project. There is no Local Cash Match requirement.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 – Supplemental Appropriation Resolution AS 15204

Attachment 2 – Grant Award Document

STAFF:

David M. Rohrer, Deputy County Executive

Richard R. Bowers, Fire Chief, Fire and Rescue Department

Nicole Varnes, Financial Specialist III, Fire and Rescue Department

**SUPPLEMENTAL APPROPRIATION RESOLUTION AS 15204**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax Virginia on February 17, 2015, at which a quorum was present and voting, the following resolution was adopted:

**BE IT RESOLVED** by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2015, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G9292, Fire and Rescue Department	\$179,550
Grant:	1HS0079-2013, Technical Rescue PPE (FRD)	

Reduce Appropriation to:

Agency:	G8787, Unclassified Administrative Expenses	\$179,550
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: U.S. Department of Homeland Security, \$179,550

A Copy - Teste:

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Catherine A. Chianese  
Clerk to the Board of Supervisors

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Homeland Security and Emergency Management Agency



Muriel Bowser  
Mayor

Chris T. Geldart  
Director

January 6, 2015

Mr. Edward L. Long  
County Executive  
Fairfax County Government  
12000 Government Center Parkway  
Fairfax, VA 22035

Dear Mr. Long:

I am pleased to send your FY 2013 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Fire and Rescue Department has been awarded the following subgrant:

- Project Title **Technical Rescue PPE - Fairfax County**
- Amount **\$179,550.00**
- Project ID **13UASI529-09** (please include this ID in correspondence with our office)
- CFDA No. **97.067**

The subgrant period of performance is **September 1, 2013–May 31, 2015**. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

Included in this package of particular importance is the Certification of Compliance, for your signature. It certifies that you have read and understand Federal and SAA terms and conditions associated with accepting the grant.

Please review and sign the necessary attached documents and return them to my office by **January 20, 2015**. If you have questions regarding this award, please contact Charles Madden at [charles.madden@dc.gov](mailto:charles.madden@dc.gov) or 202.724.6568.

Sincerely,

Chris T. Geldart  
Director



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Homeland Security and Emergency Management Agency

FISCAL YEAR 2013 HOMELAND SECURITY GRANT PROGRAM  
URBAN AREAS SECURITY INITIATIVE

### SUBGRANT AWARD & CERTIFICATION OF COMPLIANCE

- Subgrantee **Fairfax County Fire and Rescue Department**
- Project Title **Technical Rescue PPE - Fairfax County**
- Amount **\$179,550.00**
- Project ID **13UASI529-09**

As the duly authorized representative of the above-listed organization, I hereby accept the subgrant award and certify that I have read and understand the terms and conditions presented in the following documents:

- FY 2013 Homeland Security Grant Program Funding Opportunity Announcement
- District of Columbia Homeland Security and Emergency Management Agency FY 2013 Terms & Conditions
- US Department of Homeland Security Grant Agreement Articles

Print name

Print title

Signature

Date

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ADMINISTRATIVE – 7

Authorization to Advertise Public Hearings on a Proposed Amendment to the Public Facilities Manual (PFM) Regarding the Use of Underground Stormwater Detention Facilities in Residential and Mixed-Use Developments

ISSUE:

Board authorization to advertise public hearings on a proposed amendment to the PFM. The amendment is a revitalization initiative to streamline the plan review process for the use of underground stormwater detention facilities in residential and mixed-use developments by eliminating the need to process a Board waiver, and to clarify a developer's maintenance escrow requirements.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of two options to the proposed amendment as set forth in the Staff Report dated February 17, 2015.

TIMING:

Board of Supervisors authorization to advertise – February 17, 2015

Planning Commission Public Hearing – March 25, 2015

Board of Supervisors Public Hearing – April 28, 2015 at 4 p.m.

The proposed amendment will become effective at 12:01 a.m. on the day following adoption.

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

BACKGROUND:

Underground detention facilities are pipes or other structures constructed underground for the purpose of capturing and detaining stormwater runoff from a site. Stormwater runoff is conveyed to the underground detention facility by pipes and channels and is slowly released at a controlled rate, which decreases the peak flow from the site and mitigates the potential of downstream flooding and erosion problems. Detention ponds have historically been used to control a site's stormwater runoff; however, they are land

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intensive features that are not consistent with the character of development envisioned in the urbanizing areas of the County. When projects are located in urbanized areas with higher population densities and pedestrian oriented development patterns, the use of underground detention facilities can be a viable stormwater management alternative to address the increase in stormwater runoff from a site.

Pursuant to § 6-0303.6 of the PFM, underground detention facilities are allowed in commercial and industrial developments, where private maintenance agreements are executed and the facility is not located in a County storm drainage easement. Underground detention facilities, however, may not be used in residential developments, including rental townhouses, condominiums and apartments, unless specifically waived by the Board in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment. Underground detention facilities are privately owned and maintained and all costs associated with them are assumed by the property owner(s). Accordingly, the PFM requires that any residential project owner seeking a waiver provide for adequate funding for maintenance of the facility. Historically, the amount of the required funding is sufficient to cover a 20-year maintenance cycle and a 20-year portion of the facilities' replacement cost, which is provided to a homeowners' or condominiums' association in an escrow fund.

The proposed amendment implements one of the County's revitalization initiatives. On February 14, 2014, the Office of Community Revitalization (OCR) presented information to the Board's Revitalization Committee that included incentives aimed at encouraging investment and development, particularly in revitalization areas and districts. One of the revitalization incentives identified for implementation by DPWES was to streamline the plan review process by eliminating the waiver process to allow the use of underground detention in residential and mixed-use developments, including reviewing the associated escrow from a developer to help fund any maintenance burden on prospective homeowners.

On September 16, 2014, a framework of the proposed amendment was presented to the Board's Revitalization Committee. At that time, two conceptual options were put forward by DPWES staff. After discussion, the Committee directed staff to move the amendment forward with both options for the Board to consider. The proposed amendment reflects a refinement of these two options.

PROPOSED AMENDMENT:

The following two amendment options are presented for consideration by the Board, although staff recommends the adoption of Option 2:

Option #1: For any development having less than 50 units, the Board would continue to process waiver requests for the use of underground detention facilities in conjunction

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with the approval of a rezoning, special exception, proffer condition amendment, or special exception amendment (RZ/SE/PCA/SEA) application in residential and mixed use developments. “By-right” residential and mixed use developments having less than 50 units would also require Board approval for the use of underground detention facilities. For any development greater than 50 units, underground detention facilities in residential and mixed-use developments would be subject to approval by the DPWES Director without the need for a waiver. Based on a review of Board-approved waivers for use of underground detention facilities in residential developments, staff has determined that there is a significantly lower maintenance and replacement cost to home owners in residential developments with 50 or more units as compared to the cost to home owners in residential developments with less than 50 units. In short, in larger residential developments, maintenance and replacement costs are low—if not negligible—when viewed on a per unit basis. Accordingly, there is little necessity of setting aside an escrow fund to deal with such costs because property owners can manage the costs relatively easily when they occur. In contrast, for smaller developments, the per unit maintenance and replacement costs are significantly larger. When such costs are incurred in smaller developments, a financial burden to individual unit owners is created unless an escrow exists to offset these costs.

Option #2: The Director would approve the use of underground detention facilities in all residential and mixed-use developments. This option, recommended by staff and the ESRC, completely eliminates the need to process a waiver for underground detention facilities. Option 2 aligns the PFM regulations with similar regulations of the following municipalities where there are no restrictions on underground detention in residential areas:

- Arlington County: no restrictions in residential areas
- Prince George’s County: no restrictions in residential areas
- Montgomery County: no restrictions in residential areas

Both amendment options codify the developer’s escrow requirements for maintenance and replacement costs for underground detention facilities. To avoid the complexity of lifecycle determinations for various material types, the replacement cost portion of the escrow has been simplified to equate to 40 percent of the total facility replacement cost rather than relating the developer’s replacement cost to a prorated yearly portion of the estimated replacement cost. The escrow amount for maintenance remains unchanged and continues to include a 20-year maintenance cycle cost.

The PFM provision for underground detention facility use in commercial and industrial developments would remain unchanged. Currently such facilities are allowed by right, and no escrow is required for maintenance and replacement costs.

REGULATORY IMPACT:

The proposed amendment is a revitalization incentive that, if adopted, would streamline the review process for approving the use of underground detention facilities in residential or mixed use developments. Specifically, the amendment revises the PFM to:

1. Retain a Portion of the Current Board Waiver Process for Developments with Less than 50 Units/Lots (Option 1 only) and Expand the Use to By-right Developments

Option 1 retains the current process whereby the use of underground detention in residential areas is subject to approval by the Board via a waiver in conjunction with the approval of a RZ/SE/PCA/SEA application only in residential or mixed use developments, but limits the waiver process to only those developments with less than 50 units. Option 1 also revises the PFM to expand the allowable use of underground detention facilities to by-right developments, although such use would also be subject to Board approval via the waiver process.

Option 2 also expands the use of underground detention facilities to by-right development, but any such use would be subject to Director approval.

2. Revise the Process to Allow Designers to Propose Underground Facilities Directly on the Plan for the Director's Approval

Option 2 provides flexibility and makes it easier to use underground detention facilities by allowing designers to propose facilities directly on plans without the requirement to obtain advance approval from the Board via a waiver. This reduces project processing times and potential risks associated with a formal waiver process. This process streamlining applies to Option 1, but only where a development has 50 units/lots or more.

3. Clarify the Developer's Requirement to Provide Funds for Maintenance and Eliminate the Need for Maintenance Funds for Residential and Mixed-Use Developments with 50 or More Units

Under the current PFM provisions, any property owner seeking a residential waiver shall provide adequate funding for maintenance. The amendment codifies the current practice that funds shall be provided in an amount sufficient to cover a 20-year maintenance cycle and it also includes a 40 percent replacement cost, rather than a twenty-year portion of the replacement cost.

In addition, the amendment eliminates the need for maintenance and replacement funds from the developer for developments with 50 units or more

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(unless a modification is required). The elimination of such funding acknowledges that developments of this size have the financial resources to fund facility maintenance without placing a financial burden on the prospective owners of the facility. Escrows are not currently required for underground detention facilities in privately owned and maintained commercial and industrial developments, and this requirement remains unchanged with the proposed amendment.

4. Clarify the Current Process for a Product Modification

The amendment adds text to the PFM to clarify the current process where a “product modification” is required in cases when the underground facility deviates from standard PFM materials or configurations. The modification request must include details of the proposed underground detention facility including, but not limited to, design computations, material specifications, technical details, structural calculations, procedures for installation and maintenance, and estimated maintenance costs when required. In such instances, escrow funds from a developer would still be required in all residential developments, even those greater than 50 units.

A comparison table of the current provisions versus proposed amendment options (Options 1 and 2) is shown on Attachment C of the Staff Report.

FISCAL IMPACT:

The proposed amendment has no anticipated fiscal impact to the County.

ENCLOSED DOCUMENT:

Attachment 1- Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, Director, DPWES

Bill Hicks, Director, LDS, DPWES

Paul Shirey, Director, Code Development and Compliance Division, LDS, DPWES

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

# STAFF REPORT

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

Proposed Amendment to the Public Facilities Manual Regarding the Use of Underground Detention Facilities in Residential and Mixed-Use Developments

Authorization to Advertise	<u>February 17, 2015</u>
Planning Commission Hearing	<u>March 25, 2015</u>
Board of Supervisors Hearing	<u>April 28, 2015, 4 p.m.</u>
Prepared by:	<u>Thakur Dhakal, P.E.</u> SCRD, LDS, DPWES (703) 324-2992 February, 17, 2015

STAFF REPORT

A. ISSUE:

Board of Supervisor's (Board) authorization to advertise public hearings on a proposed amendment to the PFM. The amendment is a revitalization initiative to streamline the plan review process for the use of underground stormwater detention facilities in residential and mixed-use developments by eliminating the need to process a Board waiver, and to clarify a developer's maintenance escrow requirements. .

B. RECOMMENDED ACTION:

Staff recommends that the Board authorize the advertisement of two options to the proposed amendment as set forth in the Staff Report dated February 17, 2015.

C. TIMING:

Board of Supervisors authorization to advertise – February 17, 2015  
Planning Commission Public Hearing – March 25, 2015  
Board of Supervisors Public Hearing – April 28, 2015 at 4 p.m.  
The proposed amendment will become effective at 12:01 a.m. on the day following adoption.

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

D. Source:

The Department of Public Works and Environmental Services.

E. Coordination:

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

F. BACKGROUND:

Underground detention facilities are pipes or other structures constructed underground for the purpose of capturing and detaining stormwater runoff from a

## Attachment 1

site. Stormwater runoff is conveyed to the underground detention facility by pipes and channels and is slowly released at a controlled rate, which decreases the peak flow from the site and mitigates the potential of downstream flooding and erosion problems. Detention ponds have historically been used to control a site's stormwater runoff; however, they are land intensive features that are not consistent with the character of development envisioned in the urbanizing areas of the County. When projects are located in urbanized areas with higher population densities and pedestrian oriented development patterns, the use of underground detention facilities can be a viable stormwater management alternative to address the increase in stormwater runoff from a site.

Pursuant to § 6-0303.6 of the PFM, underground detention facilities are allowed in commercial and industrial developments, where private maintenance agreements are executed and the facility is not located in a County storm drainage easement. Underground detention facilities, however, may not be used in residential developments, including rental townhouses, condominiums and apartments, unless specifically waived by the Board in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment. Underground detention facilities are privately owned and maintained and all costs associated with them are assumed by the property owner(s). Accordingly, the PFM requires that any residential project owner seeking a waiver provide for adequate funding for maintenance of the facility. Historically, the amount of the required funding is sufficient to cover a 20-year maintenance cycle and a 20-year portion of the facilities' replacement cost, which is provided to a homeowners' or condominiums' association in an escrow fund.

The proposed amendment implements one of the County's revitalization initiatives. On February 14, 2014, the Office of Community Revitalization (OCR) presented information to the Board's Revitalization Committee that included incentives aimed at encouraging investment and development, particularly in revitalization areas and districts. One of the revitalization incentives identified for implementation by DPWES was to streamline the plan review process by eliminating the waiver process to allow the use of underground detention in residential and mixed-use developments, including reviewing the associated escrow from a developer to help fund any maintenance burden on prospective homeowners.

On September 16, 2014, a framework of the proposed amendment was presented to the Board's Revitalization Committee. At that time, two conceptual options were put forward by DPWES staff. After discussion, the Committee directed staff to move the amendment forward with both options for the Board to consider. The proposed amendment reflects a refinement of these two options.

## G. PROPOSED AMENDMENTS

The following two amendment options are presented for consideration by the Board, although staff recommends the adoption of Option 2:

Option #1: For any development having less than 50 units, the Board would continue to process waiver requests for the use of underground detention facilities in conjunction with the approval of a rezoning, special exception, proffer condition amendment, or special exception amendment (RZ/SE/PCA/SEA) application in residential and mixed use developments. “By-right” residential and mixed use developments having less than 50 units would also require Board approval for the use of underground detention facilities. For any development greater than 50 units, underground detention facilities in residential and mixed-use developments would be subject to approval by the DPWES Director without the need for a waiver. Based on a review of Board-approved waivers for use of underground detention facilities in residential developments, staff has determined that there is a significantly lower maintenance and replacement cost to home owners in residential developments with 50 or more units as compared to the cost to home owners in residential developments with less than 50 units. In short, in larger residential developments, maintenance and replacement costs are low—if not negligible--when viewed on a per unit basis. Accordingly, there is little necessity of setting aside an escrow fund to deal with such costs because property owners can manage the costs relatively easily when they occur. In contrast, for smaller developments, the per unit maintenance and replacement costs are significantly larger. When such costs are incurred in smaller developments, a financial burden to individual unit owners is created unless an escrow exists to offset these costs.

Option #2: The Director would approve the use of underground detention facilities in all residential and mixed-use developments. This option, recommended by staff and the ESRC, completely eliminates the need to process a waiver for underground detention facilities. Option 2 aligns the PFM regulations with similar regulations of the following municipalities where there are no restrictions on underground detention in residential areas:

- Arlington County: no restrictions in residential areas
- Prince George’s County: no restrictions in residential areas
- Montgomery County: no restrictions in residential areas

Both amendment options codify the developer’s escrow requirements for maintenance and replacement costs for underground detention facilities. To avoid the complexity of lifecycle determinations for various material types, the replacement cost portion of the escrow has been simplified to equate to 40 percent of the total facility replacement cost rather than relating the developer’s replacement cost to a prorated yearly portion of the estimated replacement cost. The escrow amount for maintenance remains unchanged and continues to include a 20-year maintenance cycle cost.

The PFM provision for underground detention facility use in commercial and industrial developments would remain unchanged. Currently such facilities are allowed by right, and no escrow is required for maintenance and replacement costs.

H. REGULATORY IMPACT:

The proposed amendment is a revitalization incentive that, if adopted, would streamline the review process for approving the use of underground detention facilities in residential or mixed use developments. Specifically, the amendment revises the PFM to:

1. Retain a Portion of the Current Board Waiver Process for Developments with Less than 50 Units/Lots (Option 1 only) and Expand the Use to By-right Developments

Option 1 retains the current process whereby the use of underground detention in residential areas is subject to approval by the Board via a waiver in conjunction with the approval of a RZ/SE/PCA/SEA application only in residential or mixed use developments, but limits the waiver process to only those developments with less than 50 units. Option 1 also revises the PFM to expand the allowable use of underground detention facilities to by-right developments, although such use would also be subject to Board approval via the waiver process.

Option 2 also expands the use of underground detention facilities to by-right development, but any such use would be subject to Director approval.

2. Revise the Process to Allow Designers to Propose Underground Facilities Directly on the Plan for the Director's Approval

Option 2 provides flexibility and makes it easier to use underground detention facilities by allowing designers to propose facilities directly on plans without the requirement to obtain advance approval from the Board via a waiver. This reduces project processing times and potential risks associated with a formal waiver process. This process streamlining applies to Option 1, but only where a development has 50 units/lots or more.

3. Clarify the Developer's Requirement to Provide Funds for Maintenance and Eliminate the Need for Maintenance Funds for Residential and Mixed-Use Developments with 50 or More Units

Under the current PFM provisions, any property owner seeking a residential waiver shall provide adequate funding for maintenance. The amendment codifies the current practice that funds shall be provided in an amount sufficient to cover a 20-year maintenance cycle and it also includes a 40 percent replacement cost, rather than a twenty-year portion of the replacement cost.

In addition, the amendment eliminates the need for maintenance and replacement funds from the developer for developments with 50 units or more (unless a modification is required). The elimination of such funding acknowledges that developments of this size have the financial resources to fund facility maintenance without placing a financial burden on the prospective owners of the facility. Escrows are not currently required for underground detention facilities in privately owned and maintained commercial and industrial developments, and this requirement remains unchanged with the proposed amendment.

4. Clarify the Current Process for a Product Modification

The amendment adds text to the PFM to clarify the current process where a “product modification” is required in cases when the underground facility deviates from standard PFM materials or configurations. The modification request must include details of the proposed underground detention facility including, but not limited to, design computations, material specifications, technical details, structural calculations, procedures for installation and maintenance, and estimated maintenance costs when required. In such instances, escrow funds from a developer would still be required in all residential developments, even those greater than 50 units.

A comparison table of the current provisions versus proposed amendment options (Options 1 and 2) is shown on Attachment C.

G. FISCAL IMPACT:

The proposed amendment has no anticipated fiscal impact to the County.

H. ATTACHMENTS:

Attachment A- Proposed PFM Amendment -Option 1

Attachment B- Proposed PFM Amendment -Option 2

Attachment C- Comparison of Current Requirements versus Amendment Options

Proposed Amendment to the Public Facilities Manual Related to the Use of  
Underground Detention Facilities

Option 1

**Amend the Public Facilities Manual Section 6-0303 (Location and Maintenance of Stormwater Management and BMP Facilities) by revising paragraph 6-0303.6 to read as follows:**

6-0303.6 (83-04-PFM, 24-88-PFM) Underground Detention Facilities

~~6-0303.6 (83-04-PFM, 24-88-PFM) Underground detention facilities may not be used in residential developments, including rental townhouses, condominiums and apartments, unless specifically waived by the Board of Supervisors (Board) in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment. In addition, after receiving input from the Director regarding a request by the property owner(s) to use underground detention in a residential development, the Board may grant a waiver if an application for rezoning, proffered condition amendment, special exception, and special exception amendment was approved prior to, June 8, 2004, and if an underground detention facility was a feature shown on an approved proffered development plan or on an approved special exception plat. Any decision by the Board to grant a waiver shall take into consideration possible impacts on public safety, the environment, and the burden placed on prospective owners for maintenance of the facilities. Any property owner(s) seeking a waiver shall provide for adequate funding for maintenance of the facilities where deemed appropriate by the Board. Underground detention facilities approved for use in residential developments by the Board shall be privately maintained, shall be disclosed as part of the chain of title to all future homeowners (e.g., individual members of a homeowners' or condominium association) responsible for maintenance of the facilities, shall not be located in a County storm drainage easement, and a private maintenance agreement in a form acceptable to the Director must be executed before the construction plan is approved. Underground detention facilities may be used in commercial and industrial developments where private maintenance agreements are executed and the facilities are not located in a County storm drainage easement.~~

Underground detention facilities may be used in residential or mixed use developments, commercial developments, and industrial developments subject to the conditions specified below.

6-0303.6A For residential or mixed use developments with greater than or equal to 50 residential units, underground detention facilities may be shown on the plans for approval by the Director. In such instances, no maintenance and replacement cost escrow except as set forth herein shall be required. Underground detention facilities shall not be used in residential or mixed use developments with less than 50 residential units unless waived by the Board (hereinafter a "Waiver"). Any decision to grant a Waiver shall take into consideration possible impacts to the environment and the burden placed on prospective owners for maintenance of the facility.

6-0303.6B All underground detention facilities shall be privately maintained, shall not be located in a County stormwater-related easement, and shall have a private maintenance agreement in a

form acceptable to the Director executed before the construction plan is approved. Prior to final plan approval, any such private maintenance agreement shall be recorded in the chain of title of the property to give notice to all future owners of such maintenance requirements.

6-0303.6C Underground detention facilities may consist of reinforced concrete box-shaped vaults or large diameter reinforced concrete, metal, or plastic pipe meeting the requirements of PFM. Other underground storage systems may be considered on a case-by-case basis by a modification subject to the approval of the Director (hereinafter a "Modification"). The Director may approve any such Modification provided that the underground storage facility nonetheless functions in the manner intended by the PFM. The modification request shall include full details and supporting data including, but not limited to justification, design computations, material specifications, technical details, structural calculations, procedures for installation, inspection and acceptance testing, procedures for operation and maintenance, safety considerations, and estimated 20-year maintenance cost and 40% of the facility's replacement cost.

6-0303.6D An escrow equal to a 20-year maintenance cycle plus 40 percent of the facility replacement cost shall be required when:

- (1) A Waiver is granted pursuant to § 6-0303.6(A); or
- (2) A Modification is granted pursuant to § 6-0303.6(B) for a facility that will be maintained by future residential owners.

The developer shall place any such escrow with the applicable homeowner or condominium association prior to bond release.

No escrow shall be required for any underground detention facility in an industrial or commercial development; nor shall any escrow be required for residential developments greater than 50 units or more, unless a Modification has been approved as set forth herein.

6-0303.6E The owner shall provide for inspection during construction of the underground detention facility by a professional engineer(s) with structural and geotechnical engineering specialization. The licensed professional shall certify that the facility was constructed and installed in accordance with the approved plans and manufacturer's recommendations. The developer or licensed engineer shall also submit product assurance documentation including, but not limited to, any material delivery tickets and certifications from material suppliers, and results of tests and inspections. For projects requiring as-built plans, the required certification and supporting documentation set forth herein shall be submitted with or incorporated in the as-built plans. For projects that do not require as-built plans, the required certification and supporting documents shall be submitted prior to the issuance of the Residential Use Permit or Non-Residential Use Permit. In either event, all such documents, certifications, and test and inspection results shall be submitted before bond release.

Proposed Amendment to the Public Facilities Manual Related to the Use of  
Underground Detention Facilities

Option 2

**Amend the Public Facilities Manual Section 6-0303 (Location and Maintenance of Stormwater Management and BMP Facilities) by revising paragraph 6-0303.6 to read as follows:**

6-0303.6 (83-04-PFM, 24-88-PFM) Underground Detention Facilities

~~6-0303.6 (83-04-PFM, 24-88-PFM) Underground detention facilities may not be used in residential developments, including rental townhouses, condominiums and apartments, unless specifically waived by the Board of Supervisors (Board) in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment. In addition, after receiving input from the Director regarding a request by the property owner(s) to use underground detention in a residential development, the Board may grant a waiver if an application for rezoning, proffered condition amendment, special exception, and special exception amendment was approved prior to, June 8, 2004, and if an underground detention facility was a feature shown on an approved proffered development plan or on an approved special exception plat. Any decision by the Board to grant a waiver shall take into consideration possible impacts on public safety, the environment, and the burden placed on prospective owners for maintenance of the facilities. Any property owner(s) seeking a waiver shall provide for adequate funding for maintenance of the facilities where deemed appropriate by the Board. Underground detention facilities approved for use in residential developments by the Board shall be privately maintained, shall be disclosed as part of the chain of title to all future homeowners (e.g., individual members of a homeowners' or condominium association) responsible for maintenance of the facilities, shall not be located in a County storm drainage easement, and a private maintenance agreement in a form acceptable to the Director must be executed before the construction plan is approved. Underground detention facilities may be used in commercial and industrial developments where private maintenance agreements are executed and the facilities are not located in a County storm drainage easement.~~

Underground detention facilities may be used in residential or mixed use developments, commercial developments, and industrial developments subject to the conditions specified below.

6-0303.6A All underground detention facilities shall be privately maintained, shall not be located in a County stormwater-related easement, and shall have a private maintenance agreement in a form acceptable to the Director executed before the construction plan is approved. Prior to final plan approval, any such private maintenance agreement shall be recorded in the chain of title of the property to give notice to all future owners of such maintenance requirements.

6-0303.6B Underground detention facilities may consist of reinforced concrete box-shaped vaults or large diameter reinforced concrete, metal, or plastic pipe meeting the requirements of PFM. Other underground storage systems may be considered on a case-by-case basis by modification subject to conditions as deemed appropriate by the Director (hereinafter a "Modification"). The Director may approve any such Modification provided that the underground storage facility

nonetheless functions in the manner intended by the PFM. The modification request shall include full details and supporting data including, but not limited to justification, design computations, material specifications, technical details, structural calculations, procedures for installation, inspection and acceptance testing, procedures for operation and maintenance, safety considerations, and estimated 20-year maintenance cost and 40% of the facility's replacement cost.

6-0303.6C An escrow equal to a 20-year maintenance cycle plus 40 percent of the facility replacement cost shall be required when:

- (1) A Modification is granted pursuant to § 6-0303.6(B) for a facility that will be maintained by future residential owners; or
- (2) An underground detention facility is located in a residential or mixed use development with less than 50 residential units.

The developer shall place any such escrow with the applicable homeowner or condominium association prior to bond release.

No escrow shall be required for any underground detention facility in an industrial or commercial development; nor shall any escrow be required for residential developments greater than 50 units or more, unless a Modification has been approved as set forth herein.

6-0303.6D The owner shall provide for inspection during construction of the underground detention facility by a professional engineer(s) with structural and geotechnical engineering specialization. The licensed professional shall certify that the facility was constructed and installed in accordance with the approved plans and manufacturer's recommendations. The developer or licensed engineer shall also submit product assurance documentation including, but not limited to, any material delivery tickets and certifications from material suppliers, and results of tests and inspections. For projects requiring as-built plans, the required certification and supporting documentation set forth herein shall be submitted with or incorporated in the as-built plans. For projects that do not require as-built plans, the required certification and supporting documents shall be submitted prior to the issuance of the Residential Use Permit or Non-Residential Use Permit. In either event, all such documents, certifications, and test and inspection results shall be submitted before bond release.

## ISSUE: Use of Underground Detention Facilities

### Comparison of Current Requirements versus Proposed Amendment Options

Description	Residential Project Density Less than 50 Units	Residential Project Density 50 Units or More	Commercial / Industrial
<b>Current Requirements*</b>	*Board approval via waiver during RZ/SE/PCA/SEA;  *Not permitted in by-right developments  *Escrow required		*Allowed by right  *No escrow required
<b>Proposed Option 1*</b>	*Board approval of a waiver during RZ/SE/PCA/SEA  *Board approval of a waiver for by-right developments  *Escrow required	*DPWES Director Approval  *Escrow required only if modification of the facility is granted	*Allowed by right  *No escrow required
<b>Proposed Option 2* (recommended)</b>	*DPWES Director approval  *Escrow required	*DPWES Director Approval  *Escrow required only if modification of the facility is granted	*Allowed by right  *No escrow required

\* Prior to plan approval, a product modification is required to be approved in all cases when the underground facility deviates from the standard PFM materials or configurations.

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ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing on the Proposed Five-Year Consolidated Plan for FY 2016-2020 and Proposed Consolidated Plan One-Year Action Plan for FY 2016

ISSUE:

Board of Supervisors' authorization to advertise a public hearing on the *Proposed Five Year Consolidated Plan for FY 2016-2020* and the *Proposed Consolidated Plan One-Year Action Plan for FY 2016* as forwarded by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on the *Proposed Five-Year Consolidated Plan for FY 2016-2020* and the *Proposed Consolidated Plan One-Year Action Plan for FY 2016* to be held at 4:30 p.m. on Tuesday, March 24, 2015. The public will have an opportunity to comment on both the Five-Year Consolidated Plan for FY 2016 - 2020 and the proposed use of funds as described in the Proposed One-Year Action Plan for FY 2016 in accordance with United States Department of Housing and Urban Development (HUD) regulations and guidelines. Citizens may also comment on housing and community service needs in Fairfax County as well as provide information concerning changes in housing and community service trends since the last Board public hearing on the Consolidated Plan in 2014.

TIMING:

Board authorization on February 17, 2015 to advertise the public hearing is requested in order to proceed in a timely manner with required public notification and to maintain the schedule for the Consolidated Plan process.

BACKGROUND:

The Five-Year Consolidated Plan for FY 2016 - 2020 replaces the County's Five-Year Consolidated Plan for FY 2011 - 2015 which is in the fifth and final year that ends on June 30, 2015. The Five-Year Consolidated Plan for FY 2016 - 2020 is required for funding through three federal programs: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grants (ESG). The Five-Year Plan identifies a wide range of needs, current programs and strategies, and gaps and priorities for housing, community service, homeless, community development, neighborhood preservation and revitalization, employment and economic opportunity programs and services in the County. The Five-Year Plan also includes broad goals and objectives to address priority needs with the use of resources available through the Consolidated Plan.

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The Proposed One-Year Action Plan for FY 2016 will contain the proposed uses of funding for programs to be implemented in the first year of the Five-Year Consolidated Plan for FY 2016 - 2020. An annual action plan is required by the U.S. Department of Housing and Urban Development (HUD). These programs include: CDBG, HOME, and ESG. The *Proposed Consolidated Plan One-Year Action Plan for FY 2016* includes the second year of the two-year (FY 2015-2016) funding cycle for the Consolidated Community Funding Pool (CCFP). The CCFP was established by the Board and provides funding to non-profit organizations through a competitive solicitation process. The FY 2016 CCFP funding awards will be made by the Board in April, subject to annual appropriations.

Funding allocations under the *Proposed Consolidated Plan One-Year Action Plan for FY 2016* have been reviewed by the Fairfax County Redevelopment and Housing Authority (FCRHA) and the CCFAC-FCRHA Working Advisory Group (WAG). The WAG is a group established to strengthen coordination between the FCRHA and the CCFAC in the proposed use of funds and was composed of seven members: three appointed by the FCRHA Chairman, three appointed by the CCFAC Chairman, and one who serves on both the FCRHA and the CCFAC. Recommendations from the WAG were presented to the FCRHA and forwarded to the CCFAC. The final recommendations contained in the *Proposed Consolidated Plan One-Year Action Plan for FY 2016* are consistent with what the WAG and subsequently the CCFAC recommended.

Estimated allocations for FY 2016 are based on current funding levels. The County's FY 2015 CDBG grant is \$4,837,674, the HOME grant is \$1,535,471, and ESG is \$385,886. It is estimated that there will be approximately \$290,942 in CDBG program income and \$45,407 in HOME program income. With approval of the Plan, a total of \$4,330,960 in prior year funds will be carried over.

It should be noted that the anticipated CDBG, HOME, and ESG allocations may be subject to reductions or increases depending on the final formula allocation provided by HUD. Based on available information, it is anticipated that Fairfax County's CDBG, HOME, and ESG allocations would remain at levels similar to those in FY 2015. HUD mandated contingency language regarding actual allocation amounts has been added to the *Proposed Consolidated Plan One-Year Action Plan for FY 2016* and approved by the WAG and the CCFAC.

The *Proposed Five-Year Action Plan for FY 2016-2020* and the *Proposed Consolidated Plan One-Year Action Plan for FY 2016* are being released by the CCFAC to allow for a 30-day public comment period, and will also be the subject of the public hearing, as authorized by this item, and adoption by the Board on April 28, 2015. The One-Year Action Plan for FY 2016 will include the funding allocations to the CCFP. The CCFP awards are based on the recommendations from the Selection Advisory Committee appointed to review the proposals received through the CCFP Request for Proposal process for FY 2015-2016.

The Fairfax County Citizen Participation Plan and HUD regulations require advertisement of the public hearing (Attachment 2) prior to the date of the Board meeting. The notice will include sufficient information about the purpose of the public hearing to permit informed comment from citizens. Upon approval of the Board, a public hearing on the *Proposed*

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*Five-Year Consolidated Plan for FY 2016-2020 and Proposed Consolidated Plan One-Year Action Plan for FY 2016* will be scheduled for Tuesday, March 24, 2015 at 4:30 p.m. An advertisement will appear in newspaper(s) of general circulation and minority non-English speaking publications at least 15 days prior to the date of the public hearing, and will be included in the Weekly Agenda, as well as in information released by the Fairfax County Office of Public Affairs.

FISCAL IMPACT:

Funds identified in the *Proposed Consolidated Plan One-Year Action Plan for FY 2016* include CDBG (\$4,837,674 entitlement and \$290,942 estimated program income), HOME (\$1,535,471 entitlement and \$45,407 estimated program income), and ESG (\$385,886) funds. In addition, allocations of prior year funding, in an amount of \$4,330,960, have also been recommended.

ENCLOSED DOCUMENTS:

Attachment 1: *Proposed Five-Year Consolidated Plan for FY 2016-2020* (that includes *Proposed Consolidated Plan One-Year Action Plan for FY 2016*)

The *Proposed Five-Year Consolidated Plan for FY 2016-2020* is available on line at <http://www.fairfaxcounty.gov/rha>

Attachment 2: Public Hearing Advertisement

STAFF:

Patricia D. Harrison, Deputy County Executive

Kurt Creager, Director, Department of Housing and Community Development (HCD)

Hossein Malayeri, Deputy Director, Real Estate, HCD

Thomas Fleetwood, Director, FCRHA Policy, Reporting and Communications Division, HCD

Aseem K. Nigam, Director, Real Estate Finance and Grants Management (REFGM) Division, HCD

Robert C. Fields, Interim Associate Director, REFGM Division, HCD

Stephen Knippler, Senior Program Manager, FCRHA Policy, Reporting and Communications Division, HCD

David P. Jones, Senior Program Manager, REFGM Division, HCD

**PUBLIC HEARING ON  
PROPOSED FIVE-YEAR CONSOLIDATED PLAN FOR FY 2016 – 2020  
AND PROPOSED CONSOLIDATED PLAN  
ONE-YEAR ACTION PLAN FOR FY 2016**

The Fairfax County Board of Supervisors will hold a public hearing on Tuesday, March 24, 2015 at 4:30 p.m. in the Board Room of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on the Proposed Five-Year Consolidated Plan for FY 2016 - 2020 and the Proposed Consolidated Plan One-Year Action Plan for FY 2016.

The Proposed Five-Year Consolidated Plan for FY 2016 - 2020 is required for funding three federal programs: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grants (ESG). The Five-Year Plan identifies a wide range of needs, current programs and strategies, and gaps and priorities for housing, community service, homeless, community development, neighborhood preservation and revitalization, employment and economic opportunity programs and services in the County. The Five-Year Plan also includes broad goals and objectives to address priority needs with the use of resources available through the Consolidated Plan.

The Consolidated Community Funding Advisory Committee (CCFAC) is the citizen advisory group that oversees the preparation of the Proposed One-Year Action Plan for FY 2016 and Five-Year Consolidated Plan. The FY 2016 Action Plan covers the first year of the County's Five-Year Consolidated Plan for Fiscal Years 2016-2020.

The Proposed One-Year Action Plan for FY 2016 identifies the proposed use of funds for the three federal programs with an estimated amount of \$6.8 million: Community Development Block Grant (CDBG - \$4,837,674), HOME Investment Partnerships Program (HOME - \$1,535,471), and Emergency Solutions Grants (ESG - \$385,886). The funding levels used reflect the funding levels of FY 2015 until HUD notification of FY 2016 grant awards. It is estimated that there will be approximately \$290,942 in CDBG program income and \$45,407 in HOME program income. The Proposed Action Plan also proposes utilizing CDBG and HOME funds of \$4,330,960 carried over from prior years.

The Proposed One-Year Action Plan for FY 2016 also includes the second year of the two-year funding cycle for the Consolidated Community Funding Pool (CCFP) for FY 2015-2016. It identifies funding, which includes \$1.4 million of CDBG funds, to be made available to non-profit organizations for community-based programs that are recommended for awards. The awards are based on the recommendations from the Selection Advisory Committee appointed to review the proposals received through the

competitive CCFP solicitation process for FY 2015-2016. However, final awards for FY 2016 are subject to appropriations by the Fairfax County Board of Supervisors, to be decided through the County budget approval process in April 2015.

In addition, the Proposed Consolidated Plan One-Year Action Plan for FY 2016 identifies: (1) various public and private resources available for housing; and (2) the goals and objectives for the Five-Year Consolidated Plan.

Citizens are also invited to express their views on housing, community development, fair housing, homelessness and community service needs in Fairfax County, as well as comment on Fairfax County's community development performance. The public is encouraged to provide information concerning changes in housing and community service trends since the last Board public hearing on the Consolidated Plan in March 2014.

**To Obtain Copies of the Proposed Five-Year Consolidated Plan for FY 2016 - 2020 and Proposed Consolidated Plan One-Year Action Plan for FY 2016:**

Copies of the Proposed Five-Year Consolidated Plan for FY 2016 - 2020 and the Proposed Consolidated Plan One-Year Action Plan for FY 2016 are available for review on line at <http://www.fairfaxcounty.gov/rha>, at the Citizen Information Desk located on the lobby level of the Government Center, and at the information desk of all branches of the Fairfax County Public Library system. Copies may be obtained at the Fairfax County Department of Housing and Community Development, 3700 Pender Drive, Suite 300, Fairfax, Virginia 22030. All of the above mentioned locations are accessible to persons with disabilities.

**To Testify at the Public Hearing:**

Citizens wishing to comment on the Proposed Five-Year Consolidated Plan for FY 2016 - 2020 and the Proposed Consolidated Plan One-Year Action Plan for FY 2016 may do so by testifying in person at the Public Hearing on Tuesday, March 24, 2015. All persons wishing to testify may register in advance by calling the Clerk to the Board of Supervisors at 703-324-3151 (TDD 703-324-3903).

**To Submit Written Comments:**

Citizens wishing to comment on the Proposed Five-Year Consolidated Plan for FY 2016 - 2020 and the Proposed Consolidated Plan One-Year Action Plan for FY 2016 may also do so by writing to the attention of Stephen Knippler, Senior Program Manager, at the Department of Housing and Community Development, 3700 Pender Drive, Fairfax, Virginia 22030. The deadline for receipt of written comments on the Proposed Five-Year Consolidated Plan for FY 2011 - 2015 and the Proposed One-Year Action Plan for FY 2016 will be 4:00 p.m. on Tuesday, March 24, 2015.

**For additional information on the Proposed Five-Year Consolidated Plan for FY 2016 - 2020 and the Proposed Consolidated Plan One-Year Action Plan for FY 2016, contact the Department of Housing and Community Development at 703-246-5170, TTY: 703-385-3578.**



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

ADMINISTRATIVE - 9

Authorization for the Fairfax-Falls Church Community Services Board to Apply for and Accept Funding from the Substance Abuse and Mental Health Services Administration for a Primary and Behavioral Health Care Grant

ISSUE:

Board authorization for the Fairfax-Falls Church Community Services Board (CSB) to apply for and, if received, accept \$400,000 per year for up to four years in grant funding from the Substance Abuse and Mental Health Services Administration (SAMHSA) for Primary and Behavioral Health Care Integration funds (RFA No. SM-15-005). These are federal funds and no local cash or in-kind match is required. There is no anticipated future county funding commitment. The funding period is up to four years, based on successful implementation each year, starting from date of announced award which will be prior to October 1, 2015.

RECOMMENDATION:

The County Executive recommends that the Board authorize the CSB to apply for and accept funding, if received, from the Substance Abuse and Mental Health Services Administration for a Primary and Behavioral Health Care Grant, totaling \$400,000 each year for up to four years based on successful annual performance and funding availability. No positions are requested to be established with the grant application. Funds will be used to establish a contracted peer recovery health coaching team that will support required wellness and health promotion activities, integrated treatment teams, and outreach to help engage highest risk populations in integrated services and supports. Funds will also be used for necessary training, evaluations, and enhanced performance management processes.

TIMING:

Board action is requested on February 17, 2015. The proposal is due to SAMHSA no later than February 27, 2015.

BACKGROUND:

SAMHSA released a Request for Proposals (RFP) on December 22, 2014 to establish projects for the provision of coordinated and integrated services through the co-location of primary and specialty care medical services in community based behavioral health settings. Integrated primary and behavioral health care will be located at the new Merrifield Center and the Gartlan Center through established partnerships with the Health Department's Community Health Care Network, Herndon HealthWorks and Neighborhood Health Services, Inc. Outcomes will be used to inform future integration efforts across our community and other localities as well.

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The CSB Board approved moving forward with the application process on January 28 and has requested approval from the BOS for submission by February 27.

**Target Population**

The target population for this proposal is adults with serious mental illness who receive CSB services and are in need of health care.

**Fairfax County Project Goal**

The goal is to improve the overall physical health status of adults with serious mental illnesses (SMI) and those with co-occurring substance use disorders who have or who are at risk for co-morbid primary care conditions and chronic diseases. The objective is to support the triple aim of improving the health of individuals with SMI, enhancing the experience of care (including quality, access, and reliability) and reducing/controlling the per capita cost of care.

FISCAL IMPACT:

If awarded, grant funding in the amount \$400,000 annually for up to four years, based on successful annual implementation, will provide for the costs to implement this proposal. No local match is required.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1: Summary of Grant Application

STAFF:

Patricia Harrison, Deputy County Executive  
Tisha Deeghan, Executive Director, Fairfax-Falls Church CSB  
Laura Yager, Director, CSB Partnership and Resource Development

**BE WELL: PRIMARY AND BEHAVIORAL HEALTH CARE INTEGRATION****SUMMARY OF GRANT PROPOSAL**

**Grant Title:** Be Well: Primary and Behavioral Health Care Integration

**Funding Agency:** Substance Abuse and Mental Health Services Administration

**Funding Amount:** \$400,000 per year for up to 4 years, based on successful performance

**Proposed Use of Funds:** The grant purpose is to establish projects for the provision of integrated and coordinated services through the co-location of primary and specialty care medical services in community based behavioral health settings. The goal is to improve the physical health states of adults with serious mental illnesses (SMI) and those with co-occurring substance use disorders who have or are risk for co-morbid primary care conditions and chronic diseases. The overall objective is to support the triple aim of improving the health of individuals with SMI; enhancing the consumer experience of care; and reducing/ controlling the per capita cost of care. The grant will fund the following:

1. Establishment of a contracted Peer Health Coaching team that will support required wellness and health promotion activities, outreach efforts, serve on the integrated treatment teams and outreach to engage the most at risk populations
2. Required tobacco cessation programs, health and nutrition programs
3. Establish Coordination and Integrated Treatment Teams
4. Provide required training
5. Support evaluation and performance management requirements

**Target Populations:** People with serious mental illness (SMI), who receive CSB services, and who are in need of health care.

**Performance Measures:** 1. Enroll >10% of the people with SMI served by the CSB and in need of health care by the end of year one; >25% by the end of year 2; >40% by the end of year 4; and >50% by the end of year 4.

2. Improve overall health outcomes of participants using the following measures: annual blood pressure; semiyearly Body Mass Index; semiyearly waist circumference; semiyearly breath CO (carbon monoxide); annual Plasma Glucose and/or Hgb1c; and annual lipid profile (HDL, LDL, triglycerides).
3. Complete all required Adult Consumer Outcome Measures for Discretionary Programs National Outcome Measures (NOMS) and required measures at baseline, discharge, and also at intervals every 6 months.
4. Outcomes required by the evidence-based practices implemented related to tobacco use, exercise levels, and nutrition.
5. Process measures related to required Coordination Team and Integrated Treatment Team performance and success.
6. Success at reducing cost of care and tracking performance using the electronic health record and other monitoring tools.

**Grant Period:** From date of award which will occur prior to October 1, 2015 for 12 months, with up to three annual renewals based on successful performance.

ACTION – 1

Approval of a Parking Reduction for Dulles Station Parcel 5A (Dranesville District)

ISSUE:

Board approval of a 21.3 percent reduction of the required parking (up to 140 fewer parking spaces) for the proposed residential uses for the Dulles Station Parcel 5A development, Tax Map Number 15-4-05-0005A1, Dranesville District.

RECOMMENDATION:

The County Executive recommends that the Board approve a parking reduction of 21.3 percent for the proposed residential uses at Dulles Station Parcel 5A pursuant to Paragraph 5, 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 parking study, #6848-PKS-001-1.

The County Executive further recommends that the Board approve the requested reduction subject to the following conditions:

1. A minimum of 518 garage parking spaces must be maintained at all times to serve the residential uses. The parking spaces for residents shall be secured by controlled access within the parking garage. The site plan shall clearly identify how the parking spaces for residents will be secured for residential use only.
2. All non-residential uses on the site will be parked according to Code.
3. The Transportation Demand Management (TDM) Strategies and Bicycle Parking proffers that were approved in conjunction with the approval of the Dulles Rockhill Partners, LP, and Nugget Joint Venture, LC, rezoning case (RZ 2012-DR-016 approved December 3, 2013) shall be implemented.
4. The current owners, their successors, or assigns of the parcels identified as Fairfax County Tax Map Number 15-4-5-0005A1 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 its request, the Board, in its sole discretion, may rescind this parking reduction or require alternative measures to satisfy parking needs which may include compliance with the full parking requirements specified in Article 11 of the Zoning Ordinance.

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5. All parking utilization studies prepared in response to a request by the Zoning Administrator or the Director of the Department of Public Works and Environmental Services (DPWES) shall be based on applicable requirements of the County Code and the Zoning Ordinance in effect at the time of its submission.
6. Shared parking with any additional use(s) 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.
7. All parking shall comply with applicable requirements of Article 11 of Zoning Ordinance and the Fairfax County Public Facilities Manual including the provisions referencing the Americans with Disabilities Act and the Virginia Uniform Statewide Building Code.
8. The conditions approved as part of this parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.
9. The approval of this parking reduction shall expire 6 months after its approval date if Condition #8 has not been satisfied, unless an extension has been granted by the Board.

TIMING:

Board action is requested on February 17, 2015.

BACKGROUND:

On December 3, 2013, the Board approved RZ 2012-DR-016 for Dulles Rockhill Partners, LP, and Nugget Joint Venture, LC (Developers). Pursuant to the proffer conditions, the Developers have requested a parking reduction for the residential uses on the site. The basis for the reduction is the proposed development's proximity to a planned mass transit station as authorized under Zoning Ordinance § 11-102(5). Specifically, the subject 4.26-acre parcel is located approximately a 1/4 mile from the entrance of the planned Innovation Center Metrorail Station (Metro Station) and immediately south of the Dulles Toll Road, as shown in Figure 1 of the attached study.

The proposed development consists of a 6-story building with up to 411 multi-family dwelling units and the possibility of up to 10,000 gross square feet (GSF) of ground-floor retail uses. A multi-level parking facility, surrounded on 3 sides by the building and with one level below grade, is proposed as the parking supply for the development. The

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proposed 411 residential dwelling units require 658 parking spaces according to the Fairfax County Zoning Ordinance.

The Developers have requested a 21.3 percent reduction in the parking rate from 1.6 spaces per dwelling unit to 1.3 spaces per dwelling unit. The requested parking supply (518 spaces) is based on the 41 studio units, 251 1-bedroom units, and 119 2-bedroom units. The residential uses are forecasted to be ready for occupancy in 2018, which is the same year that the Metro Station is scheduled to open. Additionally, full occupancy of the building is expected to take at least one year. In the event that the Metro Station's opening is delayed significantly beyond the building's full occupancy, the existing bus service, some of the TDM strategies, and, possibly, the County's nearby Metrorail parking garage will ensure that adverse impacts to the site and the area will not occur.

The parking study indicates that the proximity to the Metro Station and other transit services will support this parking reduction request. Specifically, the transit station is expected to reduce the demand for parking spaces; no adverse impact to either the site or the adjacent area is expected; and the transit station is scheduled for completion in same time frame as the development. Therefore, staff recommends approving a 21.3 percent parking reduction for the residential uses on the site subject to the conditions listed above. This recommendation reflects a coordinated review by the Department of Transportation, Department of Planning and Zoning, Office of the County Attorney, and DPWES.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

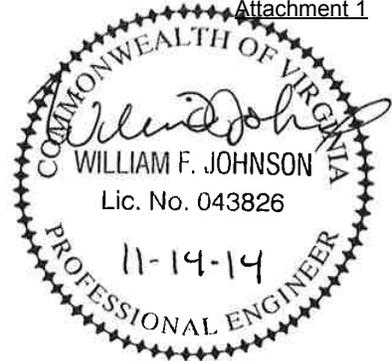
Attachment I – Revised Parking Study requesting a parking reduction (6848-PKS-001-1) dated November 14, 2014, from Brian J. Horan and William F. Johnson, P.E., Wells and Associates (without attachments)

STAFF:

Robert A. Stalzer, Deputy County Executive  
James W. Patteson, Director, DPWES  
Bill Hicks, Director, Land Development Services, DPWES



**WELLS + ASSOCIATES**



**MEMORANDUM**

**TO:** Jan Leavitt  
Code Development and Compliance Division  
Fairfax County Department of Public Works and Environmental Services

**FROM:** Brian J. Horan, E.I.T.  
William F. Johnson, P.E.

**RE:** Parking Reduction Request

**SUBJECT:** RZ 2012-DR-016/PCA C-696-09/PCA C-698-3; Dulles Rockhill Partners, LP  
Fairfax County, Virginia

**DATE:** June 3, 2014  
Revised November 14, 2014

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**Introduction**

This memorandum presents the results of a parking reduction analysis completed in conjunction with the Dulles Station Parcel 5A1 project in Fairfax County, Virginia. The approximately 4.26 acre site (Tax Map 15-4 ((5)) 5A1) is part of Dulles Station and is located on the south side of the Dulles Airport Access and Toll Road (Route 267), west of Carta Way, north of Sayward Boulevard, and east of Sunrise Valley Drive, as shown on Figure 1. Parcel 5A1, which was the subject of a recently approved rezoning and Final Development Plan (FDP), is located in the northwest quadrant of the Sayward Boulevard/Carta Way intersection.

Parcel 5A1 consists of approximately 4.26 acres and was rezoned on December 3, 2013 to the PRM District subject to proffers dated November 19, 2013 in order to allow residential development with an overall floor-area ratio (FAR) of 2.23 (or 411 dwelling units). Access to the site is oriented to/from a new east-west roadway at a new full movement driveway. Additionally, two loading areas are also located on this new east-west roadway. A reduction of the approved CDP/FDP layout is provided on Figure 2. A full size copy of the relevant plan sheet is enclosed herein. This memorandum specifically addresses the parking associated with the site.

The applicant is requesting a **residential parking reduction of approximately 21.3% (or 140 fewer parking spaces)** from the number that would be required by a strict application of the current Fairfax County Zoning Ordinance. Therefore, the minimum number of parking spaces provided on-site, at build out, would total 518 with the approval of the requested reduction based on the current anticipated unit mix at 411 units.

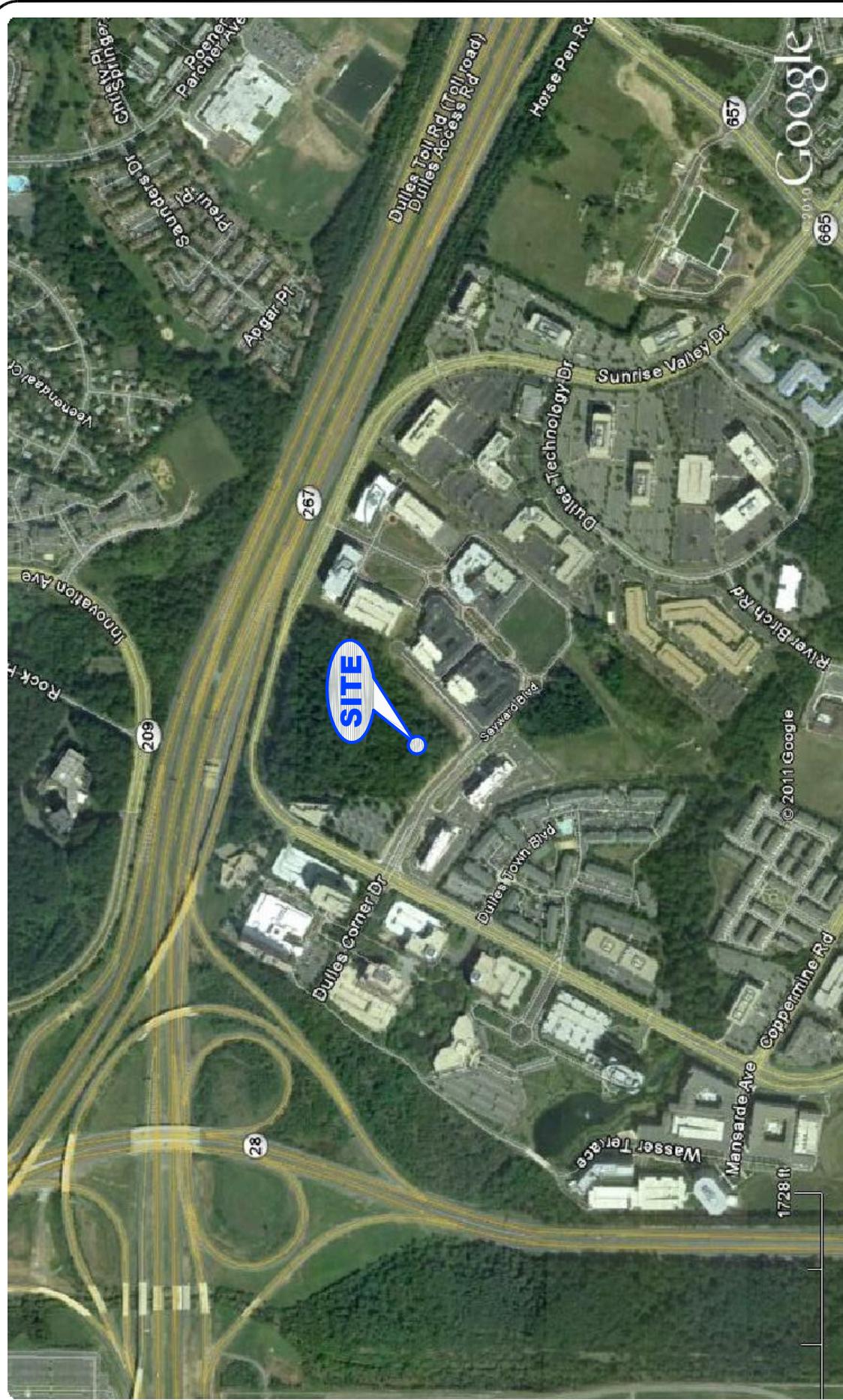


Figure 1  
Site Location





Figure 2  
CDP/FDP Reduction



North

Sources of data for this analysis include, but are not limited to, a literature review of parking requirements both locally and nationally; the CDP/FDP prepared by Urban Ltd., the Fairfax County Departments of Transportation and Planning & Zoning, the files and library of Wells + Associates, Inc., The Tysons Corner Urban Center Comprehensive Plan Text dated March 4, 2013, Dulles Rockhill Partners, LP and McGuire Woods.

## **Background**

Pursuant to a recent rezoning, the site is currently zoned to the Planned Residential Mixed (PRM) district and the Conceptual and Final Development Plan (CDP/FDP) associated with the application reflects up to 411 multifamily residential dwelling units. Based on a preliminary unit mix chart provided by architect RTKL, the break down of residential units by type and amount within the site is approximately as follows:

- Studio - 41
- One bedroom units - 235
- One bedroom unit with den – 16
- Two bedroom units – 119

A reduced copy of the approved CDP/FDP is provided as Figure 2.

As reflected on the submitted CDP/FDP, parking for the proposed uses would be provided in a parking structure located internal to the site. Sole vehicular access will be provided via a new east-west roadway on the north side of the site.

## **Fairfax County Zoning Ordinance Requirements**

Article II of the Fairfax County Zoning Ordinance establishes weekday parking requirements for various land uses by providing parking rates per unit of land use (per dwelling unit, for example). Article 11, Section 11-103 of the Ordinance outlines the requirements for multi-family dwellings as “One and six-tenths (1.6) spaces per unit.”

Based on a strict application of the Zoning Ordinance as shown on Table 1, a total of 658 parking spaces would be required to accommodate the parking demand associated with the proposed new residential uses.

## **Requested Parking Reduction**

Under certain specific circumstances the parking requirements outlined in Article 11 can be reduced by the Board of Supervisors. Sections 11-102.5 and 102.26 of the Ordinance provide for parking reductions based on the proximity of the subject site to an existing or programmed mass transit station and the implementation of a proffered transportation demand management (TDM) program,

Table 1  
 Dulles Station Parcel 5A Parking Reduction  
 Parking Requirements (1)

Land Use	Amount	Units	Code Requirement
Dwelling, Multiple Family	411	DU	One and six-tenths (1.6) spaces per unit
<i>Studio</i>	41	<i>DU</i>	
<i>1 Bedroom</i>	251	<i>DU</i>	
<i>2 Bedroom</i>	119	<i>DU</i>	
			<b>Residential Provided Spaces    518</b>
			<b>Residential Percentage Reduction Sought    21.3%</b>

Note(s): (1) All calculations conducted per the Fairfax County Zoning Ordinance.

respectively. This memorandum intends to justify the parking demand based on the site's proximity to mass transit (Section 11-102.5). The applicant is committed to developing a TDM program, and parking/vehicle reductions will likely be an element of said program; such details will be elaborated further into the site development process and are not specifically addressed herein.

In accordance with the above citation and given the site's proximity to transit, the applicant is requesting a 21.3% reduction in the total number of residential parking spaces required by a strict interpretation of the Zoning Ordinance (or 140 fewer spaces than required by current code). The following sections of this memorandum will evaluate the requested reduction with respect to the above citations. A copy of the relevant Ordinance text is provided herein as Attachment I.

**Proximity to Mass Transit.** As shown on Figure 3, the site is located within ¼ mile of the planned Innovation Center Metrorail station. As discussed above, the Fairfax County Zoning Ordinance provides for a reduction in required off-street parking for sites located in close proximity to transit. Article 11, Section 11-102.5 states:

“Within the area in proximity to a mass transit station, which station either exists or is programmed for completion within the same time frame as the completion of the subject development, or along a corridor served by a mass transit facility, which facility is conveniently accessible to the proposed use and offers a regular scheduled service, the Board may, subject to conditions it deems appropriate, reduce the number of off-street parking spaces otherwise required by the strict application of the provisions of this Part. Such reduction may be approved when the applicant has demonstrated to the Board's satisfaction that the spaces proposed to be eliminated are unnecessary based on the projected reduction in the parking demand resulting from the proximity of the transit station or mass transit facility and such reduction in parking spaces will not adversely affect the site or the adjacent area.”

The extension of metrorail (Silver Line Phase 2) and the associated Innovation Center station is slated for completion and service in 2018. The subject development is anticipated to be completed within the same time frame as metrorail. The timeline for site completion includes several necessary steps: including site plan approval, building permit approvals, as well as site grading and construction. These components, in total, typically require three to four years to complete which result in the subject development having an approximate opening date within 2018. Beyond the opening of the site, it will likely take one or more years to fully lease/occupy the development. Therefore, the full operation of the subject site will most likely not be experienced until beyond the anticipated opening of the metrorail station.

Although the site will most likely not be ready to occupy all 411 anticipated units prior to the completion of the Silver Line Phase 2 (as stated previously), the subject parking reduction request will not adversely impact the site or adjacent area in the event that the



subject development is complete prior to the opening of metrorail, based on the following:

Existing Bus Service. Fairfax Connector currently operates two bus routes along Sunrise Valley Drive adjacent to the site: Route 927 “Dulles Corner – McNair Farms” and Route 985 “Dulles Corner – Wall Road”. These bus routes connect the site locally to points within Herndon and Reston with available connections to the existing Silver Line Phase 1. Therefore, the site is currently well served by public transit, even prior to the completion of the Silver Line Phase 2.

Transportation Demand Management. As elaborated later in this document, the Applicant has proffered to implement a Transportation Demand Management (TDM) program which will serve to reduce vehicular demand generated by the site. Proffer 14 states that the TDM trip reduction goal is 18% prior the opening of metrorail and 35% following the opening of metrorail. Therefore, the Applicant is required, by proffer, to initiate these TDM strategies even before the completion of rail in the vicinity.

Based on the preceding, the proposed parking supply is projected to adequately serve the residential development should the site be ready to occupy prior to the opening of metrorail. However, the Applicant has agreed to work with staff to mitigate parking concerns if and when such concerns are evident in the future. Such efforts may include the Applicant pursuing off-site parking within the future County metrorail parking garage adjacent to the site. The County metrorail parking garage provides a potential opportunity for overflow parking associated with the site during off-peak periods (such as during evenings and weekends) if such a need is demonstrated. Additional off-site parking may be available in the existing parking garages serving Dulles Station.

Comprehensive Plan Recommendations. The subject property is located within the larger Land Unit A of the Dulles Suburban Center as defined by the Comprehensive Plan. On December 3, 2013 the Board of Supervisors approved an amendment to the Comprehensive Plan in order to recommend additional density for parcels surrounding the future metrorail station. The northern portion of Land Unit A is envisioned to develop with increased density on certain parcels with a mix of uses including office, hotel and residential uses. To that end, this project was designed to incorporate pedestrian friendly internal streets and sidewalk connections in order to facilitate easy access to the planned WMATA facilities to the north. As a transit-oriented development, this new project will encourage transit and/or multi-modal trip choices.

The plan further recommends that parking reduction measures be implemented to further reduce reliance on auto modes of travel. As stated in the Plan “To facilitate the achievement of TDM goals and encourage transit use, shared parking for uses which have different peak demand periods, instituting paid parking, or other parking reduction strategies are encouraged... For development within a half mile of the Metrorail station, a parking plan should be submitted along with a development application that demonstrates that the amount of parking that is provided is sized to support the development. Provisions for parking reductions and other incentives to lower parking should be utilized if it is supported by the parking plan... Residential

uses should take into account the number of bedrooms per unit when establishing the amount of parking to supply.” This parking reduction request, therefore, conforms to the goals and objectives of the Comprehensive Plan for this Land Unit. Relevant excerpts from the Comprehensive Plan are provided in Attachment II.

**Auto Ownership.** In harmony with the transit-oriented nature of the project, the residential units will be target marketed toward a demographic inclined to use transit on a regular basis. Of the 411 dwelling units currently proposed, 292 (71%) will be studio or single bedroom models. The remaining 119 units (29%) would not exceed two bedrooms.

Dr. Robert Cervero of the University of California at Berkley has conducted extensive research over the past decade or more on residents of transit-oriented communities (primarily in California) and their travel behavior. Among Cervero’s primary findings were the following:

- Most TOD residents are young professionals, singles, retirees, childless households, and immigrants from foreign countries.
- These groups tend to require less housing space than traditional “nuclear families”, and are more likely to live in attached housing units for financial and convenience reasons, regardless of where the units are located.
- Most TOD residents tend to work downtown and in other locations that are well served by transit.

Cervero’s findings in California were further supported by a study of vehicle ownership in TOD’s in British Columbia. In this study, Bunt and Associates Engineering surveyed households are six “Skytrain” transit stations. Primary findings from this study found:

- Households located near Skytrain stations use transit much more often than more distant households (i.e., residential sorting is occurring).
- Households near stations generally owned 10% fewer vehicles than more distant households. Frequent users of Skytrain, however, owned 29% fewer vehicles than households using Skytrain less frequently. The difference in Skytrain use translates directly to lower car ownership rates.

Other factors were found to affect car ownership in addition to transit proximity. These are: household income; number of people in a household; and the size of dwelling units (which was assumed to be correlated with the other two factors).

Locally, Wells + Associates completed similar surveys in June 2001 to assess the impact of transit proximity on parking demands associated with high-rise multifamily projects. The scope of that study was developed in close consultation with staff from the Department of Public Works & Environmental Services (DPW&ES) and the Fairfax County Department of Transportation (FCDOT). Steps undertaken in that study included, but were not limited to the following:

- Nine comparable sites were identified and parking demand counts conducted on a series of typical weekdays and Saturdays
- Demographic data was collected for each of the comparable sites in terms of number and type of units, tenant characteristics, auto ownership, parking spaces provided, availability of off-site parking and local ordinance requirements
- A description of parking controls/operations were provided, if available, for each of the comparable sites
- A review of national and local data sources to determine the impact of mass transit on area parking requirements

The results of our study were generally consistent with the findings of Cervero et al. Specifically, the data indicated auto ownership at high-rise multifamily developments was lower than other types of residential units, especially proximate to transit facilities. The data collected by Wells + Associates in 2001 was supplemented with demographic data from the *Development – Related Ridership Survey II* prepared by JHK + Associates for WMATA. Both the *Development – Related Ridership Survey II* and the subsequent *2005 Development – Related Ridership Survey* assessed the impact of auto-ownership and metro ridership. Both reports found locating residential units in close proximity to transit services resulted in reduced auto ownership and increased mode splits.

Auto ownership, as measured in the Wells study taken together with the *Development Ridership Survey II* data, ranged from a low of 0.25 vehicles per unit to a high of 1.87 vehicles per unit (as measured at Fairfax Towers, a non-TOD product). Average auto ownership was calculated at 1.07 vehicles per unit. Based on the information collected in 2001 with regard to average auto ownership, the projected number of vehicles expected with the proposed 411 units at Dulles Station Parcel 5A would be 440. In addition to auto ownership, parking demand counts were collected at a number of metro and non-metro related sites. The results of this report, in the absence of any project related TDM commitments, supported a 16% reduction in parking from the County's Ordinance requirements. Excerpts from the June 2001, Wells study are included as Attachment III.

Tysons Corner Urban Center Comprehensive Plan. In response to the advent of metrorail in Tysons Corner and as a result of the 2004 Area Plan Review (APR) process, the Board of Supervisors established the Tysons Land Use Task Force to “update the 1994 [Comprehensive] Plan.” In conjunction with this update to the Tysons Corner Plan, parking recommendations for residential and commercial uses were provided in the Plan text. According to the adopted Plan text, as amended through March 4, 2014, minimum parking requirements should be substantially reduced from County wide standards proximate to a rail station. These recommendations included proposed minimum and maximum parking ratios for residential developments in proximity to rail stations. For multifamily residential uses located between one-quarter and one-half mile from a Metro station, a minimum parking ratio of 1.1 spaces per unit is recommended for one bedroom apartment units and 1.35 spaces per unit for two bedroom units

as shown in Table 2. Based on these parking recommendations, the parking demand for Parcel 5A was calculated based on the proposed unit mix discussed above. At build out, the residential parking demand would be 482 parking spaces (or 176 fewer spaces than the current code requirement), as shown in Table 2. The 21.3% reduction requested herein for the proposed new uses is within the TOD minimum parking requirements recommended in Tysons Corner.

**Parcel 5A Parking Provided.** The applicant is proposing to provide 1.26 parking spaces per residential unit. A total of 518 parking spaces would be provided to serve the 411 proposed residential units. The residential demand could be further reduced due to the implementation of transportation demand management (TDM) strategies currently proffered by the applicant. Proffer 14 states that the TDM trip reduction goal is 18% prior to the opening of metrorail and 35% following the opening of the metrorail. Details and specific elements of the TDM plan will be elaborated further into the site development process.

#### **Parcel 5A Proposed Parking Reduction and TDM**

Based on the proposed mix of residential units (one-bedroom vs. two-bedroom) and the site's proximity to mass transit, a parking reduction from the code requirement of 658 parking spaces associated with the residential use is proposed. Based on the analysis provided herein, the residential uses would be parked at the rate of 1.26 spaces per dwelling unit. Based on the proposed number of units shown in Table 1, the residential demand would be 518 parking spaces (or equal to approximately 1.26 spaces per unit). This rate would correspond to a residential parking reduction of approximately 21.3% from code requirements (140 fewer spaces than code requirement). The spaces proposed to be reduced are unnecessary based on the projected reduction in parking demand as a result of the proximity to mass transit. The proposed reduction will not adversely affect the site or the adjacent area. Additionally, this reduction is generally consistent with those parking standards currently recommended for TOD's in Tysons Corner.

Reductions in parking supply are often cited as a key component of any TDM program. Research by Cervero and others has demonstrated that constraining parking supply results in increased transit ridership thereby reducing peak hour vehicle trips. The TDM program proffered by the Applicant requires an 18% peak hour residential trip reduction at build out and a 35% reduction following the opening of the Innovation Center Metrorail station. The 21.3% parking reduction then is an additional means of reducing peak hour trips and is identified throughout the proffer as a desirable means of mitigation. Specific elements related to vehicle trip and parking reductions as part of the TDM plan will be elaborated further into the site development process.

Table 2  
Dulles Station Parcel 5A Parking Reduction  
Tysons TOD Parking Rate Comparison

Land Use	Amount	Units	Fairfax County <sup>(1)</sup>		Proposed Development		Tysons Comprehensive Plan Amendment		Tysons Comprehensive Plan Amendment		
			Code Requirement	Spaces	Parking Rate	Spaces	Maximums <sup>(2,3)</sup>	Code Requirement	Minimums <sup>(2,4)</sup>	Code Requirement	Spaces
Dwelling, Multiple Family	411	DU				518					
Studio	41	DU	1.6 spaces/DU	66			1.4 spaces/DU	1.1 spaces/DU			45
1 Bedroom	251	DU	1.6 spaces/DU	402			1.4 spaces/DU	1.1 spaces/DU			276
2 Bedroom	119	DU	1.6 spaces/DU	191			1.7 spaces/DU	1.35 spaces/DU			161
			<b>Residential Spaces Required</b>	658		<b>518</b>					<b>482</b>
			<b>Percent Residential Reduction</b>	n/a		<b>21%</b>					<b>27%</b>
			<b>Total Spaces Required</b>	<b>658</b>		<b>518</b>					<b>482</b>
			<b>Percent Total Reduction</b>	n/a		<b>21.3%</b>					<b>27%</b>

Note(s): (1) Calculations based on the Fairfax County Zoning Ordinance.

(2) Calculations based on the Fairfax County Comprehensive Plan's *Plan Amendment*, dated June 22, 2010.

(3) Calculations based on the maximum number of parking spaces allowed in a TOD area in the 1/4 - 1/2 mile radius to a metro station.

(4) Calculations based on the minimum number of parking spaces allowed in a TOD area in the 1/4 - 1/2 mile radius to a metro station.

## Future Determination of Adequate Parking Supply

The preceding sections of this report demonstrate that the proposed parking supply is more than sufficient to serve the proposed residential development. However, as per standard practice, the Applicant will agree to future monitoring of the on-site parking demand at the direction of Fairfax County. Based on conversations with staff, the following standard condition will be associated with the parking reduction approval:

“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.”

## Conclusions

Based on the documentation provided herein, the following can be concluded:

1. Under a strict application of the current Zoning Ordinance, 658 parking spaces would be required to accommodate the proposed 411 residential dwelling units.
2. The applicant is seeking a **residential parking reduction of 21.3% (140 fewer parking spaces)** for a total minimum of 518 parking spaces to serve the proposed new residential uses at total build out.
3. The location of the site in close proximity to existing bus transit service as well as the proposed Innovation Center metrorail station (within ¼ mile) and the planned/proffered design of the site as a transit-oriented development (TOD) will serve to reduce parking demand and attract residents who will be inclined to choose non-auto modes of travel.
4. The proposed unit mix (single-bedroom vs. two-bedroom units) would result in a residential parking demand less than the strict application of the Zoning Ordinance would require.
5. Given the site's proximity to existing mass transit and the proposed mix of residential unit types, the 21.3% residential parking reduction requested by the applicant should be supported.
6. The parking reduction requested by the Applicant is within the TOD minimum parking requirements recommended in Tysons Corner, as well as consistent with local and national experience.

Board Agenda Item  
February 17, 2015

ACTION – 2

Approval of an Agreement Between the Northern Virginia Radio Control Club and Fairfax County to Utilize a Portion of the I-95 Landfill Complex as an Aircraft Park (Mount Vernon District)

ISSUE:

Board of Supervisors' authorization is requested for the County to enter into an agreement with the Northern Virginia Radio Control Club (NVRC) to allow use of a portion of the I-95 Landfill Complex as an aircraft park.

RECOMMENDATION:

The County Executive recommends that the Board approve and authorize the County Executive or his designee to sign the agreement with NVRC.

TIMING:

Board approval is requested on February 17, 2015.

BACKGROUND:

The NVRC has requested approval to operate a radio control model aircraft park on a portion of the I-95 Landfill Complex. The NVRC submitted Special Exception No. SE 2014-MY-041 (the Special Exception) for this use. On December 11, 2014, the Planning Commission recommended approval of the Special Exception, and, at its meeting on January 27, 2015, the Board of Supervisors approved the Special Exception.

A Memorandum of Agreement (MOA) between the Board and NVRC is required to finalize the arrangement and set in place the terms of use of the property. The MOA contains provisions related to: allowed use; safety; operation and maintenance; insurance; coordination with landfill operations; and compensation. The term of the agreement is for five years with additional extensions possible.

FISCAL IMPACT:

The NVRC will compensate the County \$5,000 per year for use of the property; however the cost can be partially or totally offset by maintenance service provided by club members.

Board Agenda Item  
February 17, 2015

CREATION OF POSITIONS:

No positions will be created.

ENCLOSED DOCUMENTS:

Attachment 1: Agreement Between the Board of Supervisors of Fairfax County, Virginia and the Northern Virginia Radio Control Club.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

John W. Kellas, Acting Deputy Director, DPWES, Solid Waste Management Program

**Memorandum of Agreement—RC Model Aircraft Use at  
the I-95 Sanitary Landfill**

THIS MEMORANDUM OF AGREEMENT (hereinafter “Agreement”), is between the Northern Virginia Radio Control Club (“NVRC”), a non-profit Virginia Corporation, and the Board of Supervisors of Fairfax County (the “Board”).

WITNESSETH:

WHEREAS, the Board recognizes that many of its constituents are radio control (“RC”) model aircraft enthusiasts, and that the making and flying of RC model aircraft is recognized as a healthy and constructive recreation activity; and

WHEREAS, a portion of the I-95 Landfill Complex property (Tax Map No. 113-1 ((1)) Parcel 14) (“the Landfill”), known as the Landfill RC Model Aircraft Park (“Aircraft Park”), has been identified and will be specifically designated for radio control model aircraft use; and

WHEREAS, the Board desires safe and controlled RC model aircraft use by a qualified and experienced organization; and

WHEREAS, NVRC is an experienced and qualified RC model aircraft flying organization which desires the use of a portion of the I-95 Landfill Complex; and

WHEREAS, the Board recognizes that the authority and control of the Landfill is operated and managed by the Fairfax County Department of Public Works and Environmental Services (“DPWES”), and that as such, the Director of DPWES, or his designee, shall be responsible for implementing and managing this Agreement (hereinafter the Board and the Director shall be referred to as “the County”); and

WHEREAS, Special Exception No. SE 2014-MV-041 (“Special Exception No. SE 2014-MV-041” or “SE 2014-MV-041”) for use of this portion of the Landfill as the Aircraft Park relates to and is contingent upon this Agreement;

NOW, THEREFORE, in consideration of the respective covenants and agreements to be kept and performed by the parties, as well as other valuable consideration which the Parties hereby acknowledge, the County and NVRC do mutually agree as follows:

## ARTICLE I

### SCOPE AND OPERATION

- A. The recitals above are incorporated in full herein.
- B. The County has identified a specific area of the Landfill for NVRC to use to fly RC model aircraft. This specific area is labeled as the “Aircraft Park” on Exhibit A, which is attached hereto and incorporated herein by reference.

C. NVRC shall prepare rules governing the use of the Aircraft Park, which rules shall be in accordance with Academy of Model Aeronautics (“AMA”) regulations and safety provisions, as amended (“the rules”). A copy of these rules is attached hereto and incorporated herein by reference as Exhibit B.

D. These rules shall take effect only when they are approved in writing by the County. Upon such approval, NVRC shall promptly post these rules at the Aircraft Park in a conspicuous place and ensure that they remain posted so that people at the Aircraft Park can easily read them. The rules shall be revised upon the request of the County. Once they are approved by the County, these rules shall remain in effect at all times that the Aircraft Park is in use. If any changes are made to the rules, NVRC must provide a copy of the latest version to the County before continuing use of the Aircraft Park.

E. NVRC shall administer the rules of the Aircraft Park and provide on-site supervision during use. The County may, but shall not be required, to administer or enforce these rules in addition to NVRC.

F. While on the Landfill, NVRC, its members, and guests shall comply with all requests and directions of the County, its employees, designees, and agents.

G. NVRC and the County shall each have independent authority in the Aircraft Park to require the removal of anyone from the Landfill or Aircraft Park who violates the posted rules.

H. NVRC shall supervise radio controlled model aircraft flying at the Aircraft Park at all times. The terms “radio controlled model aircraft” and “aircraft” as used in this Agreement means all model aircraft that flies, including, but not limited to, planes, helicopters, and any other propeller-operated or other radio or other remotely controlled flying model. The County shall have the sole discretion to limit in any way or to completely prohibit the use of a specific aircraft or type or class of aircraft at the Aircraft Park. It shall be sufficient notice to NVRC if the Board or DPWES provides NVRC notice of any such limitation or prohibition in accordance with the Notice Provisions in Article XIV of this Agreement.

I. At its cost, NVRC shall recruit, train, and provide at least one appointed Safety Officer who shall administer the safety and flight rules in the Aircraft Park. NVRC shall provide the current name and phone number of all appointed Safety Officers to DPWES and the County’s Insurance Manager. If NVRC decides that an individual no longer serves as a Safety Officer, NVRC must notify DPWES and the County’s Insurance Manager and provide the new name

and phone number of any newly appointed Safety Officer to DPWES and the County's Insurance Manager immediately.

J. Use of and access to the Aircraft Park is restricted to the County, its employees, guests, designees, and agents, NVRC's Safety Officer, members in good standing of NVRC, and their guests. Prior to proceeding to the Aircraft Park and upon leaving the Aircraft Park and the Landfill, NVRC's Safety Officer, members in good standing of NVRC, and their guests shall each check-in and check-out with the County's staff at the Landfill so that the Landfill staff will know who is on the site and whether they have left.

K. While a guest of NVRC is at the Aircraft Park, the guest must be escorted by a member in good standing of NVRC.

L. NVRC shall be responsible for the acts of its agents, Safety Officers, members, and their guests, including, but not limited to, negligent and intentional acts and omissions.

M. NVRC may operate the Aircraft Park only on Saturdays and Sundays from 9:00 AM until sunset as determined by the County or until the Recycling and Disposal Center that is located on the Landfill closes if earlier than sunset. If NVRC wants to use the Aircraft Park on additional days and times, including but not limited to holidays that do not fall on Saturdays or Sundays, the County must agree in writing with NVRC for such additional use prior to the date of the use.

NVRC shall post these days and hours that use of the Aircraft Park is allowed in a conspicuous place at the Aircraft Park so that people at the Aircraft Park can easily read them.

N. During any use of the Aircraft Park, at least one Safety Officer must be available by phone. This Safety Officer need not be present at the Aircraft Park while it is in use. New NVRC members must be supervised by at least one NVRC member who is in good standing, who is also approved by NVRC to fly without supervision according to the current NVRC Pilot Training and Qualifications Guide (“Training Guide”). New Members shall qualify to fly without this supervision only when NVRC has determined that such new member may do so in accordance with the current Training Guide.

O. Before beginning the use of the Aircraft Park under this Agreement, the NVRC shall provide a complete copy of the current Training Guide and a list of the names of all NVRC members whom NVRC has determined have qualified to fly without supervision to the County. If any changes to the Training Guide or to the list of names are made, NVRC must provide an updated copy of this Training Guide or the updated list of names to DPWES before continuing use of the Aircraft Park.

P. All aircraft and radios shall undergo a standard written preflight check in accordance with the written provisions of such standard preflight checks in the Training Guide.

Q. No one shall fly or use the Aircraft Park while impaired by the use of alcohol, medications, or drugs. Any use of alcohol or recreational or illicit drugs of any kind at the field are strictly prohibited.

R. No explosives or fireworks of any kind are allowed at the field at any time.

S. No more than 25 cars may be parked at the Aircraft Park at any one time during the hours that the Aircraft Park is in use except for permitted special events as described in Article III of this Agreement. NVRC shall not allow or cause its members, Safety Officers, or their guests to park any larger type of vehicle, including, but not limited to, any large commercial vehicle or multi-passenger vehicle such as a bus, at the Aircraft Park without the County's prior written approval.

T. Each model aircraft at the Aircraft Park shall not exceed 55 lbs. in weight and shall have a muffler to suppress noise. Each model aircraft at the Aircraft Park, whether on the ground or being flown, shall not violate any applicable law regulating noise or sound levels.

U. All participants are responsible for removing their trash from the Landfill including, but not limited to, the Aircraft Park.

V. NVRC shall ensure that no more than 5 model aircraft are in flight at any one time.

W. Users of the Aircraft Park shall always fly aircraft within the boundaries of the Overflight Area that is identified on Exhibit A.

X. All aircraft shall be flown in the same traffic pattern as fixed-wing aircraft. Helicopters and similar aircraft shall not be hovered in front of a pilot station or anywhere over the Active Area. All helicopters and similar aircraft shall be started in the pit area. The rotor head shall be held stationary whenever the model is at rest. Helicopters and similar aircraft shall be carried (not flown) between the pit area and the runway.

Y. Flyers shall obtain the proper frequency control pin and attach it to the antenna when in use, and shall maintain their transmitter on the impound stand when not in use. When obtaining a frequency pin, a flyer shall leave his NVRC card in the associated control pin slot or equivalent storage area.

Z. All receivers are to be of the narrow-band type of operation at 20 KHz frequency separation. The 27 MHz, 53 MHz and 2.4 GHz bands are exempt from these requirements.

AA. The use of transmitters on frequencies in the Amateur Radio Service bands above 50 MHz is restricted to persons holding a Technician, General, Advanced or Extra class Amateur Radio Service License issued by the FCC.

## ARTICLE II

### USE AREA

A. The Aircraft Park consists of the RC model aircraft activities area, also called the pits area, for staging and aircraft maintenance, a runway for take-off and landing, the Overflight Area, and the vehicle parking area. All of these areas are labelled on Exhibit A hereto and are defined in Special Exception No. SE 2014-MV-041.

B. The portion of the Overflight Area, as designated and labeled on Exhibit A hereto, that is outside of the pits area, the runway, and the vehicle parking area will remain in its natural state without any improvements other than stated herein. NVRC, its Safety Officer, members, and their guests shall not enter this area, except as necessary to retrieve an aircraft that was not able to return to the runway.

C. NVRC shall create an improvement to be used as the runway, as designated and labeled on Exhibit A hereto, by removing existing vegetation and planting turf grass. NVRC shall regularly mow the grass and maintain it at height of approximately 2 inches. From time to time, when the ground is suitably soft,

NVRC shall roll the runway to achieve a smooth surface. Other than a Safety Officer and approved and qualified members of the NVRC, no one shall go on the runway without being escorted by a Safety Officer or approved and qualified members of the NVRC.

D. NVRC shall create an improvement to be used as the pits area, as designated and labeled on Exhibit A hereto, by removing existing vegetation and planting turf grass. The pits area will be used for assembling aircraft and as a lounging area for pilots and spectators. In the pits area, NVRC may erect the open pavilion, as designated and labeled on Exhibit A hereto, to provide shelter from the elements. Also, in the pits area, as designated and labeled on Exhibit A hereto and as further described in the Agreement, NVRC may also place no more than 2 picnic tables, a small garden shed for storing site maintenance equipment, and a portable toilet. NVRC shall store gasoline on-site only in "safety cans" that are designed to safely store gas and are constructed of metal.

## ARTICLE III

### SPECIAL EVENTS

A. NVRC may conduct special events at the Aircraft Park. A “special event” is an advertised activity that is anticipated to have more than 35 attendees and is organized for a specific purpose such as a competition. A special event shall have no more than 50 people in attendance and no more than 35 cars at one time at the Aircraft Park.

B. NVRC shall give DPWES notice of all special events. NVRC must not conduct a special event unless it has received the County’s written approval for the special event prior to the date of a special event, and which approval shall be in the County’s sole discretion.

C. Vehicles parked for a special event must first use all of the 25 spaces in the designated parking area and any overflow parking may temporarily be on an unimproved area in accordance with the County’s instructions, including, but not limited to, location and the times during which such overflow parking may occur. Unless approved in writing by the County prior to the day of a proposed use of overflow parking, such overflow parking must not be used for the Aircraft Park on days when there is no special event at the Aircraft Park.

## ARTICLE IV

### TERM

The term of this Agreement shall be five (5) years from the date of the last signature hereon unless terminated by either party as set forth herein, or unless otherwise limited Special Exception No. SE 2014-MV-041. By mutual written consent of both parties, whenever the term of this Agreement ends, this Agreement may be extended for additional periods of time not to exceed three-years. NVRC shall not use the Aircraft Park unless it has an agreement with the County that sets forth the terms and conditions of the operation of the Aircraft Park. NVRC specifically acknowledges that it does not have an independent right to use the Aircraft Park without the consent of the County and that such consent is established by this Agreement and other agreements of this nature.

## ARTICLE V

### NVRC SITE ACTIVITIES

NVRC shall be responsible for the following:

- A. NVRC shall monitor activities and participants to ensure safe and proper utilization of the Aircraft Park in accordance with the rules as amended over time.
- B. At no cost to the County, NVRC shall recruit, train, and provide at least one appointed Safety Officer, who is also familiar with the rules and who is

available to the County by phone while the Aircraft Park is in use. The Safety Officer shall enforce the rules.

C. NVRC shall take all reasonable steps to ensure that its Safety Officers are aware of and adhere to all provisions of this Agreement.

D. NVRC shall distribute the most updated version of the Training Guide to all pilots who use the Aircraft Park and require all such pilots to be familiar with the Training Guide.

E. NVRC shall provide educational opportunities to the public for radio-controlled model aircraft activities including learning-to-fly opportunities.

F. While NVRC is responsible for routine maintenance of the Aircraft Park, landfill-related maintenance may be required on the Aircraft Park property or the service road to the Aircraft Park from time to time. As soon as NVRC, whether through the Safety Officer, an NVRC member, guest, or other person, becomes aware of any maintenance or repair needs for the Aircraft Park or the service road to the Aircraft Park that requires County attention, NVRC shall report maintenance and repair needs immediately upon discovery to the County.

G. Every year, on the first day of February, May, July, and October on which day the County's Offices are open, NVRC shall report in writing to DPWES all of the specifically planned events, including, but not limited to, all special events and activities that NVRC expects will occur at the Aircraft Park at any time

in the future (“quarterly reports”). For each event, NVRC shall tell DPWES the nature of the event, the date, time and duration of the event, the expected number of people who will be in attendance, and the expected number of vehicles to be parked at the Aircraft Park. If any accident or injury occurs at the Aircraft Park, NVRC shall immediately or as soon as practical thereafter notify DPWES and the County’s Insurance Manager. NVRC also shall immediately provide DPWES and the County’s Insurance Manager with any information that is requested that is related in any way to the accident, injury, or questions that arise from the occurrence of the accident or injury.

H. NVRC shall be allowed to erect an open pavilion (approximately 14’ by 24’) as identified on Exhibit A hereto to provide shelter from the elements. The pavilion’s design and installation specifications must be approved by DPWES prior to erection.

I. To store site maintenance equipment, NVRC may install a small garden shed after receiving approval for the shed, including but not limited to the shed’s location and size, from DPWES.

J. NVRC shall contract for the installation and maintenance of a portable toilet as identified on Exhibit A hereto. NVRC is responsible to ensure that such sanitation facilities are provided, properly maintained, and available for use at all times that the Aircraft Park is in use. NVRC shall install and maintain additional

portable toilets if attendance at an event warrants additional capacity. NVRC shall be responsible for the acts and omissions of its contractor or other person or entity that installs or maintains such facilities, including, but not limited to, negligence and intentional acts and omissions

## ARTICLE VI

### INSURANCE AND LIABILITY

A. NVRC agrees to secure and keep in force during the term of this Agreement a liability insurance policy covering itself and, through the Academy of Model Aeronautics (“AMA”), its Safety Officers, members, and their guests with the coverage as set forth in a policy with limits to be not less than \$2,500,000.

B. NVRC shall obtain from AMA additional Commercial General Liability site insurance in the amount of \$2,500,000. The County, the Board, their agents, officials, employees and volunteers (referred to in this Article VI as the “County”) shall be named as “additional insured” on the policy, and on the insurance certificate. NVRC shall provide DPWES and the County’s Insurance Manager with a copy of the certificate of insurance prior to any use of the Aircraft Park and when received from AMA.

C. NVRC shall indemnify, keep and save harmless the County, the Board, their agents, officials, employees and volunteers against claims of any nature, including, but not limited to injuries, death, damage to property, judgments,

suits, liabilities, cost and expenses which may otherwise accrue against the County, the Board, their agents, officials, employees and volunteers in consequence of the granting of this Agreement if it shall be determined that the act was caused through the negligence, error, or omission of NVRC, its members, guests, or other agents. NVRC shall, at its expense appear, defend and pay all charges of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith; and if any judgment shall be rendered against the County in any such action, NVRC shall, at its expense, satisfy and discharge the same.

D. NVRC expressly understands and agrees that any insurance protection required by this Agreement shall in no way limit the responsibility to indemnify, keep and save harmless and defend the County, the Board, their agents, officials, employees and volunteers as herein provided.

## ARTICLE VII

### LICENSES AND RESPONSIBILITIES OF NVRC

A. NVRC shall be solely responsible for obtaining any necessary licenses and for complying with any applicable Federal, State and municipal laws, codes and regulations in connection with their use of the Aircraft Park. In the event of a violation of any regulations governing such licenses or any Federal, State and municipal laws, codes and regulations in connection with their use of the Aircraft

Park, the County may terminate this Agreement and prohibit all access to the Aircraft Park by NVRC, including but not limited to, any of its members or guests.

B. If NVRC becomes aware of a violation of any regulations governing such licenses or any Federal, State and municipal laws, codes and regulations in connection with their use of the Aircraft Park, NVRC shall immediately or as soon as practical thereafter notify DPWES and the County's Insurance Manager. NVRC also shall immediately provide DPWES and the County's Insurance Manager with any information that is requested that is related in any way to the violation or questions that arise from the violation.

## ARTICLE VIII

### MAINTENANCE RESPONSIBILITIES

A. The County shall level the runway and pits area for grass planting for model airplane operations, and prepare the parking area with gravel, millings, or suitable material. The County shall also maintain the service road leading to the Aircraft Park.

B. NVRC agrees to maintain the Aircraft Park in a clean and undamaged state and may make minor repairs such as repairing depressions which result from settling.

C. Changes or alterations to the Aircraft Park shall be permitted only with the prior written consent of the County which it may grant or deny in its sole discretion.

D. All improvements to and permanent fixtures upon the Aircraft Park shall become the property of the County.

E. The County may temporarily displace aircraft use at any time, without any advance notice, for any reason including but not limited to conducting maintenance activities or for emergency response.

F. Gas extraction well EW242 is within the overflight area and is located at the western edge of the runway. Prior to the use of the Aircraft Park, and at the County's expense, the County shall move or bury this gas extraction well to provide a clear path for models taking-off and landing.

## ARTICLE IX

### COMPENSATION AND FEES FOR USE AND MAINTENANCE

A. NVRC shall compensate DPWES the equivalent of five thousand and 00/100 dollars (\$5,000) per year for use of the Aircraft Park, pro-rated for a partial year. This compensation may be provided in dedicated volunteer hours, which shall be based on an hourly rate of twenty dollars (\$20) per hour. Volunteer hours may be earned for mowing of grass, repairing indentations in the ground, maintaining structures used for the Aircraft Park (including repairing and painting

of fencing, picnic tables, pavilion and other structures), and similar maintenance activities, as well as such other tasks as mutually agreeable to the Parties. The annual payment shall be made at the end of each fiscal year, which is on June 30th. This Agreement does not change any of NVRC's agreements with or obligations imposed upon its membership.

B. If the value of volunteer hours provided over the previous year has not amounted to \$5,000, then payment for that year shall be the difference between \$5,000 and the total value of volunteers hours actually worked. If the value of volunteer hours provided is greater than \$5,000, any such overage shall be applied to the next year.

C. NVRC shall include in its quarterly reports to the County, described above in Article V, an accounting of the volunteer hours performed, which shall include the name of the volunteer, the activities performed, the date, and the total number of such hours.

D. All payments shall be in US Dollars made payable to "Fairfax County" and sent to the following address:

Fairfax County  
c/o Solid Waste Management Program  
12000 Government Center Parkway, Suite 458  
Fairfax, Virginia 22035  
Attn: Director, Solid Waste Management Program  
Lease Payment- NVRC I-95 Landfill RC Model Aircraft Park

E. This compensation shall be consideration for the use and maintenance of the Aircraft Park.

## ARTICLE X

### TERMINATION FOR CONVENIENCE

A. Either Party may rescind this Agreement for convenience by giving written notice as set forth herein. The County reserves and has the sole right and discretion at all times to cancel and terminate this Agreement without recourse whether with or without cause.

B. This Agreement grants only a license to NVRC to use the property where the Aircraft Park shall be located. In its sole discretion, the County may revoke this license at any time without recourse whether with or without cause.

C. Any special exception or other land use approval granted to it that is related to the Aircraft Park is contingent upon NVRC's full and complete compliance with this Agreement. In the event that this Agreement ceases or terminates, the Aircraft Park may not be used for radio-controlled aircraft use unless and until a new Agreement is in place.

D. This Agreement is contingent upon NVRC's full and complete compliance with all conditions of SE 2014-MV-041 or other land use approvals for the property on which the Aircraft Park is located.

E. Termination hereunder shall be effected by delivery to the other party of a written Notice of Termination as set forth in this Agreement. Termination by the County for cause shall be effective immediately, which determination shall be in the County's sole discretion. Otherwise, termination shall be effective at 5:00 p.m. on the thirtieth calendar day after the day of such mailing. In the event of termination, any payment received by the County from NVRC under the Compensation provisions above shall be refunded on a monthly pro-rata basis less any amounts owed to the County for any reason, whether related to this Agreement or not, including, but not limited to, taxes, damages to person or property, failure to adhere to any provision of this Agreement, or any other reason.

F. This Agreement shall automatically expire and terminate without the need for a Notice of Termination upon the expiration or termination of SE 2014-MV-041.

## ARTICLE XI

### ASSIGNMENT

NVRC shall not assign or transfer any obligations or rights in this Agreement without the express written authorization of the County. Any such assignment or transfer that is done without the County's prior express written authorization shall be null, void, and of no effect on the Parties' obligations and rights herein.

## ARTICLE XII

### NON-DISCRIMINATION

NVRC shall not discriminate against any person or group by refusing membership or use of the Aircraft Park to any person on the basis of race, color, sex, age, religious creed, ancestry, national origin, marital status, disability or any similar status that may be protected by any Federal, State, or local law that regulates discrimination by the County.

## ARTICLE XIII

### NO AGENCY RELATIONSHIP

NVRC shall not be considered nor hold itself out as an agent of the County. None of NVRC's employees, agents, officers, directors, members, Safety Officers or other personnel shall be considered or hold itself out as an agent or sub-agent of the County. If NVRC learns that a person or entity believes or suspects that NVRC is an agent of the County, NVRC must immediately take all practical steps available to clearly communicate to the person or entity that NVRC has never been and is not such an agent, and so notify the County of those efforts.

ARTICLE XIV

NOTICE PROVISIONS

Whenever this Agreement requires that any information, report, or notice shall be given to a Party, such notice shall be deemed sufficient if it complies with the following:

Notice to NVRC shall be adequate when sent by certified mail to its Authorized Representative at the address on file with DPWES and the County's Insurance Manager or to any officer or director of NVRC at the following address:

Robert M. Freas  
Treasurer  
Northern Virginia Radio Control Club  
8006 Chippenham Court  
Fairfax Station, Virginia  
Tel. (703) 395-9503  
Fax (571) 227-7217

Notice to the County shall be adequate only when copies are sent by certified mail to both of the following:

DPWES  
Mark Katrina, or his successor  
I-95 Landfill Complex Manager  
9850 Furnace Road  
Lorton, Virginia 22079  
Tel. (703) 690-1703

and

David Bobzien or his successor  
County Attorney for Fairfax County, Virginia  
12000 Government Center Parkway, Suite 549  
Fairfax, Virginia 22035  
Tel. (703) 324-2421  
Fax (703) 324-2665  
RE: I-95 Landfill Complex – Remote Control Model Aircraft Park

If a specific provision of this Agreement requires that notice be given to the County's Insurance Manager, such notice shall be given to DPWES and to the County Attorney as set forth above and also to the County's Insurance Manager by certified mail and email addressed as follows:

Leonard S. Clark, Insurance Manager or his successor  
Risk Management Division  
Department of Finance  
Risk Management Division  
12000 Government Center Parkway, Suite 215  
Fairfax, VA. 22035  
Email: Leonard.Clark@fairfaxcounty.gov  
Tel. (703) 324-3051

If a provision of this Agreement requires that the County or the County's Insurance Manager be given notice immediately, NVRC must send such information in writing accordance with the provisions above and must also give such information immediately by telephone by calling each of the telephone numbers of DPWES, the County Attorney, the County's Insurance Manager listed above and providing in each telephone call the information required in the respective provision of this Agreement either to a person or to an answering service.

When giving notice pursuant to this Article, the party giving the notice shall include the name, position or title, physical address, mailing address, and telephone number of the individual giving such notice or to whom any response or questions should be sent so that the person may be contacted by the recipient of the notice.

## ARTICLE XV

### GOVERNING POLICIES

NVRC shall comply with all conditions of all land use approvals for the Aircraft Park and the Landfill including but not limited to any conditions of SE 2014-MV-041, all terms and conditions of this Agreement and any other agreements entered into with the County or any of its agencies, all applicable Federal, State, and local rules, regulations, procedures, and any and all policies of the County. In the event of a conflict between this Agreement and the conditions of SE 2014-MV-041, the terms of the conditions of SE 2014-MV-041 shall govern.

## ARTICLE XVI

### GOVERNING LAWS AND INTERPRETATION

This Agreement shall be construed, interpreted, and enforced according to the laws of Fairfax County and the Commonwealth of Virginia, without regard to its choice of laws.

## ARTICLE XVII

### ENTIRE AGREEMENT AND COUNTERPARTS

This Agreement, including all exhibits that are attached hereto and incorporated herein by reference, contains all of the terms and conditions made between the parties and may not be modified orally or in any other manner other than by written Agreement signed by all the parties or their respective successors in interest. This Agreement may be executed in two counterparts, each of which shall be deemed an original, but all of which together shall constitute one in the same Agreement.

IN WITNESS WHEREOF, the parties executed this Agreement:

Signed, sealed, and delivered this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
(SEAL)  
Board of Supervisors for Fairfax County  
David Molchany, Deputy County Executive

STATE OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_, to wit:-

I, \_\_\_\_\_, a Notary Public in and for the State and County aforesaid, do certify that \_\_\_\_\_, the above-named, whose name is signed to the writing above bearing date on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, has acknowledged the same before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Notary Registration Number: \_\_\_\_\_

Signed, sealed, and delivered this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
(SEAL)  
Northern Virginia Radio Control Club  
Gary Quinn, President

STATE OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_, to wit:-

I, \_\_\_\_\_, a Notary Public in and for the State and County aforesaid, do certify that \_\_\_\_\_, the above-named, whose name is signed to the writing above bearing date on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, has acknowledged the same before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

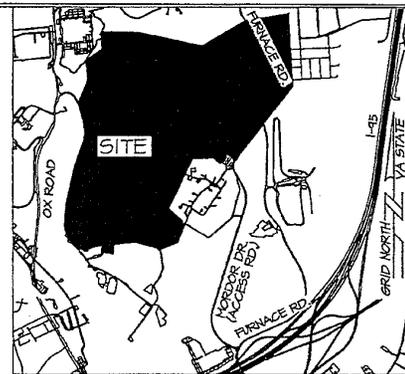
\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Notary Registration Number: \_\_\_\_\_

**Exhibit A**

**Landfill RC Model Aircraft Park**



VICINITY MAP  
1"=2000'

BOUNDARY LINE TABLE

LINE	LENGTH	BEARING
L1	211.71'	N55°56'38"W
L2	245.00'	S31°54'41"W
L3	224.41'	N52°30'56"W
L4	520.61'	S08°23'40"W
L5	480.18'	S47°46'12"E
L6	42.32'	S31°20'28"W
L7	57.08'	S52°24'14"E
L8	41.01'	N87°51'08"E
L9	28.10'	S31°16'07"E
L10	548.64'	S20°08'55"W
L11	538.64'	S61°27'18"W
L12	41.54'	N50°38'38"W
L13	545.00'	N74°44'56"W
L14	538.01'	S84°42'12"W
L15	256.31'	S07°27'10"W
L16	300.26'	N74°31'14"W
L17	166.22'	N08°45'40"E

L18	212.70'	S80°24'03"W
L19	54.54'	S76°40'38"W
L20	48.52'	S67°24'52"W
L21	45.68'	S19°26'56"W
L22	71.18'	S62°32'56"W
L23	134.55'	N54°36'03"W
L24	63.24'	S85°11'41"W
L25	357.74'	N48°07'53"W
L26	364.50'	N4°48'40"W
L27	534.41'	N03°44'08"E
L28	221.13'	N10°21'43"E
L29	228.25'	N05°08'31"W
L30	607.84'	N15°14'38"W
L31	568.17'	N22°24'06"E
L32	240.34'	N00°24'44"W
L33	261.70'	N06°53'35"W
L34	486.80'	N55°15'02"E
L35	445.36'	N01°42'33"W

ZONING LINE TABLE

LINE	LENGTH	BEARING
L1	343.58'	N31°47'23"E
L2	567.60'	N44°12'23"E
L3	418.80'	N84°35'23"E
L4	220.40'	N02°31'31"W
L5	353.80'	N45°17'23"E
L6	261.20'	N08°01'51"W
L7	200.00'	N64°40'23"E
L8	422.20'	N04°31'23"E
L9	284.00'	N50°34'23"E
L10	242.40'	N84°12'23"E
L11	358.50'	N25°01'23"E
L12	371.80'	N07°16'23"E
L13	340.40'	N24°44'23"E

NOTES:

THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE ALL ENCUMBRANCES TO THE PROPERTY ARE NOT NECESSARILY SHOWN HEREON.

THE INFORMATION SHOWN ON THIS PLAN WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULT OF AN ACTUAL FIELD SURVEY.

THE PROPERTY DELINEATED ON THIS PLAN IS LOCATED ON TAX ASSESSMENT MAP 113-1 (11) 14.

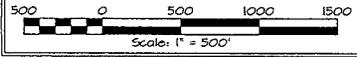
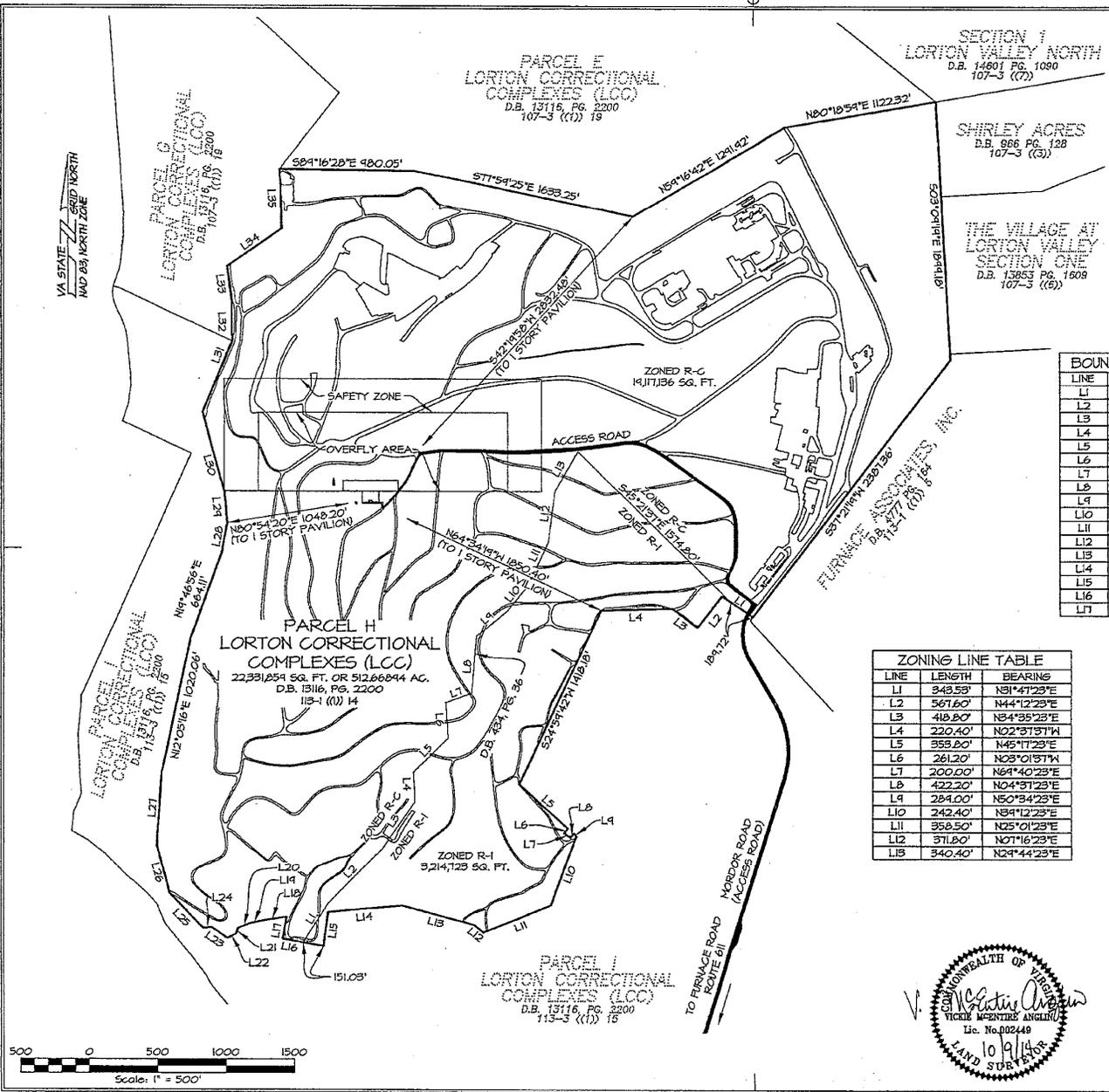
LORTON RC AIR PARK

FAIRFAX COUNTY, VIRGINIA  
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
CAPITAL FACILITIES, LAND SURVEY BRANCH  
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

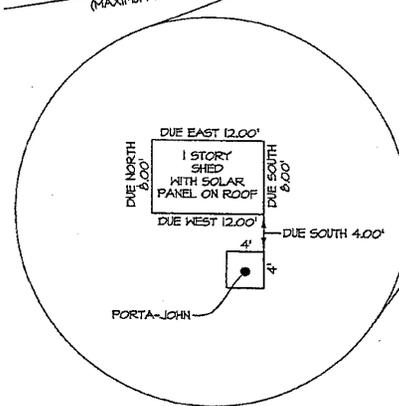
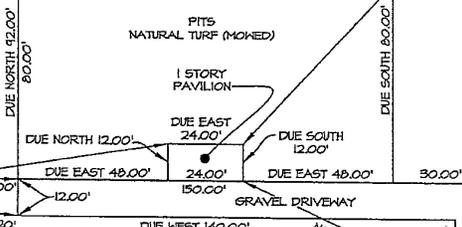
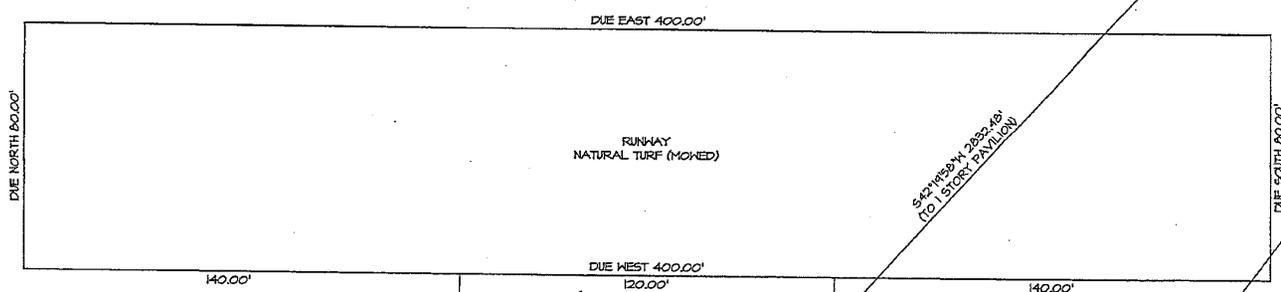
SPECIAL EXCEPTION FLAT SHOWING  
LORTON REMOTE CONTROL AIR PARK  
ON

PARCEL H  
LORTON CORRECTIONAL COMPLEXES (LCC)  
D.B. 13116, PG. 2200

MOUNT VERNON DISTRICT, FAIRFAX COUNTY SHEET 1 OF 2  
SCALE: 1"=500' DATE: 10/9/14 DRAWN BY: BLN



VA STATE ZONING MAP 95, NORTH ZONE



Parking Area Under Design

PARCEL H  
LORTON CORRECTIONAL COMPLEXES (LCC)  
22,331,251 SQ. FT. OR 512,668,944 AC.  
D.B. 13116, PG. 2200  
113-1 (11) 14

NOTES:  
THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE ALL ENCUMBRANCES TO THE PROPERTY ARE NOT NECESSARILY SHOWN HEREON.  
THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULT OF AN ACTUAL FIELD SURVEY.  
THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 113-1 (11) 14.

PARKING TO BE PROVIDED ADJACENT TO THE ROADWAY. WAIVER OF PAR. II OF SECT. 11-102 OF THE ZONING ORDINANCE FOR A DUSTLESS SURFACE.

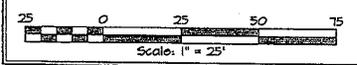
PERMANENT STRUCTURE AREAS	
PAVILION	288 SQ. FT.
SHED	46 SQ. FT.
OTHER AREAS	
RUNWAY NATURAL TURF (MOWED)	32,000 SQ. FT.
PITS NATURAL TURF (MOWED)	9,312 SQ. FT.
GRAVEL DRIVEWAY	2,050 SQ. FT.



LORTON RC AIR PARK  
FAIRFAX COUNTY, VIRGINIA  
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
CAPITAL FACILITIES, LAND SURVEY BRANCH  
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

SPECIAL EXCEPTION PLAT SHOWING  
LORTON REMOTE CONTROL AIR PARK  
ON  
PARCEL H  
LORTON CORRECTIONAL COMPLEXES (LCC)  
D.B. 13116, PG. 2200

MOUNT VERNON DISTRICT, FAIRFAX COUNTY SHEET 2 OF 2  
SCALE: 1"=25' DATE: 10/9/14 DRAWN BY: BLN



## Exhibit B

### FIELD ETIQUETTE AND RECOMMENDED OPERATING PROCEDURES

1. Each member is responsible for removing his trash.
2. Pilots should use the appropriate preflight inspection and/or initial inspection checklist contained in the current NVRC Pilot Training/Qualification guide prior to the first flight of the day on each aircraft to be flown.
3. Only NVRC members, pilots and escorted guests are allowed on North side of the spectator fence. An escorted guest is one who is under the direct supervision of an NVRC club member. The guest should have been briefed by the member as to proper, safe behavior, and should be acting in a responsible manner. The guest should never be at the impound area, on the flight line, walking among other pit areas unsupervised, or be inattentive to the hazards of the field.
4. It is recommended that flying be done north of the runway whenever practical.
5. Taxiways are defined at the east and west ends of the pilot area, and at the edge of the runway just north of the Foul Line. Aircraft should not be taxied in the area between the pilot line and the transmitter impound stand, nor into the pits.
6. Runway usage should be controlled by good **communications** between flyers. Announce your intentions.
7. AMA guidelines for propeller spinners or safety nuts should be followed whenever practical.
8. Engines should not be stopped by contact with the spinner or propeller except in emergencies.
9. Engine restarts on the runway are not recommended.
10. Transmitters should be marked with the owner's name clearly visible.
11. If others are waiting for the frequency pin, the **maximum time allowed** for engine testing/other maintenance and flight should be 15 minutes.

### **FIELD RULES (Exhibit B Continued)**

1. Flyers must be AMA members and must strictly abide by the Official AMA National Model Aircraft Safety Code. This code is published annually by the AMA and is made available to AMA members at the time of their annual renewal. Additionally, they must be either a NVRC club member or an accompanied guest of a NVRC club member.
2. New club members will qualify for unsupervised flight status in accord with the current NVRC Pilot Training and Qualification Guide.
3. No pilot will fly while impaired by the use of alcohol, medications, or drugs.
4. All flying will be done north of the FOUL LINE, Flyers will not stand on the airfield and/or the taxiways when flying.
5. No more than five (5) aircraft may be in the air at the same time.
6. Engines will not be run up in the pits.
7. No torque rolls over the short grass, also known as the runway.
8. Flyers will obtain the proper frequency control pin and attach it to the transmitter antenna when in use. When obtaining a frequency pin, a flyer will leave his NVRC club card (or his AMA card if he is a guest) in the associated control pin slot.
9. Radios will be range checked before the first flight of the day.
10. No explosives or fireworks of any kind are allowed at the field at any time.
11. All engines having a displacement of more than 0.10 cubic inches must be fitted with an effective silencing device when being operated at the flying site.
12. All receivers are to be of the narrow-band type for operation at 20 KHz frequency separation. The 27 MHz, 53 MHz bands, and 2.4GHz are exempt from these requirements.
13. The use of transmitters on frequencies in the Amateur Radio Service bands above 50 MHz is restricted to persons holding a Technician, General, Advanced, or Extra class Amateur Radio Service License issued by the FCC.
14. All transmitters will be marked with the appropriate channel number and/or colored wind streamers) as outlined in the AMA Membership Manual.
15. Members of the Safety Committee may inspect aircraft to insure that it complies with the narrow-band receiver requirement. Instructors, while doing a safety inspection of a student's aircraft, should also ensure that the narrow-band requirements are met before the aircraft is allowed to fly.

Board Agenda Item  
February 17, 2015

ACTION - 3

Approval of Resolution Authorizing Execution of a Project Agreement with the Virginia Department of Transportation for the Design and Construction of Pleasant Forest Trail (Sully)

ISSUE:

Board of Supervisors' approval of a resolution authorizing the Fairfax County Department of Transportation to execute a Project Agreement with the Virginia Department of Transportation (VDOT) for the design and construction of Pleasant Forest Trail.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached resolution granting the Director of the Department of Transportation authorization to execute a project agreement, in substantial form, with VDOT for the design and construction of Pleasant Forest Trail.

TIMING:

Board approval is requested on February 17, 2015, so that the project can be implemented concurrently with the VDOT Braddock Road and Pleasant Valley Road roundabout project.

BACKGROUND:

On January 14, 2014, the Fairfax County Board of Supervisors expressed no opposition to a VDOT project to construct a roundabout at the Pleasant Valley Road (Route 609) and Braddock Road (Route 620) intersection in Sully District. One of the conditions to expressing no opposition was a recommendation to VDOT to coordinate with the Fairfax County staff on the construction of a pedestrian access/walkway for the Pleasant Forest community. The walkway will be located on the south side of Braddock Road generally within existing right of way along Pleasant Valley Properties and Fairfax County Park Authority frontage from Pleasant Forest Drive to the existing trail on the east side of Pleasant Valley Road at the Braddock Road and Pleasant Valley Road intersection. The approximate length of the walkway is 1,450 feet, and is shown along with the project scope in Attachment II.

Board Agenda Item  
February 17, 2015

FISCAL IMPACT:

The current total project estimate for the Pleasant Forest Trail is \$600,000. Staff has identified available local revenues in the County and Regional Transportation Projects (Fund 40010) to be reallocated from the construction reserve to implement the project. There is no impact to the General Fund.

ENCLOSED DOCUMENTS:

Attachment I – Resolution to Execute Agreement  
Attachment II – Project Agreement with Attachments

STAFF:

Robert A. Stalzer, Deputy County Executive  
Patricia McCay, Assistant County Attorney, Office of the County Attorney  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Eric M. Teitelman, Chief, Capital Projects and Operations Division (CPOD), FCDOT  
Jane Rosenbaum, Transportation Planner, CPOD, FCDOT  
Todd Wigglesworth, Acting Chief, Coordination and Funding Division (CFD), FCDOT  
Ray Johnson, Transportation Planner, CFD, FCDOT  
Janet Nguyen, Transportation Planner, CFD, FCDOT

## Fairfax County Board of Supervisors Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, February 17, 2015, at which meeting a quorum was present and voting, the following resolution was adopted.

### AGREEMENT EXECUTION RESOLUTION

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of Fairfax County's Department of Transportation to execute, on behalf of the County of Fairfax, a Project Administration Agreement in the amount of \$600,000 with the Virginia Department of Transportation for the Pleasant Forest Trail Project by the County of Fairfax.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2015, Fairfax, Virginia

ATTEST \_\_\_\_\_  
Catherine Chianese  
Clerk to the Board of Supervisors

**VDOT ADMINISTERED – LOCALLY FUNDED  
PROJECT ADMINISTRATION AGREEMENT**

FAIRFAX COUNTY  
PROJECT NUMBER 0620-029-197 UPC 106581

THIS AGREEMENT, made and executed in triplicate on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, between the COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT" and the COUNTY OF FAIRFAX, hereinafter referred to as the "COUNTY."

WITNESSETH

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

WHEREAS, the funds as shown in Appendix A have all been allocated by the COUNTY to finance the project; and

WHEREAS, the COUNTY has requested that the DEPARTMENT design and construct this project in accordance with the scope of work described in Appendix B, and the DEPARTMENT has agreed to perform such work; and

WHEREAS, both parties have concurred in the DEPARTMENT's administration of the project identified in this Agreement and its associated Appendices A and B in accordance with applicable federal, state, and local law and regulations; and

WHEREAS, the County's governing body has, by resolution, which is attached hereto, authorized its designee to execute this Agreement; and

WHEREAS, Section 33.2-338 of the Code of Virginia authorizes both the DEPARTMENT and the COUNTY to enter into this Agreement;

NOW THEREFORE, in consideration of the promises and mutual covenants and agreements contained herein, the parties hereto agree as follows:

- A. The DEPARTMENT shall:
  - 1. Complete said work as identified in Appendix B, advancing such diligently, and all work shall be completed in accordance with the schedule established by both parties.
  - 2. Perform or have performed, and remit all payments for, all preliminary engineering, right-of-way acquisition, construction, contract administration, and inspection services activities for the project(s) as required.

3. Provide a summary of project expenditures to the COUNTY for charges of actual DEPARTMENT cost.
  4. Notify the COUNTY of additional project expenses resulting from unanticipated circumstances and provide detailed estimates of additional costs associated with those circumstances. The DEPARTMENT will make all efforts to contact the COUNTY prior to performing those activities.
  5. Return any unexpended funds to the COUNTY no later than 90 days after the project(s) have been completed and final expenses have been paid in full.
- B. The COUNTY shall:
1. Provide funds to the Department for Preliminary Engineering (PE), Right of Way (ROW) and/or Construction (CN) in accordance with the payment schedule outlined in Appendix A.
  2. Accept responsibility for any additional project costs resulting from unforeseeable circumstances, but only after concurrence of the COUNTY and modification of this Agreement.
- C. Funding by the COUNTY shall be subject to annual appropriation or other lawful appropriation by the Board of Supervisors.
- D. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
- E. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the County or the Department shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the

County or the Department has, in writing, received a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

- F. Nothing in this Agreement shall be construed as a waiver of the COUNTY's or the Commonwealth of Virginia's sovereign immunity.
- G. Should funding be insufficient and county funds be unavailable, both parties will review all available options for moving the project forward, including but not limited to, halting work until additional funds are allocated, revising the project scope to conform to available funds, or cancelling the project.
- H. Should the project be cancelled as a result of the lack of funding by the COUNTY, the COUNTY shall be responsible for any costs, claims and liabilities associated with the early termination of any construction contract(s) issued pursuant to this agreement.
- I. This Agreement may be terminated by either party upon 60 days advance written notice. Eligible expenses incurred through the date of termination shall be reimbursed to the DEPARTMENT subject to the limitations established in this Agreement.

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

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

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

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

**COUNTY OF FAIRFAX, VIRGINIA:**

_____	_____
	Date
_____	_____
Typed or Printed Name of Signatory	Date
_____	_____
Signature of Witness	Date

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

_____	_____
Chief of Policy Commonwealth of Virginia Department of Transportation	Date
_____	_____
Signature of Witness	Date

Attachments: Appendix A (UPC 106581)  
Appendix B (UPC 106581)

**Appendix B**

**Project Number:** 0620-029-197 UPC 106581      **Locality:** Fairfax County

<b>Project Scope</b>	
<b>Work Description:</b>	<b>Braddock Road Pleasant Forest Trail</b>
<b>From:</b>	<b>Pleasant Valley Road</b>
<b>To:</b>	<b>Pleasant Forest Drive</b>
Locality Project Manager Contact Info: Jane Rosenbaum 703-877-5756 jane.rosenbaum@fairfaxcounty.gov Department Project Coordinator Contact Info: Mark Gibney 703-259-2734 Mark.Gibney@vdot.virginia.gov	

<b>Detailed Scope of Services</b>
<p>VDOT will administer the design, right of way acquisition, utility relocation, and construction of a 10 foot wide paved trail along the south side of Braddock Road from Pleasant Valley Road to Pleasant Forest Drive. The trail will have an approximate length of 1500 feet. Right of way acquisition on one parcel owned by the Fairfax County Park Authority is anticipated. VDOT will complete the required Environmental document. VDOT will coordinate this project with the VDOT design build project to construct a roundabout at the intersection of Braddock Road and Pleasant Valley Road, UPC 103318.</p> <p>VDOT will:</p> <ul style="list-style-type: none"> <li>• Make the Project available for review during its design, right of way, and construction by the County personnel upon request</li> <li>• Maintain accurate records of all Project costs and make available for review by the County upon request</li> <li>• Present the County with proper documentation of all costs incurred and paid, and billing for the necessary costs incurred in the design, ROW, and/or construction phases of the project up to the total of the approved County funding allocated to the project.</li> </ul> <p>Expenditure documentation deemed acceptable by the County includes VDOT Cardinal “Financial Summary – Project Expenditure by Activity” report.</p>

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

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Authorized Locality Official and date

---

Typed or printed name of person signing

---

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

---

Typed or printed name of person signing

Project Number: 0620-029-197 UPC: 106581 CFDA#20.205 Locality: Fairfax County

Project Location ZIP+4: 20120-1249	Locality DUNS# 074837626	Locality Address (incl ZIP+4): 4050 Legato Road, Suite 400, Fairfax VA 22033-2867
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**Project Narrative**

Scope: Braddock Road Pleasant Forest Trail, Construct a 10' trail on the south side of Braddock Road.
From: Pleasant Valley Road
To: Pleasant Forest Drive
Locality Project Manager Contact info: : Jane Rosenbaum, 703-877-5767, jane.rosenbaum@fairfaxcounty.gov
Department Project Coordinator Contact Info: Mark Gibney, 703-259-2734, mark.gibney@vdot.virginia.gov

**Project Estimates**

Phase	Estimated Project Costs
Preliminary Engineering	\$ 100,000.00
Right of Way & Utilities	\$ 50,000.00
Construction	\$ 450,000.00
Total Estimated Cost	\$600,000.00
<b>Estimate for Current Billing</b>	\$600,000.00

**Project Cost**

Phase	Project Allocations	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount
Preliminary Engineering	\$100,000	Local Funds	100.00%	\$100,000
Total PE	\$100,000			\$100,000
Right of Way & Utilities	\$50,000	Local Funds	100.00%	\$50,000
Total RW	\$50,000			\$50,000
Construction	\$450,000	Local Funds	100.00%	\$450,000
Total CN	\$450,000			\$450,000
Total Estimated Cost	\$600,000			\$600,000

**Total Maximum Reimbursement / Payment by Locality to VDOT**

\$600,000

**Project Financing**

Local Funds	Fund Source B (Choose from drop down box)	Fund Source C (Choose from drop down box)	Fund Source D (Choose from drop down box)	Fund Source E (Choose from drop down box)	Aggregate Allocations (A+B+C+D+E)
\$600,000	\$0	\$0	\$0	\$0	\$600,000

**Payment Schedule**

FY 2015	FY 20__	FY 20__	FY 20__
\$600,000			

**Program and project Specific Funding Requirements**

- This is a limited funds project. The county shall be responsible for any additional funding in excess of \$600,000 (if applicable)
- The county will be billed the county share above upon execution of the Agreement.

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

Authorized Locality Official and date

Authorized VDOT Official  
Recommendation and Date

Typed or printed name of person signing

Typed or printed name of person signing

Board Agenda Item  
February 17, 2015

ACTION - 4

Approval of Additional Funding for the Construction of Improvements at Fairfax Connector's Huntington Bus Facility (Braddock, Lee, Mason, Mount Vernon, Springfield Districts)

ISSUE:

Board of Supervisors' approval of additional funding for the construction of improvements at Fairfax Connector's Huntington bus facility.

RECOMMENDATION:

The County Executive recommends that the Board approve additional funding in the amount of \$1.2 million for the Huntington bus facility construction.

TIMING:

Board approval is requested on February 17, 2015, so that the contract can be awarded and advanced to construction in Spring 2015.

BACKGROUND:

The Fairfax County Department of Transportation (FCDOT) is renovating the Huntington Fairfax Connector bus facility to enable the system to operate more efficiently. Built in 1985, the Huntington facility is the oldest Fairfax Connector garage and has had several renovations to improve the site operability and conditions.

As part of the FY 2015 Adopted Budget Plan, the Board approved \$4 million in funding for facility improvements at the Huntington bus facility. These improvements are necessary to enable continued efficient maintenance of the revenue bus fleet. Upgrading the existing facility to current transit facility standards will include: a chassis wash bay, in-ground lifts, Storm Water Management (SWM) improvements, expanded storage space and a new tire shop. Funds for these improvements are included in Fund 40010 (County and Regional Transportation Projects).

FCDOT is requesting an additional \$1.2 million in funding to expand and replace the asphalt bus parking area with concrete. Although concrete is more expensive, concrete parking areas have numerous benefits over asphalt, including:

- Maintenance - concrete would likely require minimal maintenance; life cycle- is

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February 17, 2015

- approx. 20 - 40 years;
- Durability - concrete is a very stiff and rigid material, and will avoid rutting under the wheel loads from buses;
  - Environmental - concrete is recyclable and will result in a higher value of reflectivity and thus reduce heat absorption.

FISCAL IMPACT:

The current total project estimate for the construction of the Huntington bus facility project is \$5.2 million. The Board approved \$4 million for the project as part of its FY 2015 Adopted Budget Plan. The additional \$1.2 million needed to fully fund construction at the Huntington garage will come from savings realized from the reduced cost of the parking expansion project at the West Ox Facility (TF-000003, 400-C40011). On July 13, 2009, the Board approved \$2.5 million for the implementation of expanded parking at the West Ox Facility. Total costs are approximately \$1.3 million, leaving a \$1.2 million balance to be transferred to the Huntington bus bays project. All available funding for project construction will come from Fund 40010 (County and Regional Transportation Projects). There is no impact to the General Fund.

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive  
James Patteson, Director, Department of Public Works  
Teresa Lepe, Building Design, Department of Public Works  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT  
Dwayne Pelfrey, Chief, Transit Services Division, FCDOT  
Ray Johnson, Transportation Planner, Coordination and Funding Division, FCDOT

ACTION – 5

Approval of a Parking Reduction for Lake Anne Village Center (Hunter Mill District)

ISSUE:

Board approval of a reduction of the required parking of 18.0 percent (477 fewer parking spaces) for the proposed redevelopment of Lake Anne Village Center.

The redevelopment site consists of multiple properties generally located south of the North Shore Drive/Village Road intersection and to the north of Lake Anne more particularly identified as Tax Map Parcels 17-2 ((1)) 7, 17-2 ((7)) 6B2 and 6B3, 17-2 ((8)) 6C, 17-2 ((16)) 1A, 17-2 ((14)) (1) 2G, 17-2 ((31)) 1645, 17-2 ((31)) common elements part and a portion of Village Road to be vacated/abandoned. The existing Lake Anne Village Center retail and existing church use, which are part of this request, include Tax Map Parcels 17-2 ((31)) 1591A, 1591B, 1609B, 1600, 1611, 1612, 1613, 1625, 1641, and 1656; 17-2 ((6)) (E) 1 thru 6; 17-2 ((5)) 6D; 17-2 ((31)) (11) 11400, 11404, and 11440, Hunter Mill District.

RECOMMENDATION:

The County Executive recommends that the Board approve a parking reduction of 18.0 percent for Lake Anne Village Center pursuant to Paragraphs 4(B) and 26 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 the attached Parking Reduction Study, #8260-PKS-001-1.

The County Executive further recommends that the Board approve the requested reduction subject to the following conditions:

1. A minimum 1,031 parking spaces shall be provided for the West Side of the development and a minimum of 1,136 parking spaces shall be provided for the East Side of the development for a project total of 2,167 parking spaces at full build-out of the development. For purposes of these conditions, the “West Side” of the development is the area of the Lake Anne Village Center development that is west of the existing North Shore Drive, and the “East Side” is the area that is east of North Shore Drive, all as set forth more fully in #PCA-A-502.
2. At full build-out, a minimum of 388 garage parking spaces shall be maintained on the West Side of the development to serve the West Side residential dwelling units, as well as any additional garage parking spaces that are necessary to serve the East Side residents in accordance with proffer No. 44.J associated with

#PCA-A-502. All such resident parking spaces shall be distinguished from the parking spaces available to the site's other uses and shall be separated by a physical barrier or controlled access subject to approval by the Director of the Department of Public Works and Environmental Resources (Director). The site plan shall clearly note how the residential parking spaces will be separated. No other parking spaces required to meet the parking requirements for this parking reduction shall be restricted except to meet the requirements of the Americans with Disabilities Act.

3. The uses permitted per this parking reduction are:

West Side:

- 77,960 gross floor area (GFA) of new office [Buildings A1, A2, and D1]
- 96,792 GFA of shopping center (58,213 GFA new + 38,579 GFA existing floor area) [Buildings A1, A2, D1 and Land Unit F]
- 6,500 GFA (or 100 seat) existing church use [Land Unit F]
- 12,860 GFA of existing eating establishments which include: [Land Unit F]
  - 406 table seats
  - 46 counter seats
  - 65 employees
- 267 new multi-family dwelling units (DUs) [Buildings A1, A2, and D1]

East Side

- 185 replacement affordable multi-family DUs (new)
- 465 multi-family DUs (new)
- 120 single-family attached DUs (new)

4. The Applicant shall implement the Transportation Demand Management (TDM) program and Parking Management Plan (PMP) proffered in conjunction with the approval of the Lake Anne Village Center Proffer Condition Amendment #PCA-A-502. In the event the TDM and PMP program does not achieve the parking reduction proposed with this study as determined by the monitoring and evaluation methodology approved as part of the TDM/PMP, the applicant shall provide additional parking spaces in the amount equivalent to the reduction.
5. At the time of site plan approval the Applicant shall demonstrate that based on the reduced parking rates in parking study #8260-PKS-001-1, an adequate number of parking spaces will be provided for each phase of development and that during the construction period of each phase, an adequate number of parking spaces will be provided to serve the residential and nonresidential uses, including the existing uses that are to remain.

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6. The current owners, their successors or assigns of the parcels identified as Fairfax County Tax Map Parcels 17-2 ((1)) 7, 17-2 ((7)) 6B2 and 6B3, 17-2 ((8)) 6C, 17-2 ((16)) 1A, 17-2 ((14)) (1) 2G, 17-2 ((31)) 1645, 17-2 ((31)), 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 being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking spaces requirements as specified in Article 11 of the Zoning Ordinance.
7. All parking utilization studies prepared in response to a request by the Zoning Administrator or the Director shall be based on applicable requirements of the County Code and the Zoning Ordinance in effect at the time of said parking utilization study submission.
8. All parking provided shall be in accordance with applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act.
9. The owners may implement and the Director may approve future modifications to the mix of non-residential uses between shopping center retail and restaurant eating establishments provided that (a) the total gross square footage of non-residential development established on the Property does not increase; and (b) a new parking generation study demonstrates to the satisfaction of the Director that the synergy among the proposed uses is comparable to the approved synergy associated with the parking reduction. The percent reduction granted by the Board must not be exceeded and a minimum of 643 shared spaces (not including the 388 spaces reserved for West Side residents, nor any spaces that may be reserved in the future to serve the East Side residents) shall be maintained onsite. Upon receipt of the modification request, the Director may also require submission of a parking utilization study if it is determined to be needed to evaluate the existing parking conditions at the time of the request.
10. Shared parking with any additional use(s) shall not be permitted without the submission of a new or amended parking study prepared in accordance with the applicable requirements of the Zoning Ordinance in effect at the time and shall be subject to the Board's approval.
11. A shared parking agreement for the West Side uses shall be executed between the Applicant and the owner(s) of the existing non-residential uses that are included in the parking reduction request, and shall be recorded in the Fairfax

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County land records in a form acceptable to the County Attorney prior to site plan approval for either Building A1 or A2, whichever comes first.

12. 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.
13. Unless an extension has been approved by the Board, the approval of this parking reduction request shall expire without notice 6 months from the date of Board approval if Condition #12 has not been satisfied.

TIMING:

Board action is requested on February 17, 2015.

BACKGROUND:

The subject parcels consist of approximately 24.3 acres including Land Units A, D, and portions of Land Units C and F, Lake Anne Village Center, which is centered on Washington Plaza at the northern end of Lake Anne, Reston. The area was designated as the Lake Anne Village Center Historic Overlay District in 1984 and designated as the Lake Anne Commercial Revitalization Area in 1998. The parcels are zoned PRC (Planned Residential Commercial) and are the subject of Proffer Condition Amendment #PCA A-502, Development Plan Amendment #CDPA A-502-07, and Planned Residential Community #PRC A-502-3.

The parking addressed in this application will serve both new and existing uses within the Lake Anne Village Center. A combination of structured and surface parking will replace the existing surface parking that serves Washington Plaza.

The redevelopment project is physically divided by a significant elevation difference as well as being bisected by existing North Shore Drive. Since these physical barriers create a challenge to shared parking across the entire project, the parking analysis and reduction request is presented in two parts identified as the West Side and the East Side.

West Side

The parking reduction request for the West Side is based on the following uses:

- 77,960 gross floor area (GFA) of new office [Buildings A1, A2, and D1]
- 96,792 GFA of shopping center (58,213 GFA new + 38,579 GFA existing floor area) [Buildings A1, A2, D1 and Land Unit F]
- 6,500 GFA (or 100 seat) existing church use [Land Unit F]
- 12,860 GFA of existing eating establishments which include: [Land Unit F]

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- 406 table seats
- 46 counter seats
- 65 employees
- 267 new multi-family dwelling units (DUs) [Buildings A1, A2, and D1]

The parking reduction request for the West Side is based on a “Shared Parking” analysis using the Urban Land Institute methodology, which demonstrates that the hourly parking accumulation characteristics justify a reduction in parking under Zoning Ordinance §11-102(4B) and that the reduction will not adversely affect the site or adjacent area. A shared parking reduction of 19.5% (249 fewer parking spaces) for a total of 1,031 parking spaces is requested to serve the West Side mix of uses where 643 spaces are shared parking spaces (non-residential and resident visitor spaces) and 388 spaces are reserved for residents.

East Side

The parking reduction request for the East Side is based on the following uses:

- 185 replacement affordable multi-family DUs (new)
- 465 multi-family DUs (new)
- 120 single-family attached DUs (new)

The justification for reducing residential parking spaces on the East Side is implementation of a Transportation Demand Management (TDM) program and Parking Management Plan (PMP), which is proffered in Proffer Condition Amendment #PCA A-502, and that includes strategies to reduce the need for parking. A TDM parking reduction of 16.7 percent (228 fewer parking spaces) for a total of 1,136 parking spaces is requested to serve the new East Side residential uses.

Pursuant to Zoning Ordinance § 11-102.26, reductions based on a TDM program must also *provide “a commitment and plan whereby the applicant shall provide additional parking spaces in an amount equivalent to the reduction should the TDM program not result in the projected reduction in parking demand.”* Pursuant to paragraph 44 of the proffers associated with #PCA-A-502, the Applicant shall be responsible for monitoring and enforcement of the proffered TDM / PMP. In the event the TDM/PMP does not achieve the desired parking reduction, the Applicant has agreed to provide the needed parking by adding parking levels to parking structure D2.

Project Total

A minimum total 2,167 spaces is proposed at full build-out to serve the East and West Sides resulting in an overall maximum site reduction of 477 parking spaces, or an 18.0 percent reduction in the code-required parking.

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Based on a review of the parking study, the mix of uses and shared parking and the presence of a proffered TDM program will support this parking reduction request. The parking study indicates that should the reduction be granted there will be no impact to parking in the surrounding areas. Therefore, staff recommends approving an overall 18.0 percent parking reduction (477 fewer spaces than the strict application of the code) subject to the conditions listed above. This recommendation reflects a coordinated review by the Department of Transportation, Department of Planning and Zoning, the Office of the County Attorney and Department of Public Works and Environmental Services.

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:  
Attachment I – Request for a Parking Reduction and a Parking Study (#8260-PKS-001-1) from Kevin R. Fellin, P.E., Wells and Associates, dated September 29, 2014 and as revised through November 5, 2014.

STAFF:  
Robert A. Stalzer, Deputy County Executive  
James W. Patteson, Director, DPWES  
William Hicks, Director, Land Development Services, DPWES

**WELLS + ASSOCIATES****MEMORANDUM**

**To:** Jan Leavitt, P.E., Chief  
Site Code Research & Development Branch  
Department of Public Works & Environmental Services

**From:** Kevin R. Fellin, P.E.

**Re:** DPA A-502-07/PCA-A-502/PRC A-502-3; Lake Anne Village Center

**Subject:** Parking Reduction Request (#8260-PKS-001)  
3<sup>rd</sup> Submission

**Date:** September 29, 2014 as revised through November 5, 2014

11441 Robertson Drive  
Suite 201  
Manassas, VA 20109  
703-365-9262  
703-365-9265 FAX  
www.mjwells.com

**INTRODUCTION**

This memorandum presents the results of a revised parking reduction analysis conducted in support of the referenced pending application(s) for a new mixed-use redevelopment (referred to as the “Lake Anne Village Center”) in Fairfax County, Virginia. The revisions herein are based on comments dated October 15, 2014 and October 30, 2014 as received from the Department of Public Works and Environmental Services (DPWES) as well as meetings held with County staff on Wednesday, October 15, 2014, Friday, October 17, 2014, and Wednesday, October 29, 2014. Responses to each comment received from DPWES are included as Attachment I.

The properties that comprise Lake Anne Village Center are located in the Hunter Mill Magisterial District on either side of North Shore Drive in the vicinity of its intersection with Village Road (see Figure 1). This area falls within the Upper Potomac Planning District of the Fairfax County Comprehensive Plan. The Lake Anne Village Center is divided into six (6) land units (see Figure 2), A through F, of which Land Units A, a portion of C, and D are proposed for redevelopment. Land Unit F includes existing non-residential uses that are included in this parking reduction request. Land Units A and C are generally located south of the North Shore Drive/Village Road intersection and to the north of Lake Anne. Land Unit D is located south of Baron Cameron Avenue, east of Village Road, and north of North Shore Drive.

The Lake Anne Village Center redevelopment site consists of multiple properties identified as 2014 Tax Map Parcels 17-2 ((1)) 7, 17-2 ((7)) 6B2 and 6B3, 17-2 ((8)) 6C, 17-2 ((16)) 1A, 17-2 ((14)) (1) 2G, 17-2 ((31)) 1645, 17-2 ((31)) common elements pt. and a portion of Village Road to be vacated/abandoned. The parcels

Transportation Consultants  
INNOVATION + SOLUTIONS

G:\PROJECTS\5601-5500\5472 LAKE ANNE REDEVELOPMENT\GRAPHICS\PARPING\5472 - PARKING STUDY GRAPHICS.DWG

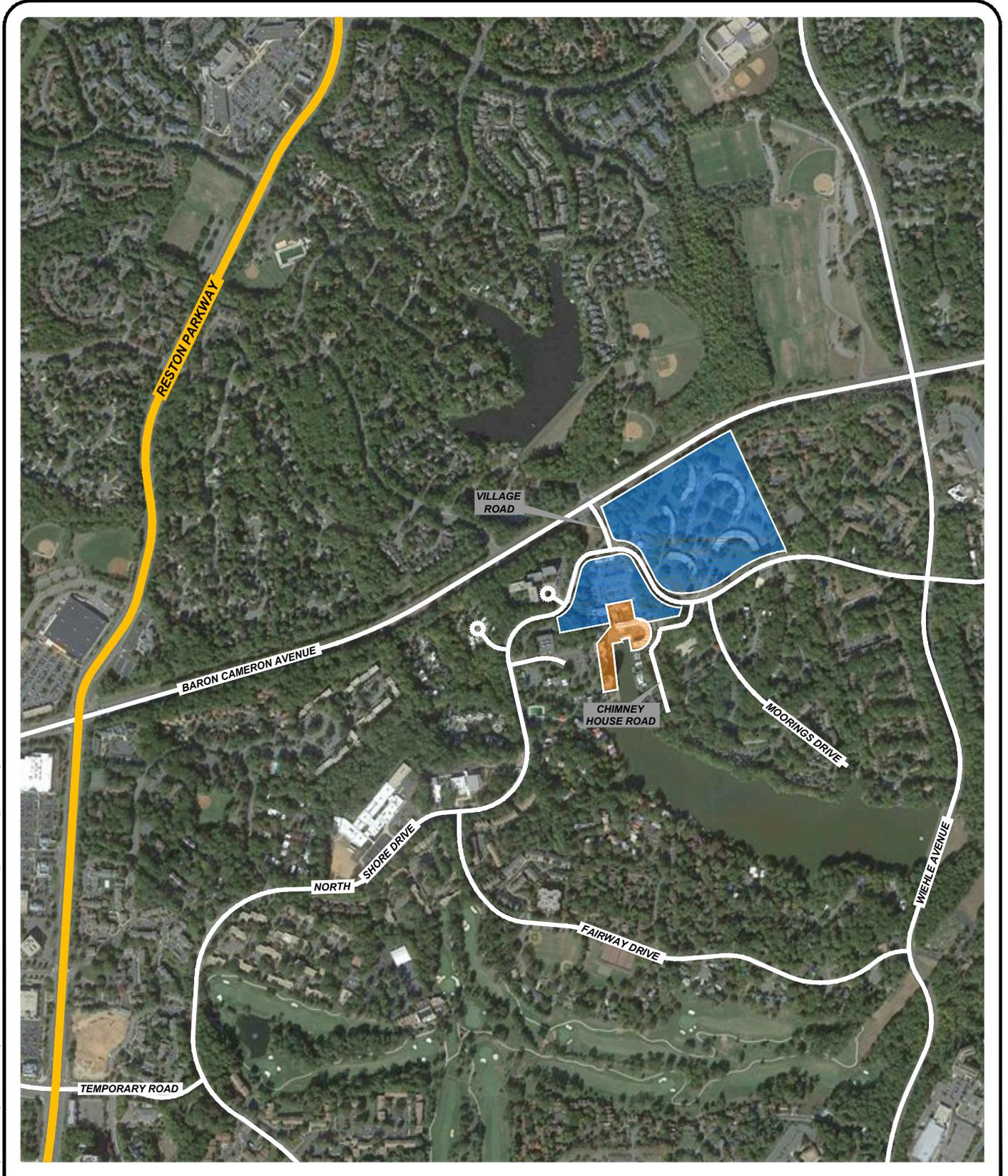


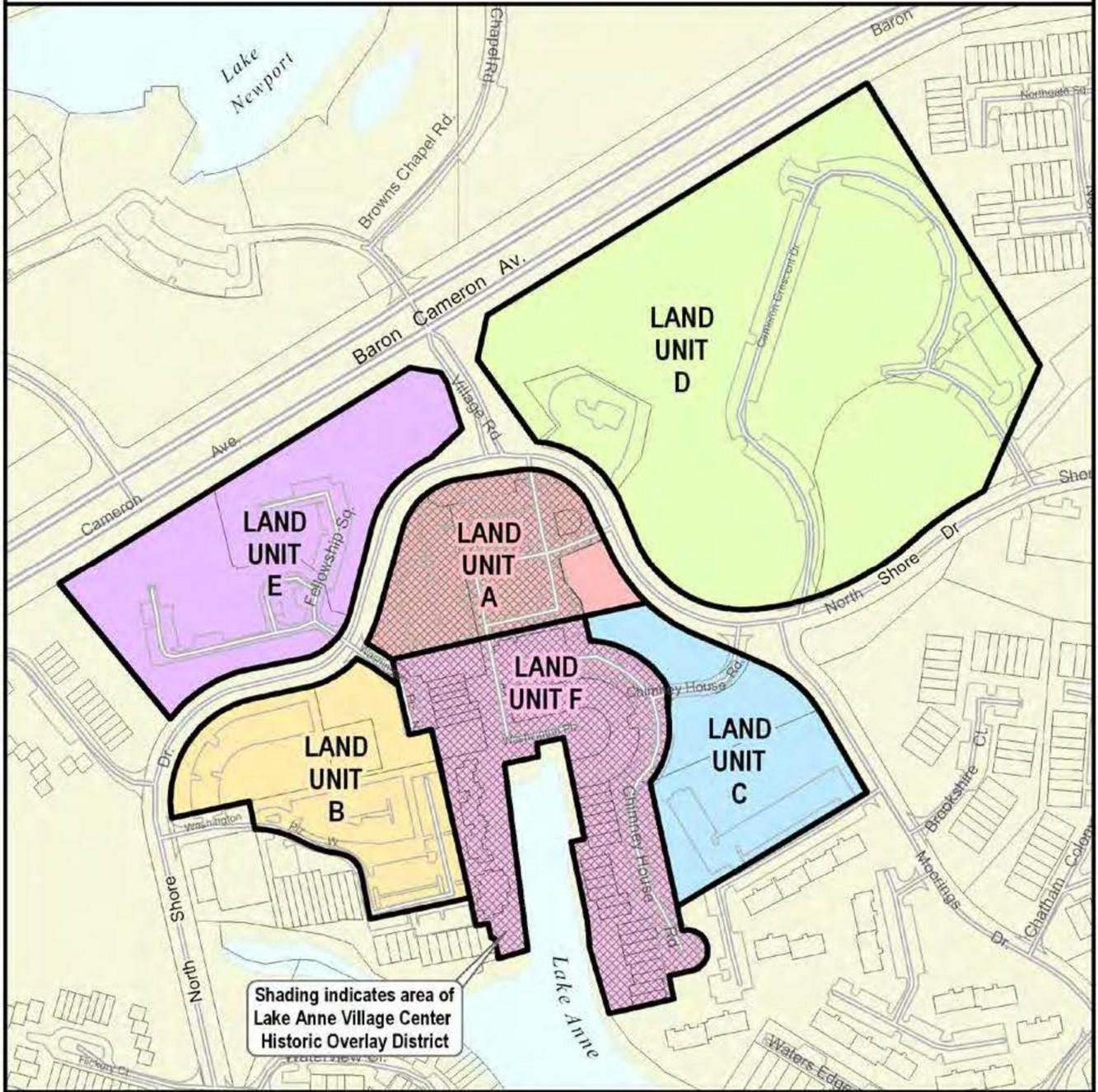
Figure 1  
Site Location Map

- Site Area (PRC Plan)
- Site Area (Existing Non-Residential Uses)



JCP

# Lake Anne Village Center Land Units and the Lake Anne Village Center Historic Overlay District



300 FEET

PREPARED OCTOBER 2008 BY THE DEPARTMENT OF PLANNING AND ZONING  
USING FAIRFAX COUNTY GIS. PARCEL INFORMATION CURRENT TO JANUARY 2009



R:\PROJECTS\5472 LAKE ANNE REPUBLIC\GRAPHICS\5472 REPORT GRAPHICS.DWG

Figure 2  
Existing Land Bays





total approximately 24.3 acres and are all zoned PRC (Planned Residential Commercial). The overall PRC Plan for the redevelopment area is shown on Figure 3. The existing Lake Anne Village Center retail and church use that are outside of the PRC Plan application area but included in the parking reduction request are identified as 2014 Tax Map Parcels 17-2 ((31)) 1591A, 1591B, 1609B, 1600, 1611, 1612, 1613, 1625, 1641, and 1656; 17-2 ((6)) (E) 1 thru 6; 17-2 ((5)) 6D; 17-2 ((31)) (11) 11400, 11404, and 11440.

Sources of data for this analysis include, but are not limited to, the files and library of Wells+Associates, Inc., Republic Land Development LLC, Renaissance Centro, Community Preservation Development Corporation, Hickok Cole Architects, Carvalho & Good PLLC, Grimm+Parker Architects Inc, Dewberry Consultants LLC, Walsh, Colucci, Lubeley & Walsh, P.C., Fairfax County, and the Urban Land Institute's (ULI) *Shared Parking* methodologies.

## **BACKGROUND**

**Overview.** The Lake Anne Village Center was the first part of Reston to be developed and is centered on Washington Plaza, which is adjacent to Lake Anne at its northern end. The area surrounding Washington Plaza was designated as the Lake Anne Village Center Historic Overlay District in 1984 in recognition of its significance in the community as Reston's original Village Center and to ensure the preservation of this historic and architectural landmark. The Board of Supervisors designated Lake Anne as a Commercial Revitalization Area in 1998 with the intent of stimulating reinvestment in existing businesses and encouraging redevelopment as appropriate. The Village Center is divided into six land units (A through F). Land units A, a portion of C, and D would be consolidated by the proposed redevelopment plan.

The goals for the Lake Anne Village Center are to create opportunities to:

1. Foster residential, office and community-enhancing retail and entertainment uses that will provide a more vital village center environment;
2. Support the long-term economic viability of the business community; and,
3. Protect and enhance the historic and architectural quality of Washington Plaza and retain the village character of an expanded village center. The proposal prepared by the Applicant for redevelopment of the Lake Anne Village Center was selected for award based on the degree to which these goals were met.

Specific planning objectives to help achieve these goals in the Village Center include, but are not limited to the following:

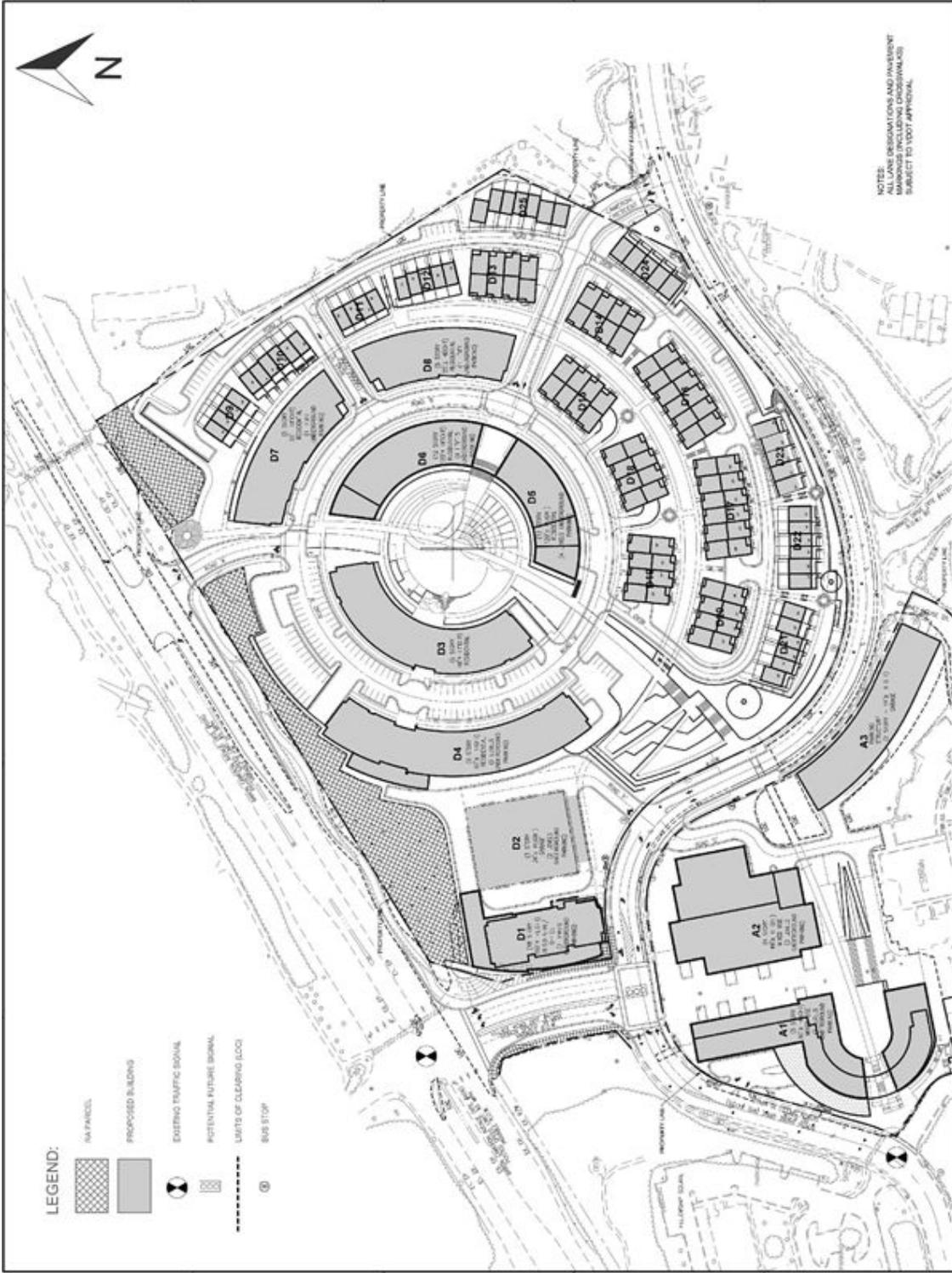


Figure 3  
Overall PRC Plan





1. Promote a vibrant community where people can live, play and work;
2. Encourage development that complements rather than competes with existing development;
3. Ensure diverse housing options such as senior, workforce, affordable housing;
4. Enhance bicycle and pedestrian connections; and
5. Improve the visibility of Lake Anne Village Center and Washington Plaza from Village Road and Baron Cameron Avenue.

To those ends, the Plan's preferred approach for redevelopment of the Lake Anne Village Center is through the coordinated redevelopment of Land Units A, D and E. This would include consolidation of the Washington Plaza surface parking lot (Land Unit A); the Crescent apartment property and the gas station (Land Unit D) and the Fellowship House property (Land Unit E). In addition, parcels in Land Units B and C may be considered for inclusion in a consolidation effort.

**Site Specific Land Use.** The baseline Plan recommendations for Land Unit A are for a mix of uses with a neighborhood serving retail component up to a 0.25 FAR and office and residential components in addition to the retail. The Plan does provide for a redevelopment option under certain conditions if the parking area is redeveloped independently. Under this option, the total amount of development allowed is 235,000 GSF of which 85,000 GSF is non-residential uses and 150,000 GSF is residential. A second option (the "*full consolidation option*"), recommends a residential component and non-residential components including retail, civic, office and other complementary uses with a maximum development area of 315,000 square feet. Of this, 210,000 square feet would be residential and 105,000 would be non-residential.

**Land Unit C.** This land unit is located on the south side of North Shore Drive, immediately to the east of Washington Plaza. The baseline Plan recommendations for this Land Unit are medium and high density residential uses and community facilities as set forth on the Reston Master Plan. Like Land Unit A, Land Unit C also has a redevelopment option recommendation. The redevelopment option recommendation language for Land Unit C proposes no more than 100 multifamily dwelling units, as well as usable open space and tree preservation to the greatest extent possible.

**Land Unit D.** Land Unit D is located south of Baron Cameron Avenue, north of North Shore Drive and east of Village Road. The property is currently developed with the Crescent apartments ( $\pm 181$  units) and a service station. The baseline Plan



recommendations for Land Unit D specify high and medium density residential development. The area of the gas station is considered part of the Village Center. A

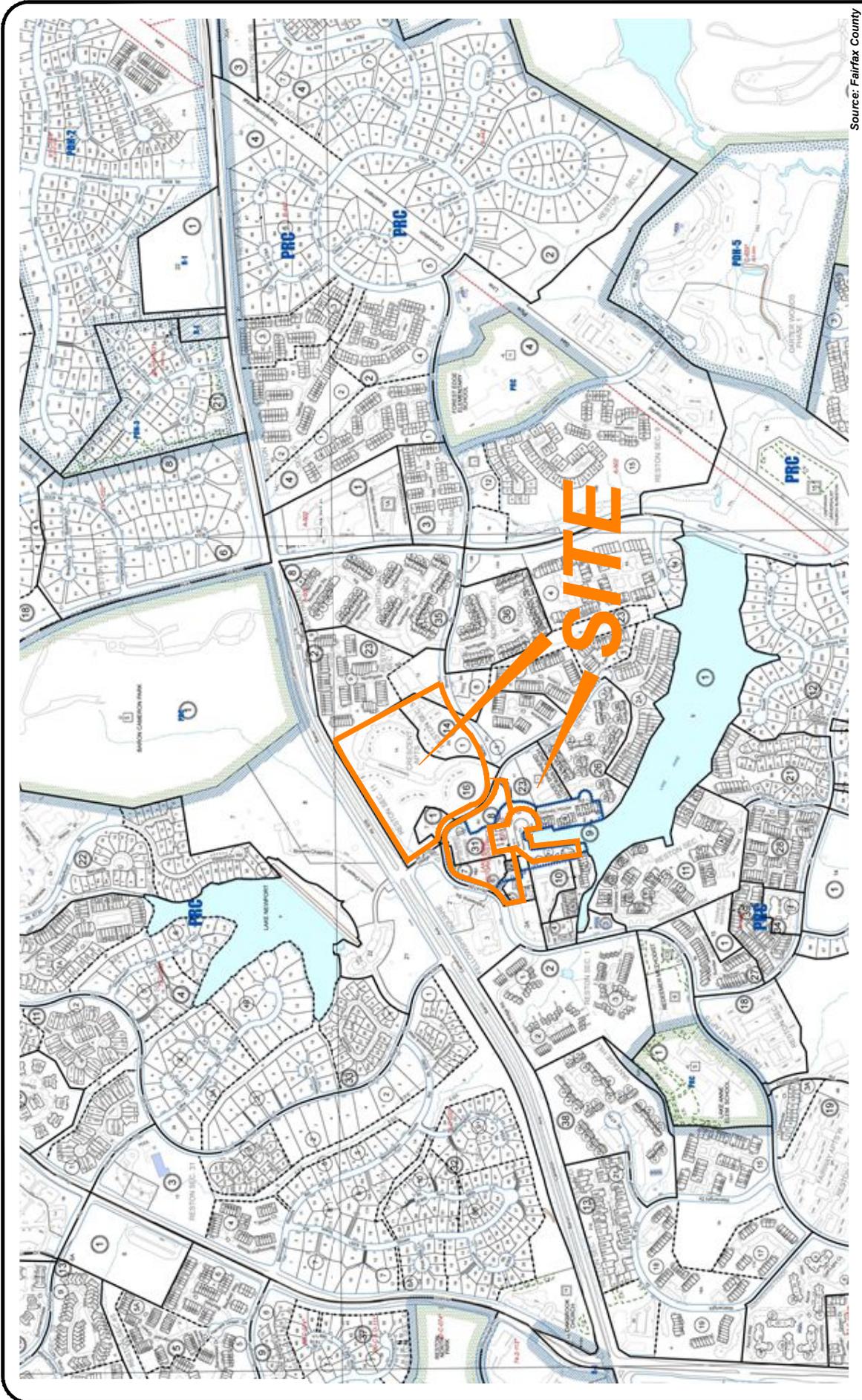
redevelopment option for Land Unit D recommends no more than 902,000 square feet of development area consisting of up to 750 multifamily dwelling units and 2,000 square feet of complementary non-residential uses. In addition, a “full consolidation option” may be achieved if all of Land Units A, D and E are consolidated. The total amount of development permitted by this option is 1,126,000 GSF. The proposed redevelopment plan proposes additional non-residential density within Land Unit D, some of which would be transferred from Land Unit A which is proposed to be developed at a lower density than what is allowed.

A copy of the adopted Plan language is provided in Attachment II. It should be noted however that in order to facilitate the redevelopment as proposed by the Applicant, an out-of-turn Plan Amendment was authorized by the Board of Supervisors on September 10<sup>th</sup>, 2013. A copy of the Board’s authorization is also included in Attachment III.

The Lake Anne Village Center site is currently zoned Planned Residential Community (PRC). The PRC District regulations are designed to permit a greater amount of flexibility by removing many of the restrictions of conventional zoning. This flexibility is intended to provide an opportunity and incentive to developers to achieve excellence in physical, social and economic planning. Permitted uses generally include residential and recreational uses; however, areas may be designated as Neighborhood Convenience Centers, Village Centers, Town Centers, or Convention/Conference Centers which allow for increased retail and office uses.

The portion of the site located south of North Shore Drive is part of the Lake Anne Village Center Historic Overlay District (HOD) and as such is subject to the Lake Anne HOD Design Guidelines. The Lake Anne HOD is unique among Fairfax County Historic Overlay Districts. Instead of being a composition of landmarks which have evolved over time, Lake Anne Village Center was designed and built at one time. Thus, the standards and guidelines are concerned with preserving the as-built character of the existing structures, urban design relationships, and landscape design rather than new construction.

**Adjacent Development.** The site is bordered on all sides by areas zoned PRC. The neighboring parcels to the east are developed with exclusively residential uses. Parcels to the west and south are developed with a mix of uses including residential, retail, and office. To the north, the site is bordered by Baron Cameron Avenue, Brown’s Chapel Church and Baron Cameron Park. Figure 4 also displays the existing zoning designations for the surrounding parcels.



Source: Fairfax County

Figure 4  
Existing Zoning Map





## STUDY METHODOLOGY

**Overview.** The Applicant, Lake Anne Village Partners, LLC, proposes to redevelop the existing Crescent apartment site, as well as the Washington Plaza surface parking lot with a mix of new residential, office and/or retail uses. The proposed redevelopment meets the goals and objectives of the County's Comprehensive Plan for Lake Anne as outlined above. As reflected on the Applicant's PRC plan (see Figure 3) the existing Crescent apartments will be razed and a new mix of residential unit types will be constructed including multifamily high-rise units, age-restricted units and townhomes. In addition, the existing service station located to the east of the Crescent site will also be razed and a new vertically integrated building will be constructed to include an approximate 15,800 GSF grocery store and new office uses. On the Washington Plaza surface lot an extension to the existing plaza will be constructed along with a mix of new office/retail space and residential apartments. A full size copy of the PRC/PCA plan is provided as Attachment IV.

In order to facilitate the redevelopment of the Village Center, a parking reduction is needed. A single shared parking reduction was initially explored to encompass the entire site. Upon further review, the following key challenges precluded this option:

- The East Side area (Buildings Areas D3 through D25) which includes approximately 770 dwelling units is separated from the rest of the project by topographic challenges evidenced by a distinct difference in grade (approximately 30 feet or more from north to south). North Shore Drive also provides an additional physical boundary. These barriers inherently divide the project and create a challenge to shared parking across the entire project.
- It was deemed infeasible to conveniently serve the non-residential uses within the higher grade residential areas while at the same time securing spaces for residents to use.
- In order for the established non-residential uses to remain fiscally viable, there was a desire to separate a significant portion of the residential parking supply from the established and planned non-residential uses.

The parking reduction request presented herein, therefore includes two (2) separate parking reductions (the East and West Sides,) which are distinct due to the reasons above. Figure 5 delineates the properties that comprise each side.

**The West Side.** The area designated as the West Side is primarily located south of North Shore Drive; a portion of the West Side is also located north of North Shore Drive and east of Village Road. The West Side is sited at the lowest elevation within the application area and is predominately comprised of existing commercial uses.

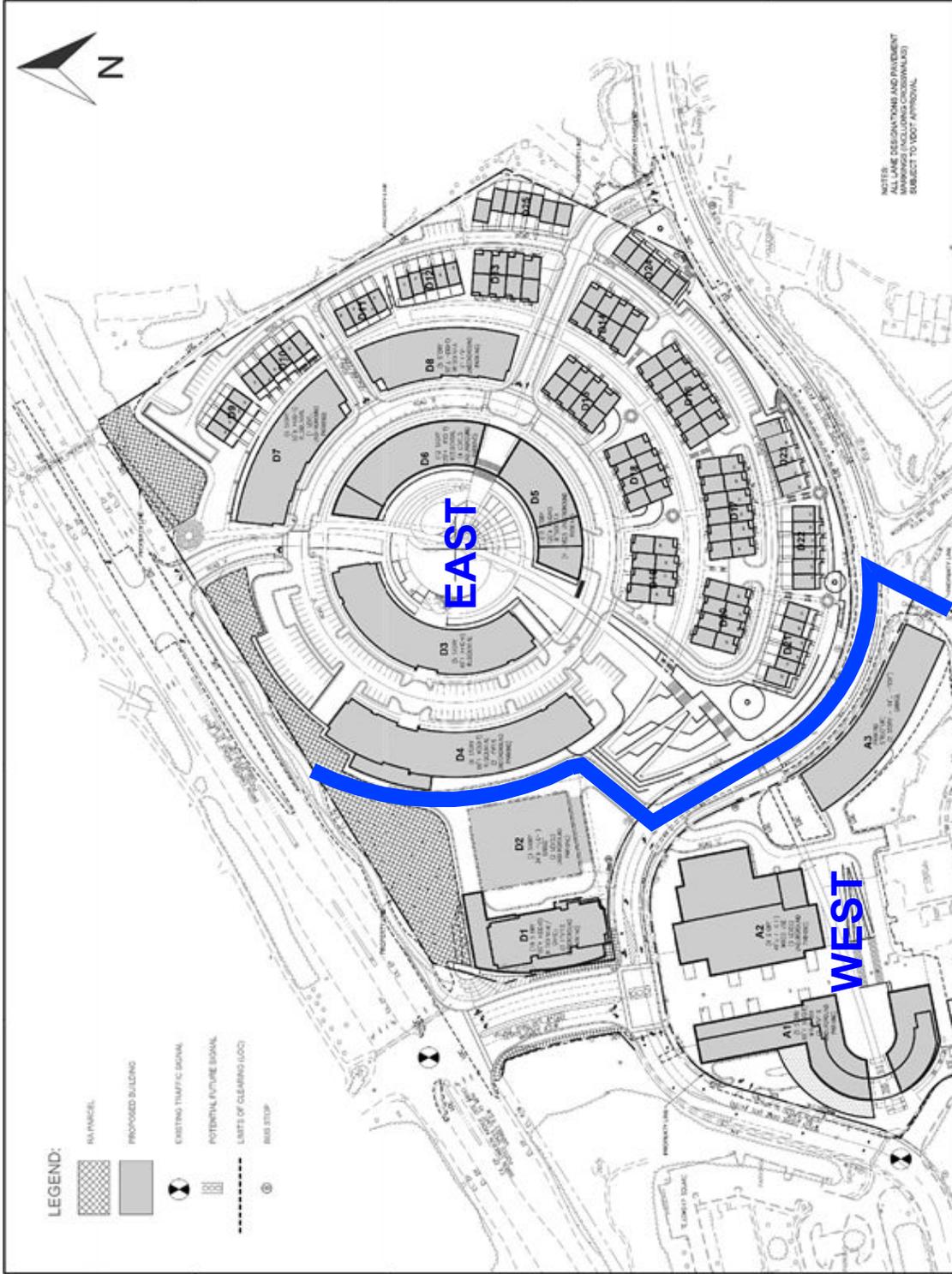


Figure 5  
PRC Plan (East and West Sides)



North



With the redevelopment as proposed, new office and residential uses will be incorporated into the West Side as follows:

- 77,960 gross floor area (GFA) of new office [Buildings A1, A2, and D1]
- 96,792 GFA of shopping center (58,213 GFA new + 38,579 GFA existing floor area) [Buildings A1, A2, D1 and Land Unit F]
- 6,500 GFA (or 100 seat) existing church use [Land Unit F]
- 12,860 GFA of existing eating establishments which include: [Land Unit F]
  - 406 table seats
  - 46 counter seats
  - 65 employees
- 267 new multi-family dwelling units (DUs) [Buildings A1, A2, and D1]

The parking reduction request for the West Side is based on a “Shared Parking” analysis that evaluates all the commercial and residential uses proposed within new Buildings A1, A2, and D1. It also includes the existing commercial and institutional uses to remain. A **“Shared Parking” reduction of 19.5% (or 249 fewer parking spaces)** for a total of 1,031 parking spaces is requested to serve the West Side mix of uses where 643 spaces are shared parking spaces (non-residential and resident visitor spaces) and 388 spaces are reserved for residents.

**The East Side.** The East Side is sited at a higher elevation than the rest of the property and encompasses the Crescent apartment property. The East Side is located on the north side of North Shore Drive. With its redevelopment, the site will include a mix of residential uses as follows:

- 185 replacement affordable multi-family DUs (new)
- 465 multi-family DUs (new)
- 120 single-family attached DUs (new)

The parking reduction request for the East Side is based on a “Transportation Demand Management” parking reduction request that evaluates all the new residential uses within new Buildings D3, D4, D6, D7, D8, and new single-family detached uses (Buildings D9 through D25). A “Transportation Demand Management” parking reduction of 16.7% (228 fewer parking spaces) for a total of 1,136 parking spaces is requested to serve the new East Side residential uses.

The minimum number of parking spaces on-site, at full build out of the East and West Sides would therefore total 2,167 spaces with approval of the requested reductions resulting in an overall site reduction of 18.0% from code. The overall parking tabulation summary is presented on Table 1.

Table 1  
Laker Arms Village Center  
Laker Arms Parking Facilitation Summary

Area	Land Use	Land Unit-Building	Amount Unit	Article 11 - Parking Rates	Required Spaces	U/I Shared Parking Reduction Model	Proposed Required Spaces	Percent Reduction from Article 11
WEST	Office (New)	A1	17,730 GFA	3.6 Spaces/1,000 GFA	281			
		A2	30,230 GFA					
		D1	77,890 GFA					
	Retail (New)	A1	28,543 GFA	4.0 Spaces/1,000 GFA	388	Includes all non-residential uses with residential visitors where (A2, A2, D1 residential visitors) based on 0.15 Spaces/DU and U/I 2nd Ed. Shared Parking methodologies	643	
		A2	13,870 GFA					
		D1	15,800 GFA					
		F	58,213 GFA					
	Place of Worship (Existing) <sup>(1)</sup>	F	58,732 GFA	1.0 Space/4 seats	25			
		F	6,500 GFA					
		F	100 Seats					
Eating Establishment (Existing) <sup>(1)</sup>	F	12,860 GFA	1.0 Space/4 table seats 1.0 Space/2 counter seats 1.0 Space/2 employees	102				
	F	408 Seats						
	F	65 Employees						
Residential-Multi Family (New)	A1	54 DU	1.6 Spaces/DU - 1.45 Spaces/DU = 388 resident spaces - 0.15 Spaces/DU = 40 visitor spaces <b>Total - Article 11 Requirement</b>	528	1,45 Spaces/DU (excludes visitors per above)	388		
	A2	48 DU						
	D1	185 DU						
	D1	287 DU						
	A1, A2, D1	1,031 DU						
	<b>Total</b>			<b>1,280</b>		<b>1,031</b>	<b>19.5% (249) Spaces</b>	
				<b>Proposed Parking Supply</b>		<b>1,081</b>	<b>50 Spaces</b>	
				<b>TDM Parking Reduction Rates</b>			<b>Surplus(Shortfall)</b>	
EAST	Residential-Multi Family - Replacement Affordable Dwelling Units (New)	D3, D4	185 DU	1.6 Spaces/DU	296		250	15.6%
		D5, D6	310 DU					
		D7, D8	155 DU					
	Residential-Multi Family (New)	D9 - D25	120 DU	1.6 Spaces/DU	249		209	15.6%
	Residential-Single Family Attached (New)		770 DU	2.7 Spaces/DU	2,042		2,042	20.4%
		<b>Total</b>			<b>1,364</b>		<b>1,136</b>	<b>16.7% (228) Spaces</b>
				<b>Proposed Parking Supply</b>		<b>1,141</b>	<b>5 Spaces</b>	
				<b>TDM Parking Reduction Rates</b>			<b>Surplus(Shortfall)</b>	

Area	Land Use	Land Unit-Building	Amount Unit	Article 11 - Parking Rates	Required Spaces	U/I Shared Parking Reduction Model	Proposed Required Spaces	Percent Reduction from Article 11
EAST + WEST	Office (New)	A1	17,730 GFA	3.6 Spaces/1,000 GFA	281			
		A2	30,230 GFA					
		D1	77,890 GFA					
	Retail (New)	A1	28,543 GFA	4.0 Spaces/1,000 GFA	388	Includes all non-residential uses with residential visitors where (A2, A2, D1 residential visitors) based on 0.15 Spaces/DU and U/I 2nd Ed. Shared Parking methodologies	643	
		A2	13,870 GFA					
		D1	15,800 GFA					
		F	58,213 GFA					
	Place of Worship (Existing) <sup>(1)</sup>	F	58,732 GFA	1.0 Space/4 seats	25			
		F	6,500 GFA					
		F	100 Seats					
Eating Establishment (Existing) <sup>(1)</sup>	F	12,860 GFA	1.0 Space/4 table seats 1.0 Space/2 counter seats 1.0 Space/2 employees	102				
	F	408 Seats						
	F	65 Employees						
Residential-Multi Family (New)	A1	54 DU	1.6 Spaces/DU - 1.45 Spaces/DU = 388 resident spaces - 0.15 Spaces/DU = 40 visitor spaces <b>Total</b>	428	1.45 Spaces/DU (excludes visitors per above)	388		
	A2	48 DU						
	D1	185 DU						
	D1	287 DU						
	A1, A2, D1	1,031 DU						
	<b>Total</b>			<b>2,644</b>		<b>2,167</b>	<b>18.0% (477) Spaces</b>	
				<b>Proposed Parking Supply with TDM Red.</b>		<b>2,222</b>	<b>55 Space</b>	
				<b>Proposed Parking Requirement without TDM red. (2)</b>		<b>2,395</b>	<b>9.4% (249) Spaces</b>	
				<b>1,031 (WEST) + 1,141 (EAST) Supply</b>			<b>Surplus(Shortfall)</b>	
				<b>1,031 (WEST) + 1,384 (EAST) Code</b>				

Note (1): Total Existing Non-Residential Uses (As Provided by the Applicant) = 57,939 GFA (51,439 GFA retail/restaurants + 6,500 GFA Place of Worship = 57,939 GFA), comprised of:  
 - 35,579 GFA of Shopping Center Retail (51,439 GFA - 12,860 GFA = 38,579 GFA)  
 - 6,500 GFA of existing non-residential area (61,439 GFA x 25% = 12,860 GFA) is an eating establishment.  
 - 6,500 GFA of existing church space with 100 seats per FX Co street files.  
 Note (2): Need to show provision for 173 spaces if TDM not successful (2,395 - 2,222 = 173)



**PART I – SHARED PARKING ANALYSIS (WEST SIDE)**

**Fairfax County Parking Requirements**

Article 11 of the Fairfax County Zoning Ordinance establishes parking requirements for various land uses by providing parking rates per unit of land use (square feet of shopping center space, for example). According to the Ordinance, all required parking spaces shall be located on the same lot as the structure or uses to which they are accessory or on a lot contiguous thereto which has the same zoning classification, and is either under the same ownership, or is subject to arrangements satisfactory to the Director that will ensure the permanent availability of such spaces. Off-street parking may serve two or more uses; however, in such case, the total number of spaces must equal the sum of the spaces required for each separate use except that the Board [of Supervisors] may reduce the total number of parking spaces required to serve two or more uses by reason of the hourly parking accumulation characteristics of such uses (Section 11-102.4.B). A copy of the relevant Ordinance text is provided herein as Attachment V.

Article 11, Sections 11-103 and 11-104 of the Ordinance outlines the parking requirements for the following types of uses found in the West Side:

- Office: "50,000 square feet of gross floor area or less: Three and six-tenths (3.6) spaces per 1000 square feet of gross floor area"
- Shopping Center: "Greater than 100,000 but equal to or less than 400,000 square feet of gross floor area: Four (4) spaces per 1000 square feet of gross floor area"
- Eating Establishments: "One (1) space per four (4) seats plus one (1) space per two (2) employees where seating is at tables, and/or one (1) space per two (2) seats plus one (1) space per two (2) employees where seating is at a counter"
- Place of Worship "One (1) space per four (4) seats in the principal place of worship"
- Dwelling, Multiple Family: "One and six-tenths (1.6) spaces per unit"

Build out of the West Side of the Lake Anne Village Center would consist of the following non-residential and residential mix of uses:



- 77,960 GFA of office space (new) [Buildings A1, A2, and D1]
- 96,792 GFA of shopping center retail (58,213 GFA new + 38,579 GFA existing) [Buildings A1, A2, D1 and Land Unit F]
- 6,500 GFA of place of worship space (existing), served by: [Land Unit F]
  - 100 seats
- 12,860 GFA of eating establishment space (existing), served by: [Land Unit F]
  - 406 table seats
  - 46 counter seats
  - 65 employees
- 267 multi-family dwelling units (DUs) (new) [A1, A2, and D1]

As stated above and reflected on Table 2, based on a strict application of the Zoning Ordinance, a total of 1,280 parking spaces would be required to accommodate the parking demand associated with full build out of the proposed West Side mix of uses.

### **Shared Parking Concept**

The Urban Land Institute (ULI) publication Shared Parking, 2<sup>nd</sup> edition has established a model and methodology for determining parking demand for various types of development. This methodology is especially useful in cases such as for the Lake Anne Village Center, where a single parking space may be used for office, shopping center uses, place of worship, eating establishments, and visitors to the on-site (west side) residents. Because each land use within a development may experience a peak parking demand at different times of day, or different months of the year, relative to the other land uses on-site, the actual peak parking demand of the subject development may be less than if the peak parking demand of each land use was considered separately. For example, a sit-down restaurant (a.k.a. an eating establishment) tends to experience peak parking demand during the evening hours, while shopping center and office uses experience peak demand just after the noon hour. Residential visitors, in general, experience peak parking demands in the late evening hours while a place of worship typically peaks on a Sunday.

### **Shared Parking Analysis: Fairfax County Parking Requirements**

The Fairfax County Zoning Ordinance, Article 11-102(4), provides an opportunity for approval of a parking reduction due to “shared parking” resulting from different peak hours for uses comprising a mixed-use scenario. According to data compiled by

Table 2  
 Lake Anne Village Center  
 WEST SIDE - Fairfax County Ordinance Parking Requirement Summary with ULI Inputs for Shared Parking (2) (3) (4) (5) (6) (7)

Area	Land Use	Land Unit-Building	Amount	Unit	Article 11 - Parking Rates	Article 11 - Required Spaces	ULI Inputs for Shared Parking Customer/ Visitor	Employee				
WEST	Office (New)	A1	17,730		3.6 Spaces/1,000 GFA	281	21	260				
		A2	30,230									
		D1	30,000	GFA								
	Retail (New)	A1	28,543									
		A2	13,870									
		D1	15,800									
	Retail (Existing) (1)	F	58,213	GFA					4.0 Spaces/1,000 GFA	388	313	75
			38,579	GFA								
			96,792	GFA								
	Place of Worship (Existing) (1)	F	6,500	GFA					1.0 Space/4 seats	25	20	5
Eating Establishment (Existing) (1)	F	Seats	100		1.0 Space/4 table seats 1.0 Space/2 counter seats 1.0 Space/2 employees	102 23 33	102 23	33				
		Seats	46									
		Employees	65									
Residential-Multi Family (New)		A1	54	DU	1.6 Spaces/DU - 1.45 Spaces/DU = 388 resident spaces - 0.15 Spaces/DU = 40 visitor spaces	428	40					
		A2	48	DU								
		D1	165	DU								
			267	DU								
					<b>Fairfax County Code Requirement</b>	<b>1,280</b>						

Note(s):  
 (1) Total Existing Non-Residential Uses (As Provided by the Applicant) = 57,939 GFA (51,439 GFA retail/restaurants + 6,500 GFA Place of Worship = 57,939 GFA), comprised of:  
 - 38,579 GFA of Shopping Center Retail (51,439 GFA - 12,860 GFA = 38,579 GFA)  
 - 12,860 GFA of eating establishment (non-fast food) assuming 25% of total existing non-residential area (51,439 GFA x 25% = 12,860 GFA) is an eating establishment.  
 - 6,500 GFA of existing church space with 100 seats per FX Co street files.  
 (2) GFA = Gross Floor Area  
 (3) DU = Dwelling Unit  
 (4) Parking rates based on the Fairfax County Zoning Ordinance (Article 11) minimum parking requirements.  
 (5) ULI input breakdown for "Customer/Visitor" and "Employee" for office, retail, and residential based on the Urban Land Institute (ULI) publication Shared Parking, 2nd Edition.  
 (6) ULI input breakdown for "Customer/Visitor" and "Employee" for eating establishment based on the County's ordinance breakdown between seats (customers) and employees.  
 (7) ULI input breakdown for "Customer/Visitor" and "Employee" for Place of Worship was based on an assumption that 80% of church required spaces are for visitors and 20% for employees.





ULI, the peak parking demand associated with office, shopping centers, eating establishments/restaurants, places of worship, and residential visitors typically occurs at different times. Therefore, a shared parking scenario can be applied to the proposed uses due to variations in the hours of peak parking demand.

Paragraph 4 of the Zoning Ordinance states in part that:

“Required off-street parking spaces may be provided cooperatively for two or more uses, subject to arrangements that will assure the permanent availability of such spaces to the satisfaction of the Director.

The amount of such combined space shall equal the sum of the amounts required for the separate uses, except... (b) that the Board may reduce the total number of parking spaces required by strict application of said requirements when it can be determined that the same spaces may adequately serve two or more uses by reason of the hours of operation of such uses.”

ULI provides base weekday and weekend hourly parking accumulations for individual land uses for the purpose of establishing a base peak parking demand. For

purposes of this study, the Fairfax County parking rates were applied to the ULI parking model to be consistent with County parking requirements. As Table 2 indicates, when each land use is considered separately, a maximum of 1,280 parking spaces are required for full build out of the West Side.

The ULI model applies various hourly, monthly and weekday/weekend adjustment factors to the parking demands of each land use. For informational purposes, these adjustment factor tables are provided in Attachment VI. Based on the monthly and weekday adjustment calculations, the model establishes a peak demand hour and month during which the proposed new development’s parking requirements would be at their highest.

**Residential Visitors.** Due to the complimentary peak demand for residential visitor spaces (late evening and weekends) as compared to the non-residential uses (mid-weekday), the residential visitor spaces were incorporated into the shared parking model. The County minimum parking requirement for multifamily DUs is 1.6 spaces per DU or 428 spaces for the proposed 267 DUs within the West Side area. According to ULI, the total residential visitor parking demand is 0.15 spaces per DU or 40 spaces for the proposed 267 DUs. This would provide the remaining 1.45 spaces per DU (out of 1.6 spaces per DU) to be allocated to on-site residents. Therefore, approximately 40 residential visitor parking spaces ( $0.15 \times 267 = 40$ ) and 388 resident spaces ( $1.45 \times 267 = 388$ ) would be required, absent any reductions. In



the interest of separating the residential visitor spaces from the resident spaces, the residential visitor spaces were incorporated into the shared parking model while the resident spaces were restricted to residents only. At the time of site plan submission, details will be provided on how the West Side resident parking areas will be segregated from the shared parking spaces within respective West Side parking garages.

**Captive Market (or Synergy).** Certain land use relationships, specifically in mixed-use projects, produce greater reductions in parking demand, exceeding those accounted for by virtue of complementary hours of peak demand as outlined above. According to ULI, there are two major types of “market synergy” possible in mixed-use developments:

1. On-site market support (i.e., office employees and on-site/nearby residential uses who would utilize shopping center uses in the development)
2. Improved market image and penetration (associated with the unique or prestigious environment of the development)

**Shopping center.** The reduction of shopping center trips would be primarily associated with shopping center patrons that originate from the total planned 1,037 on-site residential dwelling units that will be subject to extensive Transportation Demand Management (TDM) proffered programs to reduce trips and manage parking. Additional shopping center trip reductions would also be associated with other nearby residential uses, on-site restaurant/eating establishment uses, and the planned office uses.

**Restaurants/Eating Establishments.** The reduction in restaurant/ eating establishment trips would be primarily associated with the customers captured from the nearby office, shopping center retail, and residential uses. According to the 2005 Development-Related Ridership Survey prepared for the Washington Metropolitan Area Transit Authority (WMATA), the average captive market for patrons arriving to retail sites based solely on walking/bicycle trips was up to 27% (see Attachment VII). Based on the areawide residential uses (existing/ proposed) and the proposed on-site office development; a captive market adjustment was limited to 15% in the ULI model for the shopping center retail and eating establishment uses.

**Non-Auto Mode-Adjustment (or TDM).** A Transportation Demand Management (TDM) program would provide additional reduction opportunities for the office, retail, and restaurant employees and well as residents and their visitors. A TDM program would decrease reliance on the personal automobile, which would reduce the number of parking spaces a project would need to supply. This is typically achieved by encouraging the use of transit, ridesharing, bicycling, and walking. TDM



is a general term for strategies that result in more efficient use of transportation resources. There are many different TDM strategies with a variety of impacts. Some improve the transportation options available to consumers, while others provide an incentive to choose more efficient travel patterns. Some reduce the need for physical travel through mobility substitutes or more efficient land use. TDM strategies can change travel timing, route, destination, or mode. The draft TDM proffers for the project have been coordinated with FCDOT staff to establish a peak hour trip reduction goal of 25% (see Attachment VIII).

According to the ULI 2<sup>nd</sup> Edition *Shared Parking* methodologies, parking demand factors should be adjusted to reflect the modes of transportation used. For projects in areas where transit may be used by patrons, the adjustment for mode adjustment may be significant. Based on draft proffered TDM commitments, the shared parking model incorporated an appropriate mode adjustment of 25% for only those employees serving the non-residential uses (office, retail, and restaurants). It should be noted however that the parking reduction request for the West Side is not based on a transportation demand management program, but on complementary hour of demand (shared parking).

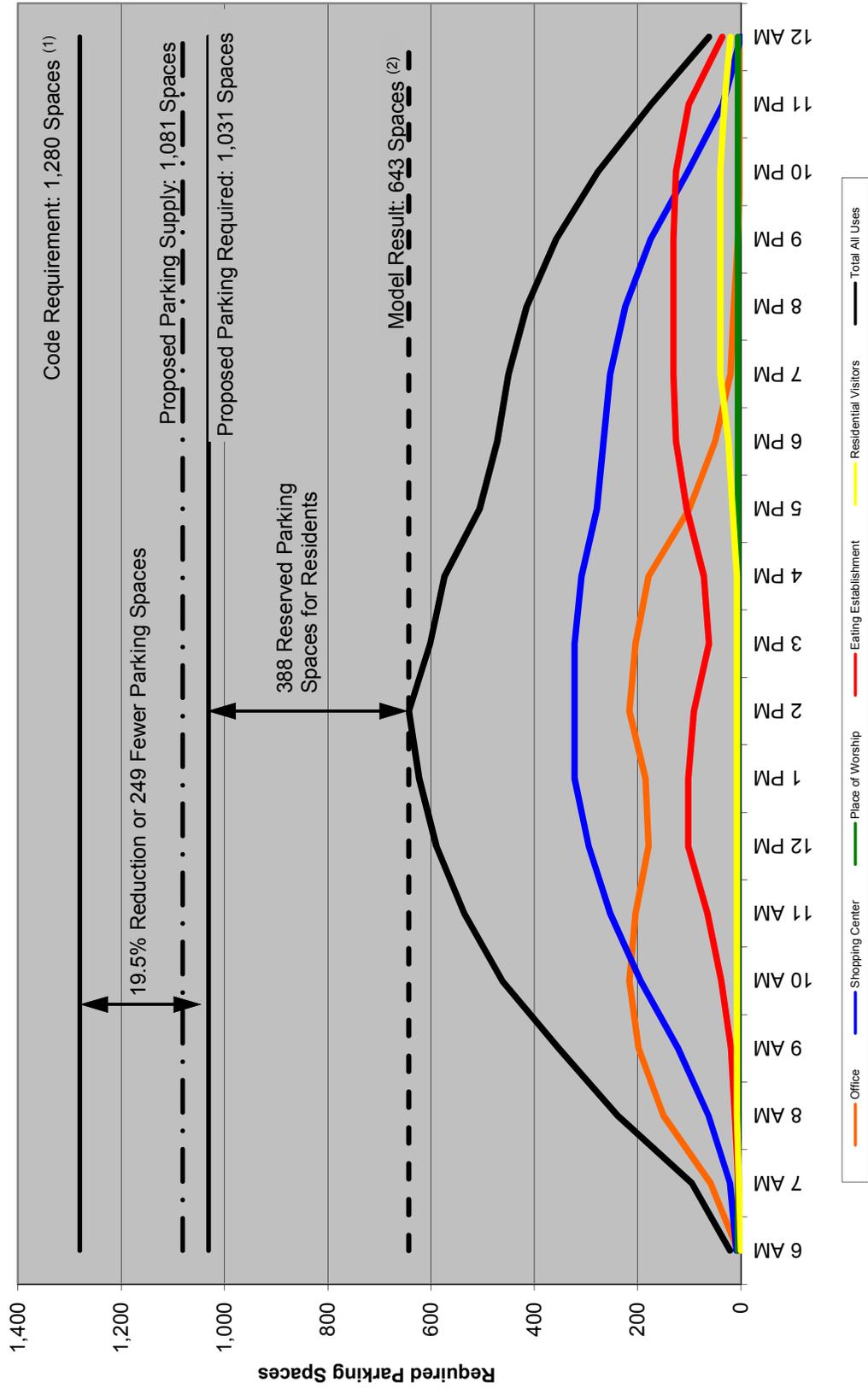
### **Shared Parking Model Results**

The ULI 2<sup>nd</sup> edition shared parking model results are based on the ULI inputs shown on Table 2 which are based on the County's Article 11 minimum parking requirements, the sharing of residential visitor spaces with the non-residential uses, appropriate non-captive/mode adjustment ratios, and the baseline resident parking requirement of 1.45 spaces per DU. The shared parking results including the resident parking is shown graphically on Figure 6. As summarized in Table 3, a total peak shared parking demand of 643 parking spaces is realized for full build out of the West Side area with the application of ULI's hourly, monthly, and weekday/weekend adjustment factors.

### **Parking Provided (West Side)**

Based on the full size PRC plan provided as Attachment IV, approximately 1,081 parking spaces are proposed to be provided within the West Side area in a combination of various structured garages (see Table 4).

**Figure 6**  
**ULI Shared Parking Model Results (Weekday)**



(1) Required spaces based on strict application of Fairfax County Zoning Ordinance requirements.

(2) Required spaces based on Fairfax County Zoning Ordinance requirements, and by applying ULI methodologies.

Table 3  
 Lake Anne Village Center  
 WEST SIDE - Proposed Shared Parking Requirement Summary (2) (3) (4)

Area	Land Use	Land Unit-Building	Amount	Unit	ULI Shared Parking Reduction Reduction Model (5)	Required Spaces
WEST	Office (New)	A1	17,730	GFA	Includes all non-residential uses with residential visitors where (A-2, A-2, D-1 residential visitors) based on 0.15 Spaces/ DU, and ULI 2nd Ed. Shared Parking methodologies	643
		A2	30,230	GFA		
		D1	30,000	GFA		
	Retail (New)	A1	28,543			
		A2	13,870			
		D1	15,800			
	Retail (Existing) (1)	F	58,213	GFA		
			38,579	GFA		
	Place of Worship (Existing) (1)	F	96,792	GFA		
			6,500	GFA		
Eating Establishment (Existing) (1)		100	Seats			
		12,860	GFA			
Residential-Multi Family (New)		406	Seats			
		46	Seats			
		65	Employees			
		54	DU			
		48	DU			
		165	DU			
		267	DU			
<b>Total</b>					1.45 Spaces/DU (excludes visitors per above)	388
					<b>Fairfax County Code Requirement Reduction from Code Requirement</b>	<b>1,280</b>
					<b>% Reduction from Code Requirement</b>	<b>249</b>
						<b>19.5%</b>

Note(s):

- (1) Total Existing Non-Residential Uses (As Provided by the Applicant) = 57,939 GFA (51,439 GFA retail/restaurants + 6,500 GFA Place of Worship = 57,939 GFA), comprised of:
  - 38,579 GFA of Shopping Center Retail (51,439 GFA - 12,860 GFA = 38,579 GFA)
  - 12,860 GFA of eating establishment (non-fast food) assuming 25% of total existing non-residential area (51,439 GFA x 25% = 12,860 GFA) is an eating establishment.
  - 6,500 GFA of existing church space with 100 seats per FX Co street files.
- (2) GFA = Gross Floor Area
- (3) DU = Dwelling Unit
- (4) Parking rates based on the Fairfax County Zoning Ordinance (Article 11) minimum parking requirements.
- (5) "Shared Parking" based on the Urban Land Institute (ULI) publication Shared Parking, 2nd Edition.
  - ULI Model includes a 15% internal captive ratio adjustment for shopping center retail and eating establishment customers.
  - ULI Model includes a 25% mode adjustment for employees serving the office, shopping center retail, and eating establishment customers.

Table 4  
 Lake Anne Village Center  
 Proposed Parking Supply WEST and EAST SIDES

Location	Spaces
<b>WEST SIDE PARKING SUPPLY</b>	
Building A1 Garage	210
Building A2 Garage	366
Building A3 Garage	120
Building D1 Garage	232
Building D2 Garage	<u>153</u>
<b>WEST SIDE TOTAL</b>	<b>1,081</b>
<b>EAST SIDE PARKING SUPPLY</b>	
Buildings D3/D4 Garage	250
Buildings D5/D6 Garage	385
Buildings D7/D8 Garage	210
Townhome (Traditional)	96
Townhome (Hybrid)	144
Area D - Surface Spaces	<u>56</u>
<b>EAST SIDE TOTAL</b>	<b>1,141</b>
<b>TOTAL PARKING SUPPLY (WEST + EAST SIDES)</b>	<b>2,222</b>

**Requested Parking Reduction (West Side)**

Accounting for the shared parking model results (643 spaces) and the remaining resident only parking (1.45 spaces/DU or 388 spaces when excluding visitors), a total of 1,031 parking spaces (643+388=1,031) would be required to meet the parking demand associated with the West Side area. This equates to 249 fewer spaces when compared to strict application of the County's Zoning Ordinance or an overall 19.5% percent reduction. The overall parking summary tabulation summary is shown on Table 1.

**Future Flexibility**

The Applicant would like to request a condition within those imposed by the Board to accommodate future potential changes in market conditions between shopping center retail and restaurant/eating establishments. A minimum percent parking reduction would reflect the instance where all, or a portion of, the allowable eating establishment space would be converted to shopping center retail. Shopping center retail space requires less parking per square foot (4 spaces/1,000 GFA) when compared to eating establishments ( $\pm 12$  spaces/1,000 GFA). Therefore converting uses from eating establishment to shopping center retail would result in a reduced parking demand.

Under strict application of the County's Article 11 parking requirement, the project as currently proposed would require 1,173 spaces if all the allowable eating establishments were converted to shopping center retail. As summarized in Table 5, while the project would still adhere to maintaining a minimum of 1,031 spaces per the maximum 19.5% request noted above, the percent reduction in such instance would be a minimum of 12.1% (1,173 code spaces reduced to the proposed minimum of 1,031 spaces). This established range would permit any portion of the allowable eating establishments to convert to shopping center retail without submitting a new parking study and thereby a new action by the Board of Supervisors. Any other alternative for future flexibility may require further discussion with DPWES staff.

**Building D1 Construction Phasing**

As discussed at meetings with County staff, this section serves to describe the interim parking conditions for the D1 building where the office ( $\pm 30,000$  GFA) and the shopping center grocery store ( $\pm 15,800$  GFA) components are constructed first and followed by the  $\pm 165$  multi-family residential DUs constructed afterwards. The D1 Building area is currently served by a gasoline service station. When the D1 office/retail is constructed, the service station would be razed to develop  $\pm 30,000$  GFA of office uses in 2 levels above a  $\pm 15,800$  GFA ground floor shopping center grocery store. The office/retail building would require  $\pm 176$  spaces based on strict

Table 5  
 Lake Anne Village Center  
 WEST SIDE - Minimum Percent Reduction Request (2) (3) (4)

Area	Land Use	Land Unit-Building	Amount	Unit	Article 11 - Parking Rates	Article 11 - Required Spaces
WEST	Office (New)	A1	17,730		3.6 Spaces/1,000 GFA	281
		A2	30,230			
		D1	<u>30,000</u> 77,960	GFA		
Retail (New)	Retail (New)	A1	28,543		4.0 Spaces/1,000 GFA	439
		A2	13,870			
		D1	<u>15,800</u> 58,213	GFA		
Retail (Existing) (1)	Retail (Existing) (1)	F	51,439	GFA	Fairfax County Code Requirement	1,173
		F	<u>109,652</u> 6,500	GFA		
Place of Worship (Existing) (1)	Place of Worship (Existing) (1)	F	100	Seats	Fairfax County Code Requirement	1,031
		F	0	Seats		
Eating Establishment (Existing) (1)	Eating Establishment (Existing) (1)	F	0	GFA	Proposed Minimum Parking Supply Reduction from Code Requirement	142
		F	0	Seats		
Residential-Multi Family (New)	Residential-Multi Family (New)	F	0	Seats	% Reduction from Code Requirement	12.1%
		F	0	Employees		
Residential-Multi Family (New)	Residential-Multi Family (New)	A1	54	DU	Fairfax County Code Requirement	1,173
		A2	48	DU		
		D1	165	DU		
		D1	<u>267</u> 428	DU		

Note(s):

- (1) Total Existing Non-Residential Uses (As Provided by the Applicant) = 57,939 GFA (51,439 GFA retail/restaurants + 6,500 GFA Place of Worship = 57,939 GFA), comprised of:
  - 51,439 GFA of Shopping Center Retail (Assumes all allowable eating establishments are converted to shopping center retail)
  - 6,500 GFA of existing church space with 100 seats per FX Co street files.
- (2) GFA = Gross Floor Area
- (3) DU = Dwelling Unit
- (4) Parking rates based on the Fairfax County Zoning Ordinance (Article 11) minimum parking requirements.



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application of the County's zoning ordinance when also considering the A1 and A2 buildings and would be served by approximately 232 permanent garage spaces in the 2 level below grade that span beneath the D1 building and future D2 garage. An additional  $\pm 53$  temporary surface spaces would be provided in the area of the future D2 garage to further serve the D1 office/retail uses with a total of 285 spaces until the D1 residential construction begins. These excess spaces would also serve the existing retail uses to remain during the construction of Buildings A1 and A2.

During construction of the D1 residential building, the  $\pm 53$  temporary surface spaces would be displaced leaving the 232 spaces in the D1 garage to more than adequately serve the D1 office/retail code requirement ( $\pm 176$  spaces). The excess spaces ( $\pm 56$  spaces) in the D1 garage will be made available to serve the existing non-residential uses in the West Side area. During the construction of the D1 residential building, the D2 garage will be constructed to provide  $\pm 153$  additional spaces to ultimately serve not only the D1 building but the overall parking demand and shared parking supply for the West Side area. As described above, more than sufficient parking will be provided at completion of the D1 office/retail uses and during construction of the D1 residential building. At build out, the overall parking supply in this area will serve the overall West Side project area.

Development phasing plans are included in the plan submission and a detailed parking tabulation phasing summary is provide as Table 6. As shown on Table 6, adequate parking is accommodated at all times (including construction).

### **Buildings A1 and A2 Construction Phasing**

The construction of the A1 and A2 buildings will displace the existing Washington Plaza surface parking lot which effectively provides  $\pm 216$  surface parking spaces which have historically served the existing non-residential uses that are either planned to be razed during construction or will remain. According to the Applicant's coordination with the existing tenants,  $\pm 143$  spaces out of the current  $\pm 216$  parking supply are attributable to existing uses to remain which must be maintained in the area at all times during construction. As summarized in the project's phasing plans, this is accomplished by constructing upfront  $\pm 120$  new spaces in the A3 garage plus the  $\pm 285$  parking spaces with the construction of the D1 office/retail buildings (as described above for the Building D1 construction). As noted above, the D1 office/retail buildings would require  $\pm 176$  spaces based on strict application of the zoning ordinance thereby providing approximately 109 excess spaces ( $285 - 176 = 109$ ). Therefore, during the interim construction period for Buildings A1 and A2, the existing Lake Anne Village Center uses to remain will be served by approximately 219 spaces ( $120 + 109 = 229$ ) which is  $\pm 86$  more spaces than the  $\pm 143$  spaces currently required to be maintained. As discussed above, a detailed parking tabulation summary is provided in Table 6 including construction periods.

Table 6  
Lake Anne Village Center  
Parking Tabulation by Phase

Phase	Area	Building-Land Unit	Use	Amount	Unit	Required and Provided Parking	Spaces		
Phase I	West Side Parking Required	D1	Office	30,000	GSF	3.6 per 1,000 GSF	108		
		D1	Retail	15,800	GSF	4.3 per 1,000 GSF	68		
		Various Existing Uses (1)					Existing Requirement (1)	216	
							<b>Required</b>	<b>392</b>	
	West Side Parking Supply							D1 Garage	232
								D2 Surface	53
						Existing Supply	216		
						<b>Provided</b>	<b>501</b>		
East Side Parking Required	D3/D4	Multi-family	185	DU	1.35 per dwelling unit	250			
	D13-16,18,24-25	Townhome	56	DU	2.15 per dwelling unit	121			
							<b>Required</b>	<b>371</b>	
East Side Parking Supply							Townhome Parking	112	
							Surface Spaces	27	
							D3/D4 Parking	250	
						<b>Provided</b>	<b>389</b>		
						<b>Total Required</b>	<b>763</b>		
						<b>Total Provided</b>	<b>890</b>		
Phase II Construction	West Side Parking Required	D1	Office	30,000	GSF	3.6 per 1,000 GSF	108		
		D1	Retail	15,800	GSF	4.3 per 1,000 GSF	68		
		Various Existing Uses (1)					Existing Requirement (1)	216	
							<b>Required</b>	<b>392</b>	
	West Side Parking Supply							D1 Garage	232
								D2 Surface	53
						Existing Supply	216		
						<b>Provided</b>	<b>501</b>		
East Side Parking Required	D3/D4	Multi-family	185	DU	1.35 per dwelling unit	250			
	D13-16,18,24-25	Townhome	56	DU	2.15 per dwelling unit	121			
							<b>Required</b>	<b>371</b>	
East Side Parking Supply							Townhome Parking	112	
							Surface Spaces	27	
							D3/D4 Parking	250	
						<b>Provided</b>	<b>389</b>		
						<b>Total Required</b>	<b>763</b>		
						<b>Total Provided</b>	<b>890</b>		
Phase II	West Side Parking Required	D1	Office	30,000	GSF	3.6 per 1,000 GSF	108		
		D1	Retail	15,800	GSF	4.3 per 1,000 GSF	68		
		Various Existing Uses (1)					Existing Requirement (1)	216	
							<b>Required</b>	<b>392</b>	
	West Side Parking Supply							D1 Garage	232
								D2 Surface	53
						A3 Garage	120		
						Existing Supply	216		
						<b>Provided</b>	<b>621</b>		
East Side Parking Required	D3/D4	Multi-family	185	DU	1.35 per dwelling unit	250			
	D13-25	Townhome	101	DU	2.15 per dwelling unit	218			
							<b>Required</b>	<b>468</b>	
East Side Parking Supply							Townhome Parking	202	
							Surface Spaces	27	
							D3/D4 Parking	250	
						<b>Provided</b>	<b>479</b>		
						<b>Total Required</b>	<b>860</b>		
						<b>Total Provided</b>	<b>1,100</b>		
Phase III Construction	West Side Parking Required	D1	Office	30,000	GSF	3.6 per 1,000 GSF	108		
		D1	Retail	15,800	GSF	4.3 per 1,000 GSF	68		
		Various Existing Uses (2)					Existing Requirement (2)	143	
							<b>Required</b>	<b>319</b>	
	West Side Parking Supply							D1 Garage	232
								A3 Garage	120
						<b>Provided</b>	<b>352</b>		
East Side Parking Required	D3/D4	Multi-family	185	DU	1.35 per dwelling unit	250			
	D13-25	Townhome	101	DU	2.15 per dwelling unit	218			
							<b>Required</b>	<b>468</b>	
East Side Parking Supply							Townhome Parking	202	
							Surface Spaces	27	
							D3/D4 Parking	250	
						<b>Provided</b>	<b>479</b>		
						<b>Total Required</b>	<b>787</b>		
						<b>Total Provided</b>	<b>831</b>		
Phase III (Build Out)	West Side Parking Required	A1,A2,D1	Office	77,960	GSF	Shared Parking Reduction	643		
		A1,A2,D1,F	Retail	96,792	GSF				
		F	Church	100	Seats				
		F	Eating Est.	406	Table Seats				
				46	Bar Seats				
			65	Employees					
	A1,A2,D1	Multi-family	267	DU	1.45 per dwelling unit	388			
						<b>Required</b>	<b>1,031</b>		
West Side Parking Supply							D1 Garage	232	
							D2 Garage	153	
							A1 Garage	210	
							A2 Garage	366	
							A3 Garage	120	
						<b>Provided</b>	<b>1,081</b>		
East Side Parking Required	D3/D4	Multi-family	185	DU	1.35 per dwelling unit	250			
	D5/D6	Multi-family	310	DU	1.35 per dwelling unit	419			
	D7/D8	Multi-family	155	DU	1.35 per dwelling unit	209			
	D9-25	Townhome	120	DU	2.15 per dwelling unit	258			
						<b>Required</b>	<b>1,136</b>		
East Side Parking Supply							Townhome Parking	240	
							Surface Spaces	56	
							D3/D4 Parking	250	
							D5/D6 Parking	385	
							D7/D8 Parking	210	
						<b>Provided</b>	<b>1,141</b>		
						<b>Total Required</b>	<b>2,167</b>		
						<b>Total Provided</b>	<b>2,222</b>		

Note(s):

- (1) Represents the existing non-residential uses that exist today which have historically been served by the 216 spaces in the Washington Plaza parking lot.  
(2) According to the Applicant, the non-residential uses to be razed (±19,600 GSF), as a result of the Phase III construction period, currently require 73 spaces out of the 216 space parking supply serving Washington Plaza. As a result, 143 spaces (216-73 = 143) will need to be maintained for those remaining uses. The uses to remain are accounted for in the West Side Phase III (build out) program.



## **Part I – Conclusions (West Side)**

Based on the documentation provided herein, the following can be concluded for the West Side:

1. Under strict application of the Zoning Ordinance, the West Side uses would require a minimum of 1,280 spaces in total for the non-residential and residential uses.

Approximately 852 spaces of the total would be required in support of the following non-residential uses:

- 77,960 GFA of office uses,
- 96,792 GFA of shopping center retail uses (58,213 GFA existing and 38,579 GFA proposed),
- 12,860 GFA of eating establishments (406 table seats, 46 counter seats, 65 employees), and
- 6,500 GFA Place of Worship (100 seats).

Approximately 428 spaces would be required to support the 267 multi-family DUs.

2. Based on ULI, the resident visitor parking demand is assumed to be 0.15 visitor spaces per DU and are included in the County requirement of 1.6 spaces/DU. The 40 visitor spaces are proposed to be shared with the non-residential uses.
3. Applying the ULI shared parking methodology to the Fairfax County indices for the non-residential uses that include appropriate adjustments to the model as well as resident visitor spaces, approximately 643 shared parking spaces would be required.
4. The residents parking for the multi-family DUs would be parked at 1.45 spaces per DU when excluding the resident visitor spaces (0.15 spaces/DU).
5. The applicant is seeking an overall parking reduction of 19.5% percent (or 249 fewer spaces) for a total minimum of 1,031 spaces to serve the mix of uses in the West Side area.
6. To accommodate future potential changes in market conditions between shopping center retail and restaurant/eating establishments, a minimum parking reduction of 12.1% should be included with the parking reduction request stated above to create a range from the maximum reduction of 19.5%



to a minimum reduction of 12.1%. The minimum reflects the instance where all the allowable eating establishment uses become shopping center retail. Under a scenario where all, or a portion of, the allowable eating establishments are converted to shopping center retail due to changing market conditions; the number of parking spaces established above (1,031 spaces) would continue to be required at all times.

7. An assessment of the development phasing plans indicate an adequate number of parking spaces will be provided during the interim construction periods which include the spaces that currently serve the existing uses to remain.



## **PART II – TRANSPORTATION DEMAND MANAGEMENT ANALYSIS (EAST SIDE)**

### **Fairfax County Parking Requirements**

Article 11 of the Fairfax County Zoning Ordinance establishes parking requirements for various land uses by providing parking rates per unit of land use (i.e., per residential dwelling unit, per 1,000 GSF of retail uses, etc.). According to the Ordinance, all required parking spaces shall be located on the same lot as the structure or uses to which they are accessory or on a lot contiguous thereto which has the same zoning classification, and is either under the same ownership, or is subject to arrangements satisfactory to the Director that will ensure the permanent availability of such spaces. A copy of the relevant Ordinance text is provided herein as Attachment V.

Article 11, Section 11-103 of the Ordinance outlines the parking requirements for residential uses as follows:

Dwelling, Multiple Family: “One and six-tenths (1.6) spaces per unit”

Dwelling, Single Family Attached: “Two and seven-tenths (2.7) spaces per unit, provided, however, that only one (1) such space must have convenient access to the street”

Full build out of the East Side of the Lake Anne Village Center would consist of the following mix of residential mix of uses:

- 650 multi-family DUs (new)
  - 185 replacement affordable multi-family DUs (new)  
– *Entire Buildings D3 and D4*
  - 465 multi-family DUs (new)  
– *Buildings D5, D6, D7, D8*
- 120 single-family attached DUs (new) [Buildings D9 thru D25]

The Fairfax County Zoning Ordinance does not provide a specific residential parking rate for “affordable” dwelling units that separately encompass an entire building(s). Therefore, as reflected on Table 7 and based on a strict application of the Zoning Ordinance, a total of 1,364 parking spaces would be required to accommodate the East Side area parking demand associated with full build out of the proposed mix of residential unit types.

Table 7  
 Lake Anne Village Center  
 EAST SIDE - Fairfax County Ordinance Parking Requirement Summary and Proposed Residential TDM Rates(1) (2)

Area	Land Use	Land Unit-Building	Amount Unit	Article 11 - Parking Rates	Required Spaces	Proposed TDM Parking Reduction Rates	Proposed Required Spaces
EAST	Residential-Multi Family - Replacement Affordable Dwelling Units (New) Residential-Multi Family (New) Residential-Multi Family (New) Residential-Single Family Attached (New)	D3, D4 D5, D6 D7, D8 D9 - D25	185	1.6 Spaces/DU	296	1.35 Spaces/DU	250
			310	1.6 Spaces/DU	496	1.35 Spaces/DU	419
			155	1.6 Spaces/DU	248	1.35 Spaces/DU	209
			120	2.7 Spaces/DU	324	2.15 Spaces/DU	258
			770	<b>Total</b>	<b>1,364</b>	<b>Total</b>	<b>1,136</b>

Note(s):

- (1) DU = Dwelling Unit
- (2) Parking rates based on the Fairfax County Zoning Ordinance (Article 11) minimum parking requirements.



### **Requested Parking Reduction (East Side)**

The Applicant is requesting an overall **16.7% residential parking reduction (or 228 fewer parking spaces)** based on the following (effective) reduced parking rates through the implementation of a Transportation Demand Management Plan (TDM):

- Multi-Family Dwelling units (including the Replacement Affordable Dwelling Units):
  - Parking reduction request from 1.6 spaces/DU to **1.35 spaces/DU (or a 15.6% reduction)**
- Single-Family Attached:
  - Parking reduction request from 2.7 spaces/DU to **2.15 spaces/DU (or a 20.4% reduction)**

The basis for each parking reduction request outlined above is based on the Ordinance (Section 11-102.26) provision that establishes a parking reduction through the presence of a TDM program. The following sections evaluate the requested parking reductions with respect to this provision.

### **Transportation Demand Management**

**Overview.** The Fairfax County Zoning Ordinance provides for a reduction in required off-street parking for sites establishing a Transportation Demand Management (TDM) program. Article 11, Section 11-102.26 states:

“In conjunction with the approval of a proffer to establish a transportation demand management (TDM) program, or if a development is subject to an approved proffer for the establishment of a TDM program, the Board may, subject to conditions it deems appropriate, reduce the number of off-street parking spaces otherwise required by the strict application of the provisions of this Part when the applicant has demonstrated to the Board’s satisfaction that, due to the proffered TDM program, the spaces proposed to be eliminated for a site are unnecessary and such reduction in parking spaces will not adversely affect the site or the adjacent area. In no event shall the reduction in the number of required spaces exceed the projected reduction in parking demand specified by the proffered TDM program.

For the purposes of this provision, a proffered TDM program shall include: a projected reduction in parking demand expressed as a percentage of overall parking demand and the basis for such projection; the TDM program actions



to be taken by the applicant to reduce the parking demand; a requirement by the applicant to periodically monitor and report to the County as to whether the projected reductions are being achieved; and a commitment and plan whereby the applicant shall provide additional parking spaces in an amount equivalent to the reduction should the TDM program not result in the projected reduction in parking demand.”

A copy of the draft Parking Management and TDM proffers is included in Attachment VIII.

**Transportation Demand Management Program (TDM).** As part of the proposed proffers for the Lake Anne Village Center, the Applicant will commit to the development and implementation of a TDM program customized for both the residential and non-residential uses within Lake Anne Village Center, and specifically the East Side. The program will be developed in accordance with the *TDM Guidelines for Fairfax County* (the “Guidelines”) dated January 1, 2013.

Based on the Guidelines, the East Side residential uses would be considered as being located in a Non-Tyson, Non-TOD area (or more than ½ mile from a rail station). As a result, the Guidelines recommend a trip reduction goal of between 15 and 25%. The Applicant has committed to proffer a 25% trip reduction goal for the entire redevelopment including the East Side residential uses. This higher end reduction is recommended for areas located in walkable, mixed-use environments or proximate to the same. Towards that end, the Guidelines recommend implementation of a “light” level of participation with requirements for funding, monitoring and reporting.

The Guidelines also recommend certain elements be incorporated into the plan to further reduce trips and auto ownership rates. The following is a list of potential strategies referenced in the Guidelines which would have been incorporated into the TDM program for the overall redevelopment area including the East Side:

1. Designate a TDM Program Manager (TPM) to develop and implement the program in consultation with FCDOT (Fairfax County Department of Transportation)
2. Establish a TDM Network between the TPM and building managers to coordinate implementation of the TDM plan
3. TDM website
4. Personal outreach
5. Transit Benefits
6. Information on Telework programs and telework facility
7. Car sharing
8. Ridematching
9. Parking Management Plan to include dedication of convenient parking spaces for carpools/van pools and/or shared car services



- 10. Pedestrian connections
- 11. Bicycle facilities

A copy of the Lake Anne Village Center TDM Plan dated October 22, 2014 is provided as Attachment IX.

In light of the above, the implementation of a 25% TDM parking reduction would result in a total required parking supply of 1,023 spaces to meet the needs of the 770 residential units. This equates to 341 fewer spaces than required by a strict application of the code. In addition to certain transportation strategies listed above, the Applicant has also committed to the following to further reduce vehicle trips specifically associated with the East Side to insure the parking proposed is sufficient to meet demand. A discussion on how these trip reductions goals correspond to limiting parking supply is further described under the "Parking Management" section below.

**Parking Demand Management.** According to the TDM Plan for the Lake Anne Village Center, one of the industry-recognized strategies that have a significant impact on vehicle trip reductions is parking management. TDM programs work where parking is not over-supplied and coordinated with parking reductions and/or management programs. There are several parking demand management techniques that incentivize travelers to use an alternate mode. Each of those proposed for implementation as part of the Lake Anne Village Center TDM program is described below:

- 1) **Limited Parking Supply.** Managing parking by reducing supply helps to reduce the undesirable impacts of parking demand on local and regional traffic levels and the resulting impacts on community livability.
- 2) **Carsharing Placement and Services.** Refers to short-term automobile rental service available to the general public for a limited timeframe, typically only a few hours. Carsharing is an effective tool that can be used to reduce vehicle ownership because the service can eliminate the need for a private vehicle to complete non-work trips. The service also encourages office travelers to use alternatives to SOVs (like transit) because they can use carshare vehicles for mid-day trips rather than be forced to rely on their private vehicles.
- 3) **Unbundled Parking.** Unbundling refers to a strategy where parking is rented or sold separately, rather than automatically included with the rent for a building space. This element reveals the true cost of parking which allows users to consider a more accurate travel cost trade-off when deciding what transportation to choose. Towards that end, the Applicant has committed to a proffer that would dedicate a minimum of one dedicated parking space to each of the replacement affordable dwelling units (ADUs) (Buildings D3 and



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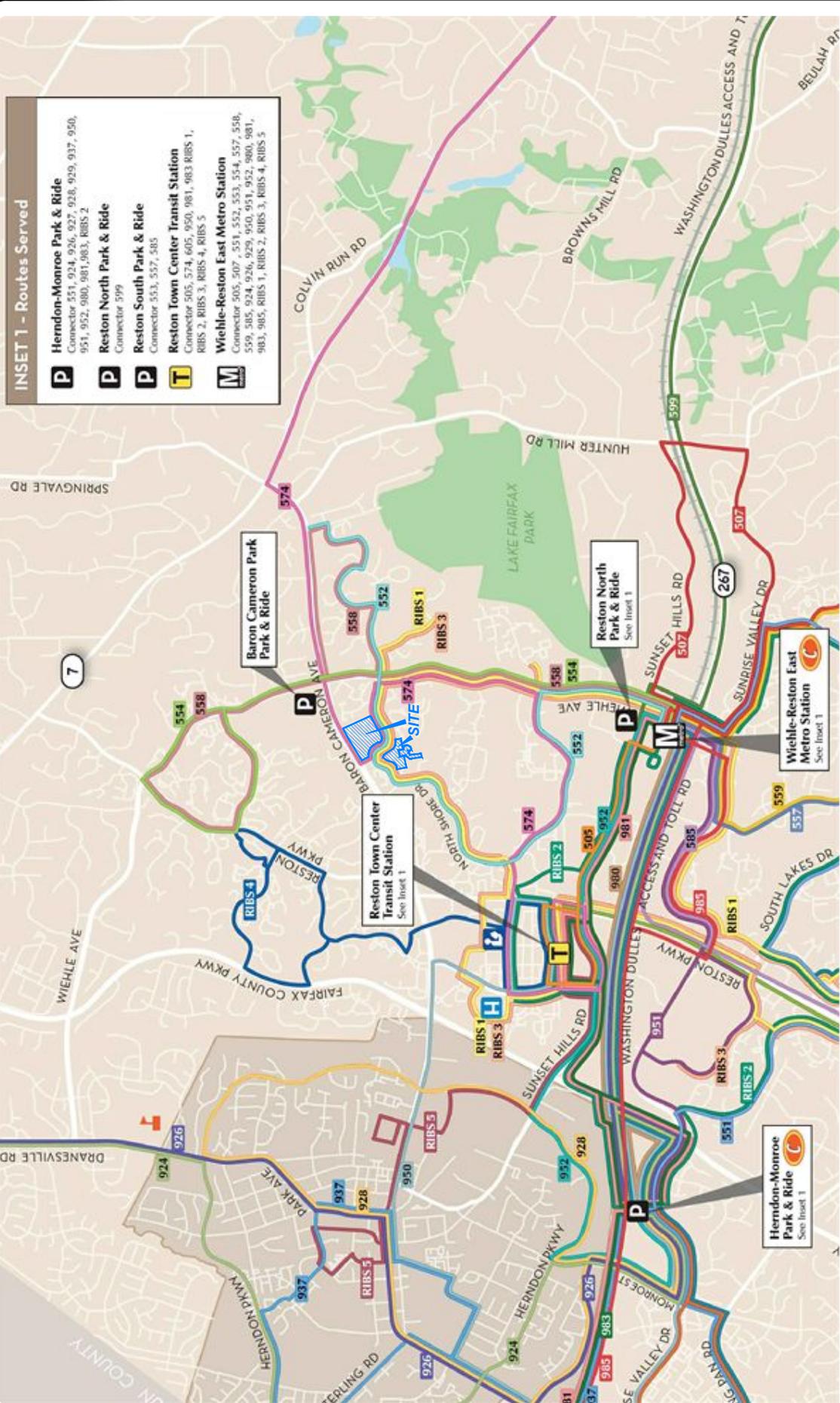
D4) and other ADU and/or workforce dwelling units (WDUs) constructed on the Application property. Otherwise dwelling units shall be offered exclusive parking such that parking shall be available at a separate market rate cost.

- 4) Establish Vehicle Parking Space Limits. Due to limited parking supplies and a lower parking space rate per residential unit, protections need to be set in order to ensure that a single residential unit does not offset parking availability. As a means to ensure enough parking availability, the number of spaces issued per multi-family unit is limited to one (1) car per unit and to single-family attached units two (2) spaces per unit.

**Existing Transit Service.** The subject site is served by two (2) Fairfax Connector bus routes (552 and 574), as well as the Reston Internal Bus System (RIBS) Routes 1 and 3. A map showing the existing bus routes serving Lake Anne Village Center is shown on Figure 7. Multiple bus stops are located along North Shore Drive along the site frontages serving Fairfax Connector Routes 552 and 574 and RIBS Routes 1 and 3. Route 552, RIBS 1, and RIBS 3 connect the site to the new Wiehle-Reston East metrorail station. An exhibit illustrating the existing and proposed bus stop locations is shown on Figure 8. A summary of each existing bus route is provided below:

1. Fairfax Connector 552. Fairfax Connector 552 (North Shore – Lake provides weekday service along North Shore Drive while serving the Lake Anne Village Center and the Wiehle-Reston East Metrorail Station. Weekday peak period peak directional headways are approximately 18 minutes.
2. Fairfax Connector 574. Fairfax Connector 574 (Reston Town Center-Tysons) provides weekday and weekend service between the Reston Town Center Transit Station, the Lake Anne Village Center, and the Spring Hill Metrorail Station via Leesburg Pike (Route 7). Weekday peak period headways are typically 30 minutes. Saturday and Sunday peak period headways are approximately 40 minutes.
3. RIBS 1 and 3. RIBS 1 (clockwise) and RIBS 3 (counterclockwise) provides weekday and weekend service between the Reston Town Center Transit Station, the North County Government Center, Lake Anne Village Center, Tall Oaks Village Center, Hunters Woods Village Center, and the Wiehle-Reston East Metro Station. Weekday peak period headways are approximately 30 minutes. Saturday and Sunday peak period headways will typically be 30 and 60 minutes, respectively.

**WMATA Metrorail Service.** Metrorail service is provided in the general vicinity of the subject site with the opening of the Silver Line on July 26, 2014. As shown on



Source: Fairfax County



Figure 7 Existing Transit Service



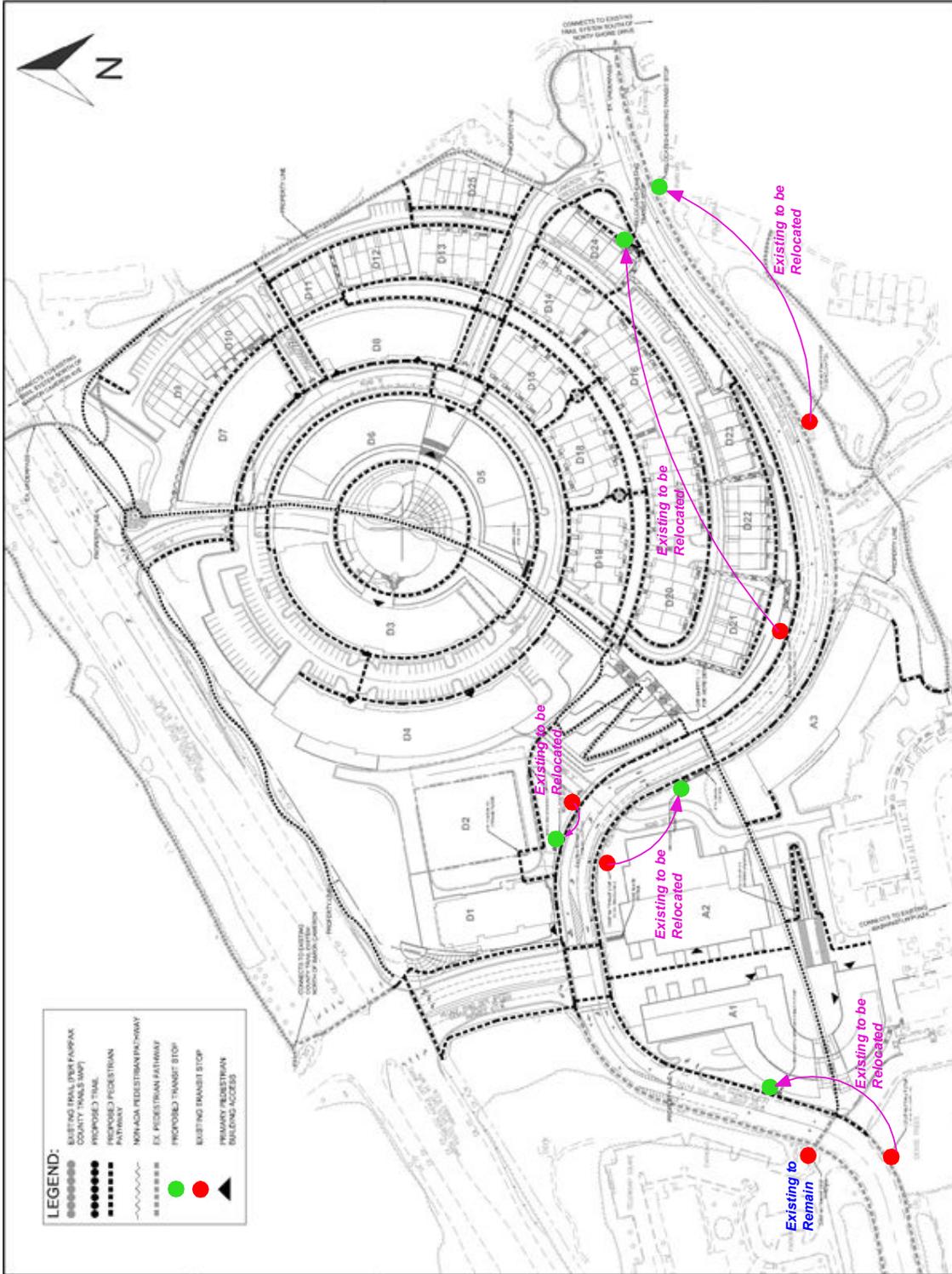


Figure 8  
Transit (Bus) Stop Locations





Figure 9, the entire site is located within 1.65 mile radius of the Wiehle-existing Reston East metrorail station portal and within approximately 1.75 mile radius of the planned Reston Town Center Station. Phase 1 of the Silver Line provides a new Metrorail connection from the Wiehle-Reston East Station to the existing Orange line just east of the West Falls Church-VT/UVA Metrorail station. Phase 1 of the Silver Line serves five (5) new stations with one (1) at Wiehle Avenue and four (4) serving Tysons. Ultimately, Phase 2 would provide a total of 11 new rail stations along a 23.1 extension of Metrorail service extending from the existing Orange Line to Dulles International Airport and then beyond along the Dulles Greenway into Loudoun County, Virginia.

With the prevalence of bus service proximate to the site and in accordance with the Guidelines, the Applicant shall contribute monies for an incentive fund at the rate of \$0.01 per square foot of new residential uses within the East Side. This contribution is reflected in the proffers.

#### **Parking Provided (East Side)**

Based on the submitted PRC plan provided as Attachment IV, approximately 1,136 parking spaces are proposed within the East Side area in a combination of surface lots, structured garages, and garage/driveway spaces for the single-family attached dwelling units (see Table 4). It should be noted each single-family attached dwelling unit will be served by two (2) parking spaces per unit provided in either a 2-car townhome garage or a one-car townhome garage with one-driveway space. Approximately six (6) single-family attached dwelling units (within D21 and D22) would provide a two-car townhome garage with two (2) driveway spaces. An exhibit summarizing the single-family attached dwelling units by number of parking garage/driveway spaces is shown on Figure 10.

#### **Requested Parking Reduction (East Side)**

The Applicant is requesting an overall **16.7% residential parking reduction (or 228 fewer parking spaces)** based on the following (effective) reduced parking rates through the implementation of a Transportation Demand Management Plan (TDM):

- Multi-Family Dwelling Units (including the Replacement Affordable Dwelling Units):
  - Parking reduction request from 1.6 spaces/DU to **1.35 spaces/DU (or a 15.6% reduction)**
- Single-Family Attached:
  - Parking reduction request from 2.7 spaces/DU to **2.15 spaces/DU (or a 20.4% reduction)**

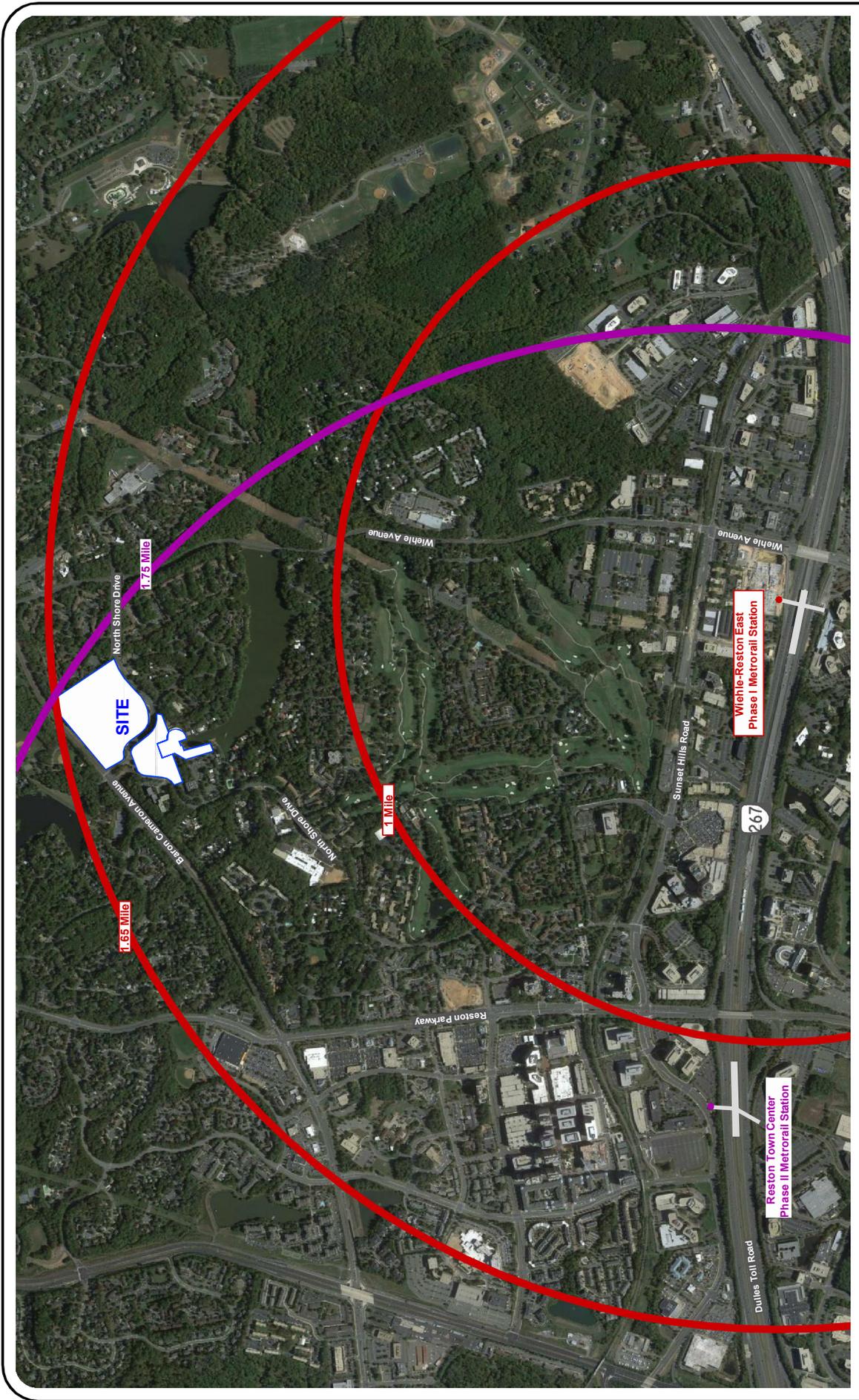
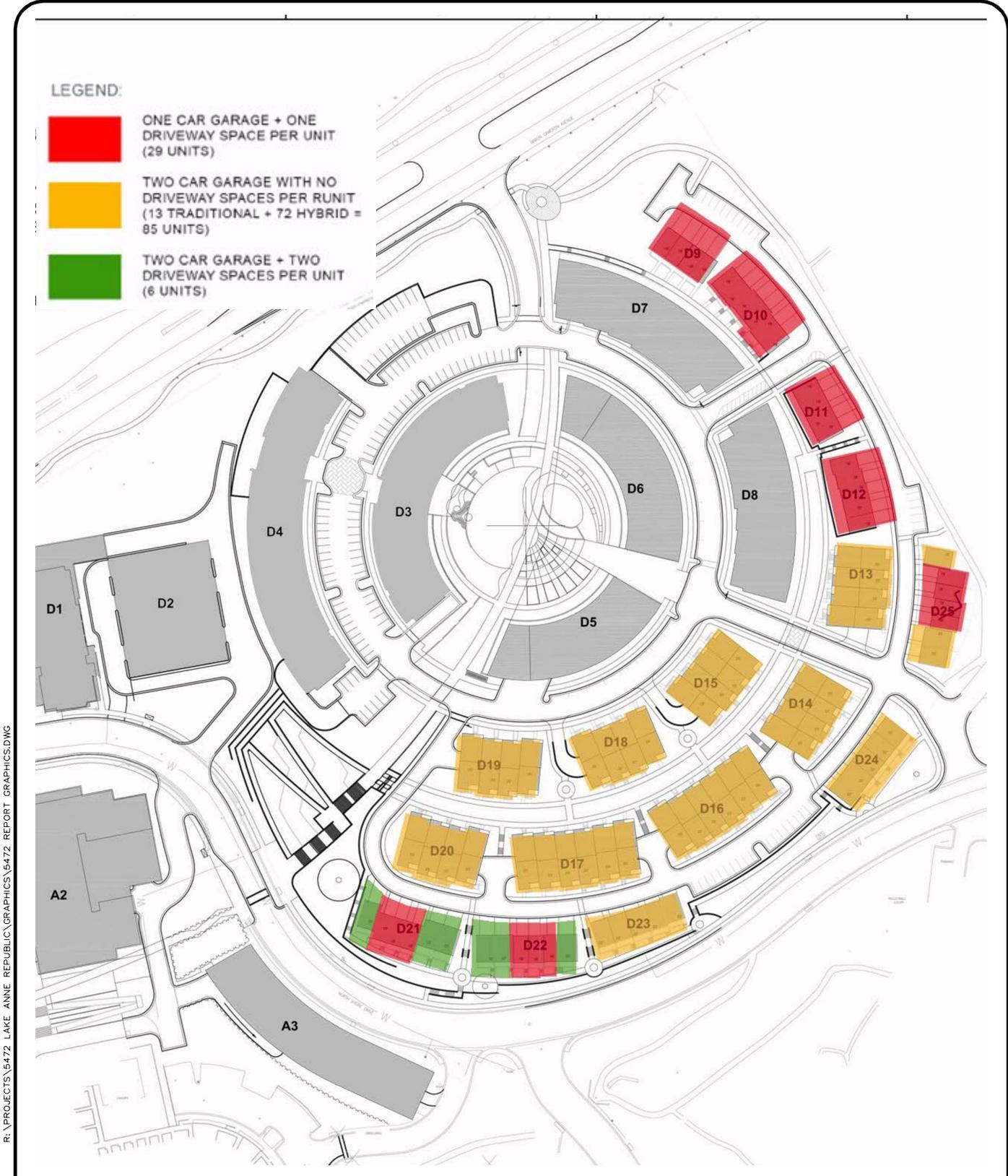


Figure 9 Distance From Existing Wiehle-Reston East and Planned Reston Town Center Metrorail Station





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Figure 10  
Townhome Parking Distribution Summary





The overall parking tabulation summary is shown on Table 1.

### **Basis for the Parking Reduction Request (Z.O. 11-102.26)**

The following summarizes the basis for the parking reduction request:

- The project has proffered a comprehensive TDM Plan with specific goals and strategies targeted to reduce auto-ownership among future residents as well as reducing parking supply.
- The project has proffered a comprehensive plan to measure the effectiveness of the TDM Plan while outlining strategies to improve and enhance measures if the goals are not achieved.
- The project has proffered an overall 25% trip reduction goal for the resident and office users which corresponds to a strategy that reduces the parking supply. Managing parking by reducing supply helps to reduce the undesirable impacts of
- parking demand on local and regional traffic levels and the resulting impacts on community livability.
- The project seeks to promote a vibrant community where people can live, play and work providing opportunities to limit auto-ownership among residents;
- The project is being developed with enhanced bicycle and pedestrian connections to encourage non-SOV trips.
- This site is served by existing established Fairfax Connector and RIBs bus routes along North Shore Drive.
- The site is located entirely within 1.65 miles of the Wiehle-Reston East Silver Line metrorail station providing a mass transit commuter option in the nearby proximity.
- The project has proffered to provide additional parking spaces on-site to serve the East Side area should the TDM program not result in the projected reduction.

Based on the above, the requested parking spaces to be eliminated are unnecessary to serve the site.

### **Impacts to Adjacent Properties (Z.O. 11-102.26)**

The overall project is generally isolated from neighboring communities. The adjacent properties to the north are separated from the project by Baron Cameron Avenue, which is a four-lane divided roadway. The adjacent properties to the south are generally separated from the project by Washington Plaza and Lake Anne which is a body of water that extends east to Wiehle Avenue. In the immediate vicinity of the project, North Shore Drive extends approximately  $\frac{1}{4}$  along the site's frontage between the East and West Side areas providing the potential for on-street parking,

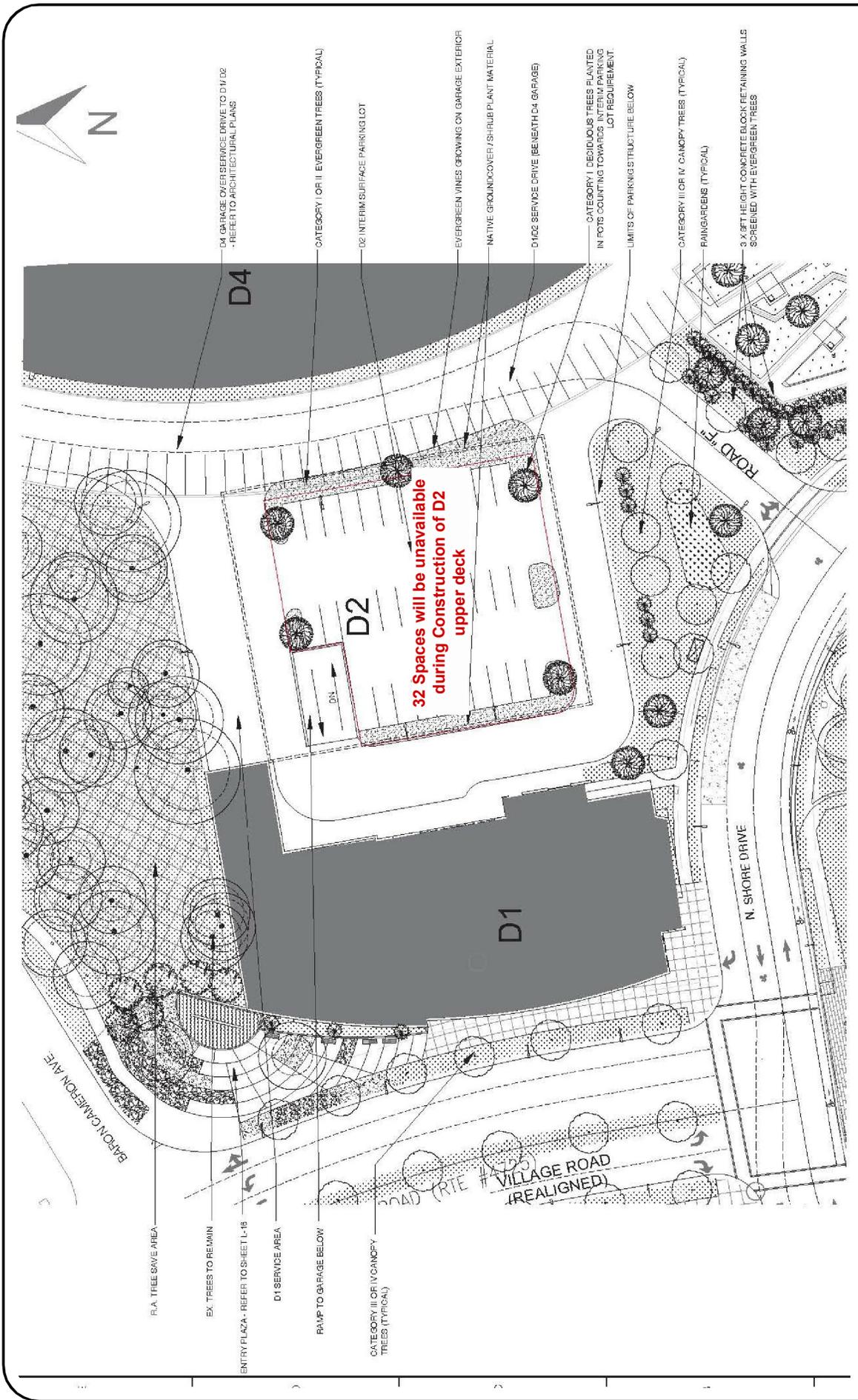


which could provide additional parking opportunities. These spaces would be available not only to the subject property, but for neighboring developments in the immediate vicinity. The scope of the project is also meant to serve the area's nearby residents who would be provided new retail uses and services thereby potentially reducing auto ownership in the general area. Most importantly, the project has proffered a comprehensive TDM and Parking Management Plan that will monitor and measure the project's traffic and parking reduction goals. If the parking reductions are not achieved in the East Side, a plan to provide additional spaces has been proffered. In summary, if the TDM parking reduction request were granted, there would be no impact on the site or surrounding areas.

#### **Additional TDM Parking Spaces (Z.O. 11-102.26)**

The following summarizes the proffer commitment to provide additional parking spaces and where they will be provided, if required. Should the TDM program not result in the projected reduction in parking demand, with coordination with FCDOT staff, the Applicant shall provide additional parking spaces for the East Side area in an amount equivalent to the reduction. Where the overall proposed parking requirement (without the TDM reduction) for the East and West Sides is 2,395 spaces and the total proposed parking supply (East and West Sides) is approximately 2,222 spaces, approximately 173 additional spaces would be needed if the TDM program does not result in the projected reduction for the East Side at build out. These additional spaces would be provided in additional parking levels of the D2 parking garage (see Figure 3).

A pedestrian connection providing direct access to the East Side area to/from the D2 garage will be provided with or without the additional TDM parking levels added to the D2 garage. If required, each additional parking level added to the D2 garage would provide approximately 53 spaces per level. The D2 garage will be designed such that the garage foundations and infrastructure can support a total of two (2) below grade and up to five (5) above grade levels in order to provide for approximately 212 additional parking spaces. Under the circumstance additional spaces are required to recoup the TDM parking reduction, the construction staging for the expansion of the D2 parking garage is estimated to remove approximately 32 spaces during its construction. The anticipated surplus of approximately 50 spaces in the West Side area's parking supply would compensate for this construction period shortfall (see Figure 11). The construction period for the garage expansion is anticipated to take between 10 to 14 months.



**Figure 11**  
**Parking Loss During Expansion of the D-2 Garage**



**Evaluation and Monitoring (Z.O. 11-102.26)**

The following explains how the TDM Plan works with the parking reduction. As described in the proffers and TDM Plan, one of the primary tools for monitoring the effectiveness of the Lake Anne Village Center TDM program and associated parking program will be annual residential parking occupancy counts and/or surveys. These methods and others are outlined in the proffers (see Attachment VIII) will be reviewed and approved by FCDOT a minimum of 30 days prior to the initiation of such counts and/or surveys. At a minimum, parking occupancy counts shall be recorded every 60 minutes and referenced by residential unit type. Residential parking occupancy counts, as approved by FCDOT, shall be conducted annually each calendar year beginning one year following issuance of the first initial RUP for the first of Buildings D3 or D4 to be constructed on the East Side of the Application Property. Such parking occupancy counts shall be conducted on a typical weekday between the hours of 6:00 PM and 6:00 AM.

If the results of the parking occupancy counts show that the number of occupied parking spaces for each of the residential unit types is equal to or greater than 97% of the available parking supply, as averaged over the twelve (12) hour count period, then the parking supply is deemed insufficient to meet the demand associated with that particular unit type.

If the parking supply is insufficient as described above, the Applicant shall then, within two weeks of the submission of the annual report, request a meeting with FCDOT to discuss what additional TDM strategies, if any, shall be implemented as part of the TDM Plan to reduce parking demand levels to less than 97% average occupancy of the available parking supply. In such event and no earlier than six months after the implementation of any additional strategies, the TPM shall conduct a supplemental parking occupancy count consistent with the methodology process described above. Six (6) months after implementation of such additional TDM strategies, the TPM shall present the results of the same to FCDOT in the next annual report.

If the results of any supplemental parking occupancy count reveals that parking occupancies continue to be equal to or exceed 97% of the available parking supply, then the Applicant shall contribute additional funds towards the next year's annual budget in order to provide for greater financial incentives towards the reduction of parking demand. The Transportation Program Manager will continue to refine the program in consultation and with the approval of FCDOT.

The above process shall be repeated annually as necessary until the measured parking occupancy averaged over the twelve (12) hour period is less than 97% or until such time as the results of three consecutive annual counts conducted after



Stabilization of the East Side show that the residential parking supply is adequate. At such time, residential parking demand counts will thereafter no longer be required and this proffer in no further force or effect. “Stabilization” of the East Side of the Application Property is defined as occurring one year after the issuance of the first initial RUP for the last of Buildings D3 through D25.

If after Stabilization of the East Side, the parking occupancy is still being exceeded as evidenced by the occupancy counts for the three years after Stabilization, then the Applicant shall meet with FCDOT and the Hunter Mill District Supervisor to discuss the timing and extent of remedial measures, such as the construction of additional levels on the D2 garage.

After stabilization of the East Side and prior to the Applicant filing a building plan for the residential tower on Building D1 on the West Side of the Application Property, the Applicant shall provide an additional report to FCDOT, DPZ and DPWES that summarizes the results of a parking occupancy assessment for each residential use type on the East Side to determine again if additional parking levels on the D2 garage structure will be required to meet the 2014 Zoning Ordinance requirement.



## **Part II – Conclusions (East Side)**

Based on the documentation provided herein, the following can be concluded for the East Side area of the Lake Anne Village Center:

1. If the TDM parking reduction request were granted, there would be no impact on the site or surrounding areas.
2. Under strict application of the Zoning Ordinance, the East Side uses would require a minimum of 1,040 spaces for the 650 multi-family DUs and 324 spaces for the 120 single-family attached DUs for a total of 1,364 spaces.
3. The Applicant is requesting an overall **16.7% residential parking reduction (or 228 fewer parking spaces)** from 1,364 spaces to 1,136 spaces based on the following (effective) reduced parking rates through the implementation of a Transportation Demand Management Plan (TDM):
  - Multi-Family Dwelling Units (including the Replacement Affordable Dwelling Units):
    - Parking reduction request from 1.6 spaces/DU to **1.35 spaces/DU (or a 15.6% reduction)**
  - Single-Family Attached:
    - Parking reduction request from 2.7 spaces/DU to **2.15 spaces/DU (or a 20.4% reduction)**
4. Based on the requested residential parking reductions, the East Side uses would require a minimum of 878 spaces for the 650 multi-family DUs and 258 spaces for the 120 single-family attached DUs for a total of 1,136 spaces.
5. The TDM program proffered for the site will reduce the demand for residential parking by promoting and encouraging other modes of travel, implementing a parking management plan, as well as providing essential secondary uses on-site. As such the requested parking spaces to be eliminate are unnecessary.
6. Should the TDM program not result in the projected reduction in parking demand based results from the proffered evaluation and monitoring plan, in coordination with FCDOT and the Hunter Mill District Supervisor, the Applicant shall provide sufficient additional parking spaces in the D2 parking garage in an amount equivalent to the reduction.

Board Agenda Item  
February 17, 2015

ACTION - 6

Supplemental Appropriation Resolution 15169 and Authorization to Execute Standard Project Agreements for the Department of Transportation to Accept Grant Funding for the Lorton Cross County Trail, Cinderbed Bikeway, Reston Bike Share Infrastructure and Old Courthouse Road Safe Routes to School Improvements (Mount Vernon, Lee, and Hunter Mill Districts)

ISSUE:

Board of Supervisors' approval of Supplemental Appropriation Resolution AS 15169 for the Fairfax County Department of Transportation (FCDOT) to accept grant funding in the amount of \$1,498,057 from the Virginia Department of Transportation (VDOT), including:

- \$353,057 for the Lorton Cross County Trail;
- \$375,000 for the Cinderbed Bikeway;
- \$385,000 for Reston Bike Share Infrastructure; and
- \$385,000 for the Old Courthouse Road Safe Routes to School Improvements project.

Authorization is also requested for the Director of Transportation to enter into Standard Project Administration Agreements with VDOT for the Cinderbed Bikeway project, Reston Bike Share Infrastructure project, and the Old Courthouse Road Safe Routes to School Improvements project. The project agreement for the Lorton Cross County Trail was previously approved by the Board on February 28, 2012. These projects require a Local Cash Match of \$388,264 (\$88,264 for the Lorton Cross County Trail, \$100,000 for the Old Courthouse Road Safe Routes to School Improvements, \$100,000 for Reston Bike Share Infrastructure and \$100,000 for the Cinderbed Bikeway). The total required Local Cash Match has been identified in Fund 40010, County and Regional Transportation Projects. No new General Fund resources are required.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 15169 for the FCDOT to accept grant funding from the VDOT in the amount of \$1,498,057, and authorize the director of FCDOT to enter into Standard Project Administration Agreements with the VDOT. Required Local Cash Match of \$388,264 has been identified in Fund 40010, County and Regional Transportation Projects. There are no positions associated with these awards.

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TIMING:

Board approval is requested on February 17, 2015, to enable staff to immediately continue progress on these projects.

DISCUSSION:

On June 18, 2013, and then on October 29, 2013, the Board of Supervisors voted to endorse the applications for Transportation Alternatives Projects for the four projects that were awarded grants. The Commonwealth Transportation Board awarded \$353,057 for the Lorton Cross County Trail, \$400,000 for the Cinderbed Bikeway and \$400,000 for the Old Courthouse Road Safe Routes to School Improvements. The Regional Transportation Planning Board awarded \$400,000 for the Reston Bike Share Infrastructure project. Since the Cinderbed Bikeway, Reston Bike Share Infrastructure and Old Courthouse Road Safe Routes to School Improvements are new Transportation Alternative Projects, the County has to allocate part of the funding for VDOT review. The amounts for VDOT review are \$25,000 for Cinderbed Bikeway and \$15,000 for Old Courthouse Road Safe Routes to School Improvements and Reston Bike Share Infrastructure, resulting in net awards of \$375,000 for the Cinderbed Bikeway and \$385,000 for the Old Courthouse Road Safe Routes to School Improvements and Reston Bike Share projects.

The Lorton Cross County Trail is a new segment of multi-use trail that will provide non-motorized access between the Occoquan Regional Park and the Laurel Hill Greenway. The preliminary design was completed November 5, 2014. The anticipated construction start date is July 2018, with an estimated completion date of January 2019. Grant funding will provide preliminary engineering, right-of-way, and utility work.

The Cinderbed Bikeway project will ultimately provide a connection from the Franconia-Springfield Metrorail/VRE Station to Ft. Belvoir. Grant funding will provide for preliminary engineering work to survey and design the final Cinderbed Bikeway alignment.

The Old Courthouse Road Safe Routes to School Improvements project includes the installation of missing segments of sidewalk along Old Courthouse Road to Westbriar Elementary. Grant funding will provide for preliminary engineering and will fully fund design of the project. These two projects are currently in scoping. After the project agreements are executed with VDOT, design work will start on both projects.

The Reston Bike Share Infrastructure project will provide improvements identified throughout Reston to provide connections to potential Bike Share stations. These locations have been identified in the Reston Bike Share Feasibility Study.

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The funding status for each project is outlined below (each of FY2015 projects were included in the application for TAP FY2016 Funding). It should be noted that the completion of these projects will require additional funding of \$322,520 for the Lorton Cross County Trail, \$350,000 for the Old Courthouse Road Safe Routes to School Improvements, and \$3,500,000 for the Cinderbed Bikeway. The FCDOT will continue to pursue additional grant awards to support the remaining funding needed for these projects. If no additional grant funding is received, funding in Fund 40010, County and Regional Transportation Projects will be used to complete the projects, no additional General Fund resources will be requested.

Lorton Cross County Trail

Project Estimate:	\$2,328,841
Enhancement/TAP Awards to Date:	1,605,057
Local Match Already Committed	313,000
<u>Additional Local Match Committed with this Agreement:</u>	<u>88,264</u>
Remaining County Requirement:	\$322,520

Old Courthouse Road Safe Routes to School Improvements

Project Estimate:	\$850,000
TAP Awards to Date:	400,000
<u>Local Match:</u>	<u>100,000</u>
Remaining County Requirement:	\$350,000

Cinderbed Bikeway

Project Estimate:	\$4,000,000
TAP Awards to Date:	400,000
<u>Local Match:</u>	<u>100,000</u>
Remaining County Requirement:	\$3,500,000

Reston Bike Share Infrastructure

Project Estimate:	\$500,000
TAP Awards to Date:	400,000
<u>Local Match:</u>	<u>100,000</u>
Remaining County Requirement:	\$0

FISCAL IMPACT:

Total grant funding of \$1,498,057 is available from the VDOT, with a Local Cash Match requirement of \$388,264. This amount includes grant funding of \$353,057 and Local Cash Match of \$88,264 for the Lorton Cross County Trail Transportation Alternatives/Enhancement Project; grant funding of \$375,000 and Local Cash Match of \$100,000 for the Cinderbed Bikeway; grant funding of \$385,000 and Local Cash Match of \$100,000 for Reston Bike Share Infrastructure and grant funding of \$385,000; and

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Local Cash Match of \$100,000 for the Old Courthouse Road Safe Routes to School Improvements project. The total required Local Cash Match of \$388,264 has been identified in Fund 40010, County and Regional Transportation Projects. This action does not increase the expenditure level of the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards. This grant does not allow for the recovery of indirect costs.

CREATION OF POSITIONS:

No positions will be created through this grant award.

ENCLOSED DOCUMENTS:

Attachment 1 – Supplemental Appropriation Resolution AS 15169

Attachment 2 – Resolution to Authorize Staff to Execute Standard Project Agreements

Attachment 3 – Standard Project Agreements

STAFF:

Robert A. Stalzer, Deputy County Executive

Tom Biesiadny, Director, FCDOT

Todd Minnix, Chief, Transportation Design Division, FCDOT

Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT

Ken Kanownik, Transportation Planner II, Coordination and Funding Division, FCDOT

**SUPPLEMENTAL APPROPRIATION RESOLUTION AS 15169**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax Virginia on February 17, 2015, at which a quorum was present and voting, the following resolution was adopted:

**BE IT RESOLVED** by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2015, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G4040, Department of Transportation	\$353,057
Grant:	1400091-2013, Lorton Cross County Trail Enhancement Project	
Agency:	G4040, Department of Transportation	\$375,000
Grant:	1400137-2015, Cinderbed Bikeway	
Agency:	G4040, Department of Transportation	\$385,000
Grant:	1400138-2015, Old Courthouse Road Safe Routes to School	
Agency:	G4040, Department of Transportation	\$385,000
Grant:	1400139-2015, Reston Bike Share Infrastructure	

Reduce Appropriation to:

Agency:	G8787, Unclassified Admin	\$1,498,057
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: Virginia Department of Transportation, \$1,498,057

A Copy - Teste:

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Catherine A. Chianese  
Clerk to the Board of Supervisors

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, February 17, 2015, at which meeting a quorum was present and voting, the following resolution was adopted.

AGREEMENT EXECUTION RESOLUTION

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes County staff to execute on behalf of the County of Fairfax a Project Administration Agreement with the Virginia Department of Transportation for the Cinderbed Bikeway Transportation Alternatives Project by the County of Fairfax.

Adopted this 17th day of February, 2015, Fairfax, Virginia

ATTEST \_\_\_\_\_  
Catherine A. Chianese  
Clerk to the Board of Supervisors

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, February 17, 2015, at which meeting a quorum was present and voting, the following resolution was adopted.

#### AGREEMENT EXECUTION RESOLUTION

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes County staff to execute on behalf of the County of Fairfax a Project Administration Agreement with the Virginia Department of Transportation for the Old Courthouse Road Safe Routes to School Improvements Transportation Alternatives Project by the County of Fairfax.

Adopted this 17th day of February, 2015, Fairfax, Virginia

ATTEST \_\_\_\_\_  
Catherine A. Chianese  
Clerk to the Board of Supervisors

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, February 17, 2015, at which meeting a quorum was present and voting, the following resolution was adopted.

#### AGREEMENT EXECUTION RESOLUTION

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes County staff to execute on behalf of the County of Fairfax a Project Administration Agreement with the Virginia Department of Transportation for the Reston Bike Share Infrastructure Transportation Alternatives Project by the County of Fairfax.

Adopted this 17th day of February, 2015, Fairfax, Virginia

ATTEST \_\_\_\_\_  
Catherine A. Chianese  
Clerk to the Board of Supervisors

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

Project Number	UPC	Local Government
EN14-029-107, P101, R201, C501	106143	Fairfax County Cinder Bed Road Bikeway

THIS AGREEMENT, made and executed in triplicate this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the COUNTY of FAIRFAX, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

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

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

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

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

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

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

- c. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.
- d. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
- e. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following acceptance of the final voucher on each Project.
- f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and an up-to-date project summary and schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to the Code of Federal Regulations, Title 49, Section 18.43, violations of the provision may result in the imposition of sanctions including but not limited to possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.
- g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.2-348 or Section 33.2-331 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.
- h. On Projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
- i. Administer the Project in accordance with all applicable federal, state, or local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of federal or state-aid reimbursements
- j. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all federal, state, and local laws and regulations. If the locality expends over

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

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

agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.

4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.2-1011 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
6. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between the either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, receive a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.
9. This Agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be

reimbursed in accordance with paragraphs 1.f, 1.g., and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination, the DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way, unless otherwise mutually agreed upon in writing.

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

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

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

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

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

**COUNTY OF FAIRFAX, VIRGINIA:**

\_\_\_\_\_

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

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

\_\_\_\_\_  
Date

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

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

\_\_\_\_\_  
Chief of Policy

\_\_\_\_\_  
Date

Commonwealth of Virginia  
Department of Transportation

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

\_\_\_\_\_  
Date

**Attachments**

Appendix A

**Appendix A**

**Project Number:** EN14-029-107, P101,  
R201, C501

**UPC:** 106143

**Locality:** Fairfax County  
Cinder Bed Road Bikeway

<b>Project Location ZIP+4:</b> 22033	<b>Locality DUNS#</b> 74837626	<b>Locality Address (incl ZIP+4):</b> 4050 Legato Road Suite 400, Fairfax VA 22033-2895
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**Project Narrative**

<b>Scope:</b>	Preliminary engineering for the proposed Cinder Bed Road bikeway connecting Fort Belvoir with the Franconia-Springfield Metrorail Station. Preliminary work will include preparation of a location study, environmental coordination and preliminary plans (up to 30%).
<b>From:</b>	Fairfax County Parkway in vicinity of Cinder Bed Road
<b>To:</b>	Franconia-Springfield Metrorail Station (south side)
<b>Locality Project Manager</b>	Charlie Strunk - Bicycle Program Coordinator, Fairfax County DOT, 4050 Legato Road, Suite 400, Fairfax VA 22033-2895
<b>Contact info:</b>	(703) 877-5600 charlie.strunk@fairfaxcounty.gov
<b>Department Project Coordinator Contact</b>	Bud Siegel - VDOT Northern Va District Office, 4975 Alliance Drive, Fairfax VA 22030 (703) 259-2118
<b>Info:</b>	Bud.Siegel@VDOT.Virginia.gov

**Project Estimates**

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$785,000	\$115,000	\$3,075,000	\$3,975,000
Estimated VDOT Project Expenses	\$15,000		\$10,000	\$25,000
Estimated Total Project Costs	\$800,000	\$115,000	\$3,085,000	\$4,000,000

**Project Cost and Reimbursement**

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement	Estimated Reimbursement to Locality
Preliminary Engineering	\$500,000	Transportation Alternatives	20%	\$100,000	\$400,000	
	\$300,000	Local Funds	100%	\$300,000	\$0	
				\$0	\$0	
<b>Total PE</b>	<b>\$800,000</b>			<b>\$400,000</b>	<b>\$400,000</b>	<b>\$385,000</b>
Right of Way & Utilities	\$115,000	Local Funds	100%	\$115,000	\$0	
				\$0	\$0	
				\$0	\$0	
<b>Total RW</b>	<b>\$115,000</b>			<b>\$115,000</b>	<b>\$0</b>	<b>\$0</b>
Construction	\$3,085,000	Local Funds	100%	\$3,085,000	\$0	
			0%	\$0	\$0	
				\$3,085,000	\$0	
<b>Total CN</b>	<b>\$3,085,000</b>			<b>\$3,085,000</b>	<b>\$0</b>	<b>-\$10,000</b>
<b>Total Estimated Cost</b>	<b>\$4,000,000</b>			<b>\$3,600,000</b>	<b>\$400,000</b>	<b>\$375,000</b>

<b>Total Maximum Reimbursement by VDOT to Locality (Less Local Share)</b>	\$400,000
<b>Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)</b>	\$375,000

**Project Financing**

Transportation Alternatives	Local Match	Local Funds			Aggregate Allocations (A+B+C+D+E+F)
\$400,000	\$100,000	\$3,500,000			\$4,000,000

**Program and project Specific Funding Requirements**

- This project shall be administered in accordance with VDOT's Locally Administered Projects (LAP) Manual and the Transportation Alternatives Program Guide.
  - Eligible VDOT project expenses will be recovered as follows: 80% will be deducted from the federal allocation and 20% will be deducted from reimbursement requests
  - **This is a limited funds project. The Locality shall be responsible for any additional funding in excess of: \$400,000**
  - Total project allocations: \$4,000,000
- Any ineligible items identified through project development will not be reimbursable. Note that federal TAP funds cannot be used exclusively for feasibility and/or location studies; if this project does not proceed to construction within 10 years (federal maximum), any federal funds expended may be subject to repayment to FHWA.
- The DEPARTMENT will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The LOCALITY is responsible for implementing any environmental commitments from the environmental document. In addition, the LOCALITY is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental document and studies will be provided to the locality and deducted from the project funds.
- For Transportation Alternatives projects, the LOCALITY shall maintain the project of have it maintained in a manner satisfactory to the Department or its authorized representatives and make ample provisions each year for such maintenance unless otherwise agreed to by the DEPARTMENT.
- In accordance with CTB policy, the project must be completed and the \$400,000 federal Alternatives allocation expended by **October 1, 2018** or the project may be subject to de-allocation.

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

\_\_\_\_\_  
Authorized VDOT Official and date

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

\_\_\_\_\_  
Typed or printed name of person signing  
Version 8/19/11

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

Project Number	UPC	Local Government
EN14-029-105, P101, R201, C501	105990	Fairfax County Old Courthouse Road SRTS Improvements

THIS AGREEMENT, made and executed in triplicate this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the COUNTY of FAIRFAX, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

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

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

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

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

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

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

- c. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.
- d. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
- e. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following acceptance of the final voucher on each Project.
- f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and an up-to-date project summary and schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to the Code of Federal Regulations, Title 49, Section 18.43, violations of the provision may result in the imposition of sanctions including but not limited to possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.
- g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.2-348 or Section 33.2-331 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.
- h. On Projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
- i. Administer the Project in accordance with all applicable federal, state, or local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of federal or state-aid reimbursements

- j. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all federal, state, and local laws and regulations. If the locality expends over \$500,000 annually in federal funding, such certification shall include a copy of the LOCALITY's single program audit in accordance with Office of Management and Budget Circular A-133.
  - k. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
  - l. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
  - m. Ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964, regulations of the United States Department of Transportation (USDOT), Presidential Executive Orders and the Code of Virginia relative to nondiscrimination.
2. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal and state laws and regulations or as otherwise agreed to, in writing, between the parties and provide necessary coordination with the FHWA as determined to be necessary by the DEPARTMENT.
  - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.f., reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
  - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
  - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with federal and state laws and regulations.
  - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.

3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.
4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.2-1011 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
6. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between the either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, receive a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

- 9 This Agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g., and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination, the DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way, unless otherwise mutually agreed upon in writing.
  
10. Prior to any action pursuant to paragraphs 1.b or 1.g of this Agreement, the DEPARTMENT shall provide notice to the LOCALITY with a specific description of the breach of agreement provisions. Upon receipt of a notice of breach, the LOCALITY will be provided the opportunity to cure such breach or to provide a plan to cure to the satisfaction to the DEPARTMENT. If, within sixty (60) days after receipt of the written notice of breach, the LOCALITY has neither cured the breach, nor is diligently pursuing a cure of the breach to the satisfaction of the DEPARTMENT, then upon receipt by the LOCALITY of a written notice from the DEPARTMENT stating that the breach has neither been cured, nor is the LOCALITY diligently pursuing a cure, the DEPARTMENT may exercise any remedies it may have under this Agreement.

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

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

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

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

**COUNTY OF FAIRFAX, VIRGINIA:**

\_\_\_\_\_

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

\_\_\_\_\_ Date

\_\_\_\_\_  
Title

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

\_\_\_\_\_ Date

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

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

\_\_\_\_\_  
Chief of Policy

\_\_\_\_\_ Date

Commonwealth of Virginia  
Department of Transportation

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

\_\_\_\_\_ Date

**Attachments**

Appendix A

**Appendix A**

**Project Number:** EN14-029-105, P101,  
R201, C501

**UPC:** 105990

**Locality:** Fairfax County  
Old Courthouse Road SRTS Sidewalk

<b>Project Location ZIP+4:</b> 22033	<b>Locality DUNS#</b> 74837626	<b>Locality Address (incl ZIP+4):</b> 4050 Legato Road, Suite 400, Fairfax, VA 22033-2895
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<b>Project Narrative</b>	
<b>Scope:</b>	Install missing segments of sidewalk along Old Courthouse Road to Westbriar Elementary including curb and gutter and curb ramps as needed.
<b>From:</b>	Creek Crossing Road
<b>To:</b>	Country Club Drive
<b>Locality Project Manager</b>	Todd Minnix - Fairfax County DOT, 4050 Legato Road, Suite 400, Fairfax VA 22033 (703) 877-5725
<b>Department Project Coordinator Contact</b>	Bud Siegel - VDOT Northern Va District Office, 4975 Alliance Drive, Fairfax VA 22030 (703) 259-2118
<b>Info:</b>	Bud.Siegel@VDOT.Virginia.gov

<b>Project Estimates</b>				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$245,000	\$255,000	\$335,000	\$835,000
Estimated VDOT Project Expenses	\$10,000		\$5,000	\$15,000
Estimated Total Project Costs	\$255,000	\$255,000	\$340,000	\$850,000

<b>Project Cost and Reimbursement</b>						
Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement	Estimated Reimbursement to Locality
Preliminary Engineering	\$255,000	Transportation Alternatives	20%	\$51,000	\$204,000	
				\$0	\$0	
				\$0	\$0	
				\$0	\$0	
<b>Total PE</b>	\$255,000			\$51,000	\$204,000	\$194,000
Right of Way & Utilities	\$245,000	Transportation Alternatives	20%	\$49,000	\$196,000	
	\$10,000	Local Funds	100%	\$10,000	\$0	
<b>Total RW</b>	\$255,000			\$59,000	\$196,000	\$196,000
Construction	\$340,000	Local Funds	100%	\$340,000	\$0	
			0%	\$0	\$0	
<b>Total CN</b>	\$340,000			\$340,000	\$0	-\$5,000
<b>Total Estimated Cost</b>	\$850,000			\$450,000	\$400,000	\$385,000

<b>Total Maximum Reimbursement by VDOT to Locality (Less Local Share)</b>	\$400,000
<b>Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)</b>	\$385,000

<b>Project Financing</b>				<b>Aggregate Allocations (A+B+C+D+E+F)</b>
Transportation Alternatives	Local Match	Local Funds		\$850,000
\$400,000	\$100,000	\$350,000		

**Program and project Specific Funding Requirements**

- This project shall be administered in accordance with VDOT's Locally Administered Projects (LAP) Manual and the Transportation Alternatives Program Guide.
- Eligible VDOT project expenses will be recovered as follows: 80% will be deducted from the federal allocation and 20% will be deducted from reimbursement requests
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of: \$400,000**
- Total project allocations: \$850,000

Any ineligible items identified through project development will not be reimbursable.

The DEPARTMENT will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The LOCALITY is responsible for implementing any environmental commitments from the environmental document. In addition, the LOCALITY is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental document and studies will be provided to the locality and deducted from the project funds.

For Transportation Alternatives projects, the LOCALITY shall maintain the project of have it maintained in a manner satisfactory to the Department or its authorized representatives and make ample provisions each year for such maintenance unless otherwise agreed to by the DEPARTMENT.

In accordance with CTB policy, the project must be completed and the \$400,000 federal Alternatives allocation expended by **October 1, 2018** or the project may be subject to de-allocation.

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

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

\_\_\_\_\_  
Authorized VDOT Official and date

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

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

<b>Project Number</b>	<b>UPC</b>	<b>Local Government</b>
EN13-029-148, P101, C501	105266	Fairfax County Reston Bike Share Infrastructure

THIS AGREEMENT, made and executed in triplicate this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, by and between the COUNTY OF FAIRFAX, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

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

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

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

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

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

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

- c. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.
- d. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
- e. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following acceptance of the final voucher on each Project.
- f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and an up-to-date project summary and schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to the Code of Federal Regulations, Title 49, Section 18.43, violations of the provision may result in the imposition of sanctions including but not limited to possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.
- g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.2-348 or Section 33.2-331 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.
- h. On Projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
- i. Administer the Project in accordance with all applicable federal, state, or local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of federal or state-aid reimbursements
- j. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all

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

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

3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.
4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.2-1011 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
6. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between the either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, receive a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

- 9 This Agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g., and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination, the DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way, unless otherwise mutually agreed upon in writing.
10. Prior to any action pursuant to paragraphs 1.b or 1.g of this Agreement, the DEPARTMENT shall provide notice to the LOCALITY with a specific description of the breach of agreement provisions. Upon receipt of a notice of breach, the LOCALITY will be provided the opportunity to cure such breach or to provide a plan to cure to the satisfaction to the DEPARTMENT. If, within sixty (60) days after receipt of the written notice of breach, the LOCALITY has neither cured the breach, nor is diligently pursuing a cure of the breach to the satisfaction of the DEPARTMENT, then upon receipt by the LOCALITY of a written notice from the DEPARTMENT stating that the breach has neither been cured, nor is the LOCALITY diligently pursuing a cure, the DEPARTMENT may exercise any remedies it may have under this Agreement.

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

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

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

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

**COUNTY OF FAIRFAX, VIRGINIA:**

\_\_\_\_\_

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

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

\_\_\_\_\_  
Date

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

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

\_\_\_\_\_  
Chief of Policy  
Commonwealth of Virginia  
Department of Transportation

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**Attachments**

Appendix A

**Appendix A**

**Project Number:** EN13-029-148, P101, C501

**UPC:** 105266

**Locality:** Fairfax County Reston Bike Share Infrastructure

<b>Project Location ZIP+4:</b> 20190-5614	<b>Locality DUNS#</b> 74837626	<b>Locality Address (incl ZIP+4):</b> 4050 Legato Road Suite 400, Fairfax VA 22033-2895
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**Project Narrative**

<b>Scope:</b>	Reston bike share infrastructure improvements including the installation of stations / docking facilities and hardware to implement the bike share program.
<b>From:</b>	Various locations
<b>To:</b>	Various locations
<b>Locality Project Manager</b>	Charlie Strunk - Bicycle Program Coordinator, Fairfax County DOT, 4050 Legato Road, Suite 400, Fairfax VA 22033-2895 (703) 877-5600 charlie.strunk@fairfaxcounty.gov
<b>Contact info:</b>	
<b>Department Project Coordinator Contact</b>	Bethany Mathis - VDOT Northern VA District Office, 4975 Alliance Drive, Fairfax VA 22030 (703) 259-1777; Bethany.Mathis@VDOT.Virginia.gov
<b>Info:</b>	

**Project Estimates**

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$40,000	\$0	\$445,000	\$485,000
Estimated VDOT Project Expenses	\$10,000		\$5,000	\$15,000
Estimated Total Project Costs	\$50,000	\$0	\$450,000	\$500,000

**Project Cost and Reimbursement**

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement	Estimated Reimbursement to Locality
Preliminary Engineering	\$50,000	Transportation Alternatives	20%	\$10,000	\$40,000	
				\$0	\$0	
				\$0	\$0	
<b>Total PE</b>	\$50,000			\$10,000	\$40,000	\$30,000
Right of Way & Utilities	\$0			\$0	\$0	
				\$0	\$0	
<b>Total RW</b>	\$0			\$0	\$0	\$0
Construction	\$450,000	Transportation Alternatives	20%	\$90,000	\$360,000	
				\$90,000	\$360,000	
<b>Total CN</b>	\$450,000			\$90,000	\$360,000	\$355,000
<b>Total Estimated Cost</b>	\$500,000			\$100,000	\$400,000	\$385,000

<b>Total Maximum Reimbursement by VDOT to Locality (Less Local Share)</b>	\$400,000
<b>Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)</b>	\$385,000

**Project Financing**

Transportation Alternatives	Local Match					Aggregate Allocations (A+B+C+D+E+F)
\$400,000	\$100,000					\$500,000

**Program and project Specific Funding Requirements**

- This project shall be administered in accordance with VDOT's Locally Administered Projects (LAP) Manual and the Transportation Alternatives Program Guide.
- Eligible VDOT project expenses will be recovered as follows: 80% will be deducted from the federal allocation and 20% will be deducted from reimbursement requests
- **This is a limited funds project. The Locality shall be responsible for any additional funding in excess of: \$400,000**
- Total project allocations: \$500,000

Any ineligible items identified through project development will not be reimbursable. Note that operating and / or maintenance costs for the bike share program are not eligible for reimbursement with federal TAP funds.

The DEPARTMENT will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The LOCALITY is responsible for implementing any environmental commitments from the environmental document. In addition, the LOCALITY is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental document and studies will be provided to the locality and deducted from the project funds.

For Transportation Alternatives projects, the LOCALITY shall maintain the project or have it maintained in a manner satisfactory to the Department or its authorized representatives and make ample provisions each year for such maintenance unless otherwise agreed to by the DEPARTMENT.

In accordance with CTB policy, the project must be completed and the \$400,000 federal Alternatives allocation expended by **October 1, 2017** or the project may be subject to de-allocation.

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

\_\_\_\_\_  
Authorized VDOT Official and date

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

\_\_\_\_\_  
Typed or printed name of person signing  
Version 8/19/11

**Appendix A - Agreement Amendment No. 4**

**Project Number:** EN09-029-120, P101,  
R201, C501

**UPC:** 94287

**Locality:** Fairfax County  
Arts - Cross County Trail

Lorton

<b>Project Location ZIP+4:</b> 22033	<b>Locality DUNS#</b> 074837626	<b>Locality Address (incl ZIP+4):</b> 4050 Legato Road, Suite 400, Fairfax, VA 22033-2895
<b>Project Narrative</b>		
<b>Scope:</b>	Construction of a shared-use trail connecting Occoquan Regional Park and the Laurel Hill Greenway	
<b>From:</b>	Lorton Road	
<b>To:</b>	Rte. 123	
<b>Locality Project Manager</b>	Seyed Nabavi, FCDOT 4050 Legato Road, Suite 400, Fairfax VA 22033 (703) 877-5600 seyed.nabavi@fairfaxcounty.gov	
<b>Contact info:</b>		
<b>Department Project Coordinator Contact</b>	Bud Siegel - VDOT Northern Va District Office, 4975 Alliance Drive, Fairfax VA 22030 (703) 259-2118	
<b>Info:</b>	Bud.Siegel@VDOT.Virginia.gov	

Project Estimates				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$427,749	\$20,000	\$1,866,092	\$2,313,841
Estimated VDOT Project Expenses	\$10,000		\$5,000	\$15,000
Estimated Total Project Costs	\$437,749	\$20,000	\$1,871,092	\$2,328,841

Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement	Estimated Reimbursement to Locality
Preliminary Engineering	\$437,748	Enhancement	20%	\$87,550	\$350,198	
				\$0	\$0	
				\$0	\$0	
				\$0	\$0	
<b>Total PE</b>	\$437,748			\$87,550	\$350,198	\$340,198
Right of Way & Utilities	\$20,000	Enhancement	20%	\$4,000	\$16,000	
				\$0	\$0	
<b>Total RW</b>	\$20,000			\$4,000	\$16,000	\$16,000
Construction	\$628,935	Enhancement	20%	\$125,787	\$503,148	
	\$919,638	Transportation Alternatives	20%	\$183,928	\$735,710	
	\$322,520	Local Funds	100%	\$322,520	\$0	
<b>Total CN</b>	\$1,871,093			\$632,235	\$1,238,858	\$1,238,858
<b>Total Estimated Cost</b>	\$2,328,841			\$723,784	\$1,605,057	\$1,590,057

<b>Total Maximum Reimbursement by VDOT to Locality (Less Local Share)</b>	\$1,605,057
<b>Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)</b>	\$1,590,057

Project Financing					
Transportation Alternatives	Transportation Enhancement	Local Match	Local Funds		Aggregate Allocations (A+B+C+D+E+F)
\$735,710	\$869,347	\$401,264	\$322,520		\$2,328,841

**Program and Project Specific Funding Requirements**

- This project shall be administered in accordance with VDOT's Locally Administered Projects (LAP) Manual and the Transportation Alternatives Program Guide.
- Eligible VDOT project expenses will be recovered as follows: 80% will be deducted from the federal allocation and 20% will be deducted from reimbursement requests
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of: \$1,605,057**
- Total project allocations: \$2,328,841

Any ineligible items identified through project development will not be reimbursable.

The DEPARTMENT will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The LOCALITY is responsible for implementing any environmental commitments from the environmental document. In addition, the LOCALITY is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental document and studies will be provided to the locality and deducted from the project funds.

For Transportation Alternatives projects, the LOCALITY shall maintain the project of have it maintained in a manner satisfactory to the Department or its authorized representatives and make ample provisions each year for such maintenance unless otherwise agreed to by the DEPARTMENT.

In accordance with CTB policy, the project must be completed and the combined \$1,605,057 federal Alternatives / Enhancement allocation expended by **December 31, 2015** or the project may be subject to de-allocation.

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

\_\_\_\_\_  
Authorized VDOT Official and date

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

Version 8/19/11

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

Board Agenda Item  
February 17, 2015

ACTION - 7

Approval of a Resolution to Authorize the Fairfax County Redevelopment and Housing Authority to Issue a Crescent Property Direct Loan

ISSUE:

Approval by the Board of Supervisors of a resolution to authorize a Direct Loan to refinance a previous Bond Anticipation Note (BAN) issued to finance the acquisition of the Crescent Apartments.

RECOMMENDATION:

The County Executive recommends approval of the resolution relating to the issuance of a Fairfax County Redevelopment and Housing Authority (FCRHA) 3-year Direct Loan and authorizes the following actions: *Please refer to the link located at the "Enclosed Documents" which lists these comprehensive agreements as outlined below.*

1. Approves the Loan Agreement among FCRHA, the Board of Supervisors, and the vendor
2. Approves the Payment Agreement between FCHRA and the Board of Supervisors
3. Approves the form of a Ground Lease between FCRHA and the Board of Supervisors
4. Approves the form of the FCRHA Promissory Note and the Assignment Agreement from FCRHA

TIMING:

Approval by the Board is requested on February 17, 2015.

BACKGROUND:

Fairfax County purchased the Crescent Apartments complex, a 16.5 acre site with 180 units located at 1527 Cameron Crescent Drive in Reston, Virginia, on February 16, 2006. This property is adjacent to the Lake Anne Revitalization District and is leased to the FCRHA.

In January 2006, the complex's first interim financing, in the amount of \$40.6 million, was obtained through a competitive private placement bidding process with Wachovia Bank for a one year note. The interest rate was fixed at a taxable rate of 4.92 percent and repayment was due on February 12, 2007. This note was taxable pending completion of a tax exempt due diligence process in order to ensure that the use of the property qualified for tax exemption.

Board Agenda Item  
February 17, 2015

In February 2007, second interim financing, in the amount of \$40.5 million, was obtained through a competitive sale with Lehman Brothers for a one year tax exempt BAN while the FCRHA reviewed options for redevelopment of the property. The interest rate was 3.66 percent and repayment was due on February 12, 2008.

In February 2008, the FCRHA sold a five year, tax-exempt BAN in the amount of \$37.62 million, which was obtained via a competitive sale to UBS Securities LLC. The interest rate was 3.31 percent with a final maturity on March 1, 2013. The intent of the five year interim financing was to enable FCRHA to begin repayment of principal annually, and allow FCRHA to draft development plans for the property in coordination with the proposed revitalization and redevelopment of the Lake Anne Community.

In May 2011(Series 2011), the County conducted a refinancing sale for the remaining two years of payments in order to reduce the interest rate on the BAN. The 2011 BAN, totaling \$28.91 million, was sold to JP Morgan Securities LLC at an interest rate of 0.57 percent. This refinancing generated savings of \$1.64 million or 5.4 percent of the refunded par amount.

In the interim, a Request for Proposal (RFP-2000000-125) was issued seeking redevelopment of the Crescent property. The County's Selection Advisory Committee (SAC) reviewed submissions and selected a development team. However, this process was not completed by March 1, 2013, when the payment for the outstanding principal of \$26.73 million for the five year BAN became due. As a result, County staff rolled the BAN for another two-year period (Series 2013) at an interest rate of 0.8 percent with a maturity of March 1, 2015. The County's Bond Counsel advised that the Series 2013 BAN should be sold on a taxable basis per IRS guidelines due to the fact that there is expected to be a private sector component to the Crescent property when it is redeveloped.

The Series 2013 BAN has an outstanding balance of \$21.47 million due on March 1, 2015, reflecting the County's continued practice of reducing principal. County staff is requesting to refinance the balance of the Series 2013 BAN with a new fixed rate taxable direct loan for a three year term maturing on March 1, 2018. The direct loan structure will provide the County flexibility for prepayment of the new direct loan upon receipt of the proceeds from the sale of the Crescent property and low costs of issuance. Debt service payments of approximately \$3 million will be earmarked from annual revenues in Fund 30300, the Affordable Housing Fund to continue to pay down the outstanding principal on the loan and make interest payments. It is anticipated that proceeds from the sale of the property from the developer beyond the outstanding debt on the direct loan will be allocated to this Fund 30300.

The FCRHA Board will consider the Crescent Property Direct Loan item for approval at its February 19, 2015 meeting.

Board Agenda Item  
February 17, 2015

The Fairfax County Department of Tax Administration has verified that Bank of America, N.A. possesses the appropriate Fairfax County Business, Professional, & Occupational License (BPOL).

FISCAL IMPACT:

An equity contribution of \$3.4 million included in current year appropriations from Fund 30300, the Affordable Housing Fund, will be used to reduce the amount financed for the direct loan from \$21.47 million to \$18.07 million. Debt service payments of approximately \$3 million will be earmarked from annual revenues in Fund 30300, the Affordable Housing Fund to continue to pay down the outstanding principal on the loan and make interest payments. It is anticipated that proceeds from the sale of the property from the developer beyond the outstanding debt on the direct loan will be allocated to Fund 30300.

ENCLOSED DOCUMENTS:

Attachment 1 - The Comprehensive Agreement (with exhibits) can be viewed at:

[http://www.fairfaxcounty.gov/dpsm/board\\_items](http://www.fairfaxcounty.gov/dpsm/board_items)

Attachment 2 - Resolution

STAFF:

Cathy A. Muse, Director, Department of Purchasing and Supply Management  
Kurt Creager, Director, Department of Housing and Community Development (HCD)  
Aseem Nigam, Director, Real Estate Finance and Grants Management Division, HCD  
Joseph LaHait, Debt Coordinator, Department of Management and Budget  
Hossein Malayeri, Deputy Director of Real Estate, HCD  
Thomas Fleetwood, Director, FCRHA Policy, Reporting and Communications

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at Fairfax, Virginia, on February 17, 2015, at which meeting a quorum was present and voting, the following resolution was adopted:

**RESOLUTION REQUESTING THE ISSUANCE BY THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) OF A PROMISSORY NOTE IN A PRINCIPAL AMOUNT OF UP TO \$19 MILLION TO EVIDENCE A LOAN TO BE PROVIDED BY BANK OF AMERICA, N.A., AND APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AMONG FCRHA, THE BOARD OF SUPERVISORS AND BANK OF AMERICA, N.A., AND A PAYMENT AGREEMENT WITH FCRHA, ALL FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR THE REFINANCING OF NOTES PREVIOUSLY ISSUED FOR REFINANCING A PORTION OF THE PURCHASE PRICE OF A MULTI-FAMILY RENTAL HOUSING COMPLEX LOCATED IN FAIRFAX COUNTY; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND LEASE WITH FCRHA FOR THE LEASE OF THE PROPERTY TO FCRHA; APPROVING THE FORM OF THE FCRHA PROMISSORY NOTE AND AN ASSIGNMENT AGREEMENT FROM FCRHA; AND GRANTING THE AUTHORITY TO EXECUTE AND DELIVER SUCH OTHER DOCUMENTS AND AGREEMENTS RELATING TO SUCH TRANSACTIONS AND TO DETERMINE CERTAIN DETAILS OF SUCH TRANSACTION**

**WHEREAS**, the Fairfax County Redevelopment and Housing Authority (“FCRHA”), in furtherance of its goal to preserve existing affordable housing in Fairfax County, requested that the Board of Supervisors (the “Board”) of the County of Fairfax, Virginia (the “County”), contract for the purchase of the 180-unit Crescent Apartments multi-family rental housing complex, including the approximately 16.5 acre site thereof, located at 1527 Cameron Crescent Drive in Reston, Virginia (the “Property”); and

**WHEREAS**, on February 6, 2006, the Board entered into an Agreement of Purchase and Sale (the “Purchase Contract”) for the purchase of the Property; and

**WHEREAS**, the Board, upon entering into the Purchase Contract, requested that FCRHA provide interim financing for a portion of the purchase price of the Property and related costs and offered to enter into a payment agreement pursuant to which the County agreed to make payments, to or for the account of FCRHA, in amounts sufficient, with the proceeds of any permanent financing and renewal notes financing (as herein provided) and any other sources of funds available for the purpose, for FCRHA to pay

ACTION 7 – Attachment 2 REVISED

timely the interest on and the principal of notes to be issued for such interim financing; and

**WHEREAS**, FCRHA, pursuant to the Board’s request and a payment agreement, issued on February 16, 2006 a bond anticipation note (the “Original Note”), the proceeds of which were used to pay a portion of the purchase price of the Property; and

**WHEREAS**, FCRHA, pursuant to the Board’s request and the terms of a payment agreement, issued on February 13, 2007, a bond anticipation note (the “2007 Note”) the proceeds of which were used to pay the principal of the Original Note; and

**WHEREAS**, FCRHA, pursuant to the Board’s request and the terms of a payment agreement, issued on February 11, 2008, bond anticipation notes (the “2008 Notes”) the proceeds of which were used to pay a portion of the principal of the 2007 Note; and

**WHEREAS**, FCHRA, pursuant to the Board’s request and the terms of a payment agreement, issued on May 19, 2011, bond anticipation notes (the “2011 Notes”) the proceeds of which were issued to pay the principal of and interest on the outstanding 2008 Notes; and

**WHEREAS**, FCHRA, pursuant to the Board’s request and the terms of a payment agreement, issued on February 14, 2013, bond anticipation notes (the “Outstanding Notes”) the proceeds of which were issued to pay the principal of and interest on the outstanding 2011 Notes; and

**WHEREAS**, the Outstanding Notes are maturing on March 1, 2015, and FCRHA desires to provide new financing, which together with other County funds, shall pay the principal of and interest on the Outstanding Notes; and

**WHEREAS**, FCRHA and the Board propose to enter into a Loan Agreement (the “Affordable Housing Loan Agreement”) by and among FCRHA, the Board and Bank of America, N.A. (the “Bank”) to provide a loan in an amount not to exceed \$19,000,000 (the “2015 Loan”) to refinance the Outstanding Notes; and

**WHEREAS**, FCRHA proposes to issue a promissory note (the “Affordable Housing Loan Note”) to the Bank in a principal amount of up to \$19,000,000 pursuant to the Housing Authorities Law, Chapter 1, Title 36, Code of Virginia of 1950, as amended, as evidence of its obligation to make principal and interest payments on the 2015 Loan under the Affordable Housing Loan Agreement; and

**WHEREAS**, the County and FCRHA anticipate providing further interim financing or long term permanent financing for the Property, including, in either case, provision for payment of the Affordable Housing Loan Note not later than the stated maturity of the Affordable Housing Loan Note in Fiscal Year 2018; and

**WHEREAS**, the County proposes to enter into a payment agreement with FCRHA (the “Payment Agreement”) by the terms of which the County will agree to make payments to FCRHA in sufficient amounts for FCRHA to pay timely the interest

ACTION 7 – Attachment 2 REVISED

and, if and to the extent that provision for payment is not made from other sources, the principal of the Affordable Housing Loan Note and all other amounts due and owing under the Affordable Housing Loan Agreement (the “County Payments”); and

**WHEREAS**, the Board proposes to enter into a ground lease with FCRHA (the “Ground Lease”) by the terms of which the Board has leased the Property to FCRHA; and

**WHEREAS**, there has been presented to the Board a proposed form of an assignment agreement (the “Assignment Agreement”) pursuant to which FCRHA will assign to the Bank all of FCRHA’s rights under the Payment Agreement, including FCRHA’s rights to County Payments under, and to enforce the terms and provisions of, the Payment Agreement; and

**WHEREAS**, there has been presented to the Board a proposed form of the Affordable Housing Loan Note as Exhibit B to the Affordable Housing Loan Agreement; and

**WHEREAS**, the Board has duly reviewed and considered the forms of the Affordable Housing Loan Agreement, the Payment Agreement, the Ground Lease, the Assignment Agreement, and the Affordable Housing Loan Note and has determined that each is in acceptable form; and

**WHEREAS**, the Board has determined that it is necessary to delegate to appropriate County officials authority to request the issuance of the Affordable Housing Loan Note and the details of the transaction, but subject to the guidelines and standards established hereby; now, therefore,

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

**SECTION 1.** The form of the Affordable Housing Loan Agreement presented to this meeting is approved, and the Fairfax County Chairman or Vice Chairman of the Board or the County Executive or Chief Financial Officer (each a “Delegate”), as appropriate, is authorized and directed to execute and deliver, in the name and on behalf of the County, and the Clerk or any Deputy Clerk is authorized and directed to impress the County’s seal upon, the Affordable Housing Loan Agreement in substantially such form, with such additions and modifications as shall be approved by the Delegate executing the Affordable Housing Loan Agreement, such execution being conclusive evidence of such approval.

**SECTION 2.** FCRHA is hereby requested to issue the Affordable Housing Loan Note to the Bank in a principal amount not to exceed \$19,000,000 million sufficient, along with other money to be provided by the County, to refinance the Outstanding Notes; such Affordable Housing Loan Note to have an interest rate not to exceed ~~3.0%~~. The form of the Affordable Housing Loan Note presented to this meeting as Exhibit B to the Loan Agreement is approved. The execution by a Delegate of the Affordable Housing Loan Agreement shall provide conclusive evidence of any additions or modifications to the Affordable Housing Loan Note presented to this meeting.

## ACTION 7 – Attachment 2 REVISED

**SECTION 3.** The form of the Payment Agreement presented to this meeting is approved, and a Delegate, as appropriate, is authorized and directed to execute and deliver, in the name and on behalf of the County, and the Clerk or any Deputy Clerk is authorized and directed to impress the County's seal upon, the Payment Agreement in substantially such form, with such additions and modifications as shall be approved by the Delegate executing the Payment Agreement, such execution being conclusive evidence of such approval.

**SECTION 4.** The form of the Ground Lease presented to this meeting is approved, and a Delegate, as appropriate, is authorized and directed to execute and deliver, in the name and on behalf of the County, and the Clerk or any Deputy Clerk is authorized and directed to impress the County's seal upon, the Ground Lease in substantially such form, with such additions and modifications as shall be approved by the Delegate executing the Ground Lease, such execution being conclusive evidence of such approval.

**SECTION 5.** The form of the Assignment Agreement presented to meeting is approved, and a Delegate, as appropriate, is authorized and directed to execute and deliver, in the name and on behalf of the County an acknowledgment of such Assignment Agreement in substantially such form, with such additions and modifications as shall be approved by the Delegate executing such acknowledgement such execution being exclusive evidence of such approval.

**SECTION 6.** The execution and delivery by any Delegate of the Affordable Housing Loan Agreement, the Payment Agreement, the Ground Lease and the Assignment Agreement and any other agreements, documents, closing papers and certificates executed and delivered pursuant to this Resolution shall be conclusive evidence of the Delegate's approval, on behalf of the County, of the changes, if any, in the form and content of the Affordable Housing Loan Agreement, the Affordable Housing Loan Note, the Payment Agreement, the Ground Lease and the Assignment Agreement.

**SECTION 7.** The Delegates and other members, officers and employees of the Board of Supervisors and the County are hereby authorized and directed to do all acts and things required of them by the provisions of the Affordable Housing Loan Note, the Affordable Housing Loan Agreement, the Ground Lease, the Payment Agreement and the Assignment Agreement for the full, punctual and complete performance of all the terms, covenants, provisions and agreements of the Affordable Housing Loan Note, the Affordable Housing Loan Agreement, the Ground Lease, the Payment Agreement and the Assignment Agreement and also to do all acts and things required of them by the provisions of this Resolution.

**SECTION 8.** Each of the Delegates is authorized to execute one or more certificates evidencing the determinations made or other actions carried out pursuant to the authority granted in this Resolution, and any such certificate shall be conclusive evidence of the actions or determinations as stated therein.

ACTION 7 – Attachment 2 REVISED

**SECTION 9.** All actions taken by any of the Delegates and other members, officers and employees of the County in connection with the transactions authorized and approved hereby are hereby ratified and confirmed.

**SECTION 10.** Any and all resolutions of the Board of Supervisors or portions thereof in conflict with the provisions of this Resolution are hereby repealed to the extent of such conflict.

**SECTION 11.** This resolution shall take effect immediately upon its adoption.

**A Copy Teste:**

---

Clerk to the Board of Supervisors

**(Seal)**

Board Agenda Item  
February 17, 2015

ACTION - 8

Authorization to Sign an Agreement Between Fairfax 2015, Inc. and Fairfax County to License Venues for Conducting Events Related to Staging of the 2015 World Police and Fire Games (Braddock and Sully Districts)

ISSUE:

Board approval of a License Agreement between Fairfax 2015, Inc. ("Fairfax 2015") and Fairfax County (the "County") that will allow Fairfax 2015 to use County-owned space for the World Police and Fire Games.

RECOMMENDATION:

The County Executive recommends that the Board approve the License Agreement substantially in the form of Attachment 2, and authorize the County Executive or his designee to execute this Agreement on behalf of the County.

TIMING:

Board action is requested on February 17, 2015, to allow Fairfax 2015 to begin planning to use the space.

BACKGROUND:

In the summer of 2015, Fairfax County will host the World Police and Fire Games ("WPFG"), which will provide recreational, Olympic-style sports competitions for police and fire professionals around the world. Fairfax 2015 was created to oversee all aspects of the WPFG including, but not limited to, ensuring that the multi-million dollar fundraising goals necessary to successfully run the WPFG are met. In addition, Fairfax 2015 will oversee the direction of various events and competitions leading up to and taking place during the WPFG. In order for Fairfax 2015 to successfully oversee the WPFG, Fairfax 2015 requires the use of certain County-owned venues to conduct certain events.

The County agreed to license rent-free to Fairfax 2015 several County-owned sites solely for conducting the events described in the agreement. Fairfax 2015 has agreed to accept the venues "as is" and to pay for any necessary modifications and repairs to make them acceptable for the approved use. Also, Fairfax 2015 will be responsible for removing and dismantling of all equipment and personal property and restoring the venues and County property that many have been damaged by or on behalf of Fairfax 2015 after the events.

The License Agreement between the County and Fairfax 2015 will commence on February 17, 2015, and terminate on January 1, 2016. Sponsorship Agreements to provide funding to support the Games are referenced in the License Agreement. Fairfax 2015 shall ensure that its Sponsorship Activities are conducted in a manner that does not compromise the integrity of the County or its reputation. In addition, Fairfax

Board Agenda Item  
February 17, 2015

2015 shall make all Sponsorships widely known by public invitation without targeting firms that traditionally do business or have matters pending with the County and shall not limit appeals to select individuals. Further, Sponsorship Agreements shall clearly state that Fairfax 2015 is a legal entity separate and apart from Fairfax County and that the sponsorship arrangement does not provide any entitlement or benefit except as expressly stated in the agreement.

Fairfax 2015 will confine its use of the Licensed Space to the areas specifically designated by the County. The License may be terminated upon written notice if Fairfax 2015 breaches the agreement and fails to remedy the breach within ten days.

FISCAL IMPACT:  
None

ENCLOSED DOCUMENTS:  
Attachment 1 – Location Maps  
Attachment 2 – License Agreement between County and Fairfax 2015, Inc.

STAFF:  
David J. Molchany, Deputy County Executive  
David M. Rohrer, Deputy County Executive  
Jose A. Comayagua, Jr., Director, Facilities Management Department





**AGREEMENT BETWEEN FAIRFAX 2015, INC. AND FAIRFAX COUNTY TO  
LICENSE VENUES FOR CONDUCTING EVENTS RELATED TO STAGING OF THE  
2015 WORLD POLICE AND FIRE GAMES**

THIS AGREEMENT (“Agreement”) is made effective this \_\_\_\_ day of \_\_\_\_\_, 2015 (“Commencement Date”) by and between Fairfax 2015, Inc., a Virginia non-stock, nonprofit corporation, located at 12000 Government Center Parkway, Suite 251, Fairfax, Virginia 22035 (“Fairfax 2015”), and Fairfax County, Virginia, located at 12000 Government Center Parkway, Fairfax, Virginia 22035 (“County”).

**RECITALS**

WHEREAS, in the summer of 2015, Fairfax County will host the World Police and Fire Games (the “Games”), which provide recreational Olympic-style sports competitions for police and fire professionals around the world;

WHEREAS, the County desired to host this event as it provided a unique opportunity to showcase to the world its community and culture, highlight the talents of the County’s first responders, increase County businesses’ revenue with the arrival of tens of thousands of athletes and visitors to the County, and provide once in a lifetime entertainment to the County’s residents;

WHEREAS, Fairfax 2015 was created to oversee all aspects of the Games including, but not limited to, ensuring that the multi-million dollar fundraising goals necessary to successfully run the Games were met;

WHEREAS, in order for Fairfax 2015 to successfully oversee the Games, Fairfax 2015 requires the use of certain County-owned venues to conduct certain events;

WHEREAS, the County desires to license to Fairfax 2015 said certain County-owned venues, subject to the terms and conditions of this Agreement, without charge for monetary rent;

WHEREAS, the County is mindful of its obligation to preserve its integrity in all of its transactions, protect the public trust and public perception of impartiality, and to avoid impropriety or the appearance thereof; and

WHEREAS, both Fairfax 2015 and the County desire to promote the success of the Games while protecting the integrity of the County and its reputation;

NOW, THEREFORE, for adequate and sufficient consideration and the mutual promises hereinafter contained, the parties mutually agree as follows:

**1.0 RELATIONSHIP BETWEEN THE COUNTY AND FAIRFAX 2015**

While members of the County Board of Supervisors and other County officials and employees proudly serve on the Fairfax 2015 Board of Directors, Fairfax 2015 is a separate, private, incorporated entity. As such, Fairfax 2015, and Fairfax 2015 alone, is

solely responsible for any contracts it has entered into to date and any contracts it will enter into in the future. The provisions of this Agreement shall not be construed to grant any rights other than a license as set forth herein. None of the provisions in this Agreement shall be construed to create any agency, partnership, or other joint venture between the County and Fairfax 2015.

2.0 **TERM**

The term of this Agreement shall commence on the Commencement Date and shall continue through January 1, 2016 (“Term”).

3.0 **VENUES:**

3.1 The venues, the sporting events associated with them, and any venue-specific regulations, are more specifically described in Exhibit A, which is attached hereto and incorporated herein by reference (“Venues”).

3.2 Competitions for the Games shall be free of any admission charge. No deviation from this “free admission” policy may be made without a written addendum to this Agreement.

4.0 **USE:**

4.1 The Venues shall be used by the Fairfax 2015 solely for conducting the events described in Exhibit A. Except as otherwise provided in this Agreement, Fairfax 2015 shall use the Venues only for such purposes as consistent with the permitted uses allowed in this Agreement.

4.2 Fairfax 2015 agrees to accept the Venues "as is" and to pay for any necessary modifications and repairs in order to make the Venues acceptable for the approved use.

4.3 The parties understand and agree that any provision of food or drink (both alcoholic and non-alcoholic) by Fairfax 2015 requires a permit, which shall be the responsibility of Fairfax 2015. This Agreement does not alleviate Fairfax 2015 of its duty to obtain proper permits and Fairfax 2015 shall be responsible for compliance with all laws and regulations applicable to the sale of food and drinks.

4.4 Exclusive Access Period / Exclusive Use Period

4.4.1 Except as otherwise limited herein, the County will provide Fairfax 2015 exclusive access to each of the Venues for the venue license term specified in Exhibit A (the “Exclusive Access Period”). Upon mutual agreement, Exhibit A may be amended by writing signed by both parties to add additional venues and/or regulations.

The Exclusive Access Period for each Venue includes move in and move out access, as well as the sport competition. During the Exclusive Access Period, the County will not grant use of that Venue to any other party without the prior written approval and consent of the Fairfax 2015.

4.4.2 The County, its agents, contractors, and employees shall retain the right to access the Venues during the Exclusive Access Period for the purpose of inspection, in the event of a fire or other emergency, or for performing any work which the County considers necessary or desirable to be performed.

4.4.3 At the end of the Exclusive Access Period, Fairfax 2015 shall leave each Venue in good repair, order, and condition in all respects. Fairfax 2015 shall be responsible for removal and dismantling of all its equipment and other personal property and shall be responsible for restoring the Venues and other County property which has been damaged by or on behalf of Fairfax 2015, its employees, contractors, agents, volunteers, invitees, family members, guests, or trespassers to the condition that existed on the date the Exclusive Access Period commenced.

4.5 Throughout the Term of this Agreement, the County will permit Fairfax 2015 reasonable access to the Venues during normal business hours, for the purposes of planning, surveying, and other operational needs. Such reasonable access shall, in no way, impact County business at the site.

5.0 SPONSORSHIP

5.1 Definitions: As used in this Agreement, the following terms shall have the indicated meanings:

5.1.1 “Sponsorship” shall refer to business transactions between business entities and that involves payment of predetermined consideration in exchange for advertising space, marketing benefits, and exposure of commensurate value.

- 5.1.2 “Sponsorship Activities” shall mean anything done to secure a sponsorship agreement.
- 5.1.3 “Sponsorship Agreement” shall mean an agreement by and between Fairfax 2015 and a business entity to promote that entity in exchange for a monetary contribution to the Games.
- 5.2 Fairfax 2015 intends to enter into Sponsorship Agreements to provide funding to support the Games and shall ensure that its Sponsorship Activities are conducted in a manner that does not compromise the integrity of the County or its reputation.
- 5.3 Fairfax 2015 shall make the availability of Sponsorships widely known by public invitation without solely targeting firms that traditionally do business or have matters pending with the County and shall not limit appeals to select invited groups.
- 5.4 The requirements and benefits of Sponsorship should be made available in a broad manner based upon explicit, predetermined criteria for various levels of sponsorship.
- 5.5 Individual Sponsorship Agreements may be slightly tailored to the particular corporate sponsor.
- 5.6 Value of the Sponsorship, including advertising and branding of monetary value or in-kind value, shall be determined in accordance with and supported by advertising industry rates and standards.
- 5.7 Sponsorship Agreements shall be evidenced in a writing that identifies the value paid for advertising/branding and all benefits of the sponsorship arrangement.
- 5.8 Sponsorship Agreements shall clearly state that Fairfax 2015 is a legal entity separate and apart from Fairfax County and that the sponsorship arrangement does not provide any entitlement or benefit except as expressly stated in the agreement.
- 5.9 Sponsorship Agreements may provide for sponsor advertisement or branding to be included on signage promoting the Games to be displayed at real property locations within the County, as identified and approved by the County, under the terms and conditions discussed in Section 8, infra.

- 5.10 No advertisements shall be permitted on any County personal property including, but not limited to, vendor proprietary products, or digital property, unless and until separately authorized by the County.
- 5.11 Fairfax 2015 shall cooperate with any request from the County Executive or his designee to provide information to ensure compliance with this Agreement and any other applicable law or agreement.
- 5.12 In no event shall any employee or official of Fairfax 2015 receive any personal benefit from Sponsorships or other funding arrangements for the Games.

6.0 **OTHER REPRESENTATIONS, RESERVATIONS, OBLIGATIONS AND DUTIES OF FAIRFAX 2015**

- 6.1 Fairfax 2015 agrees and covenants:
  - 6.1.1 Not to injure or deface or suffer to be injured or defaced the Venues or any part thereof and to promptly replace or repair any injury or defacement to said Venues caused by Fairfax 2015, its employees, contractors, agents, volunteers, invitees, family members, guests, or trespassers.
  - 6.1.2 To conduct a walk-through of the Venues immediately prior to the Exclusive Access Period, and to give the County prompt notice of any defects in, or damage to any part of the Venues before the commencement of the Exclusive Access Period.
  - 6.1.3 To give the County prompt notice of any defects in, or damage to any part of the Venues that occurs during the Exclusive Access Period.
  - 6.1.4 To be responsible for repairs or maintenance necessitated by use of Venue by Fairfax 2015, its employees, contractors, agents, volunteers, invitees, family members, guests, or trespassers; and all damage to the Venues caused by Fairfax 2015, its employees, contractors, agents, volunteers, invitees, family members, guests, or trespassers, shall be repaired promptly by Fairfax 2015, or at the option of the County, by the County at the expense of the Fairfax 2015.
  - 6.1.5 To comply with all rules, regulations, and conditions of this Agreement and of the Venues (as indicated in Exhibit A). Any violation of said rules, regulations and conditions shall be a violation of this Agreement.

- 6.1.6 To obtain all necessary permits for use of the Venues.
- 6.1.7 To provide sufficient staff and volunteers to support Games functions, such as Registration, Accreditation, Results Management and Athletes Services.
- 6.1.8 Not to use or allow to be used the Venues or any part thereof for any illegal, unlawful, or improper purpose, or for any activity which will be noisy, boisterous or in any other manner constitute a nuisance, to adjacent properties or the adjacent neighborhood or which may be likely to endanger or affect any insurance on the said Venues.
- 6.1.9 Not to provide to any employee or official of the County any personal benefit from Sponsorships or other funding arrangements for the Games.
- 6.2 All covenants of Fairfax 2015 relating to the use of, or misuse of, the Venues and of the property of which they are a part or anything therein shall be construed to include use or misuse thereof by Fairfax 2015, its employees, contractors, agents, volunteers, invitees, family members, guests, or trespassers.

7.0 **COUNTY RESERVATIONS**

- 7.1 The County reserves its full rights and its full discretion to restrict access to County property as required by state or federal law, County ordinance, or any other contractual agreement to which the County is a party.
- 7.2 To the extent that there are any financial obligations incurred by the County under the terms of this Agreement, such financial obligations shall be subject to appropriations by the Fairfax County Board of Supervisors to satisfy payment of such obligations.

8.0 **SIGNAGE**

- 8.1 Signage may be permitted at the Venues and at other locations, whether such locations are County-owned or privately-owned, within the County (“Signage Locations”), subject to the terms and conditions stated in this Agreement, the County Zoning Ordinance, and any other applicable zoning regulations.
- 8.2 The erection or display of any sign at any Signage Location is subject to the sole discretion of the owner of that Signage Location, and to any applicable laws and regulations.
- 8.3 For County-owned Signage Locations:
  - 8.3.1 The County reserves the right to limit the placement, quantity, size, and materials of any signage in its sole and complete discretion.
  - 8.3.2 Should the County determine that a sign erected at a County-owned Signage Location must be removed, the County shall notify Fairfax 2015 in writing of such determination, and Fairfax 2015 shall remove the sign within twenty-four (24) hours.
  - 8.3.3 Should Fairfax 2015 fail to comply with such notice, Fairfax 2015 will be deemed in breach of this Agreement.
- 8.4 Sponsor identification on all signage erected or displayed at any Signage Location shall be limited to identifying the sponsor by name or logo as a sponsor of the Games.
- 8.5 Fairfax 2015 alone shall be responsible for the erection, care, maintenance, and timely removal of any signage. Further, Fairfax 2015 assumes all liability as set forth herein for sign-related claims or injuries subject to any other governing laws, regulations, or agreements. Notwithstanding the foregoing, the County shall have no liability for sign-related claims or injuries.

9.0 **LIABILITY AND INSURANCE**

- 9.1 **LIABILITY FOR DAMAGE TO PERSONAL PROPERTY AND PERSON:** All personal property of Fairfax 2015, its employees, contractors, agents, volunteers, invitees, family members, guests, or trespassers, in and on said Venues, shall be and remain at the sole risk of the Fairfax 2015, and the County shall not be liable to them for any damage to, or loss of such personal property arising from any act

of any other persons. The County shall not be liable for any personal injury to Fairfax 2015, its employees, contractors, agents, volunteers, invitees, family members, guests, or trespassers arising from the use, occupancy and condition of the Venues.

9.2 LIABILITY INSURANCE: During the Term, Fairfax 2015 will maintain a policy of commercial general liability insurance insuring the County and Fairfax 2015 against liability arising out of this Agreement. The insurance will be for not less than \$3,000,000 per occurrence and \$4,000,000 aggregate. Fairfax 2015 will also maintain a Liquor Liability insurance policy with limits of at least \$1,000,000 per occurrence and \$2,000,000 aggregate to cover all events where alcoholic beverages are provided for sale. This may be accomplished through a single insurance policy or combination of policies. The limits of the insurance will not limit the liability of Fairfax 2015. If Fairfax 2015 fails to maintain the required insurance the County may, but does not have to, maintain the insurance at Fairfax 2015's expense. The policy shall expressly provide that it is not subject to invalidation of the County's interest by reason of any act or omission on the part of Fairfax 2015.

9.3 FAIRFAX 2015'S INSURANCE POLICIES:

9.3.1 Insurance carried by Fairfax 2015 will be with companies acceptable to the County. Fairfax 2015 will deliver to the County certificate evidencing the existence and amounts of the insurance. No policy shall be cancelable or subject to reduction of coverage or other modification except after 60 days prior written notice to the County. Fairfax 2015 shall, at least 60 days prior to the expiration of the policies, furnish County with renewals of "binders" for the policies, or County may order the required insurance and charge the cost of Fairfax 2015.

9.3.2 Fairfax 2015 will not do anything or permit anything to be done or any hazardous condition to exist ("Increased Risk") which shall invalidate or cause the cancellation of the insurance policies carried by Fairfax 2015. If Fairfax 2015 does or permits any Increased Risk which causes an increase in the cost of insurance policies then Fairfax 2015 shall reimburse County for additional premiums attributable to any act, omission or operation of Fairfax 2015 causing the increase in the premiums. Payment of additional premiums will not excuse Fairfax 2015 from terminating or removing the Increased Risk unless County agrees in writing. Absent agreement, Fairfax 2015 shall promptly terminate or remove the Increased Risk.

9.3.3 The County, its officers, employees and volunteers, shall be named as an "additional insured" on the General Liability policy and it shall be stated on the Insurance Certificate with the provision that this coverage "is primary to all other coverage the County may possess."

9.4 **INDEMNIFICATION**: Fairfax 2015 hereby agrees to indemnify and hold harmless the Board of Supervisors, Fairfax County, Virginia, its officers, employees, volunteers and agents, from any and all claims for bodily injuries and personal injuries, death or property damage, including cost or investigation, all expenses of litigation, including reasonable attorney fees and the cost of appeals arising out of any claims or suits because of the Fairfax 2015, its employees, contractors, agents, volunteers, invitees, family members, guests, or trespassers arising from the use, occupancy and condition of the Premises.

#### 10.0 **DEFAULT AND TERMINATION**

10.1 If Fairfax 2015 breaches this Agreement and fails to remedy such breach within ten (10) days of written notice stating the basis for such breach, Fairfax 2015 shall be in default of the terms of this Agreement.

10.2 Upon such a default, the County may immediately terminate this Agreement upon written notice to Fairfax 2015. In the event of such a termination for default, Fairfax 2015 shall remain liable for all its obligations under this Agreement, and for such losses and damages as the County may sustain as a result of Fairfax 2015's breach thereof.

10.3 The County's right to terminate is without prejudice to the remedies at law or in equity which the County, its successors or assigns, may have for the breach of covenants of this Agreement.

10.4 Unforeseen circumstances may result in the cancellation or relocation of the sports subject to the terms of this Agreement. In such an event, Fairfax 2015 has a right to terminate this Agreement with respect to that venue upon ninety (90) days' notice to the County.

#### 11.0 **COMPLIANCE WITH LAW**

11.1 This Agreement shall be governed by the laws (including without limitation those relating to nondiscrimination) of the United States; the Commonwealth of Virginia, Fairfax County, and appropriate County Regulations. It is understood,

agreed and covenanted by and between the parties hereto that Fairfax 2015 will, at its expense, will promptly comply with, observe, and perform all of the requirements of all of the statutes, ordinances, policies, rules, orders, procedures, and regulations now in effect or hereinafter promulgated whether required by the Federal Government, Commonwealth of Virginia, Fairfax County Government, Fairfax County School Board, Fairfax County Fire and Rescue Services Office, or other governmental agencies located within Fairfax County. If any act or failure to act on Fairfax 2015's part results in a violation of any of the above referred to statutes, ordinances, rules, orders, and regulations, upon due notice, Fairfax 2015 will act promptly to comply therewith. Any violation of any of the above referred to statutes, ordinances, rules order and regulations is subject to the default provisions in Section 10 of this Agreement.

- 11.2 The County and Fairfax 2015 agree to be bound by the Laws of the Commonwealth of Virginia in any proceeding, whether in law or in equity, with respect to any dispute arising under this Agreement. They further agree that the appropriate venue for any dispute arising under this Agreement is Fairfax Circuit Court.

## 12.0 **MISCELLANEOUS PROVISIONS**

- 12.1 **Amendment.** This Agreement may be amended at any time by mutual agreement of the County and Fairfax 2015. In order to be valid and binding, any amendment to this Agreement must be in writing and signed by the County and Fairfax 2015.
- 12.2 **Assignment.** Due to the specific nature of the Games and other terms of this Agreement, no assignment shall be permitted hereunder.
- 12.3 **Authority.** The County and Fairfax 2015 each represent that it has the right to enter into this Agreement.
- 12.4 **Counterparts.** This Agreement may be executed in multiple original counterparts, each of which will be deemed an original and all of which will constitute one and the same instrument.
- 12.5 **Entire Agreement.** This Agreement constitutes the entire Agreement between the County and Fairfax 2015 with respect to the subject matter of this Agreement and supersedes all prior agreements and understandings, written and oral, between them with respect to the subject matter of this Agreement.

- 12.6 Headings. The headings in this Agreement are for convenience only and in no way define, limit, or describe the scope or intent of any provision of this Agreement.
- 12.7 Notice. Any notice required under this Agreement shall be deemed sufficiently given or rendered, if such notice is in writing, and either delivered by hand or mailed by certified or registered mail, return receipt requested as follows:

If to Fairfax 2015:

Fairfax 2015, Inc.  
12000 Government Center Parkway, Suite 251  
Fairfax, Virginia 22035

If to the County:

Facilities Management Department  
Fairfax County Government Center  
12000 Government Center, Suite 424  
Fairfax, Virginia 22035  
Attention: Leasing Department

Any notice given hereunder shall be deemed delivered when the return receipt is signed or refusal to accept the notice is noted thereon.

- 12.8 Severability. If any portion of this Agreement is found to be void or illegal, the validity or enforceability of any other portion shall not be affected.
- 12.9 Waiver. No waiver by the County of any breach of any covenant, condition, or agreement herein contained shall operate as a waiver of the covenant, condition, or agreement itself or of any subsequent breach thereof.

**SIGNATURE PAGE**

IN WITNESS WHEREOF the parties hereto have affixed their signatures all as of the date first above written.

**WITNESS:**

**THE COUNTY:**

The Board of Supervisors for Fairfax County  
12000 Government Center Parkway  
Fairfax, Virginia 22035

\_\_\_\_\_

\_\_\_\_\_  
By: David J. Molchany  
Deputy County Executive

**WITNESS:**

**FAIRFAX 2015:**

Fairfax 2015, Inc.

\_\_\_\_\_

\_\_\_\_\_  
By: William B. Knight  
President & CEO

\\s17PROLAWPGC01\Documents\124052\SAH\668300.docx

# Exhibit A

## Venue Summary

1. Fairfax County Government Center  
12000 Government Center Parkway  
Fairfax, VA 22035  
Exclusive Access Period: June 30, 2015 – July 1, 2015\*
  
2. Fairfax County Criminal Justice Academy  
3721 and 3725 Stonecroft Boulevard  
Chantilly, VA 20151  
Exclusive Access Period: June 26, 2015 – July 3, 2015  
Note: Participants must comply with facility admission procedures and requirements for personal identification.
  
3. Fairfax County Criminal Justice Academy  
3725 Stonecroft Boulevard  
Chantilly, VA 20151  
Exclusive Access Period: June 27, 2015  
Note: Participants must comply with facility admission procedures and requirements for personal identification.

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\* Exclusive access provisions of Section 4.4 do not apply to the main building or parking facilities.

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ACTION - 9

Approval of Comments on I-66 Tier 2 Corridor Improvement Project (Braddock, Hunter Mill, Providence, Springfield and Sully Districts)

ISSUE:

The Virginia Department of Transportation (VDOT) and the Virginia Department of Rail and Public Transportation (DRPT) are working on a project to transform 25 miles of I-66 into a multimodal facility between the Capital Beltway (I-495) in Fairfax County and U.S. Route 15 in Prince William County. A series of Public Information Meetings were held in Fairfax County on January 29, and February 3, and 5, 2015, and in Prince William County on January 28, 2015. Since VDOT is seeking public comments, it is necessary to formally transmit key design and implementation comments important to Fairfax County, so that they will be considered during the project's planning and development process, and before the National Environmental Policy Act (NEPA) Public Hearing scheduled for May 2015.

RECOMMENDATION:

The County Executive recommends that the Board approve the letter, included in Attachment 1, containing Fairfax County's comments on the I-66 Tier 2 Corridor Improvement Project.

TIMING:

Board approval is requested on February 17, 2015, so that the comments can be transmitted in a timely manner following the Public Information Meetings.

BACKGROUND:

In May 2011, VDOT, in cooperation with DRPT and the Federal Highway Administration (FHWA), initiated a study of the I-66 Corridor between the Capital Beltway (I-495) in Fairfax County and U.S. Route 15 in Prince William County. This Tier 1 Environmental Impact Statement (EIS) defined existing and future transportation conditions and needs within the 25 mile corridor. Tiering is a staged approach to preparing documents in compliance with the NEPA policy. The Tier 1 analysis examined potential impacts at a broad conceptual level.

The Tier 1 Record of Decision (ROD) was issued by FHWA and signed in November 2013. It specified ten potential improvement concepts to advance to a Tier 2 EIS:

- General Purpose Lanes;

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- Managed Lanes;
- Metrorail Extension;
- Light Rail Transit;
- Bus Rapid Transit;
- Virginia Railway Express Extension;
- Improve Spot Locations/Chokepoints;
- Intermodal Connectivity;
- Safety Improvements; and
- Transportation Communication and Technology.

In addition, the consideration of tolling as a funding source to pay for the improvements was proposed to advance to Tier 2. None of the concepts, as stand-alone concepts, fully satisfied the purpose and need. However each improvement concept contributes to meeting the purpose and need and would provide transportation benefits. FHWA advanced all ten concepts and allowed the Commonwealth of Virginia to identify Tier 2 projects for subsequent study.

In July 2014, a Tier 2 Environmental Assessment process began. Virginia Governor McAuliffe initiated the process on July 17, 2014, with a proposed plan to provide the following on I-66:

- Three regular general purpose lanes in each direction;
- Two express lanes in each direction based upon the conversion of the existing high-occupancy vehicle (HOV) lanes to an express lane and an additional new express lane constructed in each direction; and
- Direct access between the express lanes and new or expanded commuter park-and-ride lots.

The proposed improvements include an option to allow the extension of Metrorail in the I-66 corridor in the future.

Similar to the I-95 and Capital Beltway Express Lanes project, the I-66 project will be a public-private partnership. VDOT plans to issue procurement documents for the project in late 2015. The overall project cost is expected to be in the \$2 billion to \$3 billion dollar range.

Key milestones for the project are:

January/February 2015	Public Information Meetings
February 2015	Request for Qualifications (RFQ) for a private partner to develop, finance and operate the project
Spring (May) 2015	Public Hearings on Environmental Assessment
Summer 2015	Draft Request for Proposals (RFP) for a private

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Late 2015	partner to develop, finance and operate the project
Late 2015	Federal approval on Environmental Assessment
Late 2016	Final RFP
2017	Finalize project contract and funding
2021	Begin construction
	Open to traffic

The attached comment letter highlights a number of key items for VDOT to address as the project proceeds. These include:

- Right-of-way (minimizing the need for additional right-of-way)
- Not to Preclude Extension of Rail Service (within the I-66 Corridor)
- Key Transportation Network Assumptions (and their future implementation)
- Enhanced Transit Funding (to fully realize the benefits of the express lanes)
- Bike/Pedestrian Facilities (including a multi-use trail paralleling I-66)
- Traffic Impact Area Analyses (within a quarter-mile of the I-66 Corridor)
- Public/Private Partnership (providing flexibility for future rail service extension)
- Implementation Issues
  - Sound Walls
  - Park Impacts
  - Maintenance of Traffic
  - Night Construction
  - Stormwater Management During Construction
  - Landscaping and Tree Replacement

FISCAL IMPACT:

There is no fiscal impact resulting from this action. Subsequent implementation of the I-66 project could result in fiscal impacts for the County. These potential impacts will be better defined as project-development proceeds.

ENCLOSED DOCUMENTS:

Attachment 1: Draft Comment Letter to VDOT on Tier 2 I-66 Corridor Improvement Project

STAFF:

Robert A. Stalzer, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Daniel B. Rathbone, Chief, Transportation Planning Division, FCDOT  
Leonard Wolfenstein, Chief, Transportation Planning Section, FCDOT  
Robert E. Kuhns, Senior Transportation Planner, FCDOT



COMMONWEALTH OF VIRGINIA  
**County of Fairfax**  
BOARD OF SUPERVISORS

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**SHARON BULOVA**  
CHAIRMAN

February 17, 2015

The Honorable Aubrey L. Layne, Jr.  
Secretary of Transportation  
1111 E. Broad Street, Room 3054  
Richmond, Virginia 23219

Reference: Fairfax County Comments on I-66 Tier 2 Corridor Improvement Project

Dear Secretary Layne:

On February 17, 2015, the Fairfax County Board of Supervisors approved the following comments regarding the Tier 2 I-66 Corridor Improvement Project. I-66 is critically important to Fairfax County. As the Tier 1 EIS demonstrated, most of the congested segments of the I-66 study corridor now and in the future, as well as most of the safety deficiencies, are in Fairfax County. In addition, I-66 is a critical link in Fairfax County's transportation system. Consequently, the County strongly supports the Commonwealth's efforts to improve mobility in this corridor and appreciates your willingness to actively engage the County in the development of the project. Decisions made in this Corridor Improvement Project will have a significant impact on the daily lives of Fairfax County citizens and others who work and visit Fairfax County. They will also significantly affect the ability to implement future improvements in the I-66 corridor. Therefore, we believe there are a number of key items that need to be addressed as part of this process:

- Right-of-Way
  - One matter of utmost importance to the Board and our residents is the extent of right-of-way impacts to residences, businesses, parks and natural resources. While we recognize that a mobility solution for the corridor will have impacts, we want to make sure that the mobility benefits of selected solutions warrant the resultant community and environmental impacts. We caution that the community is unlikely to support significant right-of-way expansion, particularly into established residential neighborhoods. Based upon the draft plans exhibited at the Public Information Meetings, the County is likely to request further design refinements and examinations related to the mainline, interchange and the new state stormwater management regulations to minimize the need for additional right-of-way. The County encourages VDOT to work with the Virginia Department of Environmental Quality (DEQ) in achieving possible innovative approaches to minimize the right-of-way impact due to the new stormwater management regulations and pursue reasonable design exceptions with the Federal Highway Administration to minimize right-of-way requirements. In addition, extensive outreach efforts should be planned with affected communities.
- Not to Preclude Extension of Rail Service
  - As indicated in the previous Tier 1 'broad conceptual analysis, the County stated in its July 9, 2013, letter, its interest in protecting the option of extending Metrorail service within the I-66

right-of-way in the future, as is included in the County's Comprehensive Plan. To preserve the future option of this extension, the County encourages the consideration of techniques used in

other urban areas that require less right-of-way or restrictive geometrics within the median and minimize the impact on transportation infrastructure and adjacent properties.

Two typical sections are being considered for the accommodation of current and future modes on I-66. Typical Section 2A allows for an expanded median to accommodate an extension of rail service from its current terminus at the Vienna Metrorail Station. Typical Section 2B has no expanded median for rail service. There is a 40 foot difference in right-of-way between the two sections. As previously indicated, the County desires to protect the ability to extend rail service along I-66 in the future. While preserving the median provides the most expedient way to preserve the future rail option, we recognize that this will not be possible for the entire corridor and that the best aspects of each section should be considered in developing the final project design. We also encourage VDOT to be flexible and not limited to either option 2A or 2B, but seek creative solutions that do not make a future Metrorail extension cost prohibitive.

- Key Network Assumptions

- There are a number of transportation network assumptions that are important to the conversion of a multimodal I-66 within the highway system serving the central part of Fairfax County. Some of these may be built at a later time period than the 'managed lanes' on I-66; however it is important to preserve the opportunity and not preclude the ability to build the following in later years. Therefore, it is important to take into account these future projects included on Fairfax County's Comprehensive Plan in the design process:

- HOV lanes along Route 28 north of I-66,
- HOV lanes along the Fairfax County Parkway and interconnections with I-66, and
- Additional southbound lane along Beltway from Route 7 in Tysons to I-66.

We are pleased that the study team has identified several options for our HOV connection between I-66 and the Fairfax County Parkway, in particular.

- Enhanced Transit

- A clear advantage of the managed lanes is that they support more reliable and more efficient bus service in the corridor, and, therefore, facilitate moving more people in fewer vehicles. As part of the I-66 Corridor Improvement Project, a preliminary proposed new transit service plan has been put forward. A funding plan will be important as the project moves forward, because without funding, the transit service plan cannot be implemented and the benefits of the express lanes will not be fully realized. We would encourage the Commonwealth to incorporate mechanisms that allow project revenues to help fund the enhanced transit service for the corridor.

- Bike/Pedestrian Facilities

- As was done with the construction of the Capital Beltway Managed Lanes project, this project presents an opportunity to provide improved bike/pedestrian facilities on rebuilt bridge crossings. We are pleased that VDOT is including bike and pedestrian facilities on the bridges it is rebuilding. Although the Blake Lane bridge is not expected to be rebuilt, it is recommended that enhancements regarding bike/pedestrian applications for Blake Lane be included within this I-66 Corridor Improvement Project.

The County's Trail Plan and the recently adopted Bicycle Master Plan call for a Major Regional Trail along I-66 with a minimum width of eight feet. The I-66 Corridor Improvement Project may be the best opportunity in the foreseeable future to begin

implementation of such a trail. Therefore, the County requests consideration be given to serving the immediate vicinity of the I-66 mainline similar in concept and operations and interconnecting with the Custis Trail inside the Beltway. It is recognized that there may be difficulty in accommodating a trail within the I-66 right-of-way and that this regional trail may need to cross I-66 between north and south sides at other bridge crossings expected to be improved for bike/pedestrian enhancements as part of the I-66 Corridor Improvement Project. We also recognize that in some cases it will be more appropriate for this trail facility to be located on a parallel facility, and we request that you coordinate this aspect of the project closely with the County.

- Traffic Impact Area Analyses
  - As part of the implementation of the Capital Beltway Managed Lanes, a limited analysis of adjacent congested intersections was conducted. However, these efforts only minimally considered the nearby impacts of the new facilities on the Beltway and the related traffic congestion. It is recommended that prior to the implementation of a multimodal design along I-66, that cross-street traffic congestion resulting from this project be addressed within the nearby interconnecting roadway system within a quarter-mile of the I-66 corridor.
- Public-Private Partnership
  - The County recognizes that the capital costs and the annual operation and maintenance costs for this project are substantial, and that participation by the private sector is essential to the funding and implementation of the project. However, the County is concerned about the financial risks involved and understands that the Commonwealth will do further analysis to refine these risks. One concern is that the initial Term of Agreement should not prevent the extension of rail service when required. The Virginia Office of Public-Private Partnerships (VAP3) has suggested that the term of the agreement could be as much as 40 years. Fairfax County requests that flexibility be provided in the private partner agreements to consider the extension of rail service before the term expires and to also consider public-private opportunities for the rail service extension. As a result, any "non-compete" language in the agreement should be carefully drafted.
- Implementation Issues
  - While this process is still in the planning stages, it is also important to consider impacts during the construction period. Establishing a TMP (Transportation Management Plan) as has been done for the construction of other Northern Virginia megaprojects is desirable. Expedited construction and consideration towards the residents and businesses in the vicinity of the project should be prominent in the implementation program. These considerations should include:
    - Ensuring that sound walls are replaced rapidly after the existing wall are removed
    - Minimizing park impacts
    - Developing an aggressive maintenance of traffic plan for roadway and existing Metrorail service
    - Minimize night construction in areas adjacent to residential neighborhoods
    - Maintain proper erosion, siltation and stormwater management equipment and facilities during construction
    - Developing an effective landscaping and tree replacement plan

The Honorable Aubrey Layne  
February 17, 2015  
Page 4

Fairfax County appreciates the work that has been undertaken to date in this study and the opportunity to provide comments. We look forward to providing further comments as part of the upcoming NEPA Public Hearing scheduled in May 2015 and as part of subsequent implementation. We also look forward to working closely with the Commonwealth and developing a mutually beneficial project to County residents and the region.

If you have any questions or need additional information, please contact Robert Kuhns of the Department of Transportation at [Robert.kuhns@fairfaxcounty.gov](mailto:Robert.kuhns@fairfaxcounty.gov) or 703-877-5600.

Sincerely,

Sharon Bulova  
Chairman

cc: Members, Fairfax County Board of Supervisors  
Edward L. Long Jr., County Executive  
Robert A. Stalzer, Deputy County Executive  
Catherine A. Chianese, Assistant County Executive  
Tom Biesiadny, Director, Department of Transportation  
Helen Cuervo, District Administrator, VDOT, Northern Virginia  
Renee Hamilton, Deputy District Administrator, VDOT, Northern Virginia  
Susan Shaw, Megaprojects Director, VDOT  
Young Ho Chang, Project Manager

Board Agenda Item  
February 17, 2015

ACTION – 10

Approval of Comment Letter to the Virginia Department of Environmental Quality on the Draft Virginia Stormwater Management Program Permit for Fairfax County's Municipal Separate Storm Sewer System

ISSUE:

On February 2, 2015, the Virginia Department of Environmental Quality (DEQ) released for public comment a draft Virginia Stormwater Management Program (VSMP) Permit for Fairfax County's Municipal Separate Storm Sewer System (MS4). The deadline for written comments is March 4, 2015.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors submit the attached letter containing Fairfax County's comments on the draft permit to the Virginia Department of Environmental Quality.

TIMING:

Board action is requested on February 17, 2015 so that the letter can be sent prior to the comment deadline of March 4, 2015.

BACKGROUND:

Phase I MS4 Permits in Virginia have been administratively continued for more than a full permit cycle. Following reissuance of Arlington County's Phase I MS4 permit on June 26, 2013, the VSMP was transferred from the Department of Conservation and Recreation (DCR) to DEQ. This resulted in an additional 18 month delay before the next two Phase I MS4 permits were reissued on December 17, 2014.

The draft permit contains a number of specific, quantifiable commitments over the course of the five-year permit cycle including:

- Implementation of 30 retrofit projects
- Development of certified nutrient management plans for all county lands where nutrients are applied to a contiguous area of more than one acre
- Inspection of 750,000 linear feet of sanitary sewer
- Inspection of all stormwater management facilities, best management practices and storm drainage systems

Board Agenda Item  
February 17, 2015

The draft permit drives a considerable ramp-up of activities, at a fast pace, for many new or expanded requirements, in addition to continuing on-going implementation of many current activities.

Staff has reviewed the draft permit and prepared the attached cover letter and detailed comments for submittal to DEQ.

FISCAL IMPACT:

The FY 2015 - FY 2019 Adopted Capital Improvement Program includes an annual increase in the stormwater service rate of ¼ penny each year that reflects a phased approach for funding and staffing to support the anticipated regulatory increases.

ENCLOSED DOCUMENTS:

Attachment 1: Comment Letter to the Virginia Department of Environmental Quality on the Draft Virginia Stormwater Management Program Permit for Fairfax County's Municipal Separate Storm Sewer System.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Randy Bartlett, Deputy Director, DPWES

Craig Carinci, Director, Stormwater Planning, DPWES

Kate Bennett, MS4 Program Coordination Section Chief, Stormwater Planning, DPWES



# County of Fairfax, Virginia

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

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Ms. Jamie L. Bauer  
Environmental Specialist II  
Virginia Department of Environmental Quality  
629 E. Main Street  
Richmond, VA 23219

Reference: Comments on the Draft Virginia Stormwater Management Program Permit for Fairfax County's Municipal Separate Storm Sewer System

Dear Ms. Bauer:

The purpose of this letter is to provide comments on behalf of the Fairfax County Board of Supervisors (herein after referred to as the "Board") on the Draft Virginia Stormwater Management Program (VSMP) Permit for Fairfax County's Municipal Separate Storm Sewer System (MS4), which was released for public comment on February 2, 2015. The Board recognizes the challenges Virginia has faced in reissuing the Phase I MS4 Permits and would like to commend both the Commonwealth and the Department of Environmental Quality (herein after referred to as "DEQ") on the recent reissuance of two of the ten remaining administratively continued Phase I MS4 permits, and on the current release of two more draft permits for public comment.

Fairfax County (herein after referred to as the "County") has demonstrated leadership in environmental stewardship and water quality protection a far back as the 1950s, including acquisition of stream valley land for protection; early adoption of erosion and sediment and peak flow control requirements; rezoning and requiring water quality controls to protect the Occoquan Reservoir; adoption of resource protection and resource management areas; implementation of a stream protection strategy; and development of watershed management plans. The Board has adopted an Environment Agenda that establishes goals and procedures for continued water quality protection and environmental stewardship efforts in the County.

Given this long-standing and continued commitment to the environment, the Board looks forward to the reissuance of the County's Phase I MS4 Permit and to the water quality improvements that it will support. While the requirements of the draft permit will substantially increase the level of effort needed to implement the County's MS4 Program, we believe that the effectiveness of the program will also increase. As the holders of a Phase I MS4 permit that has been administratively continued since 2007, one of the biggest challenges that we have perceived in reissuing these permits in Virginia has been finding the most effective balance between increased administrative and reporting requirements and the implementation of stormwater practices that provide tangible water quality benefits. The draft permit represents significant

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Ms. Jamie L. Bauer

Comments on the Draft Virginia Stormwater Management Program Permit for Fairfax County's Municipal Separate Storm Sewer System

Page 2 of 3

progress towards finding that balance by establishing accountability in program documentation, providing clear compliance goals, incorporating mechanisms to support continuous program improvement, and increasing transparency through enhanced public involvement.

The draft permit contains a number of specific, quantifiable commitments including implementation of 30 retrofit projects, development of certified nutrient management plans, inspection of 750,000 linear feet of sanitary sewer, and more frequent stormwater infrastructure inspections. The inclusion of quantifiable commitments as permit requirements is relatively new to MS4 permitting in Virginia and raises the potential for enforcement actions should the County be unable to meet any of these commitments. However, on the whole we believe that this approach will improve urban stormwater management by focusing implementation efforts on effective practices, clarifying permit compliance expectations, and facilitating MS4 program planning.

The draft permit also places a strong emphasis on good housekeeping and pollution prevention at County, industrial and commercial facilities. We welcome the opportunity to model effective pollution prevention at County facilities and recognize that substantial improvements in water quality cannot be achieved through government efforts alone. However, the draft arbitrarily requires the inclusion of major automotive facilities in the County's Industrial and High Risk Runoff program without requiring evidence that they are in fact affecting water quality. While we would prefer to have the flexibility to target those industrial and commercial activities that have the biggest impact on local water quality, we hope that the draft permit's increased focus on pollution prevention will help raise awareness of and support for improved stormwater management, both of which are important steps in changing individual and corporate behavior, and will lead to cultural change over time.

The draft permit also recognizes that the County's MS4 and that of the Virginia Department of Transportation (VDOT) are completely interconnected because VDOT maintains virtually all of the roads, and it includes a new framework to improve coordination of these systems. The framework requires the County to share information related to system mapping and TMDL Action Plan development with VDOT, and it encourages the County to partner with VDOT on TMDL Action Plan implementation, illicit discharge detection and elimination, and water quality monitoring. This improved coordination will ultimately benefit water quality, however the requirement to coordinate will be applicable only to the County through this renewed permit. It is the County's expectation that similar requirements will be incorporated into VDOT's individual MS4 permit when it is reissued. VDOT operates a significant portion of the impervious cover in the County and working together will enhance both of our efforts to improve water quality.

By far the most significant new requirement in the draft permit is the development of Total Maximum Daily Load (TMDL) Action Plans for both the Chesapeake Bay and for local streams. While these requirements will help guide the County's planning and implementation efforts, we cannot emphasize enough that the water quality impairments that have triggered TMDL development reflect the impacts of decades or more of human activity on our watersheds and streams. Just as it took time for these impacts to occur, it will take time for them to be reversed, and some may in fact be irreversible. Because TMDLs are pollutant- and waterbody-specific, the development of TMDL Action Plans will represent a significant new workload and cost for the County and has the potential to dwarf the workload associated with all of the other MS4 permit requirements combined. The adaptive, iterative approach to TMDL Action Plan development and implementation taken in the draft permit is absolutely essential to allow the County to

Ms. Jamie L. Bauer  
Comments on the Draft Virginia Stormwater Management Program Permit for Fairfax County's Municipal Separate Storm Sewer System  
Page 3 of 3

effectively target and sustainably manage its efforts to achieve the water quality improvements identified in each TMDL.

In the professional opinion of qualified County staff, the overall schedule of increased activities and requirements under the draft permit is very aggressive, even with the high level of commitment of the County described above. Some of these requirements are described above, others are described in the fact sheet, and all are reflected in the expanded requirements of the draft permit as compared to the current permit now in effect. Clearly the draft permit drives a considerable ramp-up of activities, at a fast pace, for many new or expanded requirements, in addition to continuing on-going implementation of many current activities. This is especially so given the new TMDL requirements of the draft permit both for the Chesapeake Bay TMDL and for other TMDLs. The County strongly supports the concept of multiple permit cycle implementation for the Chesapeake Bay TMDL, particularly the 24 month action planning process and five percent progress requirement applicable in this five-year permit. For all of these reasons, the County finds the required activities and schedules to be the maximum level we can reasonably be expected to manage given the draft permit's provisions taken as a whole and specifically requests that no requirements be made more stringent, that no additional requirements be added, and that no new or shorter timelines be imposed in the final permit.

Finally, a brief list of comments related to minor corrections or inconsistencies in the draft permit is enclosed for your consideration.

The County remains fully committed to implementing a comprehensive MS4 Program that will control pollutant sources, maintain and improve stormwater infrastructure, and protect receiving streams. I appreciate the opportunity to comment on the draft permit and look forward to continuing to work with the Commonwealth to help improve urban stormwater management in Fairfax County and in Virginia.

Sincerely,

Sharon Bulova  
Chairman  
Fairfax County Board of Supervisors

**Detailed Comments on the Draft Virginia Stormwater Management Program Permit for Fairfax County’s Municipal Separate Storm Sewer System**

<b>Page</b>	<b>Section</b>	<b>Draft Language</b>	<b>Comment</b>
General	Formatting	There are general formatting issues related to section headings at the bottom of pages and tables spanning pages.	Recommend keeping headings with their corresponding sections and tables on one page for clarity.
Cover Sheet	Watersheds	“Stormwater from Fairfax County discharges into <u>twenty-two</u> 6th order hydrologic units”	“Stormwater from Fairfax County discharges into <u>eighteen</u> 6th order hydrologic units”
6	Planning, SPECIFIC REPORTING REQUIREMENTS	“The permittee shall provide the Department a web link to the plans <u>no later than 12 months after the effective date of this state permit</u> with each annual report.”	“The permittee shall provide the Department a web link to the plans with each annual report.”
7	Roadways, SPECIFIC REPORTING REQUIREMENTS	“The permittee shall include a copy of the written protocols identified in Part I.B.2.d)(2) with the next annual report that is due after development of the protocols.”	Reference should be to Part I.B.2.c)(2)
9	Illicit Discharges and Improper Disposal	“4) [...] Such programs shall be readily available to all <u>private</u> residents and shall be publicized and promoted on a regular basis not less than twice per year.”	“4) [...] Such programs shall be readily available to all <u>county</u> residents and shall be publicized and promoted on a regular basis not less than twice per year.”
13	Stormwater Infrastructure Management	“2)(a)(3)(ii) No later than 15-months after the effective date of the permit, the permittee shall implement these draft procedures and policies including the proposed options identified in subsection Part I.B.2.i)2)a)(3)(i) above;”	Reference should be to Part I.B.2.h)2)a)(3)(i)

Detailed Comments on the Draft Virginia Stormwater Management Program Permit for Fairfax County’s Municipal Separate Storm Sewer System  
Page 2 of 2

Page	Section	Draft Language	Comment
13	Stormwater Infrastructure Management	“2)(a)(3)(iii) No later than 36-months after the effective date of the permit, the permittee shall modify the draft policy and procedures required by Part I.B.2.i)2)a)(3)(i) for the inspection of privately maintained SWM facilities based on the findings of Part I.B.2.i)2)a)(3)(ii) and finalize the inspection procedures.”	References should be to Parts I.B.2.h)2)a)(3)(i) and I.B.2.h)2)a)(3)(ii), respectively
14	Stormwater Infrastructure Management, SPECIFIC REPORTING REQUIREMENTS	“The MS4 service area map including outfalls and information included in Part I.B.2.h)3) shall be <u>submitted no later than 18 months after the effective date of this state permit.</u> ”	An 18 month submittal date does not correspond with the annual reporting schedule. Is it DEQ’s expectation that this information will be submitted separately from an annual report?
14	Stormwater Infrastructure Management, SPECIFIC REPORTING REQUIREMENTS	“The <u>fourth annual report</u> shall include an updated list of all information requested in Part I.B.2.h)5)”	The fourth annual report will cover the period from 36 to 48 months after the effective date of this state permit, however the information requested in Part I.B.2.h)5) is not due until 54 months after the effective of this state permit. Is it DEQ’s expectation for this information to be submitted with the County’s permit renewal application?
29	Annual Reporting	“The permittee shall submit the annual report to the Department, <u>no later than March 31st</u> of each year. The report shall cover the previous fiscal year from July 1st to June 30th and include the following separate sections”	Submitting a fiscal-year report on March 31 <sup>st</sup> equates to a nine month gap between the close of the reporting year and report submittal. Should the annual report submittal deadline be “no later than October 1st” instead?

Board Agenda Item  
February 17, 2015

11:40 a.m.

Matters Presented by Board Members

Board Agenda Item  
February 17, 2015

12:30 p.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
  - 1. Consent Order with the State Water Control Board Resolving Enforcement Action Regarding Unpermitted Discharges from Fairfax County's Sanitary Sewer System (Mason District, Lee District)
  - 2. *Cellco Partnership d/b/a Verizon Wireless and CWS VII, LLC v. Fairfax County, Virginia, and The Board of Supervisors of Fairfax County, Virginia*, Civil Action No. 1:15cv2 (E.D. Va.) (Dranesville District)
  - 3. *Eric S. Clark v. The County of Fairfax, Virginia, John H. Kim, T. B. Smith, and John Spata*, Case No. 14-1767 (U.S. Ct. of App. for the Fourth Cir.)
  - 4. *Joyce Banin v. Brian Byerson*, Case No. 15-1037 (U.S. Ct. of App. for the Fourth Cir.)
  - 5. *David T. Clenney v. Officer V.R. Swartz*, Case No. 1:14CV1702 (E.D. Va.)
  - 6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Nicolas D. Parada and Louisa A. Parada*, Case No. CL-2012-0008793 (Fx. Co. Cir. Ct.) (Lee District)
  - 7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Delfin Farfan and Mary I. Farfan*, Case No. CL-2011-0002183 (Fx. Co. Cir. Ct.) (Providence District)
  - 8. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Hanson A. Gyamfi and Emelia A. Gyamfi*, Case No. CL-2012-0004306 (Fx. Co. Cir. Ct.) (Lee District)
  - 9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mariano C. Evangelista and Armida A. Evangelista*, Case No. CL-2013-0000221 (Fx. Co. Cir. Ct.) (Mason District)

10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Randal S. Cordes*, Case No. CL-2013-0000441 (Fx. Co. Cir. Ct.) (Dranesville District)
11. *Board of Supervisors of Fairfax County and James W. Patteson, Director of the Fairfax County Department of Public Works and Environmental Services v. David J. Laux and Tara K. Laux, a/k/a Tara K. Long*, Case No. CL-2014-0013597 (Fx. Co. Cir. Ct.) (Mason District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ana Caballero*, Case No. CL-2014-0014446 (Fx. Co. Cir. Ct.) (Providence District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Madison Gunston Plaza, LLC, and Las Colinas Restaurant, Inc.*, Case No. CL-2014-0015036 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Catherine Macorol and Sharon Macorol*, Case No. CL-2015-0001083 (Fx. Co. Cir. Ct.) (Lee District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Unknown Heirs of Albert E. Mays*, Case No. CL-2015-0001081 (Fx. Co. Cir. Ct.) (Mount Vernon District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Domingos C. Costa and Maria Graciete Costa*, Case No. CL-2015-0001165 (Fx. Co. Cir. Ct.) (Lee District)
17. *Melissa Rioja v. Fairfax County Park Authority and Abasto Howard*, Case No. GV14-014434 (Fx. Co. Gen. Dist. Ct.)
18. *Karen Payne v. Sharman G. Harris*, Case No. GV14-014868 (Fx. Co. Gen. Dist. Ct.)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard E. Coppola*, Case No. GV14-026433 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Laura Novella Green West*, Case Nos. GV14-026434 and GV14-026435 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Norah Borda*, Case No. GV14-010710 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

22. *Ingrid Vasquez Sunun v. Ligia Gonzalez and County of Fairfax Government*, Case No. GV15-000424 (Fx. Co. Gen. Dist. Ct.)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Linda L. Tynes*, Case No. GV14-024949 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gwendolynn T. Naraghi and Ali Naraghi*, Case No. GV15-000515 (Fx. Co. Gen. Dist. Ct.) (Sully District)
25. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Gwendolynn T. Naraghi and Ali Naraghi*, Case No. GV15-000514 (Fx. Co. Gen. Dist. Ct.) (Sully District)
26. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Dewey L. Newman and Bobbie R. Newman*, Case No. GV15-000717 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Walter H. Pfanmuller and Davi T. Pfanmuller, Trustees of the Walter H. Pfanmuller Trust*, Case No. GV15-001725 (Fx. Co. Gen. Dist. Ct.) (Lee District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert J. Sherman*, Case No. GV15-001724 (Fx. Co. Gen. Dist. Ct.) (Lee District)
29. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Pierre Doose Eicher and Pamela J. Eicher*, Case No. GV15-001893 (Fx. Co. Gen. Dist. Ct.) (Providence District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Stephen G. Reggio d/b/a Crossfit Lorton*, Case No. GV15-002035 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tysons Springhill Limited Partnership and Nancy Griswold d/b/a Jazzercise McLean Tyson's Corner Fitness Center*, Case No. GV15-002036 (Fx. Co. Gen. Dist. Ct.) (Providence District)

Board Agenda Item  
February 17, 2015

3:00 p.m.

Public Hearing on SE 2014-SU-059 (Chantilly Plaza LLC) to Permit Waiver of Certain Sign Regulations, Located on Approximately 8.26 Acres of Land Zoned C-6, WS and HC (Sully District)

Property is located at 13653 A Lee Jackson Memorial Highway, Chantilly, 20151 Tax Map 44-2 ((1)) 9C.

This public hearing was deferred by the Board at the January 27, 2015 meeting.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 11, 2014, the Planning Commission voted 12-0 to recommend that the Board of Supervisors approve SE 2014-SU-059, subject to the Development Conditions dated November 26, 2014, with the following revision to Condition Number 6:

“Sign lettering may include text in languages other than English; however, if so, than the Non-English text must also be translated into English (the translated text) and the translated text must be equal to or greater in text size than the Non-English text to ensure legibility.”

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4470978.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Kris Abrahamson, Planner, DPZ

SE 2014-SU-059 – CHANTILLY PLAZA, LLC

After Close of the Public Hearing

Chairman Murphy: Close the public hearing; Mr. Litzenberger, please.

Commissioner Litzenberger: Thank you, Mr. Chairman. Ms. Stagg, could you once again confirm that the applicant agrees with all the conditions, including the one on the sign?

Inda Stagg, Senior Urban Planner, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Yes, sir, the applicant agrees with the conditions.

Commissioner Litzenberger: Mr. Chairman, I MOVE THAT PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT SE 2014-SU-059, BY CHANTILLY PLAZA, LLC BE APPROVED, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 26<sup>TH</sup>, 2014, WITH THE FOLLOWING CONDITION TO CONDITION NUMBER 6: “ SIGN LETTERING MAY INCLUDE TEXT IN LANGUAGES OTHER THAN ENGLISH; HOWEVER, IF SO, THAN THE NON-ENGLISH TEXT MUST ALSO BE TRANSLATED INTO ENGLISH (THE TRANSLATED TEXT) AND THE TRANSLATED TEXT MUST BE EQUAL TO OR GREATER IN TEXT SIZE THAN THE NON-ENGLISH TEXT TO ENSURE LEGIBILITY.”

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 SE 2014-SU-059, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 12-0.)

JN

Board Agenda Item  
February 17, 2015

3:00 p.m.

Public Hearing on DPA A-502-07 (Lake Anne Development Partners LLC) to Permit the 7th Amendment of the Development Plan for RZ A-502 to Permit a Mixed Use Development with an Overall Floor Area Ratio of 1.11 Associated Modifications to Site Design and a Waiver #8260-WPFM-001-1 for the Location of Underground Storm Water Facilities in a Residential Area, Located on Approximately 24.30 Acres of Land Zoned PRC (Hunter Mill District)

Property is located on the South Side of Baron Cameron Avenue at its Intersection with Village Road Tax Map 17-2 ((8)) 6 C, 17-2 ((14)) (1) 2 G, 17-2 ((16)) 1 A, and 17-2 ((7)) 6 B2 and 6 B3, 17-2 ((1)) 7, 17-2 ((31)) 1645, 17-2 ((31)) common elements (part) (parking lot), and a portion of Village Rd. to be vacated/abandoned. (Concurrent with PCA A-502 and PRC A-502-3).

and

Public Hearing on PRC A-502-03 (Lake Anne Development Partners LLC) to Approve a PRC Plan Associated with RZ A-502 to Permit a Mixed Use Development, with an Overall Floor Area Ratio of 1.11, and Waiver #8260-WPFM-001-1 for the Location of Underground Storm Water Facilities in a Residential Area, Located on Approximately 24.30 Acres of Land Zoned PRC (Hunter Mill District)

Property located on the South side of Baron Cameron Avenue at its Intersection with Village Road Tax Map 17-2 ((8)) 6 C, 17-2 ((14)) (1) 2 G, 17-2 ((16)) 1 A, 17-2 ((7)) 6 B2 and 6 B3, 17-2 ((1)) 7, 17-2 ((31)) 1645, 17-2 ((31)) common elements (part) (parking lot), and a portion of Village Road to be vacated/ abandoned (Concurrent with DPA A-502-07 and PCA A-502).

and

Public Hearing on PCA A-502 (Lake Anne Development Partners LLC) to Add Proffers to RZ A-502 Previously Approved for Residential Commercial, Institutional and Park Uses to Permit a Mixed Use Development Associated Proffers and Associated Modifications to Site Design with an Overall Floor Area Ratio of 1.11 and Waiver #8260-WPFM-001-1 for the Location of Underground Storm Water Facilities in a Residential Area, Located on Approximately 24.30 Acres of Land Zoned PRC (Hunter Mill District)

Property is located on in the south side of Baron Cameron Avenue at its intersection with Village Road Tax Map 17-2 ((8)) 6 C, 17-2 ((14)) (1) 2 G, 17-2 ((16)) 1 A, 17-2 ((7)) 6 B2 and 6 B3, 17-2 ((1)) 7, 17-2 ((31)) 1645, 17-2 ((31)) common elements (part) (parking lot), and a portion of Village Road to be vacated/abandoned (Concurrent with DPA A-502-07 and PRC A-502-3)

These public hearings were deferred by the Board of Supervisors at the January 27, 2015 meeting.

Board Agenda Item  
February 17, 2015

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 22, 2015, the Planning Commission voted 11-0 (Commissioner Hurley was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 5-502, subject to the execution of proffers consistent with those dated January 22, 2015;
- Approval of DPA A-502-07 and PRC A-502-03, subject to the proposed PRC Development Conditions consistent with those dated January 22, 2015; and
- Approval of the following waivers and modifications:
  - Waiver of Paragraph 2 of Section 6-306 of the Zoning Ordinance for privacy yards a minimum of 200 feet for buildings D12 and D21 through D24;
  - Modification of Section 11-203 of the Zoning Ordinance for the minimum required loading spaces for residential, office, retail, and other uses to that shown on the DPA/PRC plan;
  - Waiver of Paragraph 2 of Section 11-302 of the Zoning Ordinance on the requirement that no private streets in a residential development shall exceed 600 feet in length;
  - Waiver of Paragraph 1 of Section 17-305 of the Zoning Ordinance for transitional screening and barriers between uses; and
  - Waiver Number 8260-WPFM-001-1 to permit underground stormwater facilities within a residential development in accordance with Section 6-0303.6 of the Public Facilities Manual, and subject to the conditions contained in attachment A of Appendix 8a, dated June 18, 2014.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4473560.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Mary Ann Tsai, Planner, DPZ

DPA A-502-07/PCA A-502/PRC A-502-03 – LAKE ANNE DEVELOPMENT PARTNERS, LLC Hunter Mill District)

Decision Only During Commission Matters  
(Public Hearing held on January 8, 2015)

Commissioner de la Fe: Thank you, Mr. Chairman. The public - - this is on a number of cases related to Lake Anne Development Partners, LLC. They are DPA A-502-07/PCA A-502/PRC A-502-03, all in the name of Lake Anne Development Partners. The public hearing for these cases was held on January 8<sup>th</sup>. There were, if I remember correctly nine speakers and we also received a number of community input through other means, such as letters and emails and so forth. In almost every - - Actually in every case, they supported these cases; however there were some issues that were brought to our attention. The main one related to - by the speakers - related to the assurance - - they're concerned that they have assurances of continued affordability currently enjoyed by the residents there. I have to stress as we have done before that the new development will in fact replace the 181 current units with at least 181 units - possibly under the new proffers up to 185 units - whose income limits will be, at most, below 60 percent of AMI. The proffered percentages are 10 percent below 30 percent of AMI, 20 percent below 50 percent of AMI, and 70 percent below 60 percent of AMI. In addition to these, all of the new market rate units - or the new market rate units will be subject to the 20 percent county policy for affordable dwelling units; so, I believe that the spirit of maintaining the affordability for current and future residents is there right now through the proffers and the - also the work that will have to be done by the Housing staff to make sure that this does occur. The staff recommended approval; however, they identified a number of issues that they felt needed further attention. One of them had to do with the Parks contribution, which they felt and I felt was too low. During the deferral period it was raised from \$100,000 to \$300,000 and, in a rather lengthy meeting that we had today it was raised to \$500,000. And I will get the - we'll change the proffers tonight to that effect because we haven't - - since the meeting ended at approximately 6:30, we really didn't get a chance to come up with new proffers. You received the proffers last night and today; you received a hard copy for the - - what had been achieved during the deferral period. There were also other issues related to this which relate to transportation improvements that - I mean hard transportation improvements such as the realignment of Village Road, which will require further discussion between numerous parties, which I don't think any further deferral by us or by the Board of Supervisors necessarily would serve - - could be accomplished - but they can be accomplished before the first submissions for, you know, building on this can be handled. The project has undergone an extensive community involvement process and to my knowledge there really are no opponents to this project. The actions that we take tonight are a step forward in a long-envisioned and desired redevelopment of Reston's first center at Lake Anne Village. I would like to ask the applicant's attorney to come forward, identify herself, and remind us of the things that we agreed to tonight.

Lynne Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Thank you, Commissioner de la Fe, members of the Planning Commission. My name is Lynne Strobel. I represent the applicant and we did have a fairly extensive meeting this afternoon and the proffers

that were delivered to you by email yesterday – I guess hardcopy today – I think, do address a number of the comments that were in the staff report. As Commissioner de la Fe mentioned we have increased the Parks contribution verbally, up to a total of \$500,000 and that will be reflected in the proffers that go to the Board on Tuesday of next week. There's also kind of some minor tweaking language that we will also accommodate. And I did want to note that I received some comments late last night from the attorney representing LARCA (*Lake Anne Reston Condo Association*) and those will also be incorporated to the extent as agreed upon with staff prior to the Board. But I think that we are in agreement with all the changes.

Commissioner de la Fe: Okay, and can I – while you're up there, can I ask you if you concur with the proposed PRC development condition which is now dated 1/22, because we are deleting one tonight.

Ms. Strobel: Yes, sir, we do.

Commissioner de la Fe: Okay, thank you very much.

Ms. Strobel: Thank you.

Commissioner de la Fe: Mr. Chairman, I know that this is - - I mean, there are - - I can't remember how many pages this is. This is – this is almost as big as the Tysons case, if not even more complicated by the fact that it's in Reston and we have to have PRC plans as well as PCAs and everything else. However this, as I said, is the first step of a number of others that have to be taken. We are also - - I'm going to move on this tonight because of - - the Board of Supervisors must act on this by a certain date. And they only meet once in February, so we hope that they can act on this next Tuesday, which is when it's currently scheduled. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 5-502 [*sic*], SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE NOW DATED 1/22/15 - - AND THE CHANGE THERE IS THE UPPING OF THE CONTRIBUTION FROM THE ONES YOU RECEIVED THAT SAID \$300,00 TO \$500,000 - - THE PARK CONTRIBUTION; ALSO DPA A-502-07 AND PRC A-502-03, SUBJECT TO THE PROPOSED PRC DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED NOW 1 – JANUARY 22<sup>ND</sup>, '15. THERE WERE ORIGINALLY TWO CONDITIONS AND WE DELETED THE SECOND CONDITION BECAUSE IT HAS BEEN TAKEN CARE OF BY CHANGING - - CHANGES IN THE PROFFER. Those – That's my motion.

Commissioner Hart: Second.

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

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. I note with – with satisfaction the presence of a bird-friendly section in the architectural design proffer. Proffers are voluntary. This responsible has some concern for the other creatures living with us on this planet. I urge staff to solicit such proffers as a routine matter. Thank you very much, Mr. Chairman.

Commissioner de la Fe: We have a lot of geese in Lake Anne and we hope that not too many of them get hurt.

Chairman Murphy: Is there further discussion of the motions? All those in favor of the motions as articulated by Mr. de la Fe, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? The motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISOR APPROVAL OF THE FOLLOWING WAIVERS AND MODIFICATIONS:

- WAIVER OF PARAGRAPH 2 OF SECTION 6-306 OF THE ZONING ORDINANCE FOR PRIVACY YARDS A MINIMUM OF 200 FEET FOR BUILDINGS D12 AND D21 THROUGH D24;
- MODIFICATION OF SECTION 11-203 OF THE ZONING ORDINANCE FOR THE MINIMUM REQUIRED LOADING SPACES FOR RESIDENTIAL, OFFICE, RETAIL, AND OTHER USES TO THAT SHOWN ON THE DPA/PRC PLAN;
- WAIVER OF PARAGRAPH 2 OF SECTION 11-302 OF THE ZONING ORDINANCE ON THE REQUIREMENT THAT NO PRIVATE STREETS IN A RESIDENTIAL DEVELOPMENT SHALL EXCEED 600 FEET IN LENGTH; AND
- WAIVER OF PARAGRAPH 1 OF SECTION 17-305 OF THE ZONING ORDINANCE FOR TRANSITIONAL SCREENING AND BARRIERS BETWEEN USES AND; FINALLY
- WAIVER 8260-WPFM-001-1 TO PERMIT UNDERGROUND STORMWATER FACILITIES WITHIN A RESIDENTIAL DEVELOPMENT IN ACCORDANCE WITH SECTION 6-0303.6 OF THE PUBLIC FACILITIES MANUAL, AND SUBJECT TO THE CONDITIONS CONTAINED IN ATTACHMENT A OF APPENDIX 8A, DATED JUNE 18, 2014.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? The motion carries.

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(Each motion carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.)

JN

Board Agenda Item  
February 17, 2015

3:30 p.m.

Public Hearing on SE 2014-BR-063 (Laura Bernhardt; John Bernhardt Bernhardt's Busy Bears Childcare, Inc.) to Permit a Home Child Care Facility, Located on Approximately 1,540 Square Feet of Land Zoned PDH-3 (Braddock District)

Property is Located at 5509 Mitcham Court Springfield 22151 Tax Map 79-1 ((8)) 20.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, January 14, 2015, the Planning Commission voted 11-0 (Commissioner Hurley was absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-BR-063 subject to the Development Conditions dated January 13, 2015.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4473442.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Joe Gorney, Planner, DPZ

SE 2014-BR-063 – BUSY BEARS CHILD CARE, INC.

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Ms. Hedetniemi.

Commissioner Hedetniemi: Thank you, Mr. Chairman. I request that the applicant confirm their agreement to the proposed development conditions dated January 13<sup>th</sup>, 2015.

Laura Bernhardt, Co-Applicant/Title Owner: Thank you. I'm Laura Bernhardt, the applicant, and I do agree to the proposed development conditions. Thank you.

Commissioner Hedetniemi: Thank you.

Chairman Murphy: Thank you very much.

Commissioner Hedetniemi: Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-BR-063, SUBJECT TO DEVELOPMENT CONDITIONS DATED JANUARY 13<sup>TH</sup>, 2015.

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 approve SE 2014-BR-063, say aye.

Commissioners: Aye.

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

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(The motion carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.)

JLC

Board Agenda Item  
February 17, 2015

3:30 p.m.

Public Hearing on SEA 94-D-002-02 (Wesley Hamel Lewinsville LLC) to Amend SEA 94-D-002 Previously Approved for Alternate Use of Public Facility to Permit Elderly Housing and Modifications to Site and Development Conditions and a Waiver #011348-WPFM-001-01 to Permit the Location of Underground Stormwater Management Facilities in a Residential Area, Located on Approximately 8.66 Acres of Land Zoned R-3 (Dranesville District)

Property is Located at 1609 Great Falls Street, McLean 22101. Tax Map 30-3 ((1)) 42.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 29, 2015, the Planning Commission voted 7-0 (Commissioners de la Fe, Hedetniemi, Hurley, Lawrence, and Strandlie were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approve SEA 94-D-002-02, subject to the Development Conditions dated January 28, 2015;
- Approve a modification of the transitional screening requirements along the periphery of the site in favor of that shown on the SEA plat;
- Approve a modification of the barrier requirements along the periphery of the site in favor of those shown on the SEA plat;
- Approve a modification of Standard 1 of Section 9-306 of the Zoning Ordinance to permit residents 55 years of age or older in the proposed independent living facility;
- Approve a modification of Standard 10 of Section 9-306 of the Zoning Ordinance to permit the front yard setback along Great Falls Street for that depicted on the SEA plat; and
- Approve a modification of Standard 15(B) of Section 9-306 of the Zoning Ordinance in favor of the deed of lease, which is subject to federal low income housing tax credit provisions.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4475124.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Suzanne Wright, Planner, DPZ

SEA 94-D-002-02 – WESLEY HAMEL LEWINSVILLE, LLC

Decision Only During Commission Matters  
(Public Hearing held on January 22, 2015)

Commissioner Ulfelder: Thank you, Mr. Chairman. Last week, we had the hearing on the matter – the SEA 94-D-002-02, Wesley Hamel Lewinsville. There were several issues that came up. In the intervening week, several of these issues have been addressed and you have before you the revised proposed development conditions reflecting changes that are addressed. They add a playground near the athletic field, which is also consistent with an agreement by the applicants to have a split stormwater system with an underground vault on the northern portion of the property and a smaller dry pond on the southern portion – which allows them to fit in this – this playground near the athletic field. And they also have some revisions for the parking conditions that will require the parties to come to an agreement at the time of site plan in connection with the parking. Therefore, Mr. Chairman, I'm going to move – I would – well, first we need to have the representative of the applicant come down.

Evan Pritchard, Applicants Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Good evening – Evan Pritchard, here on behalf of the applicant.

Commissioner Ulfelder: Would you confirm the applicant's agreement to the conditions that are now consistent with those dated January 28<sup>th</sup>, 2015?

Mr. Pritchard: Sure – yes, we're fine with the conditions. Thank you.

Commissioner Ulfelder: Thank you. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 94-D-002-02, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS NOW DATED JANUARY 28<sup>TH</sup>, 2015.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. 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 94-D-002-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: Mr. Chairman, I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE:

- A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE PERIPHERY OF THE SITE IN FAVOR OF THAT SHOWN ON THE SEA PLAT; AND

- A MODIFICATION OF THE BARRIER REQUIREMENTS ALONG THE PERIPHERY OF THE SITE IN FAVOR OF THOSE SHOWN ON THE SEA PLAT; AND
- A - MODIFY STANDARD 1 OF SECTION 9-306 TO PERMIT RESIDENTS 55 YEARS OF AGE OR OLDER IN THE PROPOSED INDEPENDENT LIVING FACILITY; AND
- MODIFY STANDARD 10 OF SECTION 9-306 TO PERMIT THE FRONT YARD SETBACK ALONG GREAT FALLS STREET FOR THAT DEPICTED ON THE SEA PLAT; AND
- MODIFY STANDARD 15(B) OF SECTION 9-306 IN FAVOR OF THE DEED OF LEASE, WHICH IS SUBJECT TO FEDERAL LOW INCOME HOUSING TAX CREDIT PROVISIONS.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: Mr. Chairman, I would like to thank staff that have worked very hard on this application. Suzanne Wright has been stalwart and I think she realizes that between now and the Board hearing in February that there is going to be some more work done on this application – and Cathy Lewis as well. But also Camylyn Lewis of the DPWES and Betsy Smith, DPWES, John Bell from Planning, Gayle Hooper from the Park Authority, Jeff Hermann from Fairfax County DOT, and Craig Herwig from the Urban Forester. They've all worked very hard on this. There's been a push to try to get this completed so that the applicants can file in a timely fashion for state tax credits within the 2015 window. And I really appreciate the efforts that they've made.

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(Each motion carried by a vote of 7-0. Commissioners de la Fe, Hedetniemi, Hurley, Lawrence, and Strandlie were absent from the meeting.)

JLC

Board Agenda Item  
February 17, 2015

3:30 p.m.

Public Hearing on SE 2014-SU-061 (Shalini Rajkumar) to Permit a Home Child Care Facility Located on Approximately 1,490 Square Feet of Land, Zoned PDH-8 and WS (Sully District)

This property is located at 4611 Deerwatch Drive, Chantilly 20151. Tax Map 44-2 ((22)) 53.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 22, 2015, the Planning Commission voted 11-0 (Commissioner Hurley was absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-SU-061, subject to the Development Conditions dated January 21, 2015.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdf/4473321.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
William O'Donnell, Planner, DPZ

SE 2014-SU-061 – SHALINI RAJKUMAR

After Close of the Public Hearing

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

Commissioner Litzenberger: Thank you, Mr. Chairman. This is one of those situations where you have to differentiate between the homeowners association covenants and the criteria that the staff operates under. In this case the concerns of the homeowners association really fall under the covenants and the staff confirmed that. When I first got this letter late this afternoon, it jumped out at me that this is more of a covenants issue than a – than a special exception issue. Therefore, Mr. Chairman, I wonder if Ms. Shalini [sic] will come back up and reaffirm the proposed development conditions? I'll read this: I request that the applicant confirm for the record and agree to the proposed development conditions now dated January 21<sup>st</sup>, 2015.

Shalini Rajkumar, Applicant: Sorry?

Commissioner Litzenberger: I request that the applicant confirm for the record and agree to the proposed development conditions now dated January 21<sup>st</sup>, 2015.

Shalini Rajkumar, Applicant: Yes.

Commissioner Litzenberger: Okay, thank you.

Commissioner Litzenberger: I MOVE THAT PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-SU-061, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 21<sup>ST</sup>, 2015.

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 SE 2014-SU-061, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.)

JN

Board Agenda Item  
February 17, 2015

3:30 p.m.

Public Hearing on SE 2014-SP-038 (Seoul Presbyterian Church, Trustees) to Permit a Church With Child Care and Elder Care Center Located on Approximately 21.05 Acres of Land Zoned R-C and WS (Springfield District)

This property is located at 6426 and 6428 Ox Road and 6401 Wolf Run Shoals Road, Fairfax Station 22039. Tax Map 77-3 ((1)) 35, 36, and 36B.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, February 4, 2015, the Planning Commission voted 10-0 (Commissioner Sargeant was not present for the vote and Commissioner Hurley was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2014-SP-038, subject to the Development Conditions dated February 3, 2015;
- Approval of a modification of the transitional screening and barrier requirements along all property lines, pursuant to Section 13-305 of the Zoning Ordinance in favor of that shown on the SE Plat;
- Approval of a waiver of the frontage improvements for the widening of Ox Road in accordance with Section 17-201.4 of the Zoning Ordinance for Phase 1; and
- Approval of a waiver of construction of a service drive along Ox Road in accordance with Section 17-201.4 of the Zoning Ordinance.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4475272.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Megan Duca, Planner, DPZ

SE 2014-SP-038 – SEOUL PRESBYTERIAN CHURCH, A VIRGINIA NON-STOCK CORPORATION

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. This is an application filed by the Seoul Presbyterian Church Trustees to permit a church with a childcare center for childcare, elderly care with up to 99 students, and elderly. This is perfect match: senior citizens and children in a daycare center in an environment that will be conducive to both. The application has no problems. It is a straightforward application. I concur with the staff recommendation that it is in conformance with the Comprehensive Plan and the appropriate zoning ordinances; so therefore, Mr. Chairman, I move that the Planning Commission recommend to the Board of – – oh first of all I'd like the applicant to please come forward. I'm sorry. And I think I need to have your applicant to come forward to reaffirm that she understands the development conditions. Now, if you'd both like to do it in sync, I will not object to that.

Jane Kelsey, President, Jane Kelsey & Associates, Inc.: We understand the development conditions and agree with them.

Chairman Murphy: And you accept them?

Ms. Kelsey: Yes.

Commissioner Murphy: Okay, thank you very much. Therefore, Mr. Chairman, I MOVE THAT PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2014-SP-038, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 3RD.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. 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. Mr. Murphy.

Commissioner Murphy: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG ALL PROPERTY LINES, PURSUANT TO SECTION 13-305 OF THE ZONING ORDINANCE IN FAVOR OF THAT SHOWN ON THE SE PLAT.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. 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.

Commissioner Murphy: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE FRONTAGE IMPROVEMENTS FOR THE WIDENING OF OX ROAD IN ACCORDANCE WITH SECTION 17-204.4 [*sic*] OF THE ZONING ORDINANCE FOR PHASE 1.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioner Hart: Wait, wait, wait, wait. Excuse me, Mr. Chairman. Ms. Duca is pointing out – I think there is ANOTHER LINE TO THAT MOTION ABOUT THE FRONTAGE IMPROVEMENTS.

Megan Duca, Zoning Evaluation Division, Department of Planning and Zoning: Yes, there is a – it should be SECTION 17-201.4.

Commissioner Hart: You said -204.4.

Commissioner Murphy: Oh, I'm sorry. Okay, -201.4. I'm sorry.

Vice Chairman de la Fe: – the section being...

Commissioner Murphy: – of the Zoning Ordinance, yes.

Vice Chairman de la Fe: It would be Section 17-201.4. Okay. Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

Commissioner Murphy: Mr. Chairman, I THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF CONSTRUCTION OF A SERVICE DRIVE ALONG OX ROAD IN ACCORDANCE WITH SECTION 17-201.4 OF THE ZONING ORDINANCE.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. 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.

//

(Each motion carried by a vote of 10-0. Commissioner Sargeant was not present for the vote. Commissioner Hurley was absent from the meeting.)

JN

Board Agenda Item  
February 17, 2015

3:30 p.m.

Public Hearing on SE 2014-MV-045 (Zahida Babar DBA Azeem Day Care Home) to Permit a Home Child Care Facility, Located on Approximately 1,400 Square Feet of Land Zoned PDH-16 and HC (Mount Vernon District)

Property is located at 8467 Byers Dr., Alexandria, 22309, Tax Map 101-3 ((34)) 127.

The Board of Supervisors deferred this public hearing from the January 27, 2015 meeting.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 22, 2015, the Planning Commission voted 11-0 (Commissioner Hurley was absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-MV-045, subject to the Development Conditions dated January 15, 2015.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4470597.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Megan Duca, Planner, DPZ

SE 2014-MV-045 – ZAHIDA BABAR d/b/a AZEEM DAY CARE

After Close of the Public Hearing

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

Commissioner Flanagan: I think we've already had a confirmation of the covenants –

Chairman Murphy: No, we have to call her back up again.

Commissioner Flanagan: – and the conditions. We don't have to call her back, do we?

Chairman Murphy: Ms. Babar, will you please come back up again and reaffirm that you agree with the development conditions and that you understand them?

Commissioner Flanagan: Is this on verbatim, by the way?

Chairman Murphy: It is.

Zahida Babar, Owner, Azeem Day Care: Yes, sir, I agree with the with the conditions.

Chairman Murphy: And you understand them?

Ms. Babar: Yes, I do.

Chairman Murphy: Okay, thank you very much.

Ms. Babar: Yes, sir.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. With that affirmation, I MOVE THAT PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2014-MV-045, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 15, 2015.

Commissioners Litzenberger and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-MV-045, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.)

JN

Board Agenda Item  
February 17, 2015

4:00 p.m.

Public Hearing on SE 2014-SP-053 (Rolling Valley Mall LLC) to Permit Waiver of Certain Sign Regulations, Located on Approximately 19.43 Acres of Land Zoned C-6 (Springfield District)

This property is located at 9276 Old Keene Mill Road, Burke, 22015. Tax Map 88-2 ((1)) 4 A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 22, 2015, the Planning Commission voted 11-0 (Commissioner Hurley was absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-SP-053 subject to the Development Conditions dated November 25, 2014.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdf/4470973.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Sharon Williams, Planner, DPZ

SE 2014-SP-053 – ROLLING VALLEY MALL, LLC

Decision Only During Commission Matters  
(Public Hearing held on December 11, 2014)

Commissioner Murphy: Mr. Chairman, I have a decision only. Is Ms. Stagg still in the house – and come down please? It is SE 2014-SP-053. The applicant is Rolling Valley Mall, LLC. We had a public hearing. This is for a retail sign and it's a waiver of certain sign regulations at the Rolling Valley Mall. The reason I deferred this - it's in conformance with the Plan and there's no problem with the Zoning Ordinance - but I wanted to be assured that the placement of this sign would not create a blind corner at the corner of Keene Mill Road and Shiplett Boulevard. And I have been assured by our staff and our transportation staff and the – excuse me – the applicant's transportation advisors that this will not be the case. So I'm satisfied that this is in conformance with the Plan and the Zoning Ordinances and should be approved, but before we do that, Ms. Stagg would you please identify yourself for the record with your name and address?

Inda Stagg, Senior Urban Planner, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Yes, my name is Inda Stagg. I'm a senior land use planner with Walsh, Colucci.

Commissioner Murphy: Thank you. Do you reaffirm the development conditions in the staff report dated November 25<sup>th</sup> and understand them?

Ms. Stagg: Yes, we do – we do agree to those conditions.

Commissioner Murphy: Okay, thank you very much. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE 2014-SP-053, WITH THE DEVELOPMENT CONDITIONS CONTAINED IN THE STAFF REPORT DATED NOVEMBER 25<sup>TH</sup>, 2014.

Commissioners Hart and Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart and Mrs. Hedetniemi. Any 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.

//

(The motion carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.)

JN

Board Agenda Item  
February 17, 2015

4:00 p.m.

Public Hearing on Adoption of 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:

Public Hearing on proposed amendments to the Public Facilities Manual (PFM), and Chapters 101 (Subdivision Ordinance) and 112 (Zoning Ordinance) of the *Code of the County of Fairfax, Virginia*, Regarding As-Built Requirements. 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.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 8, 2015, the Planning Commission unanimously voted to recommend the following actions by the Board of Supervisors:

- Adoption of the proposed amendment to the PFM and Chapters 101 (Subdivision Ordinance and 112 (Zoning Ordinance) regarding as-built requirements, as set forth in the staff report dated December 2, 2014; and
- That the proposed amendment becomes effective at 12:01 a.m. on February 18, 2015.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the proposed amendments as recommended by the Planning Commission and that the amendments become effective at 12:01 a.m. on February 18, 2015.

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. The proposed amendments have also been recommended for approval by the Engineering Standards Review Committee (ESRC).

TIMING:

The Board action is requested on February 17, 2015. On December 2, 2014, the Board authorized the advertising of public hearings. The Planning Commission held a public hearing on January 8, 2015. If approved these amendments will become effective at 12:01 a.m. on February 18, 2015

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 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.

Board Agenda Item  
February 17, 2015

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.

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 – Planning Commission Verbatim

Attachment 2 – Staff Report (Staff report is also located at:

<http://www.fairfaxcounty.gov/dpwes/publications/pfm/amendments.htm> )

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, Director, DPWES

Bill Hicks, Director, Land Development Services, DPWES

Leslie B. Johnson, Zoning Administrator

Planning Commission Meeting  
January 8, 2015  
Verbatim Excerpt

FAIRFAX COUNTY CODE AMENDMENT (AS-BUILT REQUIREMENTS)

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; Ms. Hedetniemi.

Commissioner Hedetniemi: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE 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, AS SET FORTH IN THE STAFF REPORT DATED DECEMBER 2<sup>ND</sup>, 2014, AND I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT THIS AMENDMENT SHALL BECOME EFFECTIVE AT 12:01 A.M. ON FEBRUARY 18<sup>TH</sup>, 2015.

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 Fairfax County Code Amendment, As-Built Requirements, as articulated by Mrs. Hedetniemi, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 12-0.)

JN

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

# STAFF REPORT

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

Proposed Amendments to the Public Facilities Manual and Chapters 101 (Subdivision Ordinance) and 112 (Zoning Ordinance) of the Code of the County of Fairfax, Virginia, 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 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)**

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

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

10  
11 ~~A. Boundary of the site as shown on the approved subdivision construction plan or final plat of~~  
12 ~~record. The as-built plan shall show any geodetic reference points located on the site.~~

13  
14 ~~B. Locations of all storm sewers, sanitary sewers, fire hydrants, and associated easements~~  
15 ~~including all waterline easements. For storm and sanitary sewers, the pipe sizes, lengths, top and~~  
16 ~~invert elevations and percent grade of pipe as computed shall also be shown.~~

17  
18 ~~C. Ponds, including detention, retention and Best Management Practice (BMP) ponds, showing~~  
19 ~~elevation of tops of embankments, toes of embankments, weirs, spillways, drainage structures,~~  
20 ~~access easements and capacities of such ponds. Capacities shall be shown both volumetrically~~  
21 ~~and topographically with sufficient elevations to calculate the capacities.~~

22  
23 ~~D. Horizontal locations of all designed trails included on the approved subdivision construction~~  
24 ~~plan. Vertical location of any trail which exceeds an eight (8) percent grade (whether designed or~~  
25 ~~not as an eight (8) percent grade) and shown on the approved subdivision construction plan.~~  
26 ~~Elevations may be used in lieu of an as-built profile.~~

27  
28 ~~E. Deed book and page number(s) of the recordation in the land records of Fairfax County of~~  
29 ~~dedications and easements reflected on the approved subdivision construction plan.~~

30  
31 ~~F. A statement of certification by a licensed professional engineer or land surveyor registered in~~  
32 ~~the State, certifying that the as-built site plan conforms with the criteria listed above and~~  
33 ~~represents actual conditions on the site for those items only, and bearing the engineer's or~~  
34 ~~surveyor's seal, signature and Virginia registration number.~~

35  
36 ~~G. All utility locations, except building and service drive connections, with the notation "from~~  
37 ~~available records. Such plans and records shall be furnished by the appropriate utility~~  
38 ~~companies.~~

39

**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.*

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

- 3
- 4 1. Upon satisfactory completion, ~~inspection and approval of the installation of all required~~  
5 ~~improvements as shown on the approved site plan or a section thereof, seven (7) four (4)~~  
6 ~~copies~~ of an as-built site plan and the corresponding filing fee as provided for in Sect. 109  
7 above, shall be submitted to the Director for review and approval for conformance with the  
8 approved site plan. Such plan shall be prepared in accordance with the ~~sheet size and scale~~  
9 ~~provisions~~ set forth in the Public Facilities Manual, ~~and shall be prepared by a licensed~~  
10 ~~land surveyor or licensed professional engineer registered in the State of Virginia.~~ Such  
11 submission shall contain the following information:
- 12
- 13 A. ~~Boundary of the site as shown on the approved site plan. The as-built plan shall show~~  
14 ~~any geodetic reference points located on the site.~~
- 15
- 16 B. ~~Area of the site as shown on the approved site plan and subsequent to any fee simple~~  
17 ~~dedications to Fairfax County, State of Virginia or the Virginia Department of~~  
18 ~~Transportation, and the land area of such dedications.~~
- 19
- 20 C. ~~Location of all buildings showing the yard dimensions and all official building~~  
21 ~~numbers (addresses) posted.~~
- 22
- 23 D. ~~The location of all storm sewers, sanitary sewers, fire hydrants, and associated~~  
24 ~~easements including all waterline easements. For storm and sanitary sewers, the pipe~~  
25 ~~sizes, lengths, top and invert elevations and percent grade of pipe as computed shall~~  
26 ~~also be shown.~~
- 27
- 28 E. ~~Ponds, including detention, retention and Best Management Practice (BMP) ponds,~~  
29 ~~showing elevation of top of embankments, toes of embankments, weirs, spillways,~~  
30 ~~drainage structures, access easements and capacities of such ponds. Capacities shall~~  
31 ~~be shown both volumetrically and topographically with sufficient elevations to~~  
32 ~~calculate the capacities.~~

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- ~~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**

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

3  
4 **2-1300 AS-BUILT DRAWINGS**

5  
6 2-1301 Submission Requirements and Certifications

7  
8 2-1301.1 As-built drawings shall be prepared in accordance with Article 17 of the Zoning  
9 Ordinance, and the Subdivision Ordinance, § 101-2-5 of the Code. When required, an as-built  
10 plan prepared by a professional engineer or land surveyor licensed in the Commonwealth of  
11 Virginia shall include:

12  
13 A. Dimensions and Elevations Survey. The as-built drawings shall show actual elevations  
14 alongside planned elevations as required by § 2-1302. As-built information shall be shown  
15 [boxed in] for comparison to the design information. All existing plans to be modified for use as  
16 the as-built plan shall be redrafted where necessary so that the information is accurate and  
17 readable.

18  
19 B. Certification Statement and Seal.

20  
21 Each as-built plan shall have an Engineer's or Surveyor's statement and seal. Except for  
22 Category D dams, the certification of all geotechnical work will be by the geotechnical engineer  
23 of record. The certification shall state as follows:

24  
25 (i) In accordance with Article 17 of the Zoning Ordinance, and the Subdivision  
26 Ordinance, § 101-2-5 of the Code, and the Public Facilities Manual, I, (submitting  
27 engineer/surveyor's name), do hereby certify that this as-built conforms to the approved  
28 plans, except as shown, which represents actual conditions on this site as of this date.

29  
30  
31 (submitting engineer/surveyor's signature/date) (seal)

32  
33 (ii) I have reviewed the as-built plan and hereby certify that the geotechnical aspects of  
34 the embankment dam/pond were constructed in accordance with the approved plans,  
35 except as indicated below, which represents the actual conditions of the dam on this site  
36 as of this date.

37  
38 (geotechnical engineer's signature/date) (seal)

39  
40 (iii) All storm/sanitary structures fall within their respective easements and all  
41 dedications and all off-site easements are recorded in DB \_\_\_\_\_, at PG \_\_\_\_\_.

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

52  
53 2-1302 Information Required on the As-Built Drawing. The record drawing shall include, at a  
54 minimum, the following information:

55  
56 A. Boundary of the site as shown on the final plat of record. The as-built plan shall show any  
57 geodetic reference points located on the site.

58  
59 B. The area of the site as shown on the approved site plan and subsequent to any fee simple  
60 dedications to Fairfax County, State of Virginia or the Virginia Department of Transportation,  
61 and the land area of such dedications. As shown on the approved building plans, the total gross  
62 floor area and the number of dwelling units, if applicable.

63  
64 C. Location of all buildings on the approved site plan showing the yard dimensions and all  
65 official building numbers (and/or addresses) posted.

66  
67 D. Locations of all storm sewers, sanitary sewers mains, fire hydrants, and associated easements  
68 including all waterline easements. For storm and sanitary sewers, the pipe materials based on  
69 visual inspection only, sizes, lengths, upper and lower invert elevations, and percent grade of  
70 pipe as computed. The structure number, type, size/configuration, top elevation, type and size of  
71 any outlet protection, and latitude and longitude (in degrees, minutes, and seconds to the nearest  
72 15 seconds) shall be provided on all structures and outfalls. Latitude and longitude of the  
73 approximate center and a major appurtenance of BMPs shall be provided in decimal degrees to 6  
74 decimal places. For all projects on the Virginia coordinate system, coordinates of all structures  
75 and outfalls shall also be provided in a digital, GIS compatible format, generally an industry  
76 standard CADD or Shape file, which can be incorporated directly in the County's overall GIS.  
77 The digital submittal should be delivered in CD/DVD format, be named to match the as-built  
78 plan hard copy, and include a map of the full project in PDF format.  
79 If the outfall area is inaccessible and an offset method cannot be performed, a note shall be made  
80 on the as-built plan about the conditions preventing the survey team from recording the position.  
81 (Refer to § 10-0104.6B for as-built requirements for sanitary facilities).

82  
83 E. Ponds, including detention, retention and Best Management Practice (BMP) ponds, showing  
84 elevations of top of embankments, toes of embankments, weirs, spillways, drainage structures,  
85 low flow channels, access easements and capacities of such ponds. Capacities shall be shown  
86 both volumetrically and topographically with sufficient elevations to calculate the capacities.  
87

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

94  
95 G. Deed book and page number(s) of the recordation in the land records of Fairfax County of  
96 dedications and easements reflected on the approved plan. The deed book and page numbers of  
97 all easements shall be shown on the applicable plan and profile sheet.

98  
99 H. Locations of improved channels and swales in dedicated easements with spot elevations and  
100 slopes.

101  
102 I. All utility locations within the subdivision as they are made readily available from the utility  
103 companies, owners and/or operators, except building and service connections, with the notation  
104 “from available records”. Such plans and records shall be furnished by the appropriate utility  
105 companies, owners and/or operators.

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

108 K. Number of parking and loading spaces.

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

112 M. Information related to dams and impoundments as follows:

- 113  
114 (1) A profile (with spot elevations) of the top of dam  
115  
116 (2) A cross-section (with spot elevations) of the emergency spillway at the control section  
117  
118 (3) A profile (with spot elevations) along the centerline of the emergency spillway  
119  
120 (4) A profile along the centerline of the principal spillway extending at least 100 feet  
121 downstream of the toe of the embankment  
122  
123 (5) All structure tops, throats and invert elevations  
124  
125 (6) All pipe, orifice and weir sizes and invert elevations  
126  
127 (7) The elevation of the principal spillway crest  
128  
129 (8) The elevation of the principal spillway conduit invert (inlet and outlet)

130

131 (9) The elevation of the emergency spillway crest

132

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

134

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

136

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

138

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

140

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

142

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

145

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

148

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

151

152 **~~6-1607.3 As-Built Requirements and Certification~~**

153

154 ~~6-1607.3A (57-96 PFM) Upon satisfactory completion, inspection, and approval of all~~  
155 ~~components of the facility, as-built plans shall be prepared in accordance with the Zoning~~  
156 ~~Ordinance, § 17-300, and the Subdivision Ordinance, § 101-2-5 of the Code.~~

157

158 ~~6-1607.3B All existing plans to be modified for use as the as-built plan shall be redrafted where~~  
159 ~~necessary so that the information is accurate and readable. The information included on the as-~~  
160 ~~built plan shall include, at a minimum, the following information:~~

161

162 ~~6-1607.3B(1) A profile (with spot elevations) of the top of dam~~

163

164 ~~6-1607.3B(2) A cross-section (with spot elevations) of the emergency spillway at the control~~  
165 ~~section~~

166

167 ~~6-1607.3B(3) A profile (with spot elevations) along the centerline of the emergency spillway~~

168

169 ~~6-1607.3B(4) A profile along the centerline of the principal spillway extending at least 100 feet~~  
170 ~~downstream of the toe of the embankment~~

171

172 ~~6-1607.3B(5) All structure tops, throats and invert elevations~~

173

174 ~~6-1607.3B(6) All pipe, orifice and weir sizes and invert elevations~~

175

176 ~~6-1607.3B(7) The elevation of the principal spillway crest~~

177  
178 ~~6-1607.3B(8) The elevation of the principal spillway conduit invert (inlet and outlet)~~  
179  
180 ~~6-1607.3B(9) The elevation of the emergency spillway crest~~  
181  
182 ~~6-1607.3B(10) Spot elevations around the entire pond/dam adequate to depict the shape and size~~  
183  
184 ~~6-1607.3B(11) Spot elevations along the top and crest of the dam width~~  
185  
186 ~~6-1607.3B(12) Spot elevations through the drainage way to the riser structure.~~  
187  
188 ~~6-1607.3B(13) Notes and measurements to show that any special design features were met~~  
189  
190 ~~6-1607.3B(14) Statement regarding seeding and fencing~~  
191  
192 ~~6-1607.3B(15) Show all drainage and access easements for maintenance of the pond/dam and~~  
193 ~~related facilities with Deed Book and Page Number.~~  
194  
195 ~~6-1607.3C Each as-built plan shall have a Engineer's or Surveyor's certification statement and~~  
196 ~~seal. Except for Category D dams, the certification of all geotechnical work will be by the~~  
197 ~~geotechnical engineer of record. The certification shall state as follows:~~

198 ~~6-1607.3C(1) In accordance with the Zoning Ordinance, § 17-300, and the Subdivision~~  
199 ~~Ordinance, § 101-2-5 of the Code, I, (submitting engineer's name), do hereby certify that this as-~~  
200 ~~built conforms to the approved plans, except as shown, which represents actual conditions on this~~  
201 ~~site as of this date.~~

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

203 ~~6-1607.3C(2) I have reviewed the as-built plan and hereby certify that the geotechnical aspects~~  
204 ~~of the embankment dam/pond were constructed in accordance with the approved plans, except as~~  
205 ~~indicated below, which represents the actual conditions of the dam on this site as of this date.~~

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

207 ~~6-1607.3C(3) All storm/sanitary structures fall within their respective easements and all~~  
208 ~~dedications and all off site easements are recorded in DB \_\_\_\_, at PG \_\_\_\_.~~

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

211

212 2-0502.2G Refer to § 6-1300 *et seq.* for information regarding required inspections during  
213 construction and certification of stormwater and best management facilities.

214

215

216

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

220

221 2-0212.13 (~~Reserved~~) The plans and profiles shall depict areas where additional field  
222 observations and as-built measurements are necessary pursuant to § 2-1302 (L) and (N).

223

224

Board Agenda Item  
February 17, 2015

4:00 p.m.

Public Hearing on Proposed Amendments to Chapter 124 (Stormwater Management Ordinance), Chapter 101 (Subdivision Ordinance), and Appendix Q (Land Development Services Fee Schedule) of The Code of the County of Fairfax, Virginia Re: Implementation of the Virginia Stormwater Management Act and Virginia Stormwater Management Program (VSMP) Regulation)

ISSUE:

Public Hearing on proposed amendments to Chapter 124 (Stormwater Management Ordinance), Chapter 101 (Subdivision Ordinance), and Appendix Q (Land Development Services Fee Schedule) 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.).

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 8, 2015, the Planning Commission voted 12-0 to recommend that the Board adopt the proposed amendments as set forth in the Staff Report dated December 2, 2014.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to *The Code of the County of Fairfax, Virginia* as set forth in the Staff Report dated December 2, 2014, as recommended by the Planning Commission.

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 February 17, 2015. On December 2, 2014, the Board authorized the advertising of public hearings. The Planning Commission held a public hearing on January 8, 2015. The amendments will become effective at 12:01 a.m. on February 18, 2015, except that Final Subdivision Plats submitted to the Department of Public Works and Environmental Services prior to February 18, 2015, and approved prior to August 18, 2015, shall be grandfathered from the amendment to the Subdivision Ordinance.

Board Agenda Item  
February 17, 2015

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 Fee Schedule) 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:

Board Agenda Item  
February 17, 2015

- 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.

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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  
Attachment 3 – Planning Commission Verbatim

STAFF:

Robert A. Stalzer, Deputy County Executive  
James Patteson, Director, Department of Public Works and Environmental Services (DPWES)  
Bill Hicks, Deputy Director, DPWES



# 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

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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,

A handwritten signature in black ink that reads "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

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

# STAFF REPORT

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- 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)

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

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

3  
4 "General pPermit" means ~~the a state permit titled General (VPDES) Permit for Discharges~~  
5 ~~from Construction Activities found in Part XIV of the Regulations (9VAC25-880-1 et seq.)~~  
6 authorizing a category of discharges under the CWA and the Act within a geographical area of  
7 ~~the Commonwealth of Virginia.~~

8  
9 "Hydrologic Unit Code" or "HUC" means a watershed unit established in the most recent  
10 version of Virginia's 6th Order National Watershed Boundary Dataset unless specifically  
11 identified as another order.

12  
13 "Municipal separate storm sewer system" or "MS4" means a conveyance or system of  
14 conveyances otherwise known as a municipal separate storm sewer system, including roads with  
15 drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or  
16 storm drains:

- 17  
18 1. Owned or operated by a federal, state, city, town, county, district, association, or other  
19 public body, created by or pursuant to state law, having jurisdiction or delegated authority for  
20 erosion and sediment control and stormwater management, or a designated and approved  
21 management agency under § 208 of the CWA that discharges to surface waters;  
22 2. Designed or used for collecting or conveying stormwater;  
23 3. That is not a combined sewer; and  
24 4. That is not part of a publicly owned treatment works.

25  
26 "Natural stream" means a tidal or nontidal watercourse that is part of the natural topography.  
27 It usually maintains a continuous or seasonal flow during the year and is characterized as being  
28 irregular in cross-section with a meandering course. ~~Natural streams may include sections of~~  
29 ~~braided channels or wetlands as determined by the Director.~~ Constructed channels such as  
30 drainage ditches or swales shall not be considered natural streams; however, channels designed  
31 utilizing natural channel design concepts may be considered natural streams.

32  
33 "Operator" means the owner or operator of any facility or activity subject to the Act, the  
34 Regulations, and this Chapter. In the context of stormwater associated with a large or small  
35 construction activity, operator means any person associated with a construction project that  
36 meets either of the following two criteria: (i) the person has direct operational control over  
37 construction plans and specifications, including the ability to make modifications to those plans  
38 and specifications or (ii) the person has day-to-day operational control of those activities at a  
39 project that are necessary to ensure compliance with a stormwater pollution prevention plan for

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

6  
 7 "Site" means the land or water area where any facility or land-disturbing activity is  
 8 physically located or conducted, ~~a parcel of land being developed, or a designated area of a~~  
 9 ~~parcel of land being developed,~~ including adjacent land used or preserved in connection with the  
 10 facility or land-disturbing activity. Areas channelward of mean low water in tidal Virginia shall  
 11 not be considered part of a site.

12  
 13 "Stormwater conveyance system" means a combination of drainage components that are used  
 14 to convey stormwater discharge, either within or downstream of the land-disturbing activity. This  
 15 includes:

16  
 17 (i) "Manmade stormwater conveyance system" means a pipe, ditch, vegetated swale, or  
 18 other stormwater conveyance system constructed by man except for restored stormwater  
 19 conveyance systems;

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

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

27  
 28 **Amend Article 1, General Provisions, Section 124-1-5, Definitions, by adding the following**  
 29 **definitions, to read as follows:**

30  
 31 "Large construction activity" means construction activity including clearing, grading and  
 32 excavation, except operations that result in the disturbance of less than five acres of total land  
 33 area. Large construction activity also includes the disturbance of less than five acres of total land  
 34 area that is a part of a larger common plan of development or sale if the larger common plan will  
 35 ultimately disturb five acres or more. Large construction activity does not include routine  
 36 maintenance that is performed to maintain the original line and grade, hydraulic capacity, or  
 37 original purpose of the facility.

38  
 39 "Municipal separate storm sewer system" or "MS4" means all separate storm sewers that are  
 40 defined as "large" or "medium" or "small" municipal separate storm sewer systems or designated  
 41 under 9VAC25-870-380.A.1.

42  
 43 "Virginia Stormwater Management Program authority" or "VSMP authority" means the  
 44 County of Fairfax, Virginia.

45  
 46 **Amend Article 1, General Provisions, Section 124-1-7, Exemptions, by revising the**

1 **introductory paragraph, to read as follows:**

2  
3 Notwithstanding any other provisions of this Chapter, the following activities are exempt  
4 from the provisions of this Chapter, unless otherwise required by federal law:

5  
6 **Amend Article 1, General Provisions, Section 124-1-7, Exemptions, by revising exemption**  
7 **#4, to read as follows:**

8  
9 4. Land-disturbing activities that disturb less than or equal to 2,500 square feet except for  
10 land-disturbing activities that are part of a larger common plan of development or sale that  
11 disturbs one (1) acre or greater;

12  
13 **Amend Article 1, General Provisions, Section 124-1-10, Applicability of and Conflicts with**  
14 **Other Laws and Regulations, by revising subsection B, to read as follows:**

15  
16 B. Nothing in ~~the Regulations~~ this Chapter shall be construed as limiting the rights of other  
17 federal agencies, state agencies, or the County to impose more stringent technical criteria or  
18 other requirements as allowed by law.

19  
20 **Amend Article 1, General Provisions, Section 124-1-13, Chesapeake Bay Preservation Act**  
21 **Land-Disturbing Activity, by revising the last paragraph, to read as follows:**

22  
23 Single-family residences ~~separately built~~ detached residential structures, disturbing less than  
24 one acre and part of a larger common plan of development or sale that ultimately will disturb  
25 equal to or greater than one acre of land are authorized to discharge under the General Permit for  
26 Discharges of Stormwater from Construction Activities and are not required to submit a  
27 registration statement or the state portion of the permit fee, ~~provided that the stormwater~~  
28 ~~management plan for the larger common plan of development or sale provides permanent control~~  
29 ~~measures (i.e. stormwater management facilities) encompassing the single-family residence.~~

30  
31 **Amend Article 2, General Administrative Criteria for Regulated Land-Disturbing**  
32 **Activities., Section 124-2-2, Permit Required, by revising it, to read as follows:**

33  
34 **Section 124-2-2. Permit Required.**

35  
36 A. A person shall not conduct any land-disturbing activity without a stormwater permit.  
37 Permits will not be issued until the following items have been submitted to the County and  
38 approved by the Director as prescribed herein:

- 39  
40 1. A permit application that includes a ~~s~~State ~~V~~SMP ~~s~~Permit registration statement if  
41 such statement is required ~~except for Chesapeake Bay Preservation Act land-disturbing~~  
42 ~~activities;~~  
43 2. Evidence of ~~V~~SMP State ~~p~~Permit coverage if State Permit coverage is required ~~except~~  
44 ~~for Chesapeake Bay Preservation Act land-disturbing activities;~~  
45  
46 3. An erosion and sediment control plan in accordance with Chapter 104 of the Code; and  
47 4. A stormwater management plan meeting the requirements of § 124-2-7.

1  
2 B. No ~~p~~Permit shall be issued until the fees required to be paid pursuant to Article 3 of this  
3 Chapter are received, and the Applicant has provided surety for performance as required  
4 pursuant to § 124-2-4.  
5

6 C. Permit applications shall be acted on within 60 days after submission of a complete  
7 application, as determined by the Director ~~it has been determined by the Director to be a~~  
8 ~~complete application~~. The Director may either issue the ~~p~~Permit or deny the ~~p~~Permit and shall  
9 provide the applicant with a written rationale explanation for the denial. ~~Any~~ ~~p~~Permit  
10 application that has been previously disapproved shall be acted on within 45 days after ~~the a~~  
11 revised and complete application, as determined by the Director, is has been revised, resubmitted  
12 for approval, and deemed complete.  
13

14 D. Coverage under the General VPDES Permit for Discharges of Stormwater from  
15 Construction Activities is required for construction activities disturbing equal to or greater than  
16 one (1) acre of land including land-disturbing activities disturbing less than one (1) acre of land  
17 that are part of a larger common plan of development or sale that ultimately will disturb one (1)  
18 acre or more of land.  
19

20 E. State Permit registration statements are required for land-disturbing activities that require  
21 coverage under the General VPDES Permit for Discharges of Stormwater from Construction  
22 Activities except for single-family detached residential structures that are within or outside a  
23 common plan of development or sale, even though such land-disturbing activities are subject to  
24 the General VPDES Permit for Discharges of Stormwater from Construction Activities.  
25

26 **Amend Article 2, General Administrative Criteria for Regulated Land-Disturbing**  
27 **Activities, Section 124-2-5, Monitoring, Reports, Investigations, and Inspections, by**  
28 **revising subsection A, to read as follows:**  
29

30 A. The Director (i) shall provide for periodic inspections of the installation of stormwater  
31 management measures, (ii) may require monitoring and reports from the person responsible for  
32 meeting the ~~p~~Permit conditions to ensure compliance with the ~~p~~Permit and to determine whether  
33 the measures required in the ~~p~~Permit provide effective stormwater management, and (iii) conduct  
34 such investigations and perform such other actions as are necessary to carry out the provisions of  
35 this Chapter.  
36

37 **Amend Article 2, General Administrative Criteria for Regulated Land-Disturbing**  
38 **Activities, Section 124-2-6, Stormwater Pollution Prevention Plan Requirements, by**  
39 **revising subsections A and F, to read as follows:**  
40

41 A. A stormwater pollution prevention plan shall include, but not be limited to, an approved  
42 erosion and sediment control plan, an approved stormwater management plan, a pollution  
43 prevention plan for regulated land-disturbing activities, and a description of any additional  
44 control measures necessary to address a TMDL pursuant to subsection E. The stormwater  
45 pollution prevention plan shall meet all requirements of 9VAC25-870-54 and 9VAC25-880-70.  
46

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

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

- 3
- 4 1. Control stormwater volume and velocity within the site to minimize soil erosion;
- 5 2. Control stormwater discharges, including both peak flow rates and total stormwater
- 6 volume, to minimize erosion at outlets and to minimize downstream channel and stream bank
- 7 erosion;
- 8 3. Minimize the amount of soil exposed during construction activity;
- 9 4. Minimize the disturbance of steep slopes;
- 10 5. Minimize sediment discharges from the site. The design, installation and maintenance
- 11 of erosion and sediment controls must address factors such as the amount, frequency, intensity
- 12 and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics,
- 13 including the range of soil particle sizes expected to be present on the site;
- 14 6. Provide and maintain natural buffers around surface waters, direct stormwater to
- 15 vegetated areas to increase sediment removal and maximize stormwater infiltration, unless
- 16 infeasible;
- 17 7. Minimize soil compaction and, unless infeasible, preserve topsoil;
- 18 8. Stabilization of disturbed areas must, at a minimum, be initiated immediately
- 19 whenever any clearing, grading, excavating or other earth disturbing activities have permanently
- 20 ceased on any portion of the site, or temporarily ceased on any portion of the site and will not
- 21 resume for a period exceeding 14 calendar days. Stabilization must be completed within a period
- 22 of time determined by the County. In drought stricken areas where initiating vegetative
- 23 stabilization measures immediately is infeasible, alternative stabilization measures must be
- 24 employed as specified by the County; and
- 25 9. Utilize outlet structures that withdraw water from the surface, unless infeasible, when
- 26 discharging from basins and impoundments.
- 27

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

31

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

- 35
- 36 1. A stormwater management plan for a land-disturbing activity shall apply the
- 37 stormwater management technical criteria set forth in Article 4 or Article 5 as applicable to the
- 38 entire land disturbing activity. Individual lots in new residential, commercial, or industrial
- 39 developments, including those developed under subsequent owners, shall not be considered
- 40 separate land-disturbing activities.
- 41 2. A stormwater management plan shall consider all sources of surface runoff and all
- 42 sources of subsurface and groundwater flows converted to surface runoff.
- 43 3. Stormwater management plans shall meet all requirements of the PFM.
- 44

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

1 **read as follows:**

2  
3 D. A stormwater management plan approved for a residential, commercial, or industrial  
4 subdivision shall govern the development of the individual parcels, including those parcels  
5 developed under subsequent owners. A note shall be placed on the subdivision plat stating that  
6 individual parcels shall be developed in accordance with the approved stormwater management  
7 plan for the subdivision.

8  
9 **Amend Article 3, Fees, Section 124-3-5, Permit Maintenance Fees, by revising it, to read as**  
10 **follows:**

11  
12 **Section 124-3-5. Permit Maintenance Fees.**

13  
14 Annual permit maintenance fees for General Permits for Discharges of Stormwater from  
15 Construction Sites including expired permits that have been administratively continued and  
16 Chesapeake Bay Preservation Act land-disturbing activities shall be paid to the County by April  
17 1<sup>st</sup> of each year at such times and amounts as provided for in Appendix Q of the Code. With  
18 respect to the General Permit for Discharges of Stormwater from Construction Activities, these  
19 fees shall apply until the permit coverage is terminated

20  
21 **Amend Article 4, Technical Criteria for Regulated Land-Disturbing Activities, Section 124-**  
22 **4-4, Water Quantity, by revising subsection C, Flood Protection, criteria #4, to read as**  
23 **follows:**

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

33  
34 **Amend Article 4, Technical Criteria for Regulated Land-Disturbing Activities, Section 124-**  
35 **4-5, Offsite Compliance Options, by revising subsection F, to read as follows:**

36  
37 F. In accordance with § 62.1-44.15:35F of the Code of Virginia, nutrient credits used  
38 pursuant to subsection A shall be generated in the same or adjacent eight-digit hydrologic unit  
39 code as defined by the United States Geological Survey as the permitted site ~~except as otherwise~~  
40 ~~limited in subsection C.~~ Nutrient credits outside the same or adjacent eight-digit hydrologic unit  
41 code may only be used if it is determined by the Director that no credits are available within the  
42 same or adjacent eight-digit hydrologic unit code when the Director accepts the final site design.  
43 In such cases, and subject to other limitations imposed in this section, credits available within the  
44 same tributary may be used. In no case shall credits from another tributary be used.

45  
46 **Amend Article 4, Technical Criteria for Regulated Land-Disturbing Activities, Section 124-**

1 **4-6, Design Storms and Hydrologic Methods, by revising subsection E, to read as follows:**

2  
3 E. For drainage areas of 200 acres or less, the modified Rational Method may be used for  
4 evaluating volumetric flows to stormwater conveyances.

5  
6 **Amend Article 4, Technical Criteria for Regulated Land-Disturbing Activities, by adding**  
7 **Section 124-4-10, Stormwater Management Impoundment Structures or Facilities, to read**  
8 **as follows:**

9  
10 **Section 124-4-10. Stormwater Management Impoundment Structures or Facilities.**

11  
12 Stormwater management wet ponds and extended detention ponds that are not covered by the  
13 Impounding Structure Regulations (4VAC50-20) shall, at a minimum, be engineered for  
14 structural integrity for the 100-year storm event and shall comply with the requirements of § 6-  
15 1600 of the PFM.

16  
17 **Amend Article 5, Technical Criteria for Regulated Land-Disturbing Activities:**  
18 **Grandfathered Projects and Projects Subject to Time Limits on Applicability of Approved**  
19 **Design Criteria, Section 124-5-3, General, by revising subsection M, to read as follows:**

20  
21 M. Flood control and stormwater management facilities that drain or treat water from  
22 multiple development projects or from a significant portion of a watershed may be allowed in  
23 resource protection areas defined in the Chesapeake Bay Preservation Act provided such  
24 facilities are designed and constructed in accordance with the Stormwater Management Act and  
25 this ordinance, and provided that (i) the County has conclusively established that the location of  
26 the facility within the resource protection area is the optimum location; (ii) the size of the facility  
27 is the minimum necessary to provide necessary flood control, stormwater treatment, or both; and  
28 (iii) the facility must be consistent with a comprehensive stormwater management plan  
29 developed and approved in accordance with § 124-4-9 or with a VSMP that has been approved  
30 prior to July 1, 2012, by the State Water Control Board, the Chesapeake Bay Local Assistance  
31 Board prior to its abolishment on July 1, 2012, or the Board of Conservation and Recreation; (iv)  
32 all applicable permits for construction in state or federal waters must be obtained from the  
33 appropriate state and federal agencies, such as the U.S. Army Corps of Engineers, the  
34 department, and the Virginia Marine Resources Commission; (v) approval must be received from  
35 the local government prior to construction; and (vi) routine maintenance is allowed to be  
36 performed on such facilities to assure that they continue to function as designed. It is not the  
37 intent of this subdivision to allow a best management practice that collects and treats runoff from  
38 only an individual lot or some portion of the lot to be located within a resource protection area.  
39 ~~stormwater management program that has been approved by the State Water Control Board, Soil~~  
40 ~~and Water Conservation Board, the Chesapeake Bay Local Assistance Board, or the Board of~~  
41 ~~Conservation and Recreation.~~

42  
43 **Amend Article 5, Technical Criteria for Regulated Land-Disturbing Activities:**  
44 **Grandfathered Projects and Projects Subject to Time Limits on Applicability of Approved**  
45 **Design Criteria, Section 124-5-4, Water Quality, by revising subsection A, paragraph #5, to**  
46 **read as follows:**

1  
2 5. BMPs shall be reviewed, modified, ~~waived~~ and/or approved by the Director in  
3 accordance with Article 6 of the Public Facilities Manual in effect on June 30, 2014, except that  
4 BMPs must meet testing and inspection requirements, plan submission requirements, and dam  
5 standards in effect at the time of plan submission.  
6

7 **Amend Article 5, Technical Criteria for Regulated Land-Disturbing Activities:**  
8 **Grandfathered Projects and Projects Subject to Time Limits on Applicability of Approved**  
9 **Design Criteria, Section 124-5-6, Flooding, by revising subsection C, to read as follows:**  
10

11 C. Land-disturbing activity shall comply with the requirements of Chapter 6 of the  
12 Fairfax County Public Facilities Manual in effect on ~~July~~ June 30, 2014.  
13

14 **Amend Article 7, Appeals, by revising it, to read as follows:**  
15

16 **ARTICLE 7.**

17 **Appeals.**

18 **Section 124-7-1. Right to Administrative Review.**  
19

20 ~~A. The Director shall appoint a hearing officer or officers for the purpose of hearing appeals~~  
21 ~~of actions or the failure to take action by the Director under this Chapter.~~  
22

23 ~~B.A. Any permit applicant, permittee, person subject to state permit requirements under this~~  
24 ~~Chapter, or person subject to an enforcement action under this Chapter who is aggrieved by an~~  
25 ~~action or inaction by the Director pursuant to this Chapter without a formal hearing may demand~~  
26 ~~in writing a formal hearing by the hearing officer, provided that a petition requesting a hearing is~~  
27 ~~filed with the Director within 30 days after notice of the Director's action is received by the~~  
28 ~~aggrieved party has a right to an administrative appeal of the Director's decision. The appeal~~  
29 ~~shall take the form of a written request for reconsideration and, upon request, an informal~~  
30 ~~hearing. As provided for in this Chapter, the Director may seek an injunction in the absence of~~  
31 ~~an administrative hearing.~~  
32

33 B. The aggrieved party seeking to appeal a decision by the Director shall submit to the  
34 Director, within 10 days after the date of the challenged decision, a written Notice of Intent to  
35 Appeal. The Notice of Intent to Appeal shall state whether the appellant requests an informal  
36 hearing.  
37

38 C. Within 21 days after the Notice of Intent to Appeal is submitted to the Director, the  
39 appellant shall submit a written Request for Reconsideration to the Director setting forth the  
40 factual, legal, or other bases for the appeal. Failure to timely submit the Request for  
41 Reconsideration shall constitute a waiver of the right to appeal.  
42

43 D. An appellant that timely files a Notice of Intent to Appeal with the Director that includes  
44 a request for an informal hearing shall submit a Request for Reconsideration in accordance with  
45 subsection C. The informal hearing shall be held no more than 60 days after the Notice of Intent  
46 to Appeal.  
47

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

5  
 6 E. The Director shall make a final decision in writing within 14 days after either the  
 7 submission of the request for reconsideration or an informal hearing, whichever is later. The  
 8 final decision shall state the facts upon which the decision is based.

9  
 10 **Section 124-7-2. Hearings**

11  
 12 ~~A. Any hearing for administrative review of an action or inaction by the Director held~~  
 13 ~~pursuant to § 124-7-1 shall be conducted by the hearing officer.~~

14  
 15 ~~B. After a petition requesting a hearing is filed with the Director, the Director or hearing~~  
 16 ~~officer shall issue a notice of hearing to the aggrieved party providing the date, time, and location~~  
 17 ~~of the hearing, and shall include the facts and legal requirements related to the challenged action.~~  
 18 ~~The notice of hearing shall be issued in accordance with the notice requirements of § 124-8-1(F).~~

19  
 20 ~~C. The County and the aggrieved party may present evidence including witnesses regarding~~  
 21 ~~the facts and occurrences giving rise to the action subject to review. The aggrieved party may~~  
 22 ~~examine any of the County's witnesses.~~

23  
 24 ~~D. A verbatim record of the proceedings of any hearing for administrative review under this~~  
 25 ~~Chapter shall be made.~~

26  
 27 ~~E. The hearing officer shall have the power to issue subpoenas and subpoenas duces tecum,~~  
 28 ~~and at the request of any party shall issue such subpoenas. The failure of a witness without legal~~  
 29 ~~excuse to appear or to testify or to produce documents shall be acted upon by the Director, whose~~  
 30 ~~action may include the procurement of an order of enforcement from the circuit court. Witnesses~~  
 31 ~~who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil~~  
 32 ~~actions.~~

33  
 34 ~~F. The hearing officer shall issue a final order within 30 days after the conclusion of the~~  
 35 ~~hearing, which shall be served upon the parties, become part of the record, and briefly state the~~  
 36 ~~findings, conclusions, reasons, or basis therefor upon the evidence presented by the record and~~  
 37 ~~relevant to the basic law under which the agency is operating and, as appropriate, an order~~  
 38 ~~imposing civil charges under Va. Code Ann. § 62.1-44.15:48(D)(2).~~

39  
 40 **Section 124-7-23. Appeals of Final Orders.**

41  
 42 Final decisions of the Director under this Chapter shall be subject to review by appeal to the  
 43 Circuit Court of Fairfax County, Virginia, provided that the permit applicant, permittee, or  
 44 person to whom a final order decision is issued files by the hearing officer may seek judicial  
 45 review of the final order issued by the hearing officer by appeal to the Circuit Court of Fairfax  
 46 County on the record of the proceedings before the hearing officer. To commence an appeal, a  
 47 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.

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

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

4  
5 (13) A note stating that individual parcels shall be developed in accordance with the approved  
6 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**

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

3  
4

<b><u>G. PERMITS FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITY FEES</u></b>	
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.	
<i>(A) General / Stormwater Management - Base Fee</i>	
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.) <u>Fee not required for land-disturbing activities exempt from the Stormwater Management Ordinance under §124-1-7.</u>	\$308
2. All land disturbing activities requiring General Permit coverage for Discharges of Stormwater from Construction Activities.	\$308
<i>(B) General / Stormwater Management - Modifications</i>	
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. <u>Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre)</u>	<u>\$0</u>
2. <u>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)</u>	<u>\$0</u>
13. 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 <u>except for construction of single-family detached residential structures</u> )	\$200
24. 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
35. 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

46. 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
57. 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
<i>(C) General / Stormwater Management – Permit Maintenance</i> 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.	<del>\$20</del> \$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
24. 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 <u>except for construction of single-family detached residential structures</u> )	\$400
35. 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
46. 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
57. 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
68. 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

FAIRFAX COUNTY CODE AMENDMENTS – 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 REGARDING THE IMPLEMENTATION OF THE VIRGINIA STORMWATER MANAGEMENT ACT (VIRGINIA CODE ANN. SECT. 62.1-44.15:24, ET SEQ.) AND VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP) REGULATION (9 VAC 25-870, ET SEQ.)

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE BOARD ADOPT THE PROPOSED AMENDMENTS TO CHAPTER 124, STORMWATER MANAGEMENT ORDINANCE; CHAPTER 101, SUBDIVISION ORDINANCE; AND APPENDIX Q, LAND DEVELOPMENT SERVICES FEE SCHEDULE OF THE COUNTY CODE, AS CONTAINED IN THE STAFF REPORT DATED DECEMBER 2, 2014.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt these Code amendments as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 12-0.)

JN

Board Agenda Item  
February 17, 2015

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Sunset Manor Residential Permit Parking District, District 18 (Mason District)

ISSUE:

Public Hearing on a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Sunset Manor Residential Permit Parking District (RPPD), District 18.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Sunset Manor RPPD, District 18.

TIMING:

On January 27, 2015, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to take place on February 17, 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.

Board Agenda Item  
February 17, 2015

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$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:

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

Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by adding the following street to Appendix G-18, Section (b), (2), Sunset Manor Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

*Bouffant Boulevard (Route 3436):*

From Dowden Terrace Park boundary to the eastern property boundary of 5600 Bouffant Boulevard; north side only

From Dowden Terrace Park boundary to Paul Street; south side only

Fairfax County  
 Department of Transportation  
 Traffic Operations  
 Sunset Manor RPPD Expansion  
 Mason District




Board Agenda Item  
February 17, 2015

4:00 p.m.

Public Hearing on RZ 2014-MA-011 (Spectrum Development, LLC) to Permit Retail, Pharmacy With Drive-Through and Fast Food Uses With An Overall Floor Area Ratio of 0.22 and Waivers and Modifications in a CRD, Located on Approximately 2.72 Acres of Land (Mason District)

Property is located on the South Side of Leesburg Pike between Charles Street and Washington Drive. Tax Map 61-2 ((17)) (D) 1, 3, 4 and 5; and 61-2 ((18)) 1, 2, 3, 4 and 5. (Concurrent with SE 2014-MA-013).

and

Public Hearing on SE 2014-MA-013 (Spectrum Development, LLC) to Permit a Pharmacy With Drive-Through and Fast Food Restaurant(s) and Waivers and Modifications in a CRD, Located on Approximately 2.72 Acres of Land Zoned C-6, CRD, HC, and SC (Mason District)

Property is located at 5885 Leesburg Pike, 3408 & 3410 Washington Dr., and 3425 & 3401 Charles Street, Falls Church, 22041. Tax Map 61-2 ((17)) (D) 1, 3, 4 and 5; and 61-2 ((18)) 1, 2, 3, 4 and 5.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 12, 2015, the Planning Commission voted 8-0 (Commissioner Hart was not present for the votes; Commissioners Hurley, Murphy, and Sargeant were absent from the meeting) to recommend the following action to the Board of Supervisors:

- Approval of RZ 2014-MA-011, subject to the execution of proffers consistent with those dated February 11, 2015;
- Approval of SE 2014-MA-013, subject to Development Conditions consistent with those dated February 9, 2015;
- Approval of a 20 percent parking reduction as permitted in a Commercial Revitalization District (CRD) to allow 108 parking spaces where 135 are required;
- Approval of a waiver of the front yard setback requirement in the C-6 District per the CRD provisions to permit a 10-foot setback to Leesburg Pike and 7-foot setback to Washington Drive;
- Approval of a waiver of the minimum lot width standard in the C-6 District per the CRD provisions to allow 160 feet after the dedication of the right-of-way along Charles Street;
- Approval of a modification of the trail requirement along Leesburg Pike to permit an 8-foot wide paver walkway in accordance the Bailey's Crossroads streetscape standards;

Board Agenda Item  
February 17, 2015

- Approval of a modification of the transitional screening and barrier requirements along all or portions of the east, south, and west property lines, in favor of the plantings and masonry walls shown on the GDP/SE plat;
- Approval of a waiver of the tree preservation target area in favor of the proposed plantings shown on the GDP/SE plat;
- Approval of a waiver of the service drive requirement along Leesburg Pike in favor of the frontage improvements shown on GDP/SE plat; and
- Approval of a modification of the loading space requirements to permit one loading area as depicted on the GDP/SE plat.

In a related action, the Planning Commission recommends that the Board of Supervisors direct staff to study options for achieving the desired transportation improvements in the area, including the realignment envisioned by the plan, for the goal of minimizing impact to both existing residential neighborhoods and commercial developments while still providing adequate opportunities for redevelopment and understanding that the options may need to extend beyond the limits of the current application.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4474376.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Brent Krasner, Planner, DPZ

RZ 2014-MA-011/SE 2014-MA-013 – SPECTRUM DEVELOPMENT, LLC

Decision Only During Commission Matters  
(Public Hearing held on January 14, 2015)

Commissioner Strandlie: Thank you, Mr. Chairman. Tonight, the commission will make a decision on a proposed plan submitted by Spectrum Development, LLC, referred to as The Shops at Baileys Crossroads. As we discussed at the January 14<sup>th</sup> hearing, the site has been in need of redevelopment for over 20 years. A portion of the site has been sitting as a vacant lot since 2007 and a good portion of this vacant lot is needed to realign Charles Street in Glen Forest, making development close to impossible. Geico owns an addition – an adjacent lot and building and they have now shut down business at that location. The applicant cobbled together the vacant lot, the Geico property, and two additional residential properties immediately to the rear to have sufficient land for this development. Since the January 14<sup>th</sup> public hearing, the applicant, neighbors, and staff have diligently worked to try address issues with the design and other matters raised by commissioners, including my concerns about the design of CVS. In addition to meeting with the applicants, Fairfax County Division chief Kris Abrahamson and I met with Irene Xenos and Brian Lovitt for two hours on site in a snow storm, and we appreciated very much their meeting with us. Ms. Xenos is a zealous advocate on behalf of her grandmother, and I can definitely understand and appreciate her concerns. I want to thank everyone who's worked on this, especially Kris and Brent Krasner for their efforts, and ask them to briefly go through the design and proffer changes, including responses to requests for improvements to Lot 8.

Brent Krasner, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ): Thank you. I prepared a few slides just to briefly summarize where we – what we've been doing since the – during the deferral period, just to refresh everyone's memory that the property is on Leesburg Pike between Charles Street and Washington Drive on the west side of the Baileys Crossroads area. The applicant has submitted a revised GDP. The overall layout has not changed; however, they have incorporated a series of revisions to address various staff and neighborhood concerns. Some of the more changes were additional landscaping and a pedestrian path within the right-of-way at the intersection of Charles Street and Leesburg Pike. These were added at staff's recommendation to improve – both improve the visual appearance of the development as well as to prevent pedestrians from trampling on any plantings in that area. They've added a right-turn lane along Charles Street onto Leesburg Pike. The monument sign has been relocated from the intersection to the small seating area and we support this change. It would make it less prominent and it provides a pedestrian feature. They've also made a change to – to the bus shelter detail to provide additional right-of-way as requested by FDOT (Fairfax County Department of Transportation) to accommodate a future cycle track. They've also made significant architectural revisions to the pharmacy. The new elevations now show a more articulated building façade with a greater variety of colors and materials on all sides. They've added additional faux windows and awnings. There's also a proffer that now indicates that the windows fronting on Leesburg Pike as well as the ones that face the other retail building, will feature images of historic themes relevant to Baileys Crossroads and overall staff feels that the architectural revisions have improved the building and they have gone some way to address our

concerns about compatibility with the rest of the development as well as meeting the guidelines of the Baileys CBC in the comprehensive plan. These are additional renderings that show the new design; flip through these quickly. You can see the additional windows and awnings. And this is a bird's eye perspective. And I'll note that these images don't contain all the landscaping that will be provided in that right-of-way, but it gives you a sense of the architecture. The applicant has also submitted revised proffers in conjunction with the revised plan. The most current set, dated February 11<sup>th</sup>, was distributed to you yesterday. They've been updated to provide enhanced commitments to address various staff commission and neighborhood concerns. Some of the key changes were moving the monument sign, the additional landscaping in the right-of-way; the deliveries of the largest trucks will be restricted to non-peak periods; and of course there will be no loading on Washington Drive or any blocking of access to the site. They have increased the contribution for the off-site work on Lot 8, which is the adjacent residential property directly to the east of the site's entrance on Washington Drive, including funds for plantings, a fence, as well as a vehicle turnaround in their driveway so they can pull out forwards onto Washington Drive. They've added proffers clarifying that there will be no outdoor speakers or vending machines or anything like that on the site, and additional proffers related to trash, lighting, noise, parking enforcement, and construction, which were originally in the – in the – in the proffers have remained and been strengthened. The conditions were revised just to remove conditions that have now been addressed in the – in the proffers. We issued a staff report addendum and as we stated in that addendum staff feels that the applicant should be credited for making significant improvements to the architectural design as well making improvements to their proffer commitments. We feel the pharmacy more closely resembles the remainder of the development. It will provide a more pleasing appearance from Leesburg Pike. Ultimately, staff however – we were unable to reverse our recommendations for denial, the improved architectural notwithstanding. The building – in staff's opinion, it still faces rearwards, and it places that drive-through in a highly visible location at the intersection. In addition the right-of-way, based on what the Comp Plan currently recommends today, we feel that what they have provided is insufficient without needing additional private land. For those specific reasons, we're unable to reverse our – our recommendation; however, we do feel the applicant has made significant strides in addressing other concerns. Thank you very much.

Vice Chairman de la Fe: Thank you very much.

Commissioner Strandlie: There's a - - there was a question of the alignment of the exit on the Washington Street side and alignment with the Lot 8 driveway. Can you address the safety concerns of that as –

Mr. Krasner: Sure. Ultimately, having the driveway aligned with the access actually is the safest alternative. Just like with any other intersection, if it's skewed or offset, it introduces a potential conflict, as opposed to when it's head-on and the visibility is excellent for cars that come from either side. Also with the provision for a turnaround for the residential property, they will now be able to pull out forwards without having to back out, and we feel that provides a safe condition and it ameliorates that concern.

Commissioner Strandlie: Okay, thank you. On Proffer 26, I had some concerns about the amount of – included to provide the mitigation to Lot 8 for landscaping and/or fence and the driveway,

and I was hoping the applicant can come down and – and confirm a conversation that we had today – Peter Batten. They are going to address this. The amount currently calls for \$10,000 to reimburse for construction costs and we were concerned that that was not the right amount. Can you please confirm our conversation that we were going to have to work with the Xenos Family to make sure that the amount is sufficient to address their concerns as in the invoice and estimate that the previously provided?

Peter Batten, Applicant: We talked about that we would go out actually and do a design of the turnaround and the fencing and landscaping and then get a – a firm to provide a bid to us. So we can confirm the amount that we have in the proffer allocated for those – those improvements.

Commissioner Strandlie: So between now and the time that this may go to the Board, you will work with the Xenos Family to make sure that the amount is the sufficient amount to cover those costs.

Mr. Batten: Yes. We're going to start tomorrow to – to get the design together and then get with our construction folks and get the pricing –

Commissioner Strandlie: Okay.

Mr. Batten: – for the landscaping.

Commissioner Strandlie: And the other issue is that the proffer originally called for reimbursement after the expenses and we had discussed providing an escrow account so that they did not have to put any costs upfront.

Mr. Batten: Correct.

Commissioner Strandlie: Good.

Commissioner Strandlie: Thank you.

Vice Chairman de la Fe: Just for the record, could you identify yourself?

Mr. Batten: Yes.

Vice Chairman de la Fe: We know you are the applicant, but –

Mr. Batten: Yes. I'm with the applicant, Spectrum Development, and my name is Peter Batten and I'm one of the managing directors of the firm.

Vice Chairman de la Fe: Thank you.

Mr. Batten: Thanks.

Commissioner Strandlie: Thanks. Thank you. Brent or Kris, do you have anything else to add?

Kris Abrahamson, ZED, DPZ: Not with this question.

Commissioner Strandlie: Thank you. In – in this particular circumstance, there is overriding community needs and development challenges that have convinced me to switch me as – from a no when I was a land use – on the land use committee following the many changes and as this has moved forward. In addition, the chair of the Mason District Land Use Committee now supports this application and asked me to read his February 11<sup>th</sup>, 2015, email into the record and he said, the chair of the Mason District Land Use Committee, Dan Aminoff, while having concerns about the project's specifics, feels that the opportunity for development outweighs keeping the status quo. The Bailey's Revitalization corporation previously endorsed the project; Glen Forest Neighbors support the redevelopment, the owner of the shopping center across the street, Adrian Dominguez, supports the project because it adds additional retail and shoppers to the neighborhood; however, their support is contingent upon future road realignment not taking much of her much needed parking lot. The property at hand is the Gateway to Baileys Crossroads and many see it as an impetus for further redevelopment, a jumpstart to revitalizing this area. Again, the lot has been vacant for 8 years and undeveloped for about 20; however, there are still impediments to redevelopment that came to light during the review of this application. There is a question of how to protect the neighborhoods and existing business while improving transportation and making it a more attractive community; therefore, following the initial motion to approve the application with conditions, I will offer a supplemental motion addressing the need to identify additional redevelopment options for this area.

Vice Chairman de la Fe: Go ahead.

Commissioner Strandlie: Thank you. So, Mr. Chairman I would like to make a motion to –

- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2014-MA-011, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 11, 2015;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-MA-013, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED FEBRUARY 9<sup>TH</sup>, 2015, CONTAINED IN ATTACHMENT 3 OF THE STAFF REPORT ADDENDUM;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A 20 PERCENT PARKING REDUCTION AS PERMITTED IN A COMMERCIAL REVITALIZATION DISTRICT (CRD) TO ALLOW 108 PARKING SPACES WHERE 135 ARE REQUIRED;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE FRONT YARD SETBACK REQUIREMENT IN THE C-6 DISTRICT PER THE CRD PROVISIONS TO PERMIT A 10-FOOT SETBACK TO LEESBURG PIKE AND 7-FOOT SETBACK TO WASHINGTON DRIVE;

- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE MINIMUM LOT WIDTH STANDARD IN THE C-6 DISTRICT PER THE CRD PROVISIONS TO ALLOW 160 FEET AFTER THE DEDICATION OF THE RIGHT-OF-WAY ALONG CHARLES STREET;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRAIL REQUIREMENT ALONG LEESBURG PIKE TO PERMIT AN 8-FOOT WIDE PAVER WALKWAY IN ACCORDANCE THE BAILEY'S CROSSROADS STREETScape STANDARDS;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG ALL OR PORTIONS OF THE EAST, SOUTH, WEST – AND WEST PROPERTY LINES, IN FAVOR OF THE PLANTINGS AND MASONRY WALLS SHOWN ON THE GDP/SE PLAT;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE TREE PRESERVATION TARGET AREA IN FAVOR OF THE PROPOSED PLANTINGS SHOWN ON THE GDP/SE PLAT;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG LEESBURG PIKE IN FAVOR OF THE FRONTAGE IMPROVEMENTS SHOWN ON GDP/SE PLAT; and
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE LOADING SPACE REQUIREMENTS TO PERMIT ONE LOADING AREA AS DEPICTED ON THE GDP/SE PLAT.

Commissioner Flanagan: I second all nine of those motions.

Commissioner Hedetniemi: I do too.

Vice Chairman de la Fe: Seconded by Commissioners Hedetniemi and Flanagan. Any discussion?

Commissioner Migliaccio: Just on the special exception? Did we need the applicant to agree to those? Or did you get them on the record already? The development conditions, when they were up here?

Commissioner Strandlie: I believe those were all in the motion.

Ms. Abrahamson: Do you want to ask the applicant to come down?

Vice Chairman de la Fe: Yes, if the applicant - - if - before – before we take a vote, could the applicant please come down and confirm that he agrees with the development conditions as stated by and agreed to by Commissioner Strandlie.

William B. Lawson, Esquire, The Law Office of William B. Lawson, P.C.: Mr. Chairman, for the record, my name is William B. Lawson, Jr. I represent the applicant. The conditions are acceptable.

Vice Chairman de la Fe: Thank you very much. Okay. All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motions carry. Thank you very much..

Commissioner Strandlie: Thank you. I have – I have my supplemental motion if you –

Vice Chairman de la Fe: Yes.

Commissioner Strandlie: – would bear with me.

Vice Chairman de la Fe: Go ahead.

Commissioner Strandlie: Mr. Chairman, acknowledging the difficulties encountered in trying to adequately and safely accommodate the necessary road realignments, including the additional right-of-way for the proposed realignment of Charles Street intersection on the application property, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO STUDY OPTIONS FOR ACHIEVING THE DESIRED TRANSPORTATION IMPROVEMENTS IN THE AREA, INCLUDING THE REALIGNMENT ENVISIONED BY THE PLAN, FOR THE GOAL OF MINIMIZING IMPACT TO BOTH EXISTING RESIDENTIAL NEIGHBORHOODS AND COMMERCIAL DEVELOPMENTS WHILE STILL PROVIDING ADEQUATE OPPORTUNITIES FOR REDEVELOPMENT AND UNDERSTANDING THAT THE OPTIONS MAY NEED TO EXTEND BEYOND THE LIMITS OF THE CURRENT APPLICATION.

Commissioner Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Commissioner Hedetniemi. Any discussion? Hearing and seeing none, all those in favor of the motion, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

//

(Each motion carried by a vote of 8-0. Commissioner Hart was not present for the votes; Commissioners Hurley, Murphy, and Sargeant were absent from the meeting.)

JN

Board Agenda Item  
February 17, 2015

4:30 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Springdale Residential Permit Parking District, District 33 (Mason District)

ISSUE:

Public Hearing on a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the Springdale Residential Permit Parking District (RPPD), District 33.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of the Fairfax County Code, to expand the Springdale RPPD, District 33.

TIMING:

On January 27, 2015, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of the Fairfax County Code, to take place on February 17, 2015, at 4:30 p.m.

BACKGROUND:

Section 82-5A-4(b) of the Fairfax County Code, 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.

On September 18, 2014, the Fairfax County Department of Transportation (FCDOT)

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$1,250 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to the Fairfax County Code  
Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

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

Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by amending the following street descriptions in Appendix G-33, Section (b), (2), Springdale Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

*Arnet Street (Route 1845):*

From Munson Road to Lacy Boulevard

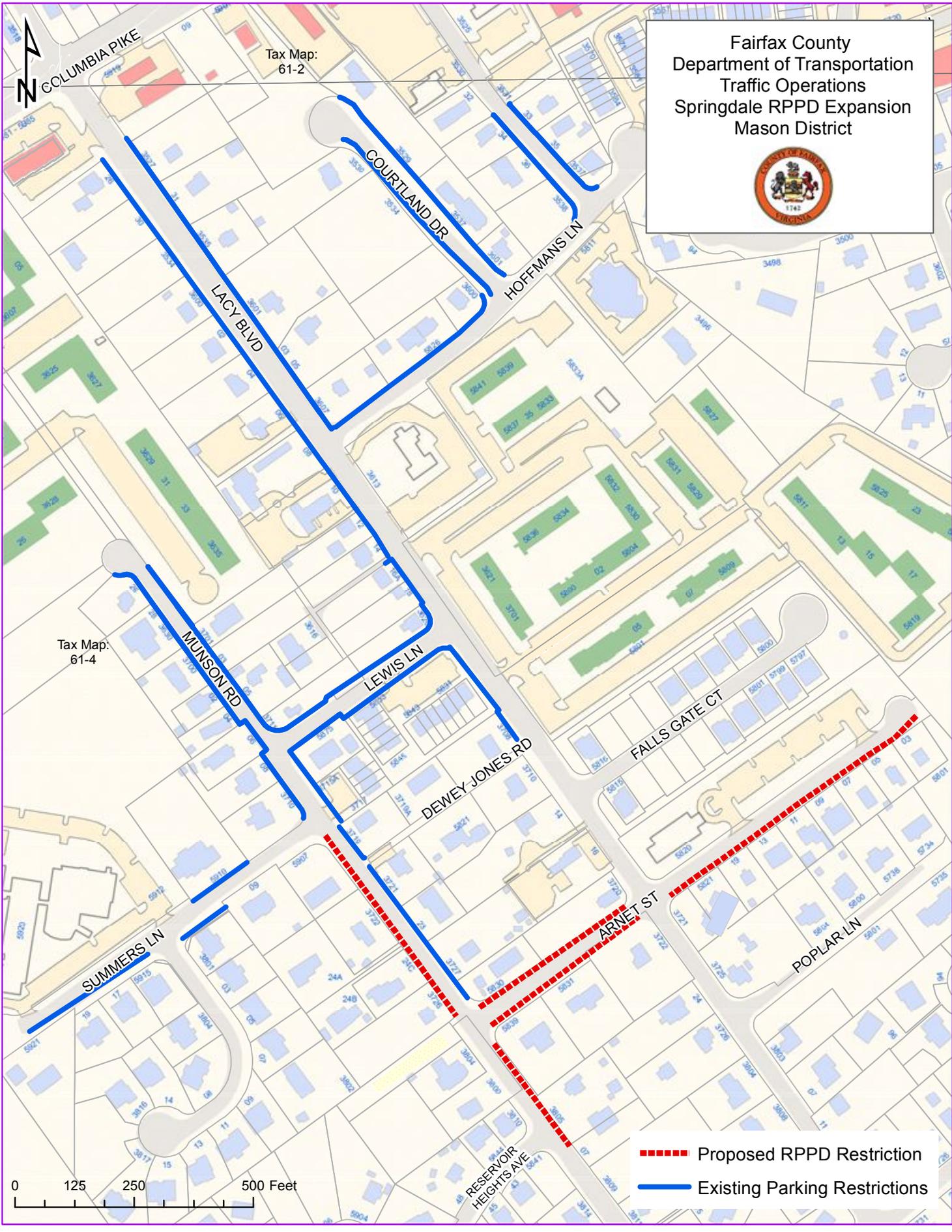
From Lacy Boulevard to eastern cul-de-sac end; south side only

*Munson Road (Route 795):*

From Arnet Street to Summers Lane ~~east side only~~

From Arnet Street to Reservoir Heights Avenue, east side only

Fairfax County  
Department of Transportation  
Traffic Operations  
Springdale RPPD Expansion  
Mason District



Board Agenda Item  
February 17, 2015

4:30 p.m.

Public Hearing on Revisions to *The Code of the County of Fairfax, Virginia*—Chapter 109.1 (Solid Waste Management)

ISSUE:

Public Hearing on approval of revisions to the county's solid waste ordinance, Chapter 109.1.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors conduct a public hearing on the proposed revisions to the county's solid waste ordinance, Chapter 109.1 of the *Code of the County of Fairfax* and at the conclusion of the public hearing authorize approval of Chapter 109.1, as revised.

TIMING:

On January 13, 2015, the Board authorized advertisement of a public hearing to be held on February 17, 2015, to consider revisions to the County's solid waste ordinance, Chapter 109.1.

BACKGROUND:

Fairfax County Department of Public Works and Environmental Services (DPWES) regulates the collection, recycling and disposal of municipal solid waste from residents and businesses within the county. Proposed revisions to this ordinance, Chapter 109.1, are necessary to clarify existing requirements and streamline portions of the code to aid collection companies and other businesses in complying with county requirements. Attachment 1, Staff Report, provides a listing of the proposed revisions that are included in this revision to Chapter 109.1.

Revisions to the existing Chapter 109.1 involve expanding the responsibility for establishing recycling systems for non-residential properties to include other entities rather than just the property owner, as is currently specified in the ordinance. Currently, the property owner is responsible for the establishment of a recycling system. However, the property owner does not typically contract for waste collection at properties they own. This is usually done by a property management company or a solid waste broker. As such, the recycling program requirements were expanded to apply to property managers and solid waste brokers. Solid waste brokers are firms that are expert in contracting for waste management services and negotiate the best possible contracts for collection services on behalf of their clients, in the hope of saving money in the cost

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of collection service. Solid waste brokers will be required to register with the county in order to operate legally. They will be charged a nominal fee annually for the registration. The fee is to be set by the director of the solid waste program; currently the fee will be set at \$200.

For residential recycling, presently there is no mechanism to enforce the recycling requirements in situations where a community or homeowner's association contracts for waste collection service. The code has been modified to allow the county to enforce the recycling program requirements with community or homeowner's associations.

Chapter 109.1 currently specifies the process for obtaining a Certificate-to-Operate for a waste collection company to legally collect waste and recycling in the county as a business. The details of the exact process for obtaining a Certificate-to-Operate were removed from this version of the code and were placed in a guidance document for collection companies to use as they apply for their annual Certificate-to-Operate. The reason for removing the application process details from the code and placing them in a guidance document is to be able to modify the application process as necessary, without the need to modify the code each time the application process is changed.

Other changes to the code include clarifications as to which parts of the requirements apply to residential waste and recycling collection (curbside) as compared to collection of waste and recycling from commercial properties (front-end container collection). It also specifies several activities which are prohibited, such as prohibitions against collecting waste and recycling together in the same container and collecting waste in an open-top container.

These revisions have been made in consultation with and comment from the business community including the trade association representing privately-owned collection companies, the Fairfax County Chamber of Commerce, the Northern Virginia Building Association (NVBIA) and the National Association for Industrial and Office Parks (NAIOP).

FISCAL IMPACT:

The fiscal impact from the revisions to Chapter 109.1 include the annual \$200 fee for the registration of solid waste brokers. There are no other financial impacts to residents or businesses.

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report

Attachment 2 - Markup of proposed changes of *Code of the County of Fairfax*, Chapter 109.1, Solid Waste Management

Board Agenda Item  
February 17, 2015

STAFF:

Robert A. Stalzer, Deputy County Executive

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

John W. Kellas, Acting Deputy Director, DPWES, Solid Waste Management Program (SWMP)

Pamela F. Gratton, Director, Recycling, Engineering and Environmental Compliance, SWMP

## **Staff Report on Proposed Modifications to Chapter 109.1, January 13, 2015**

### **Article 1 – General Requirements**

1. Adds several definitions including “community association”, “property manager”, and “solid waste broker” and the term “registered agent”, as defined by the Commonwealth of Virginia.
2. Incorporates by reference a new guidance document for such parties as part of new regulatory action.

### **Article 2 – Recycling**

1. Incorporates Section 10-0300 of the Public Facilities Manual (PFM) by reference.
2. Gives specific size and capacity requirements for recycling systems at multi-family and non-residential properties so that adequate service can be provided to users.
3. Adds the term “designee” (not just the property owner) to the list of entities required to provide recycling systems to tenants.
4. Requires all multi-family properties to recycle the same materials, no matter when the building was constructed.
5. Creates a new requirement for collection companies to provide customers with CTO documentation and for property managers to share contract terms with the agency
6. Codifies the current operating procedure that non-residential tenants who provide their own trash service (as opposed to the property owner providing such service) are also responsible for providing a recycling system to employees and/or customers.
7. Specifies, that for the purposes of recycling reports, quantities and material types are nonproprietary information.
8. Provision for collection companies to leave behind materials set out improperly.
9. Prohibits the collection of refuse and recyclables in the same container.
10. Limits the collection of recyclables in open-top containers, with some exceptions.

### **Article 3 – Pre-collection and Storage**

1. Adds the term “designee” (not just the property owner) to the list of entities required to have Municipal Solid Waste Management (MSW) Management and Recycling Plans.
2. Defines when the plans need to be updated.

### **Article 4 – Required Permits, Registrations, and Certifications (new title)**

1. Deletes specifics of the permit and CTO processes from County code, which will now be maintained in administrative documents that are incorporated by reference
2. New regulatory action regarding property managers (PMs), solid waste brokers, and community associations: associations and PMs that do not allow a hauler to communicate with residents to provide the annual statement of service to such residents on behalf of the hauler;
3. Associations, PMs and solid waste brokers who arrange for service that violates Chapter 109.1 are also in violation of the chapter and subject to enforcement.
4. Solid waste brokers must register with the Solid Waste Management Program (SWMP) and contracting with an unregistered broker is a violation.
5. All brokers must provide information to customers on recycling and solid waste management system requirements, and an annual statement of service.
6. CTO applicants must be in good standing with the County Department of Taxation and the Virginia State Corporation Commission.
7. Operating without a CTO may be grounds for denial of a future CTO for up to one year.

**Article 5 – Collection of Solid Waste**

1. Makes willfully contracting with an unpermitted hauler illegal.
2. Specifies that the following are prohibited: collecting refuse and recycling in the same container, collecting less frequently than once a week, and collecting putrescible refuse and certain recyclables in an open-top container.
3. Sets a minimum level of service for non-residential customers.
4. Requires haulers to make up for missed collection due to inclement weather or holidays within the same week.
5. Prohibits non-residential properties from setting out trash in bags.
6. Limits container retrieval fees.
7. Major topical reorganization of sections 5-5 (collection points and set-out) and 5-6 (renamed to collection containers and vehicles) and other administrative revisions/updates.

**Article 6 – Transportation**

Minimal

**Article 7 – Disposal of Solid Waste**

Minimal

**Article 8 – Emergency Provisions**

Minimal

**Article 9 – Enforcement**

1. Makes disposal of out-of-county waste at a county facility grounds for denial, suspension, or revocation of CTO.
2. Repeats that operating without a CTO is grounds for denial of future CTO;
3. Increases possible fines to \$1000.
4. Creates a fine of \$200 for dumping illegally at a disposal facility.
5. Clarifies that general violations of Chapter 109.1 are a Class II misdemeanor punishable with a fine up to \$1000.

**AN ORDINANCE AMENDING  
CHAPTER 109.1 OF THE FAIRFAX COUNTY CODE,  
RELATING TO SOLID WASTE MANAGEMENT**

...

**Draft of January 13, 2015**

**AN ORDINANCE to amend the Fairfax County Code by amending and readopting Sections 109.1-1-1 through 109.1-1-3; Sections 109.1-2-1 through 109.1-2-6; Sections 109.1-3-1 through 109.1-3-2; Sections 109.1-4-1 through 109.1-4-16; Sections 109.1-5-1 through 109.1-5-10; Sections 109.1-6-1 through 109.1-6-3; Sections 109.1-7-1 through 109.1-7-5; Sections 109.1-8-1 through 109.1-8-3; Sections 109.1-9-1 through 109.1-9-11;**

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

**1. Sections 109.1-1-1 through 109.1-1-3; Sections 109.1-2-1 through 109.1-2-6; Sections 109.1-3-1 through 109.1-3-2; Sections 109.1-4-1 through 109.1-4-16; Sections 109.1-5-1 through 109.1-5-10; Sections 109.1-6-1 through 109.1-6-3; Sections 109.1-7-1 through 109.1-7-5; Sections 109.1-8-1 through 109.1-8-3; Sections 109.1-9-1 through 109.1-9-11 are amended and re-adopted to read as follows:**

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**CHAPTER 109.1 OF THE FAIRFAX COUNTY CODE**  
**Solid Waste Management**

**ARTICLE 1. General Requirements.**

**Section 109.1-1-1. Statement of Policy.**

(a) The purpose of this Chapter is the furtherance of effective solid waste management, as provided for and authorized by the Code of Virginia (e.g., Titles 10.1 and 15.2). Consistent with the Code of Virginia, and complementary to its intent, the efficient management of ~~the~~ municipal solid waste (MSW) ~~management system~~ (e.g., recycling, collection, transfer, and disposal ~~of solid waste~~) with as few negative environmental and economic impacts as possible is an essential and integral part of promoting public health and welfare. This Chapter therefore intends to protect life, property, and the general environment, by establishing standards and procedures for the administration and enforcement of such standards as they relate to the control, collection, transportation, and disposal of MSW, and to promote source reduction and recycling as means of reducing the amount of MSW that has to be disposed.

To these ends, this Chapter acknowledges and/or authorizes the following supporting documents that further describe critical elements of the County's solid waste management system that may be updated or revised from time to time:

- (1) The County's Solid Waste Management Plan;
- (2) The County's Recycling Program Requirements; ~~and~~
- (3) Solid Waste Advisories;
- (4) Other County Solid Waste Management Program guidance and requirements, as they are developed by the Director.

(b) Applicability.

Except as otherwise provided, this Chapter, and any regulations or administrative directives or procedures issued under its authority, apply to all residents and commercial, industrial, and institutional establishments within or doing business within the County, and any person or entity who collects, transports, disposes, or otherwise manages ~~solid waste, and/or recyclable materials as defined elsewhere in this Chapter or arranges for management of MSW.~~

**Section 109.1-1-2. Definitions.**

For the purpose of this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section:

**Authorized Agent** means the individual designated by an entity to act on its behalf. This individual must have the authority and control to ensure compliance with this Chapter.

**Brush** means shrub and tree trimmings arising from i) general residential landscape maintenance and ii) similar non-residential landscape maintenance.

**Certificate-to-Operate** is the permit/approval for any person to engage in the business of collecting MSW in Fairfax County.

**Collection** means the collection and transportation of municipal solid waste-MSW.

**Collection vehicle** means any vehicle used to collect and/or transport municipal solid waste-MSW.

**Collector** means any person engaged in the regularly-scheduled commercial collection and/or transportation of municipal solid waste-MSW from two or more residential, commercial, industrial, institutional or other establishments.

**Community Association or Homeowners' Association** means an unincorporated association, corporation or other organization that owns or has under its care, custody, or control real estate subject to a recorded declaration of covenants that obligates a person, by virtue of ownership of specific real estate, to be a member of the unincorporated association, corporation or other organization. For the purposes of this Chapter, an unincorporated association, corporation or other organization representing residents shall be considered the designee of Association members when acquiring solid waste services.

**Compensation** means any type of consideration paid for the collection, transportation or disposal of solid waste and/or recyclablesMSW, including, but not limited to, direct or indirect compensation by tenants, licensees, or similar persons.

**Composting facility** means a permitted facility producing a stabilized organic material.

**Construction/Demolition Debris (CDD)** means solid waste generated during construction, remodeling, repair, or demolition of pavements, houses, commercial buildings or any other structures. CDD includes, but is not limited to: lumber; wire; sheetrock; brick; shingles; glass; pipes; concrete; paving materials; metals; and plastic; if part of the materials of construction and/or empty containers for such materials.

**Construction/Demolition Debris (CDD) landfill** means a land burial facility which accepts CDD for disposal.

**Customers** means anyone providing compensation to collectors and/or recycling or disposal facilities. Persons using County drop-off facilities shall also be considered customers.

**Department** means the Fairfax County Department of Public Works and Environmental Services.

**Director** means the Director of the Fairfax County Department of Public Works and Environmental Services or his/her designee.

**Disposal** means the final placement or destruction of solid wasteMSW.

**Disposal site** means a facility at which solid wasteMSW is disposed.

**Energy/Resource Recovery Facility (E/RRF)** means a disposal site designed for the purpose of reducing the volume of solid wasteMSW through incineration. The process further produces steam, and/or possibly electricity, as a result of the combustion process.

**Hazardous waste** means a "hazardous waste" as describeddefined by the Virginia Hazardous Waste Management Regulations (9 VAC 20-60).

**Household Hazardous Waste (HHW)** means discarded household products that contain corrosive, toxic, ignitable, or reactive ingredients, or are otherwise potentially harmful if released to the environment. Products that fall into this category include, but are not limited to certain paints, cleaners, and pesticides. Latex paint is not HHW.

**Materials Recovery Facility (MRF)** means a facility where source-separated recyclables are either stored until large enough volumes are collected to be shipped to a buyer or processor, or they are processed to meet the specifications of recycling markets.

**Mixed paper** means flattened corrugated cardboard, magazines, catalogues, envelopes, office

paper, brochures, phone books, junk mail, food boxes (such as cereal and cracker boxes), shoe boxes, and any other clean paper product without food residue.

**Municipal Solid Waste (MSW)** means that waste which is normally composed of residential, commercial, non-residential and institutional solid waste and residues derived from combustion of these wastes, as defined in Virginia's solid waste management regulations at 9 VAC-20-80-10, Part 181-10. MSW includes recyclables.

**Person** means and includes an individual, designee, corporation, association, firm, partnership, joint stock company, county, city, town, school, or any other legal entity.

**Pipestem driveway** means an extension off of a public road where one or more houses share a private drive to which their own driveways connect.

**Principal Recyclable Material (PRM)** means the recyclable material from the following list that comprises the majority of a business or commercial property's waste stream: newspaper, ferrous scrap metal, non-ferrous scrap metal, used motor oil, corrugated cardboard, kraft paper, container glass, aluminum, high-grade-office mixed paper, tin metal cans, cloth, automobile bodies, plastic, clean wood, brush, leaves, grass and other arboreal/vegetative materials. "Principal recyclable materials" do not include large diameter tree stumps.

**Property Manager (PM)** means a company, employee, or individual employed or otherwise engaged, including as a volunteer, by a property owner or a community association to manage day-to-day operations at one or more locations on the owner or owners' behalf and is considered to be a designee when acquiring solid waste services.

**Putrescible material** means organic material that can decompose.

**Recyclable materials/Recyclables** means any of the materials that are or may be recycled, including but not limited to those listed in Article 2 — Recycling and the Recycling Program Requirements.

**Recycling** means the process of separating a material from the waste stream with the intent of diverting it from disposal as solid waste.

**Recycling center** means a facility used for the collection of source-separated recyclable materials.

**Recycling route** means the route a collector follows to collect source-separated recyclable materials from customers.

**Recycling system** means the means by which recyclable materials are separated from the waste stream at the point of generation, and may include the means of delivering source-separated materials to a recycling center or MRF.

**Refuse** means all solid-waste/MSW having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up/cleanup of spills or contamination, or other discarded materials.

**Regulations** means rules, guidance, and/or requirements issued by the Director pursuant to this Chapter.

**Responsible company official** means the individual designated by an entity to act on its behalf. This individual must have the authority and control to ensure compliance with this Chapter.

**Sanitary landfill** means a land burial facility for the disposal of solid-waste/MSW which is so located, designed, constructed and operated to contain and isolate the solid-waste/MSW so that it does not pose a substantial present or potential hazard to public health or the environment; provided, however, that the term "sanitary landfill" shall not mean a land burial facility which only accepts non-putrescible solid-waste/MSW (such as a CDD landfill, as defined in this Chapter).

**Significant Modification** means any physical change in or change in the method of operation of a commercial establishment that has the potential to result in a change in the quantity or characteristics of ~~solid-waste-or-recyclable-materials~~MSW being generated or managed by the establishment or facility.

**Solid waste** means any material defined as "solid waste" in 9 VAC 20-~~80-14081-10~~ et seq., of Virginia's solid waste management regulations.

**Solid waste broker** means a person or entity that, for a fee or other consideration, brokers, acts as a designee or otherwise arranges agreements between solid waste generators (including property owners, community/homeowner's associations, property managers or other entities) and providers of municipal solid waste collection, recycling, or disposal services.

**Solid waste generators** includes any persons that produce solid waste.

**Source reduction** is the reduction or elimination of the quantity or toxicity of waste being generated, which can be achieved through changes within the production process, including process modifications, feedstock substitutions, improvements in feedstock purity, shipping and packing modifications, housekeeping and management practices, or increases in the efficiency of machinery and recycling within a process. The term does not include dewatering, compaction, or waste reclamation.

**Source separation** is the process of removing recyclable materials from the waste stream at the point where the material is generated. For residential material, the source is considered the household and contiguous residential property such as lawns or yards. For commercial material, the source is considered the commercial premises in which business is conducted and contiguous property such as storage yards.

**Tare weight** means the operating weight of a fully-fueled vehicle with no payload but includes the driver; i.e., the empty weight of the vehicle.

**Transfer station** means any ~~solid-waste~~MSW storage or collection facility at which ~~solid waste~~MSW is transferred from collection vehicles to other vehicles or means of transportation, for shipment to another site for permanent disposal.

**Tree removal** means any activity which generates ~~solid-waste~~MSW from the maintenance, trimming, or removal of trees or shrubs where any individual piece or bundle exceeds 50 pounds in weight, is longer than four feet in length, or larger than six inches in diameter. Christmas trees are exempt from these size limitations if they are less than eight feet in length.

**Unacceptable waste** means ~~solid-waste~~ which is prohibited from disposal at Fairfax County facilities by Fairfax County Code, rules or regulations, the *Virginia Code* and/or the Code of Federal Regulations.

**Waste collection route** means the route a collector follows to collect any ~~solid-waste~~MSW set out by customers for collection.

**Yard waste** means the organic fraction of ~~municipal-solid-waste~~MSW that consists of grass clippings, leaves, vines, and brush arising from general landscape maintenance. Yard waste also includes similar materials collected from non-residential landscape maintenance, such as maintenance of streets, parks and recreational areas. Yard waste does not include any materials arising from tree removal, land clearing, or development activities.

**Section 109.1-1-3. Statement of Policy and Administration.**

(a) The Director shall be responsible for the administration and enforcement of this Chapter. Fairfax County Departments that shall assist in enforcing this Chapter, in cooperation with the Director, include but are not limited to, the Health Department, the Police Department, the Fire and Rescue Department, the Department of Planning and Zoning, the Department of Code Compliance, and the Park Authority.

(b) The Director shall have the power to make and issue fair and reasonable rules and regulations which will carry out the purposes and intent of this Chapter; the right to enter and inspect the business premises and collection vehicles of any collector and of any solid waste management facility; the right to require reasonable conditions in the application for a solid waste permit; the right to prohibit disposal of certain unacceptable waste at the I-66 Transfer Station, I-95 Sanitary Landfill or I-95 Energy/Resource Recovery Facility; and the right to adopt reasonable application forms and permit forms; provided that nothing herein contained shall in any way affect the authority of any other County agency as otherwise provided by the *Code of the County of Fairfax*.

(c) The Director shall determine solid waste permit fees, and set fees to be charged for the disposal of solid-wasteMSW at all Fairfax County owned, operated, or associated disposal-sitesolid waste management facility. The Director may change, at any time, the fees charged for the solid waste permits and for the disposal of solid-wasteMSW at the I-66 Transfer Station, I-95 Sanitary Landfill, I-95 Energy/Resource Recovery Facility, or other associated solid waste management facility.

(d) The Director shall be responsible for implementing a recycling program, and shall have the authority to enforce compliance through use of civil penalties as authorized by this Chapter.

## ARTICLE 2. Recycling.

### Section 109.1-2-1. Statement of Policy Administration.

(a) This Article defines the recycling system for the residences and non-residential properties in Fairfax County, and identifies and describes the following elements of the recycling system:

- (1) Materials that must be source-separated for recycling at both residences and non-residential properties (defined for the purposes of this Chapter as *recyclable materials*);
- (2) Parties responsible for the provision of certain residential and non-residential recycling systems; and
- (3) Required recycling reports to the County.

(b) Methods available for implementation and enforcement of this Article are described elsewhere ~~in this Chapter~~ as follows:

- (1) Article 3 ~~of this Chapter~~ addresses pre-collection and storage;
- (2) Article 5 ~~of this Chapter~~ describes collection requirements; ~~and~~
- (3) Article 9 ~~of this Chapter~~ presents the means and process of ~~Code~~-enforcement for this Chapter; ~~and~~
- (4) The Recycling Program Requirements.

(c) The Director may approve alternative recycling systems that can demonstrate compliance with the intent of this Article to the satisfaction of the Department. All requests for alternative recycling systems must be submitted in writing to the Department. Approval must be granted by the Director prior to implementation.

(d) The Director may designate or alter which of the recyclable materials identified in Sections 109.1-2-2 and 109.1-2-3 ~~which~~ must be source separated.

(e) The provisions of this Chapter shall not affect the right of any person to sell or otherwise dispose of ~~solid-waste~~MSW material as provided in the Code of Virginia, Section 15.2-933, nor permitted under any other law of the Commonwealth of Virginia.

(f) For purposes of this Article, non-residential properties shall specifically include schools and other institutions.

### Section 109.1-2-2. Recycling ~~for~~ Residential ~~Solid-Waste~~Properties.

(a) Occupants of single-family homes and townhouses shall source-separate: container glass; metal food and beverage containers; plastic bottles and jugs; yard waste; scrap metal; and cardboard and mixed paper, including but not limited to corrugated cardboard, magazines, newspaper, office paper, and miscellaneous paper products.

(b) Owners of multi-family dwelling units ~~for which site plan first submission occurred before~~  
109.1-8

~~July 1, 2007, or their designees shall, within 30 days of taking ownership of these units, provide, or cause to be provided, a recycling system for their residents to source-separate cardboard and mixed paper (including but not limited to corrugated cardboard, magazines, newspaper, office paper, and miscellaneous paper products), and must provide each unit with notification regarding the use and participation in such system upon occupancy and at least once annually thereafter. Notification may be in the form of community newspapers or other outreach techniques.~~

~~(c) Owners of multi-family dwelling units for which site plan first submission occurred on or after July 1, 2007, shall in addition to the requirements of 109.1-2-2(b) provide, or cause to be provided, a recycling system for their residents to source-separate container glass, metal food and beverage containers, plastic bottles and jugs, and scrap metal, and, The recycling system must also comply with the items listed below:~~

- ~~(1) The size of any collection containers and the frequency with which they are collected must combine to create a recycling system of sufficient capacity that there is no need for residents to deposit material on the ground or put their recyclables in a refuse container.~~
- ~~(2) All refuse and recycling containers must be emptied at least once weekly unless a reduced collection frequency application or an alternative recycling system has been approved in writing by the Director.~~
- ~~(3) On or before February 1, 2016, any refuse collection container with a capacity of 2 cubic yards or greater must be accompanied by one or more recycling collection containers with volume equal to or greater than 25% of that of the refuse container.~~
- ~~(4) Recyclables collection containers must be clearly labeled with regards to what materials are accepted for recycling and must meet applicable portions of Article 5 of Chapter 109.1.~~
- ~~(5) Owners or their designees must provide each unit with notification regarding the use and participation in such system upon occupancy and at least once annually thereafter. Notification may be in the form of community newspapers or other outreach techniques.~~
- ~~(d)(6) Owners or their designees are responsible for keeping the area around collection containers free from litter.~~

~~(c) The provisions atof 109.1-2-2 do not impose any liability upon any multi-family dwelling unit owner (or designee) for failure of residents to comply with the requirements for the separation of recyclable materials nor upon any collector or transporter of recyclable materials for failure of its customers to comply with such regulations. However, all multi-family dwelling unit owners (or their designees) must provide a recycling system for their residents that conforms to the County requirements for such systems, and must provide such residents with regular notifications, as specified herein. ~~(22-06-109.1.)~~~~

~~(d) To ensure compliance with applicable Code provisions, owners of multi-family dwelling units or their designees must maintain for a period of three years and make available to the Department for inspection and copying during normal business hours, upon request, any contracts and invoices for collection of materials to be disposed of or recycled. Contract prices and other such financial information may be deleted from materials provided.~~

**Section 109.1-2-3. Recycling ~~from~~ Non-Residential Properties.**

(a) Owners of non-residential properties or their designees shall, within 30 days of taking ownership of these properties, provide, or cause to be provided, a recycling system for their tenants, occupants, employees, and vendors to source-separate ~~the establishment's~~ cardboard and mixed paper (including but not limited to ~~corrugated cardboard~~, magazines, newspaper, office paper, and miscellaneous paper products). ~~Owners~~Any such system must ~~also~~include the following:

- (1) Recyclables must be collected in a container specifically designed for the purpose of containing municipal solid waste and must comply with applicable portions of Article 5 - Collection.
- (2) The size of any collection containers and the frequency with which they are collected must combine to create a recycling system of sufficient capacity that there is no need for tenants to deposit material on the ground or put their recyclables in a refuse container.
- (3) All refuse and recycling containers must be emptied at least once weekly unless a reduced frequency application or an alternative recycling system has been approved in writing by the Director.
- (4) On or before February 1, 2016, any refuse collection container with a capacity of 2 cubic yards or greater must be accompanied by one or more recycling collection containers with volume equal to or greater than 25% of that of the refuse container.
- (5) All collection containers must be clearly labeled with regards to what materials are accepted for recycling and must meet applicable portions of Article 5 of Chapter 109.1.
- ~~(4)~~(6) Property owners or their designees must provide ~~system users~~each tenant with notification regarding the use and participation in such system upon occupancy and at least once annually thereafter.
- ~~(7)~~ (b) OwnersOwners or their designees are responsible for keeping the area around collection containers free from litter.

(b) Within 30 days of taking ownership, owners or their designees of non-residential properties that meet or exceed the size thresholds defined in the County's Recycling Program Requirements shall also provide, or cause to be provided, a recycling system for their tenants, occupants, employees, and vendors to source-separate the establishment's Principal Recyclable Material (PRM). ~~Owners must also provide system users with notification regarding the use and participation in such system upon occupancy and at least once annually thereafter.~~

~~(e)~~ — Non-residential properties which generate cardboard and mixed paper as their PRM need only recycle those materials.

~~(dc)~~ Construction and demolition contractors shall source-separate ~~corrugated and recycle~~ cardboard.

~~(ed)~~ The provisions ~~at~~of 109.1-2-3 do not impose any liability upon any non-residential property owner for failure of tenants, occupants, employees and/or vendors to comply with the requirements for the separation of recyclable materials, nor upon any collector or transporter of refuse or recyclable materials for failure of its customers to comply with such regulations. ~~However, all non-residential property owners must provide, or cause to be provided, a recycling system for their tenants,~~

~~occupants, employees, vendors, and/or customers in conformance with the County requirements for such systems, and must provide such tenants, occupants, employees, vendors, and/or customers notification regarding the use and participation in such system, as specified herein.~~

(e) To ensure compliance with applicable Code provisions, owners of non-residential properties or their designees must maintain for a period of three years and make available to the Department for inspection and copying during normal business hours, upon request, any contracts and invoices for collection of materials to be disposed of or recycled. Contract prices and other such financial information may be deleted from materials provided.

(f) If a tenant contractually assumes responsibility for refuse and recyclables management, the responsibilities placed on the property owners or their designees in this Article will also apply to the tenant.

#### **Section 109.1-2-4. Recycling Report Required.**

The owners or their designees of all non-residential properties that meet or exceed the size thresholds defined in the County's Recycling Program Requirements, and companies that collect or manage municipal solid waste or recycle materials MSW generated in Fairfax County, shall annually report, by March 1 for the previous calendar year, such nonproprietary information regarding waste generation, waste management, and recycling as is necessary to facilitate County compliance with regulations adopted pursuant to the *Virginia Code*, Section 10.1-1411. Quantities and material types are considered nonproprietary, absent a detailed explanation.

All reports required by this section shall be based on volume or weight of each material recycled, provided that where such measurements cannot be accurately determined, the report may be based on carefully estimated data. Where estimates are submitted, they must contain sufficient detail to reasonably describe how the estimate was prepared, including but not limited to such data as container volume, frequency of collection, percent full when collected, and the type of material collected for recycling.

When information is withheld as proprietary, the report shall specify the nature of the information withheld and the basis for its proprietary determination. Annual recycling reports shall be submitted on a standardized form to be provided by the Director, and shall be signed by a responsible company official. Said reports shall include but not be limited to the name and address of the reporting entity, period of time covered by the report, and type and weight/volume of each material reported. Supporting documentation used in preparation of the report shall be retained for audit and clarification of reported data for a period of two (2) years following submissions of said report.

#### **Section 109.1-2-5. Removal of Recyclable Materials.**

It shall be unlawful for any person to salvage or otherwise remove any recyclable materials from recycling routes, private recycling containers, Fairfax County recycling centers, or any other County solid waste management facility without the authorization of the Director.

#### **Section 109.1-2-6. Maintenance of Recycling System.**

(a) No solid waste permit shall be issued to a collector or continue in effect until and unless the collector provides a written statement indicating that it maintains a recycling system for residential customers, in accordance with this Chapter, and offers and/or maintains a recycling system to multi-family and non-residential customers in accordance with this chapter.

(b) Recycling containers shall be subject to the requirements of Article 5 - Collections,

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Section 109.1-5-5 (a) through (g) 6.

(c) The mixing of refuse with any recyclables required to be source-separated recyclables set out for collection or that have been source separated, except as provided for in 109.1-5-3 (d) (3), is prohibited.

(d) Where source-separated recyclable materials are set out for collection on a scheduled refuse-only collection day, collectors shall not collect those recyclables and said recyclables will be collected on the next scheduled recyclables or yard waste collection day. Collectors shall leave information for the customer to inform them about why those materials were not collected.

(e) Construction and demolition debris cannot be collected in the same container with MSW and/or recyclables.

(f) Only certain recyclables as designated by the Director can be collected in an open-top container. They are: white goods, scrap metal, Christmas trees, or cardboard at construction and demolition sites. This shall not apply to construction and demolition debris that is collected for recycling rather than disposal.

**ARTICLE 3. Pre-collection and Storage.**

**Section 109.1-3-1. Storage.**

All occupants of single-family homes and townhomes, and owners of multi-family dwelling units or non-residential properties in the County (or their designees) shall maintain secure, safe, and sanitary facilities for storage of municipal solid waste (MSW) and, including recyclables. Such facilities shall be convenient to inspection and collection, and shall incorporate design features that consider the following factors provide for secure, safe, and sanitary storage prior to collection as follows:

- (a) Readily available and well-signed access for the type of collection vehicle or system to be used. Access to the recycling facility shall be as obvious and convenient to residents, tenants, customers, employees, or other system users as that provided for storage of refuse, in order to promote recycling wherever it is being made available;
- (b) Ease of use for tenants. Collection locations shall be well-signed. Recycling locations shall be clearly marked, with diagrams and photos as necessary to encourage use by non-English speakers;
- ~~(b)~~(c) The size, design, signage and proper care of containers; and shall be sufficient to provide for secure and sanitary storage of all refuse and recyclables generated by the residence or establishment for a seven-day period unless collected more frequently than once per week;
- ~~(c)~~ The frequency of collection.
- (d) Refuse and recyclables shall be collected on a frequency adequate to prevent overfilling or spilling of refuse or recyclables from storage containers, and in no case less than weekly, unless otherwise authorized by the Director; and
- (e) Storage facilities shall be actively managed such that loose refuse, litter, and spillage from collection vehicles is minimized, and that any spillage is removed from the ground around the storage containers within 24 hours. Outside storage containers for refuse and recyclables shall be checked for proper closure daily, to prevent litter from blowing winds, and to discourage access by vermin and wildlife.

**Section 109.1-3-2. MSW Management and Recycling Plans.**

(a) The owner of any non-residential property or any multi-family dwellings ~~subject to the source separation requirements of Article 2 or their designees~~ shall develop a MSW Management and Recycling Plan consistent with the requirements of this Chapter, and make these Plans available to the Director for review and approval upon request. The Plan shall describe, at minimum:

- (1) Facility name and street address;
- (2) Name(s) of collection company(ies) providing refuse and recycling collection;
- (3) Number, location, and size of refuse and recycling containers or equipment;
- (4) Recyclable material(s) collected;
- (5) Frequency of ~~MSW refuse~~ and recycling ~~collection~~collections; and
- (6) Name and telephone number of the ~~responsible~~ company official or property owner's representative responsible for implementing the plan.

(b) The MSW Management and Recycling Plan shall be updated and operational changes made concurrent with the following events:

- (1) Construction of a new facility or significant modification to an existing facility;
- (2) Change Occupancy by new tenants that materially change the function of the property resulting in changes in the MSW generated therein;
- (3) Change of ownership or property management firm; and
- ~~(3)~~ (4) Change of ~~solid waste~~MSW collection vendor(s) or every five years, whichever comes first.

(c) The MSW Management and Recycling Plan shall be provided to Fairfax County within 30 days of receiving a written request from the Director.

(d) The MSW Management and Recycling Plan shall be implemented within 30 days of occupancy or as required by item (b) above. The Director may also request proof that any MSW Management and Recycling Plan has been implemented and become operational.

ARTICLE 4. Required Permits, Registrations, and Certifications.

Section 109.1-4-1. General.

(a) The County shall regulate certain aspects of its integrated solid waste management system through the following ~~programs~~:

- (1) Municipal Solid Waste (MSW) Collector Certificate to Operate (CTOs);
- (2) Other Solid Waste Permits, including:
  - (i) MSW Collection Vehicle Permit;
  - ~~(ii) MSW Disposal Permit; and Permits.~~
  - ~~(iii) Special Waste/Use Permits, including Commercial Cash Accounts, Tire Disposal Accounts, Special Waste and Other Accounts; and~~
  - ~~(iii) Vehicle permits issued that correspond to waste permits and/or customer accounts. Vehicle permits are issued to a specified vehicle and must remain with the vehicle.~~
- (3) Recycling Business Registration.
- ~~(4) Regulation of community/homeowners associations, property managers, and solid waste brokers or other entities or designees inasmuch as they arrange for residential or non-residential refuse and recyclables collection/ management services.~~
- ~~(5) The Solid Waste Management Program guidance documents.~~

(b) Any person providing regularly-scheduled ~~solid-waste~~refuse collection services is required to maintain a CTO and ~~one or more collection vehicle permits at least one vehicle designed and manufactured specifically for the collection of MSW. Each vehicle shall have a county-issued MSW collection vehicle permit.~~ Any person providing ~~solid-waste~~refuse collection services on an ad-hoc basis is required to maintain the appropriate disposal or special waste/use permit (i.e., no CTO is required). This provision shall not apply to any business or vehicle which is solely transporting ~~solid-waste~~MSW which has originated and was generated from a site outside Fairfax County to a cooperative, inter-jurisdictional disposal site; provided that the business and/or collection vehicle is duly licensed and/or permitted by a respective member of the disposal site cooperative.

(c) Government entities are exempt from the bonding requirements of this Article.

~~(d) Changes to any information included in any application for any permit under this Chapter shall be communicated in writing to the Director within 30 days of the change. Examples of changes include, but are not limited to, change of business name, any changes to payment bond or required surety, change to back-up collector, change of street address for collection vehicle parking location, or changes to the Statement of Service required by this Chapter. In addition, changes to the business address, telephone number, or authorized agent or registered agent shall be reported to the Director within twenty-four (24) hours of change. See section 109.1-4-6.~~

Section 109.1-4-2. MSW Collector Certificate To Operate (CTO), Application and Recycling Registration Requirements.

(a) No person shall engage in the business of collecting ~~MSW without a valid and current CTO or appropriate~~ solid waste ~~on a regularly-scheduled basis in Fairfax County without first obtaining a~~

CTO permit from the Director; provided, however,

(b) No person shall engage in the business of collecting recyclables without first registering with the County as a recycling business. However, CTO holders that this provision also collect recyclables are exempt from the requirement to register as a recycling business.

(c) The provisions of 109.1-4-2 (a) and (b) shall not be deemed to apply to the County, nor employees for the holder of any such CTO or permit/approval, nor shall this provision prohibit any individual person from collecting, processing, recycling, or disposing of their own household solid waste.

(b) The Director) A CTO or permit shall issue a CTO only be issued upon receipt of a complete application and upon a finding that the applicant has complied with all applicable sections of this Chapter, the Fairfax County Code, including the Zoning Ordinance, and the Code of Virginia Code. This includes proof of payment of other fees required by Fairfax County required under other codes. CTO Permit holders will be invoiced monthly for disposal charges incurred during the month.

(ee) Applicants for a CTO shall provide the Director a completed application which shall contain at least the following information and documents with a copy of the Statement of Service required by the Fairfax County Solid Waste Management Program Permit Manual, accompanied by proof acceptable to the County that customers are or will be furnished with the Statement of Service upon occupancy and at least annually thereafter.

(f) MSW collectors with only one permitted collection vehicle shall provide written certification to be included with the CTO application that another collector holding a current CTO is committed to act in a backup capacity should the permitted vehicle become unusable. The applicant must immediately notify the Director concerning any change in this backup arrangement during the term of the CTO. Backup collection arrangements obtained by the CTO holder may not be used by the CTO to avoid payment of delinquent disposal fees.

(g) The Director may require additional information of any applicant or holder of a CTO, permit, or registration as is necessary to ensure that the individual or company is competent to satisfactorily and lawfully perform or continue to perform the proposed service. The application shall include:

(1) Name of business;

(2) Type of business (single propriety, partnership, corporation, etc.);

(3) Name of parent company (if applicable);

(4) Owner(s) or Authorized Agent;

(5) Business address;

(6) Mailing address;

(7) E-mail address (if available);

(8) Business telephone number(s) and emergency contact information;

(9) A certification that the applicant will maintain a business office in accordance with Section 109.1-4-5;

(10) A complete list of minimum and maximum rates for various residential collection services, and the level of service to be provided for each rate.

(11) Details of the surety to be used. In the case of a bond, the application shall include the name, address, and phone number of the bonding agency that holds the required solid waste collection, transportation and disposal bond, the amount of bond, the bond duration, and the bond number;

(12) Name and address of liability insurance company and policy number;

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~~(13) — Name and telephone number of another collector holding an MSW Collector CTO from the Director, which will act in backup capacity if collector has only one (1) permitted collection vehicle;~~

~~(14) — Name and address of collection vehicle washing facility where applicant will have collection vehicles washed;~~

~~(15) — Street address(es) of collection vehicle parking location(s);~~

~~(16) — Residential customer service area by U.S. Postal zip code, and type of service arrangements (e.g., subscription or contract);~~

~~(17) — Statement of service, accompanied by proof acceptable to the County that all existing customers are or will be furnished with a statement of service at least annually. This statement of service shall include the following:~~

~~(i) — Name of company, address, and phone number;~~

~~(ii) — Notice of any particular company rules and regulations concerning collection, consistent with the provisions of this Chapter;~~

~~(iii) — Notice of company policy concerning collection of solid waste on observed holidays;~~

~~(iv) — Notice of company policy concerning collection of solid waste on days when any natural (e.g., inclement weather) or manmade event interferes with routine collections;~~

~~(v) — Notice to all residential customers that the County Code requires the storage of household solid waste in a water-tight, insect-proof container, which is equipped with a tight-fitting lid, except that household solid waste in plastic garbage bags with closed tops may be placed outside for collection for a period of not more than 12 hours;~~

~~(vi) — Instructions on the appropriate manner for customers to prepare and set out all materials to be collected, including waste and recyclables including, as a minimum, the County's base recycling requirements;~~

~~(vii) — In the event that the collector intends to collect source-separated recyclables in a vehicle that can be, is, or has been used to collect refuse, that all affected customers have been or will be notified that this type of collection is being used;~~

~~(18) — Certification by the applicant that, at all times, the operation of the business will be in conformance with all applicable statutes, ordinances and court orders, including, but not limited to all applicable sections of this Chapter, the Fairfax County Code, including the Zoning Ordinance, and the Virginia Code, as a condition to the issuance and continued validity of the CTO.~~

~~(d) — A CTO application (h) Applications shall be approved or denied by the Director withinwith 30 days of the receipt of a complete application.~~

~~(e) — Upon approval of i) Applicants operating without the appropriate CTO application, the following must be provided to the Director prior to issuance of the CTO:~~

~~(1) — The applicable solid waste or other permit fees;~~

~~(2) — A bond or alternate surety acceptable to the County;~~

~~(3) — For collectors which (s), or operating while a CTO or permit only one (1) collection vehicle, the collector must provide the name, telephone number, and written commitment of another collector with a CTO in Fairfax County that will act in a backup capacity. The applicant~~

must immediately notify the Director concerning any change in this backup collection vehicle capability during the term of the CTO. Backup collection vehicles may not be used to avoid payment of delinquent disposal fees.

(4) — Proof acceptable to the County of a public liability insurance policy covering all operations of such applicant pertaining to such business and all collection vehicles to be operated in the conduct thereof, as a minimum, in the amount required by the Commonwealth of Virginia. The collector shall provide notification to the Director of any new or replacement policy not less than 30 days prior to the effective date of current policy cancellation.

(5) — Evidence that at least one collection vehicle has been inspected and approved in accordance with Section 109.1-4-3.

(f) — Any collector illegally collecting solid waste without a CTO suspended, may be denied renewal of a CTO or other required permit(s) for a period of up to one year from the time of the offense, in addition to any other penalties described in this Chapter, be denied a CTO for a period of up to one year from the time of the offense.

(g) — The(j) All CTO holder and permit holders shall pay solid waste disposal fees and abide by the rules and regulations of the facility at which wastematerial is being discharged.

#### Section 109.1-4-3. MSW Collection Vehicle Permit.

(a) — All solid waste(a) No company shall operate any vehicle to provide regularly-scheduled refuse collection without first obtaining a collection vehicle permit.

(b) All MSW collection vehicles operating under a CTO shall be inspected on a schedule set by the Director, who shall designate a reasonable time and place for collection vehicle inspections. All vehicles operating under a CTO shall meet the requirements of Section 109.1-5-6 (a) and (b).

(bc) A vehicle permit shall be issued by the Director for each collection vehicle that meets passes inspection and for which the requirements of Section 109.1-4-3 (a) upon payment of a permit fee per vehicle has been paid.

(ed) The Director shall assign a permit number to each approved collection vehicle, and provide a visible permit (e.g., plate, sticker) that shall be permanently affixed by the applicant to both sides of the collection vehicle on the door of the cab or at the farthest point forward on the truck body.

(d) — Vehicle tare weights may be reestablished at any time.

(e) Vehicle permits shall expire according to a schedule specified by the Director, and shall not be transferred or prorated.

(f) In the event that any permitted collection vehicle is removed from service or sold, the permit holder shall notify the Director and the permit for that collection vehicle shall be removed and returned to the Director no less than 10 business days following the vehicle's removal from service or sale. This shall be done before any permit is issued to the new vehicle owner.

(g) In the event that the permit is not recoverable lost, stolen or otherwise unrecoverable, the permit holder shall notify the Director in writing of the permit number of said collection vehicle and the circumstances of loss within 3010 business days. This shall be done, as well as payment of a lost permit fee, before a replacement permit will be issued.

#### Section 109.1-4-4. Temporary Collection Vehicle Permit Permits.

(a) A temporary vehicle permit must be approved by the Director obtained for any additional collection vehicle not identified in the application for a CTO which is used or intended to be used by a collector already operating under a CTO. The temporary permit authorizes the collector to use a new,

borrowed, rented or demonstrator collection vehicle not currently permitted ~~in the County of Fairfax by Fairfax County~~

(b) The Director may issue a temporary vehicle permit to any person who may need a temporary vehicle permit to collect or dispose of waste using a vehicle that is not otherwise permitted for that use by the County.

~~(a)(c)~~ The temporary collection vehicle permit shall expire according to a schedule specified by the Director, ~~shall not~~ cannot be transferred or prorated, and may not be renewed without the specific approval of the Director. After the expiration of the temporary permit, the collector may use the collection vehicle only if it is permitted in accordance with ~~the~~ provisions of this Chapter.

#### **Section 109.1-4-5. Vehicle Permit Exemption.**

Vehicles used exclusively for the collection of recyclables, when clearly identified as such with signs approved by the Director, are exempt from the permitting and bonding requirements of this Article. If the same vehicle uses Fairfax County designated disposal facilities, the permit and bonding requirements for collection vehicles shall apply. All recycling collection businesses and vehicles are subject to the registration requirements of Section 109.1-4-14.

#### **Section 109.1-4-6. Collector Business Office Location and Contact Information.**

No CTO shall be issued to a collector or continued in effect until and unless the applicant maintains an office that is located and operated in compliance with all laws and regulations applicable to the business. The office shall be used for the transaction of business, such business to include, but not be limited to, the receipt of correspondence and the maintenance of records. In addition, the collector shall maintain a telephone system for receipt of complaints. Any change of address, telephone number, or authorized agent or registered agent shall be reported to the Director within twenty-four (24) hours.

#### **Section 109.1-4-6. Vehicle Permit Exemption**

~~Vehicles used exclusively for the collection of recyclables are exempt from the permitting and bonding requirements of this Article, unless the vehicle uses Fairfax County designated disposal facilities, in which case the permit and bonding requirements for collection vehicles shall apply. All recycling collection vehicles shall, however, be subject to the registration requirements of Section 109.1-4-16~~

#### **Section 109.1-4-7. Collection Collector Bonding Required; Condition; Term Renewal.**

(a) Any person seeking a CTO to collect solid-wasteMSW as described herein shall furnish a bond or other financial instrument acceptable to the County ~~for each permitted collection vehicle.~~ The surety shall be payable to the County of Fairfax in an amount deemed adequate by the Director and conditioned to indemnify and save harmless said County, as well as any person, firm, or corporation, from all fees, charges, expenses, or damages that may be incurred by such entity, caused by any failure to comply with the provisions of this Chapter, neglect in the handling of solid-wasteMSW, or nonpayment of fees imposed for the disposal of solid-wasteMSW at any County-designated solid waste management facility. Handling of solid-wasteMSW shall be deemed neglected when the CTO holder fails to meet the frequency and/or quantity of collection required by this Chapter and contracted for by the customer. If the CTO holder fails to correct any such neglect or noncompliance with this Chapter within forty-eight (48) hours after receipt of written notice from the Director, the bond/surety shall be forfeited and the principal and/or surety on said bond shall be required to reimburse the County of Fairfax or any customer of such

CTO holder for any expense or damage incurred as a result of such neglect or failure.

(b) The said bond shall be deposited with the Director. Any such bond shall be for a term at least equal to the duration of the ~~permit~~CTO. Cancellation of the bond, for any reason, prior to the date of expiration of the ~~permit~~CTO shall require a written notification to the Director at least 30 days prior to said cancellation. The collector's ~~permit~~CTO will be revoked if an alternate bond, meeting the requirements of this section, is not provided.

(c) The Director may increase the bond amount for any CTO holder, or allow alternate financial assurance mechanisms, if deemed necessary to protect the financial interests of the County or to address chronic failure to comply with Chapter 109.1.

~~(d) CTO holders shall provide the Director with a copy of any current and active surety bond applicable to Fairfax County which must include the following details: name, address, e-mail address, and telephone number of the bonding agency, the amount of the bond, the bond duration, and the bond number.~~

#### **Section 109.1-4-8. MSW Disposal Permits.**

(a) No person shall dispose of ~~municipal solid waste (MSW)~~ at Fairfax County disposal facilities without first obtaining a MSW Disposal Permit, or other appropriate permit, from the Director; provided, however, that this provision shall not be deemed to apply to the County, nor employees for the holder of any such permit, nor shall this provision prohibit any individual from collecting, processing, ~~recycling~~ or disposing of their own household MSW. Non-residential establishments engaged in disposing of their own MSW shall be subject to this provision.

(b) The Director shall issue a permit for MSW disposal upon receipt of a complete MSW Disposal Permit application. The applicant must certify that, at all times, the operation of the business will be in conformance with all applicable statutes, ordinances and court orders, including, but not limited to all applicable sections of ~~this Chapter,~~ the Fairfax County Code, ~~including the Zoning Ordinance,~~ and the ~~Code of Virginia Code,~~ as a condition to the issuance and continued validity of the Disposal Permit.

(c) ~~Applicants for a MSW Disposal Permit shall provide the Director an application which shall contain at least the following information and documents:~~

- ~~(1) Name of company;~~
- ~~(2) Owner and, if applicable, Authorized Agent;~~
- ~~(3) Photocopy of drivers license for owner/authorized agent;~~
- ~~(4) Type of business;~~
- ~~(5) Business address;~~
- ~~(6) Mailing address;~~
- ~~(7) E-mail address (if available);~~
- ~~(8) Business telephone;~~
- ~~(9) Name and address of bonding company;~~
- ~~(10) Bond duration and bond number;~~
- ~~(11) Truck information, including a photocopy of the vehicle registration.~~

~~(d) The disposal permit holder shall pay be responsible for payment of solid waste disposal fees and abide by for compliance by its employees and vehicles with the rules and regulations of the~~

facility at which waste is being discharged.

(ed) Disposal permits shall expire according to a schedule specified by the Director, and shall not be transferred or prorated.

#### **Section 109.1-4-9. Disposal Bonding Required; Condition; Term Renewal.**

(a) Any person seeking a permit only for the disposal of ~~solid waste~~MSW shall furnish a bond, or other financial instrument acceptable to the County for each permitted vehicle disposing of ~~solid waste~~MSW at Fairfax County owned, operated, or controlled disposal sites. The surety will be payable to the County of Fairfax in an amount deemed adequate by the Director and conditioned to indemnify and save harmless the County from all charges, expenses, damages, or nonpayment of charges imposed for the disposal of ~~solid waste~~MSW at any site designated by the County.

(b) The Director may increase the bond amount for any permit holder, or allow alternate financial assurance mechanisms, if deemed necessary to protect the financial interests of the County or to address chronic failure to comply with Chapter 109.1.

(c) The bond shall be deposited with the Director. Any such bond shall be for a term at least equal to the duration of the permit. Cancellation of the bond, for any reason, prior to the date of expiration of the permit shall require a written notification to the Director a minimum of 30 days prior to said cancellation. A disposal permit shall be revoked if an alternate bond or alternate financial assurance mechanism meeting the requirements of this section is not provided.

#### **Section 109.1-4-10. ~~Temporary disposal permit.~~**

~~The Director may issue a temporary disposal permit to any person seeking solid waste disposal only. The purpose of the temporary disposal permit is to allow said person time to obtain the disposal permit. The temporary disposal permit shall expire according to a schedule specified by the Director, shall not be transferred or prorated, and shall not be renewed or extended without the specific approval of the Director. Prior to issuance of a temporary disposal permit, the applicant's driver's license and vehicle registration with the person's name, mailing address, and phone number is required.~~

#### **Section 109.1-4-11. ~~Special Wastes/Uses Permitting; Other Permits; General.~~**

In addition to the permitting programs for waste collection and disposal companies described above, the County may require and issue permits for the ~~following special waste~~other disposal activities and system users, as ~~described in Sections 109.1-4-12 through 109.1-4-15;~~necessary.

- 1) ~~Section 109.1-4-11. Commercial Cash Accounts;~~
- 2) ~~Tire Disposal Accounts;~~
- 3) ~~Special Waste Accounts; and~~
- 4) ~~Other Account Types~~

~~Special Wastes/Uses permit holders shall pay solid waste disposal fees and abide by the rules and regulations of the facility at which waste is being delivered.~~

#### **Section 109.1-4-12. Commercial Cash Accounts**

(a) \_\_\_\_\_

~~(a) Commercial cash accounts are issued to businesses that generate waste at their business and need to dispose of it by paying at the time of disposal rather than being billed for disposal services according to procedure set by the county. No bond is required to secure payment to the county.~~

~~(b) The Director shall issue a permit for a Commercial Cash Account upon receipt of a complete/completed application.~~

~~(c) Failure to pay for service is a violation that incurs a penalty for nonpayment and other fees if not paid timely after notification by the County of the nonpayment.~~

~~(d) In order to use the commercial cash account, companies must obey all facility rules and regulations and upon a finding that the applicant has complied with all applicable sections of this Chapter, the Fairfax County Code, including the Zoning Ordinance, and the Virginia Code.~~

~~(b) Vehicles eligible for keep the Commercial Cash Program shall have a gross vehicle weight of less than five tons, and shall not include vehicle/trailer combinations too large to be accurately weighed on all County facility vehicle scales.~~

~~(c) Applicants for a Commercial Cash Account shall provide the Director an application which shall contain at least the following information and documents:~~

~~(1) Name/county notified of company;~~

~~(2) Owner and, if applicable, Authorized Agent;~~

~~(3) Photocopy/changes of drivers license for owner/authorized agent;~~

~~(4) Type of business;~~

~~(5) Business address;~~

~~(6) Mailing address;~~

~~(7) E-mail address (if available);~~

~~(8) Business telephone;~~

~~(9) Truck information, including a photocopy of the vehicle registration.~~

~~(10) Certification by the applicant that, at all times, the operation, vehicles or status of the business will be in conformance with all applicable statutes, ordinances and court orders, including all zoning and building requirements, as a condition to the issuance and continued validity of the permit.~~

~~(d) The commercial cash account holder shall pay solid waste disposal fees at the time of service, and shall abide by the rules and regulations of the facility at which waste is being discharged may be rescinded upon failure to comply with this code and other applicable portions of Fairfax County code.~~

~~(e) A Commercial Cash Account application shall be approved or denied by the Director within 30 days of the receipt of a complete application and required documents.~~

~~(f) Commercial Cash Account permits shall expire according to a schedule specified by the Director.~~

#### **Section 109.1-4-13.12. Tire Disposal Accounts/Permits.**

(a) No person shall dispose of tires at a County solid waste management facility without first obtaining a Tire Disposal Permit, ~~or other permit acceptable to the Director~~; provided, however, that this provision shall not be deemed to apply to the County, nor employees for the holder of any such a county disposal permit, nor shall this provision prohibit any individual resident or business from collecting,

~~processing, recycling~~ or disposing of their own tires.

(b) The Director shall issue a permit for a Tire Disposal ~~Account~~Permit upon receipt of a ~~complete~~completed application and ~~upon a finding that the applicant has complied with all applicable sections~~proof of this Chapter, the Fairfax County Code, including the Zoning Ordinance, and the ~~Virginia Code.~~

(c) ~~Applicants for a Tire Disposal Account shall provide the Director an application which shall contain at least the following information and documents:~~

~~(1) Name of business;~~

~~(2) Owner(s) or Responsible Company Official;~~

~~(3) Type of business;~~

~~(4) Mailing address;~~

~~(5) Business telephone number;~~

~~(6) E-mail address (if available);~~

~~(7) Photocopy of owner or responsible company official's drivers license;~~

~~(8) Photocopy of registration for any vehicle used under the Tire Disposal Account;~~

~~(9) Certification by the applicant that, at all times, the operation of the business will be in conformance with all applicable statutes, ordinances and court orders, including all zoning and building requirements, as a condition to the issuance and continued validity of the permit; and~~

~~(10) Details of the surety to be used for permitted operations. In the case of a bond, the application shall include the name, address, and phone number of the bonding agency that holds the required bond, the amount of bond, bond duration, and bond number.~~

~~(d) A permit shall be issued or denied by the Director within 30 days of the receipt of a complete application and required documents.~~

~~(e) Tire Disposal Account permits shall expire according to a schedule specified by the Director.~~

~~(f) Prior to disposal of tires, Tire Disposal Account holders shall furnish a bond, or other financial instrument acceptable to the County, for each permitted vehicle disposing of tires at Fairfax County owned, operated, or controlled disposal sites. The surety will be payable to the County of Fairfax in an amount deemed adequate by the Director and conditioned to indemnify and save harmless the County from all charges, expenses, damages, or nonpayment of charges imposed for the disposal of solid waste at any site designated by the County.~~

~~(g) The Director may require a higher bond amount, or allow alternate financial assurance mechanisms, if deemed necessary to protect the financial interests of the County or to address chronic failure to comply with Chapter 109.1.~~

~~(h) The bond shall be deposited with the Director. Any such bond shall be for a term at least equal to the duration of the permit. Cancellation of the bond, for any reason, prior to the date of expiration of the permit shall require a written notification to the Director a minimum of 30 days prior to said cancellation. A Tire Disposal Account shall be revoked if an alternate bond or alternate financial assurance mechanism meeting the requirements of this section is not provided.~~

(c) Companies will be invoiced for tire disposal for remittance to Fairfax County.

**Section 109.1-4-14. Special Waste Accounts**

(a) ~~— The Director shall issue a special waste account upon receipt of a complete application and upon a finding that the applicant has complied with all applicable sections of this Chapter, the Fairfax County Code, including the Zoning Ordinance, and the Virginia Code.~~

(b) ~~— The purpose of the special waste account is to allow for disposal at County facilities of materials or products that may require special review or handling prior to acceptance for disposal.~~

(c) ~~— Applicants for a Special Waste Account shall provide the Director an application which shall contain at least the following information and documents:~~

~~(1) — Name of business;~~

~~(2) — Owner(s) or Authorized Agent;~~

~~(3) — Type of business;~~

~~(4) — Mailing address;~~

~~(5) — E-mail address (if available);~~

~~(6) — Business telephone number;~~

~~(7) — E-mail address (if available);~~

~~(8) — Photocopy of owner or responsible company official's drivers license;~~

~~(9) — Photocopy of registration for any vehicle used under the Special Waste Account;~~

~~and~~

~~(10) — Certification by the applicant that, at all times, the operation of the business will be in conformance with all applicable statutes, ordinances and court orders, including all zoning and building requirements, as a condition to the issuance and continued validity of the account.~~

~~(d) — A Special Waste Account permit shall be issued or denied by the Director within 30 days of the receipt of a complete application and required documents.~~

~~(e) — Special Waste Account permits shall expire according to a schedule specified by the Director, and shall not be transferred or prorated.~~

~~(f) — Prior to acceptance for disposal, the Director may require additional information on special waste, including but not limited to origin, and physical and chemical characteristics, if deemed necessary to protect the interests of the County.~~

~~(g) — Prior to disposal of special waste, the Director may require that Special Waste Account permit holders furnish a bond, or other financial instrument acceptable to the County, for each permitted vehicle disposing special waste at Fairfax County owned, operated, or controlled disposal sites. The surety will be payable to the County of Fairfax in an amount deemed adequate by the Director and conditioned to indemnify and save harmless the County from all charges, expenses, damages, or nonpayment of charges imposed for the disposal of solid waste at any site designated by the County.~~

~~(h) — The Director may require a higher bond amount, or allow alternate financial assurance mechanisms, if deemed necessary to protect the financial interests of the County or to address chronic failure to comply with Chapter 109.1.~~

~~(i) — The bond shall be deposited with the Director. Any such bond shall be for a term at least equal to the duration of the permit. Cancellation of the bond, for any reason, prior to the date of expiration of the permit shall require a written notification to the Director a minimum of 30 days prior to said cancellation. A Special Waste Account permit shall be revoked if an alternate bond or alternate financial assurance mechanism meeting the requirements of this section is not provided.~~

**Section 109.1-4-1513. Other AccountPermit Types (reserved).**

**Section 109.1-4-1614. Recycling Business Registration.**

(a) No person shall engage in the business of collecting recyclable materials in Fairfax County as a commercial enterprise without first registering their organization and all vehicles used for this purpose with the Director; provided, however, that this provision shall not be deemed to apply to employees of the business owner, nor prohibit any individual from collecting, processing, or transporting recyclable materials generated within their own household or commercial establishment. Companies with active CTOs which have identified all vehicles used to collect MSW in their current CTO application need not register under this requirement.

(b) Persons registering their recycling business shall provide the Director with at least the following information and documents annually, upon request:

- (1) Name of business;
- (2) Type of business (single propriety, partnership, corporation, etc.);
- (3) Name of parent company (if applicable);
- (4) Owner(s) and Authorized Agent (if applicable);
- (5) Business address;
- (6) Mailing address;
- (7) E-mail address (if available);
- (8) Business telephone number;
- (9) A complete list of vehicles to be used in the collection of recyclable materials, including manufacturer, model, and body capacity/style.
- (10) Street address(es) of collection vehicle parking location(s);
- (11) Customer service area by U.S. Postal zip code, and type of service arrangements (e.g., subscription or contract); and
- (12) The types of recyclable material being collected (by established commercial grade), the anticipated quantity to be collected, and the final market, interim processor, or MRF to which collected materials are to be delivered and other information as necessary to establish compliance with section 109.1-2-4.

(c) Recycling companies will provide an update of any of the above information to the Director within 30 days of a change.

**Section 109.1-4-15. Community Associations and Property Managers.**

(a) Community associations and/or property managers or their designees that arrange for MSW collection service must provide communication between residents of the community and/or their tenants and the collection company providing MSW collection service through a Statement of Service upon occupancy and at least annually thereafter, as described in the Fairfax County Solid Waste Management Program Permit Manual.

(b) Any community association and/or property manager or his/her designee that arranges for MSW collection service that does not comply with County Code shall be in violation of the code, and

subject to enforcement action, as provided in this Chapter.

(c) Any community association or property manager or his/her designee that knowingly or willfully contracts with a solid waste broker or a MSW collection company that is not registered or permitted to operate in Fairfax County as described above shall be in violation of this chapter.

**Section 109.1-4-16. Solid Waste Brokers.**

(a) All businesses operating in Fairfax County as a solid waste broker on behalf of customers must register annually as such with the Solid Waste Management Program. The registration must be completed in the provided format and include the following information:

- (1) Virginia State Corporation Commission ID number;
- (2) Contact information for all employees operating as a solid waste broker on behalf of customers that are located in Fairfax County, including for each such employee:
  - (i) Name.
  - (ii) Address.
  - (iii) Telephone number.
  - (iv) E-mail address.
- (3) List of contractors with whom the solid waste broker arranges collection service.

(b) All businesses operating as a solid waste broker shall pay an annual registration fee specified by the Director.

(c) Any solid waste broker operating without such registration is in violation of Chapter 109.1 and subject to enforcement action as provided in Article 9.

(d) Any business or individual who knowingly or willfully contracts with a solid waste broker that is not registered to operate in Fairfax County as described above shall be in violation of this Chapter.

(e) All solid waste brokers operating in Fairfax County must provide the following information to establishments in Fairfax County for which the broker has arranged solid waste services:

- (1) Information on the applicable recycling and refuse requirements in Fairfax County, as described in this Chapter and in Recycling Program Requirements which are incorporated by reference.
- (2) A Statement of Service defining what service will be provided to the customer, including days and frequency of service, type of containers, materials accepted, set-out instructions, and contact information. A completed "MSW Management and Recycling Plan" may be used in place of a statement of service; however, distribution of such must be accompanied by explanatory information such as a cover letter.

(f) In the event that a solid waste broker arranged for MSW and/or recycling collection service on behalf of a customer for which service is not in compliance with Chapter 109.1, both the broker and the customer, except as provided by Article 2 of this Chapter, shall be in violation of Chapter 109.1 and subject to enforcement action as provided in Article 9.

**ARTICLE 5. Collection of Solid Waste.**

**Section 109.1-5-1. Intent**

In the interest of public health, public safety, environmental quality, and the safeguarding of public and private property, this Article describes the manner in which solid-wasteMSW shall be collected. Lawful storage, set-out, collection, vehicles, and service levels are also addressed.

This Article is intended to specify the minimum or base levels of service to be provided by permitted solid-wasteMSW collectors in Fairfax County. Nothing in this Article is intended to prevent a collector from providing a level of service greater than the minimum levels required by this Article, at such rates and charges as agreed between the collector and customer.

**Section 109.1-5-2. Manner of Collection.**

(a) No person shall knowingly or willfully contract with any solid-wasteMSW collector or recycling-business who does not possess a County-issued Certificate-to-Operate for collection services or with any recycling business that is not registered with Fairfax County. For purposes of this Section, evidence of a willfulknowing violation is the voluntary contracting by a person after having received written notice from the County that the solid-wasteMSW collector is not authorized to operate within the County or that the recycling business is not registered in the County.

(b) Solid-wasteMSW collection shall be conducted in such a manner that it does not create a nuisance or safety hazard, adversely affect public health, or violate any ordinance or Code of the County of Fairfax, nor allow such conditions to continue. This includes, but is not limited to, obeying all applicable speed limits and other traffic controls in transit to, from, and while serving collection routes, operating the vehicle on the correct side of the street at all times, giving way to oncoming traffic where it is required by law to do so, picking up litter that may have gathered around the collection container or been released during transportation, and returning empty containers so that they do not interfere with pedestrian or vehicular traffic.

(c) Collection of solid-wasteMSW shall be by permitted collection vehicles and shall be conducted in such a manner that it is not dumped, spilled, stored or thrown into any street, court, lane, alley, sewer inlet, vacant public lot, stormwater structure, public way, private property, or any area not designated as a lawful disposal site.

(d) In the event any solid-wasteMSW spills or falls into a street, public way, court, lane, or alley during the process of collection, it shall be deemed the responsibility of the collector to immediately correct such conditions.

(e) Solid-wasteMSW shall be completely emptied at a lawful disposal or recycling site as soon as possible after the completion of any daily solid-waste collection route, and shall not be stored in solid-wasteMSW collection vehicles for a length of time exceeding 24 hours, excluding Sundays.

(f) Collection vehicles shall not be parked overnight anywhere other than in properly zoned locations. Parking of collection vehicles on the public right-of-way, other than temporary stops during the collection route, is a violation of 109.1-6-2 (a).

(g) The following collection methods are prohibited unless specifically approved in writing by the Director:

(1) Commingling refuse and recyclables in one collection container.

(2) On-call service or collection of refuse or recyclables less frequently than once per week.

- (3) Collection of refuse or recyclables in an open-top container, other than white goods, scrap metal, Christmas trees, or cardboard at construction and demolition sites. This shall not apply to construction and demolition debris that is collected for recycling rather than disposal.

**Section 109.1-5-3. Solid Waste to be Collected.**

(a) ~~Municipal solid waste~~MSW generated by normal household or commercial activities from premises to which collection services are being provided shall be collected in accordance with the requirements of this Chapter.

(b) The following materials are not subject to the collection requirement of 109.1-5-3:

- (1) Dead animals and pets;
- (2) Manure;
- (3) Tree stumps;
- (4) Dirt, stone, rock, and brick;
- (5) Containerized liquids;
- (6) Friable asbestos;
- (7) Lead-acid batteries;
- (8) ~~Freon~~-Appliances containing ~~appliance~~ozone-depleting chemicals;
- (9) Scrap metal and discarded appliances that are over 50 pounds in weight or 48 inches in length; and
- (10) Poisons, corrosives, flammables, explosives or other unacceptable or hazardous waste. It should be noted that items considered to be household hazardous waste (HHW) are subject to the collection requirements of 109.1-5-3.

(c) For materials required to be collected curbside under this Article: (1) materials too large for containers shall be collected if tied securely in bundles not exceeding four feet in length; and (2) no single container or bundle shall exceed 50 pounds gross weight. ~~Corrugated cardboard shall be collected for recycling when prepared in accordance with the Recycling Program Requirements.~~

(d) The base price for any ~~solid waste and recycling~~ collection contract shall include the minimum level of service unless otherwise approved by the Director. The minimum level of service for collection by material type shall be as follows:

- (1) *Refuse*: For residential customers, weekly removal of all refuse that is set out and prepared in accordance with Section 109.1-5-3(c). For non-residential customers, weekly collection is required unless specifically approved by the Director in writing.
- (2) *Recyclable Materials*: weekly removal of all recyclable materials ~~that are from residential and non-residential customers~~ properly prepared and set out. Other collection frequencies may be adopted for containerized and non-residential recycling service: through application for and approval of an alternative recycling system.
- (3) *Yard waste from single-family and townhouse residential units, including brush*: from March 1 to December 24, weekly removal for recycling of up to ten individual bags, containers, or bundles. Brush may be limited to individual pieces or bundles of no greater than 50 pounds in weight, four feet in length, and no

piece larger than six inches in diameter. Outside this period, yard waste may be collected with refuse.

- (4) *Christmas trees from single-family and townhouse residential units:* removal and recycling of all trees of less than 8 feet in length that are set out during the first two weeks of January.

(e) Nothing in this Chapter shall preclude the collector from providing a higher level of service than required, with regard to frequency, quantity, size, material type, or other factor.

(f) All ~~solid waste~~MSW collected by the collector, upon being loaded into the collection vehicle, shall become the property of the collector.

#### Section 109.1-5-4. Frequency of Collection.

(a) ~~Municipal solid waste~~MSW shall be collected no less than once weekly from single-family residences and townhouses.

(b) ~~Municipal solid waste~~MSW from all other sources shall also be collected no less than once weekly, unless a reduced collection frequency or alternative recycling system is approved in writing by the Director.

(c) ~~Municipal solid waste~~MSW shall be collected more frequently, as may be fixed by the Director or collected more frequently as may be fixed by the Fire ~~Marshal~~Marshal or Chief of Fire and Rescue Department upon a determination that more frequent collections are necessary for the preservation of the public safety with respect to any particular establishment producing flammable ~~solid waste~~MSW

(d) Any solid waste management bond or other surety held by Fairfax County as required by Article 4 may be used to pay for collection of waste where the collector for whom the bond/surety was issued has failed to meet the minimum collection frequency specified in this Article.

#### Section 109.1-5-5. Collection Points and Set-Out Restrictions.

~~(a)~~ (a) ~~Solid waste~~Set-out of ~~residential refuse~~ and recycling shall comply with the following:

(1) Containers for residential use shall be stored upon the residential premises. ~~Solid waste containers shall be of sturdy, rodent and insect resistant and watertight construction with tight fitting lids sufficient to prevent leakage or spillage of the disposed materials contained therein~~

~~(2)~~ (b) ~~The outside storage of household waste~~refuse and ~~recyclables~~ in plastic bags with closed tops for not more than 12 hours is allowed. by residential customers only.

~~(2)~~(3) Loose, bulky non-putrescible materials which are too large to fit into mechanically dumped containers may be set out, provided that they are: 1) securely bundled; or 2) completely contained ~~in cardboard boxes or plastic bags which are~~and adequately secured to prevent leakage or spillage; and, 3) individual bundles, bags, boxes or other containers do not exceed four feet in length and 50 pounds in weight.

~~(c)~~ ~~Solid waste and recycling containers for all other uses shall be stored upon private property, at points which shall be well drained and fully accessible to collection vehicles and to public health inspection, fire inspection, and solid waste inspection personnel.~~

- ~~(4)~~ ~~(d)~~ — Yard waste may only be set out in bags, reusable containers, or in piles as instructed by the company which will be collecting them.
- ~~(3)~~~~(5)~~ Recyclable materials shall be set out separately from ~~solid waste~~MSW intended for disposal, and ~~bundled,~~ contained in ~~plastic or metal bins, kraft paper bags, or transparent plastic bags, and adequately secured~~so as to prevent leakage or spillage, but not to preclude visual identification and inspection. ~~Recycling shall be set out as described in subsections (3) and (4) above.~~ Individual containers, bundles, bags, and/or boxes of recyclable materials set out for collection shall not exceed four feet in length and 50 pounds in weight.
- ~~(4)~~~~(6)~~ ~~(e)~~ — On each scheduled collection day, residential ~~solid waste~~refuse and recyclables shall be placed at the curb line or at a point on the property line at the edge of pavement or terminal point of a pipestem driveway easement, adjacent to the public right of way where the collection vehicle stops. Residential ~~solid waste~~refuse and recyclables shall not be set out for curbside collection on any sidewalks or any other portion of the public right of way where they could interfere with pedestrians or vehicular traffic.
- ~~(f)~~ — ~~No collection vehicles of any type are required to enter into any pipestem driveway for the purpose of conducting solid waste or recycling collection operations or turning around.~~
- ~~(5)~~~~(7)~~ ~~(g)~~ — If ~~waste and/or recyclables~~MSW placed at the curb or in the public right-of-way ~~are by a residential customer is~~ not picked up within ten days, the County may remove them and recover the costs of removal.

**Section 109.1-5-6. Collection vehicles and containers.**

- ~~(b)~~ ~~(a)~~ — All collection vehicles and Set-out of non-residential refuse and recycling shall comply with the following:
- ~~(1)~~ All containers shall be stored upon private property, at points which shall be well drained and fully accessible to collection vehicles and to public health inspection, fire inspection, and solid waste inspection personnel, in addition to complying with Section 109.1-5-6.
  - ~~(2)~~ Non-residential customers are only permitted to store refuse and recyclables outdoors inside of an approved container as described in Section 109.1-5-6. Non-residential customers are not permitted to store refuse or recyclables in bags, boxes or bundles outside unless specifically approved in writing by the Director.
  - ~~(3)~~ Recyclable materials shall be set out separately from MSW intended for disposal and contained as described in Section 109.1-5-6 so as to prevent leakage or spillage but not to preclude visual identification and inspection. Co-collection of recyclables and refuse in a single container is not permitted and does not comply with the recycling requirements in Article 2 of this Chapter.
  - ~~(4)~~ If MSW placed at the curb or in the public right-of-way by a non-residential customer is not picked up within ten days, the County may remove it and recover the costs of removal from the customer, collection company and/or designee.

**Section 109.1-5-6. Collection Containers and Vehicles.**

(a) Containers (including compactors, front-end containers to be and roll-off containers) used in the to collect refuse and recycling shall comply with the following:

- (1) All refuse containers shall be of sturdy, rodent and insect resistant and watertight construction with tight fitting lids sufficient to prevent leakage or spillage of the disposed materials contained therein and must be closed when not in use.
- (2) Any dumpster, front-loading container, compactor or wheeled cart provided for collection of recycling shall be of sturdy, rodent and insect resistant and watertight construction with tight fitting lids sufficient to prevent leakage or spillage of the recyclables contained therein but not to preclude visual identification and inspection and must be closed when not in use.
- (3) Collectors who provide refuse and/or recycling containers shall be responsible for maintaining up-to-date name and contact information on these containers. Where a collector chooses to change this information, the collector must either correct the changes on every container (except containers used for collection at single-family homes or townhouses), or remove that container from service. Collectors may not charge a fee for updating containers in this manner.
- (4) Open-top containers may not be used to collect, store, or transport refuse or any other putrescible items. Open-top containers may not be used for recyclables except per 109.1-5-2 (g)(3).
- (5) Yard waste may only be set out in bags, reusable containers, or in piles as according to Section 109.1-5-5 (a) (4).
- (6) All roll-off containers and compactors shall have safety reflectors affixed to both sides and ends of container. Safety reflector requirements for said roll-off container or compactor shall include the use and/or combination of reflective tape, reflective paint, or reflective glass
- (1)(7) All solid waste shall be maintained in a manner that prevents spillage of the types of solid waste to be collected therein, and provides proper control of odors, vermin, and liquid waste leakage collection containers with a capacity of two cubic yards or larger and are used for the collection of solid waste shall be clearly marked with the owner's name and telephone number and the type of material acceptable for the container.

(b) — All collection vehicles for which a collection vehicle permit is being sought must be designed and manufactured specifically for the collection of municipal solid waste. Design and manufacture shall include automatic dumping capabilities, watertight body, and additional requirements as determined by the Director in the collection vehicle inspection. All collection vehicles shall display the current name and telephone number of the company operating the vehicle.

- (2)(8) (c) — In the event of solid wasterefuse or recycling collection service cancellation by a customer, the owner of the solid wasterefuse or recycling collection container shall be responsible for removing the container(s). All such containers shall be removed within ten business days of customer service cancellation. Any container with a capacity of two cubic yards or larger which is not removed within ten business days of service cancellation shall be deemed abandoned, and subject to removal by the County. The Director must make a reasonable attempt to notify the owner of the container prior to removal by the County. Containers removed by the County will be removed, emptied, and stored at the owner's expense, including the cost for disposal of waste contained therein, and may not be reacquired until all such expenses have been paid. Any container not reacquired within 30 days will be forfeited to the County of Fairfax and sold at public auction, or added to the County's assets.

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~~(d) — All roll-off containers used for collection or transportation of solid waste shall have safety reflectors affixed to both sides and ends of container. Safety reflector requirements for said roll-off container shall include the use and/or combination of reflective tape, reflective paint, or reflective glass.~~

~~(e) — All solid waste and recycling containers with a capacity of two cubic yards or larger which are used for the collection of solid waste or for the source separation of recyclable materials shall be clearly marked as to their capacity in cubic yards, the type(s) of materials acceptable for the container, and the owner's name and telephone number.~~

~~(9) (f) — Open-top roll-off containers may not be. The County can require the owner of any container to remove that container if it is found to create a nuisance, traffic impediment or adversely affect public health or safety. If after making a reasonable attempt to notify the owner of this requirement the Director is unable to contact the owner, or if the owner fails to remove the container after notification of such requirement, the County may remove, empty and store the container at the owner's expense, including the cost for disposal of waste contained therein, and the container may not be reacquired until all such expenses have been paid. Any container not reacquired within 30 days will be forfeited to the County of Fairfax and sold at public auction or added to the County's assets.~~

~~All vehicles used to collect, store, or transport municipal solid waste or any other putrescible items.~~

~~(b) (g) — Vehicles permitted to collect refuse or recycling shall comply with the following:~~

~~(1) All collection vehicles to be used in the collection of MSW must have a collection vehicle permit (see Article 4).~~

~~(2) All collection vehicles for which a collection vehicle permit is being sought must be designed and manufactured specifically for the collection of municipal solid waste shall not be used to collect MSW.~~

~~(i) Design and manufacture shall include a completely enclosed and watertight truck body with automatic dumping capabilities, and additional requirements as determined by the Director in the collection vehicle inspection and as described in this Chapter and in the Fairfax County Solid Waste Management Program Permit Manual.~~

~~(ii) All collection vehicles shall display the current name and telephone number of the company operating the vehicle.~~

~~(i)(iii) Vehicles permitted to collect recyclables unless they are must be clearly identified as such. Such signage shall be removed if the vehicle is used to collect refuse.~~

~~(iv) The Director may consider the use of vehicles not specifically manufactured for the collection of MSW under emergency conditions or for other reasons as determined by the Director. The vehicles must receive a temporary vehicle permit prior to being put into service.~~

~~(3) All collection vehicles to be used in the collection of MSW shall be maintained in a manner that prevents spillage of the types of MSW to be collected therein, and provides proper control of odors, vermin, and liquid waste leakage.~~

~~(4) No collection vehicles of any type are required to enter into any pipestem driveway for the purpose of conducting refuse or recycling collection operations or turning around.~~

**Section 109.1-5-7. Alteration of Collection Service; Required Notices.**

(a) Any collector shall give written notice of intent to alter collection service to residential customers in the following manner:

- (1) *Sale or transfer of business*: the Director and all customers shall be notified within thirty (30) days of such sale or transfer, if no change or interruption in service will occur.
- (2) *Termination of service for nonpayment by customer*: the Director and all affected customers shall be notified no less than ten (10) days prior to the termination.
- (3) *Termination of service for any other reason*: the Director and all affected customers shall be notified no less than thirty (30) days prior to the change.
- (4) *Alteration of service or change in collection schedule*: the Director and all affected customers shall be notified no less than thirty (30) days prior to the change, except on cases of emergencies as declared by the Director.

(b) Any prepaid customer account will be either refunded by the collection company to the customer or transferred to the subsequent collector.

(c) All notifications to the Director required by this Section to customers whose service has been changed shall include a demonstration evidence that all affected customers have been notified.

**Section 109.1-5-8. Advance Billing of Customer.**

Advance billing of residential customers shall not be permitted more than ninety (90) days in advance of delivery of collection service.

**Section 109.1-5-9. Rates and Charges for Residential Collection.**

~~\_\_\_\_\_ (a) \_\_\_\_\_ Rates and charges shall be changed \_\_\_\_\_~~ (a) Collection companies shall explicitly notify residential customers in writing of all rates, charges, and fees (including, but not limited to, fuel surcharges, environmental fees, equipment recovery fees, and service cancellation fees) that will be billed as part of the service provided or at termination of that service. Such notification shall be made prior to commencement of service.

~~\_\_\_\_\_ (b) \_\_\_\_\_ Rates and charges shall be increased \_\_\_\_\_~~ only after each residential customer and the Director have been given thirty (30) days' written notice in advance. Such notice shall include the amount of the increase. A rate change shall be deemed invalid if the collector fails to provide this notification.

~~(bc)~~ All notifications to the Director required by this Section shall include a demonstration evidence that all affected customers have been notified.

~~\_\_\_\_\_ (d) \_\_\_\_\_ No refuse or recycling collector shall charge a fee greater than twenty-five dollars to remove its containers from a customer's residence.~~

**Section 109.1-5-10. Assignment of Customer.**

The Director shall have the authority to assign a specific customer to a collector; provided that the assigned customer shall first have paid any outstanding collection charges properly due any collector; and provided further that the collector assigned by the Director shall be one currently providing collection service in the area in which the assigned customer is located. The collector to whom any such customer is assigned shall, upon receipt of notice of assignment, commence rendering of collection service as assigned.

## ARTICLE 6. Solid Waste Transportation

### Section 109.1-6-1. Manner of Operation.

(a) Any vehicle used to transport ~~solid waste or recyclable~~MSW materials in or through Fairfax County shall be operated in such a manner as not to create a nuisance or adversely affect public health.

(b) ~~Solid waste and recyclables~~MSW shall not be spilled, dumped, or thrown onto any street, court, lane, alley, sewer inlet, ~~stormwater structure~~, vacant lot, public way, private property, or any area not designated as a permitted and authorized disposal site or recycling center.

(c) All vehicles used to transport liquid and semi-liquid wastes with non-watertight vehicle bodies shall carry said wastes in watertight containers.

(d) Any vehicle used to transport ~~solid waste or recyclable materials~~MSW and its contents shall not produce foul odors nor leak any fluids while parked or moving.

(e) Violation of this section shall constitute a nuisance per se.

### Section 109.1-6-2. Parking on Public Rights-of-Way Prohibited.

(a) It is unlawful to park a vehicle which is being used to transport ~~solid waste~~MSW in or through Fairfax County on a public right-of-way. Violation of this section shall constitute a nuisance per se.

(b) This section shall be enforced by Fairfax County law enforcement officers. Those officers are hereby authorized to immediately remove, or cause to be removed, any vehicle parked in violation of this section. The owner or operator of any such vehicle shall be required to pay, in addition to any fine, the charges for such removal and storage.

### Section 109.1-6-3. Parking on Private Property.

It is unlawful to park a loaded or partially loaded collection or transfer vehicle which is being used to transport ~~solid waste~~MSW in or through Fairfax County on any private property unless: (1) the owner has consented in writing, (2) the written consent has been furnished to the Director, and (3) the site is a lawful place to store ~~solid waste~~MSW collection and/or transfer vehicles in accordance with the County Zoning Ordinance.

**ARTICLE 7. Disposal of Solid Waste**

**Section 109.1-7-1. Disposal Site Designation.**

(a) All ~~solid-waste~~refuse collected under the provisions of this Chapter shall be disposed of only at disposal sites designated by the Director.

(b) It shall be unlawful for any person to dispose of ~~solid-waste~~MSW in or at any disposal site other than those designated by the Director pursuant to paragraph (a) above. This provision shall not apply to the occupants of single-family residences or family farms disposing of their own ~~solid-waste~~MSW if such occupants have paid the fees, rates and charges of other single-family residences and family farms in the same service area.

(c) Nothing contained in previous subsections shall be deemed applicable to:

- (1) ~~Solid-waste~~Garbage, trash, and refuse generated, purchased or utilized by an entity engaged in the business of manufacturing, mining, processing, refining or conversion except for an entity engaged in the production of energy or ~~solid-waste~~refuse-derived fuels for sale to a person other than any entity controlling, controlled by or under the same control as the manufacturer, miner, processor, refiner or converter.
- (2) Recyclable materials which are those materials that have been source-separated by any person or materials that have been separated from ~~solid-waste~~garbage, trash, and refuse by any person for ~~the subsequent~~ utilization in both cases as a raw material to be manufactured into a new product other than fuel or energy, except that yard waste must be delivered to a yard waste management facility legally permitted to operate in the Commonwealth of Virginia.
- (3) Construction/demolition debris to be disposed of in a ~~CDD~~-landfill.
- (4) Waste oil.

(d) All ~~solid-waste-and-recyclable-materials~~MSW disposed of at solid waste management facilities operated by the County of Fairfax shall become the property of the County.

**Section 109.1-7-2. Hazardous Waste Prohibited.**

No hazardous waste shall be disposed of at the I-66 Transfer Station, the I-95 Sanitary Landfill, the I-95 Energy/Resource Recovery Facility, or any other disposal site in Fairfax County. The Director may request an analysis by a certified laboratory deemed acceptable by the Director of any ~~solid-waste~~MSW requested for disposal. The purpose of the laboratory analysis is to ensure that the ~~solid-waste~~MSW does not contain any hazardous ~~contaminants~~constituents. The laboratory analysis must be submitted to the Director in advance and in writing. Only after favorable review by the Director may the ~~solid-waste~~MSW be accepted for disposal.

**Section 109.1-7-3. Out-of-County Waste Prohibited.**

It shall be unlawful for any person to use a Fairfax County Certificate to Operate and/or permit for the disposal of ~~solid-waste~~MSW originating outside the County of Fairfax, at the I-66 Transfer Station, I-95 Sanitary Landfill or I-95 Energy/Resource Recovery Facility, unless previously approved by the

Director.

**Section 109.1-7-4. Use of County Solid Waste Management Facilities.**

(a) The Director may establish rules and regulations for the use of Fairfax County solid waste management facilities, including specifying the types and characteristics of waste which are unacceptable, and disposal charges.

(b) Use of County facilities shall be limited to the purpose for which access is granted.

(c) All persons disposing of ~~solid-waste~~MSW shall be charged, billed or invoiced for the disposal fees owed for use of County facilities. Any person failing to pay an account when due may incur a monthly charge of ten percent on the outstanding balance, annualized, from the first day following the day such account is due, or ten dollars, whichever is greater. An account shall be paid when payment has been received by the County.

**Section 109.1-7-5. Permit for Solid Waste Management Facility--Required.**

No person shall locate, operate, conduct or maintain a storage or disposal site (temporary or permanent), transfer station, ~~MRF~~recycling processing, landfill or any other type of solid waste management facility in the County unless all applicable state, federal and local laws, regulations, permits, and zoning requirements are met. Any facility must also be consistent with the County's Solid Waste Management Plan.

## ARTICLE 8. Emergency Provisions

### Section 109.1-8-1. Emergency Management.

(a) This Article sets forth specific solid waste management requirements that shall take ~~effect~~ affect during an emergency. ~~as determined the county's emergency manager or other situations identified by the Director.~~ It is intended that the following take place with respect to solid waste management during emergency circumstances:

- (1) that the County will take the lead in coordinating emergency or disaster clean-up efforts countywide; and
- (2) that private collectors shall not be required to provide collection services in excess of the base levels of service defined elsewhere in this Chapter.

(b) At the Director's discretion, to the extent allowable by State and Federal law, specific requirements of this Chapter may be waived or suspended during a local emergency.

### Section 109.1-8-2. Operation of Essential Facilities.

(a) During a local emergency, the Director shall authorize, as necessary, the operation of primary and temporary solid waste management sites by the County, including the provision of equipment and personnel support to maintain the functionality of essential County services and support emergency response and disaster recovery operations.

(b) The Director shall provide refuse collection and disposal services as necessary to support operation of essential facilities used to receive and care for evacuees, volunteer workers, emergency responders, and maintenance and support personnel.

(c) Specifics of operations described in this Section shall be further described in the County's Emergency Operations, Continuity of Operations, and Debris Management Plans.

### Section 109.1-8-3. Emergency Debris Management.

Management of debris from areas impacted by an emergency shall continue to be a shared responsibility between the County and permitted private ~~solid waste~~MSW collectors. However, at the Director's discretion, the County may elect to provide solid waste removal and disposal services in any area where the County deems that existing permitted waste collection resources are overwhelmed and/or improperly trained and/or inadequately equipped for the prevailing emergency conditions.

**ARTICLE 9. Enforcement.**

**Section 109.1-9-1. Enforcement Authorities.**

(a) The Director shall have and is hereby vested with the authority to pursue administrative, civil, or criminal enforcement actions on any entity that violates this Chapter.

(b) The Director may also undertake the following actions:

- (1) Issue notices of violations for violations of any provision of this Chapter.
- (2) Issue regulations and/or procedures to provide for administration, policy direction, and implementation of this Article.
- (3) Make and enter into consent agreements incidental to the performance of the Director's duties and the execution of the Director's powers under this Article.

(4) Impose penalties for violations of this chapter as described herein and in the Solid Waste Management Program Enforcement Manual.

**Section 109.1-9-2. Definition of Violation.**

Except as otherwise provided (and regardless of the availability of other civil or administrative remedies and procedures for enforcing this Chapter), every act or condition prohibited by this Chapter, and every failure or omission to act as required herein, is a violation of this Chapter.

**Section 109.1-9-3. Requirements for Written Notice.**

For the purpose of enforcing this Chapter, written notice may be provided by certified mail or by any appropriate method specified in VA Virginia Code Ann. § 8.01-296.

**Section 109.1-9-4. CTO and/or Permit Suspension and Revocation.**

(a) Violation of any requirement of this Chapter, the Fairfax County Code, the Fairfax County Zoning Ordinance, or any court orders relating thereto, shall be grounds to deny, suspend, or revoke any solid waste CTO and/or permit.

(b) ~~Specific~~ Examples of grounds for CTO and/or permit denial, suspension or revocation include, but are not limited to, the following:

- (1) Disposal of unacceptable or hazardous waste.
- (2) Collection services fail to meet any applicable Fairfax County Code requirement.
- (3) Failure to pay solid waste disposal fees.
- (4) Use of a Fairfax County-issued permit for the disposal of waste from outside the County without prior authorization.

(5) Disposal of county waste at sites other than those designated by the Director.

(6) Storage or consolidation of waste fails to meet any applicable Fairfax County Code requirement.

(67) Failure to abide by the rules and regulations of a Fairfax County solid waste management facility.

(78) Failure to submit an accurate permit application.

(c) Further, it shall be unlawful, and grounds for CTO and/or permit denial, suspension or revocation, for any person to ~~willfully~~ misuse a collection vehicle, permit, and/or CTO. Misuse includes, but is not limited to, operating while CTO is suspended, any switching of permits between collection vehicles, any use of a permit in an unpermitted collection vehicle or by an unpermitted collector, and/or any use of a discontinued CTO and/or permit.

(d) It shall be unlawful, and grounds for CTO and/or permit denial, suspension or revocation, for any company which is delinquent in its payment of the disposal bill to Fairfax County to use the collection vehicle and/or permit of another company to gain access to any County solid waste management facility. It shall be unlawful for any company to allow another company to use its collection vehicle and/or permit in the aforementioned manner.

(e) In the event the Director elects to consider suspending or revoking an issued CTO and/or permit, except in instances involving the nonpayment of solid waste disposal fees, charges, fines, or civil penalties, or the disposal of unacceptable or hazardous waste, the permit holder will be notified by certified mail that said CTO and/or permit is under review. The CTO/permit holder will have 48 hours after receipt of the letter of notification to correct any deficiencies and to notify the Director of the corrective action taken. If satisfactory corrective action is not taken within 48 hours, the CTO and/or permit may be suspended or revoked by the Director. This shall not be construed to limit the authority of the Director to immediately suspend without notice any CTO/permit holder for the nonpayment of solid waste disposal fees or the disposal of unacceptable or hazardous waste.

(f) Any revocation, suspension or denial of a CTO or permit, other than those related to the nonpayment of solid waste disposal fees or the disposal of unacceptable or hazardous waste, shall be in writing and may be appealed to the County Executive or his designee within ten days of the date of revocation, suspension or denial. Any appeal shall be in writing and filed with the County Executive or his designee. Thereafter, the County Executive or his designee shall promptly schedule a hearing at which the applicant and all interested parties, which may include but are not limited to the Director, of the Division of Fairfax County Solid Waste Collection and Recycling, the Division of Solid Waste Disposal and Resource Recovery Management Program, the Zoning Administrator, the Health Officer, the Police Department, the Department of Code Compliance, the Department of Tax Administration and the Board of Supervisors of Fairfax County, Virginia, may present testimony or evidence. Any interested party or the applicant may be represented by counsel at the hearing. ~~(22-06-109.1.)~~

#### **Section 109.1-9-5. Penalties -- Recycling Violations.**

Violation of any provision of the recycling requirements of this Chapter, or any rule or regulation adopted hereunder, including but not limited to the required registration of a recycling business, shall be punishable by a ~~civil penalty not to exceed Five Hundred Dollars (\$500.00) fine~~ for each offense, as prescribed in the Solid Waste Management Program Enforcement Manual. No criminal penalties shall be imposed for such violations. Each household, business, or collection point at which a violation of any provision of the recycling requirements of this Chapter occurs shall constitute a separate offense.

#### **Section 109.1-9-6. Penalties -- Disposal Violations.**

(a) Except as provided for in 109.1-9-6 (b), any disposal of waste at an improper or prohibited site shall be subject to a ~~civil penalty not to exceed Five Hundred Dollars (\$500.00) fine~~ for each offense as prescribed in the Solid Waste Management Program Enforcement Manual. Each day any violation continues shall constitute a separate offense. Violators may also have their CTO and/or collection/ disposal permits denied, suspended, restricted or revoked, and denied a CTO and/or permit for a period of up to one (1) year from the time of the offense.

(b) Any person who disposes of ~~solid-waste~~MSW originating outside the County of Fairfax at a County facility where such waste is prohibited shall be subject to suspension from use of said facility for a period of time not to exceed one hundred twenty (120) calendar days and a ~~civil penalty not to exceed Five Hundred Dollars (\$500.00) fine~~ for each offense as prescribed in the Solid Waste Management Program Enforcement Manual.

(c) Disposing of waste at a County solid waste management facility without having paid the required disposal fee will be considered a violation, and may subject the person to a ~~civil penalty of up to Two Hundred Dollars (\$200.00) fine for each offense as prescribed in the Solid Waste Management Program Enforcement Manual.~~

**Section 109.1-9-7. Penalties — Contracting With Unauthorized Collector or Solid Waste Broker.**

Contracting with a person not authorized to perform refuse and/or recycling collection services or act as a Solid Waste Broker within Fairfax County shall be subject to a ~~civil penalty not to exceed \$500.00 fine~~ for each offense, as prescribed in the Solid Waste Management Program Enforcement Manual. For purposes of this Section, evidence of a ~~willful~~ violation is the voluntary contracting by a person ~~with a business, property owner, property manager, solid waste broker, or community/homeowners' association with an MSW collector or Solid Waste Broker~~ after having received written notice from the Director that the refuse or recycling collector or Solid Waste Broker is not authorized to operate within the County.

**Section 109.1-9-8. Penalties — Violations Not Otherwise Specified.**

~~\_\_\_\_\_The penalty for~~ Violation of any provision of this Chapter ~~not, unless~~ otherwise specified in this Article, shall be punishable by a ~~fine or civil penalty not to exceed Five Hundred Dollars (\$500.00) Class II misdemeanor, with a fine~~ for each offense, as prescribed in the Solid Waste Management Program Enforcement Manual.

**Section 109.1-9-9. Penalties — Escalation of Penalty for Repeat Offenders.**

(a) Except as otherwise provided by federal ~~or Commonwealth statute or this Chapter, state or local law~~, the Director shall have the authority to recommend leniency in the event of first violations, and to seek escalating penalties for repeated violations in a 12 month period.

(b) In circumstances where a person or business has violated one or more provisions of this Chapter on at least three separate occasions within 12 months, the Director shall pursue an additional ~~civil charge~~ financial penalty equal to a reasonable estimate of the financial benefits of non-compliance as described in the Solid Waste Management Program Enforcement Manual.

**Section 109.1-9-10. Continuing Violations.**

Except as otherwise provided (and regardless of the availability of other civil or administrative remedies and procedures for enforcing this Chapter), acts, omissions, or conditions in violation of this Chapter which continue, exist, or occur on more than one day constitute separate violations and offenses on each such day.

**Section 109.1-9-11. Consent Agreements.**

(a) As an alternative to pursuing criminal or civil remedies described elsewhere in this Section, the Director may make and enter into Consent Agreements with suspected violators as a means to resolve the violation(s).

(b) For the purpose of this Section, a Consent Agreement is an administrative order issued with the consent of both parties, to perform specific actions to come into compliance with this Chapter and any relevant rules and regulations.

(c) The Director shall develop Consent Agreements and generally draft them after one or more meetings with the alleged violator. Such agreements shall be developed cooperatively and entered into by mutual agreement, even though the Agreement shall effectively serve as a direct order to the alleged violator to comply.

(d) A Consent Agreement may be issued without an adversarial proceeding, and therefore need not include a determination that a violation has occurred.

(e) Consent Agreements issued pursuant to this Section shall include, at a minimum, the following:

- (1) An established and enforceable course of action for bringing a suspected or alleged violator into compliance expeditiously, with explicit deadlines by which compliance must be achieved.
- (2) The assessment and collection of a monetary penalty for the violation(s), consistent with the requirements of this Chapter and appropriate County policy and guidance.
- (3) An explanation of what further actions the County may take if the violator fails to meet the terms of the Consent Agreement.

**2. That the provisions of this ordinance are severable, and if any provision of this ordinance or any application thereof is held invalid, that invalidity shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid provision or application.**

**3. That this Ordinance is effective upon adoption.**

GIVEN under my hand this        day of \_\_\_\_\_ 2014.

\_\_\_\_\_  
Clerk to the Board of Supervisors

Board Agenda Item  
February 17, 2015

4:30 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Graham Residential Permit Parking District, District 34 (Providence District)

ISSUE:

Public Hearing on a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Graham Residential Permit Parking District (RPPD), District 34.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Graham RPPD, District 34.

TIMING:

On January 27, 2015, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to take place on February 17, 2015, at 4:30 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.

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$500 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:

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

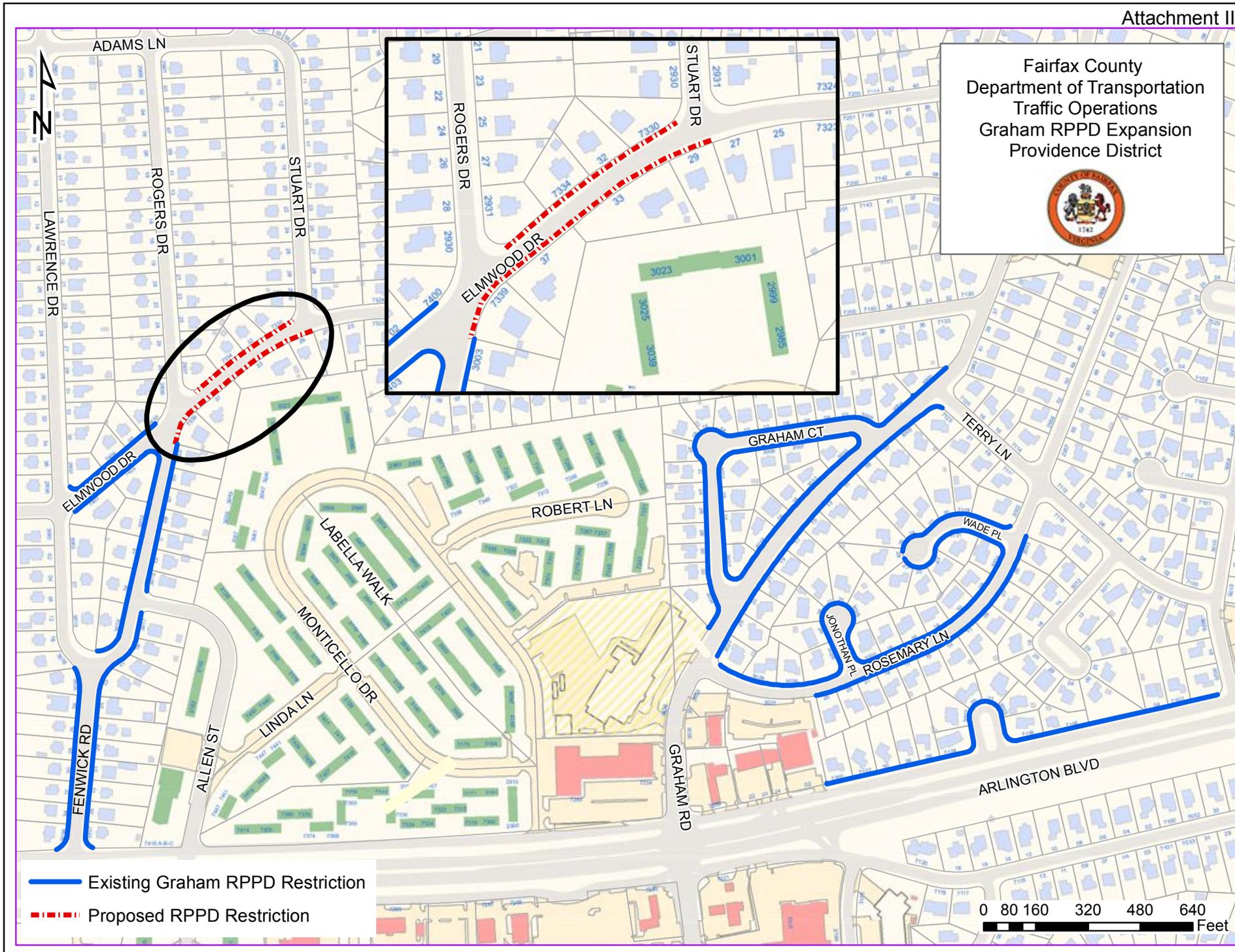
Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by modifying the following streets in Appendix G-34, Section (b), (2), Graham Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

*Elmwood Drive (Route 1780):*

From Lawrence Drive to ~~Rogers Drive~~ Stuart Drive.

Fairfax County  
Department of Transportation  
Traffic Operations  
Graham RPPD Expansion  
Providence District



Board Agenda Item  
February 17, 2015

4:30 p.m.

Public Hearing to Establish the Cardinal Forest II Community Parking District (Braddock District)

ISSUE:

Public Hearing on a Proposed amendment to Appendix M, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish the Cardinal Forest II Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to establish the Cardinal Forest II CPD.

TIMING:

On January 27, 2015, the Board authorized advertisement of a Public Hearing to consider the proposed amendment to Appendix M, of the *Fairfax County Code* to take place on February 17, 2015, at 4:30 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to establish a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers; and any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the CPD.

No such CPD shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location, (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power, (iii) restricted vehicles temporarily parked on a public street within any such CPD for a maximum of 48 hours for the purpose of

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loading, unloading, or preparing for a trip, or (iv) restricted vehicles that are temporarily parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting such an establishment and such petition contains the names, addresses, and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned, or developed as a residential area, (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

Staff has verified that the requirements for a petition-based CPD have been satisfied.

The parking prohibition identified above for the Cardinal Forest II CPD is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

The cost of sign installation is estimated at \$2,250 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to *The Fairfax County Code*, Appendix M (CPD Restrictions)  
Attachment II: Area Map of Proposed Cardinal Forest II CPD

STAFF:

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

PROPOSED CODE AMENDMENT  
THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA  
APPENDIX M

M-84 Cardinal Forest II Community Parking District

(a) *District Designation.*

- (1) The restricted parking area is designated as the Cardinal Forest II Community Parking District.
- (2) Blocks included in the Cardinal Forest II Community Parking District are described below:

*Dominican Drive (Route 4139)*

From Sherborn Lane to Roxbury Avenue.

*Grigsby Drive (Route 4179)*

From Sherborn Lane to Roxbury Avenue.

*Roxbury Avenue (Route 4136)*

From Sherborn Lane to Winslow Avenue.

*Sherborn Lane (Route 4137)*

From Forrester Boulevard to Roxbury Avenue

(b) *District Provisions.*

- (1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82.
- (2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 is prohibited at all times on the above-described streets within the Cardinal Forest II Community Parking District.
- (3) No such Community Parking District shall apply to (i) any

commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public street within any such District for use by federal, state, or local public agencies to provide services.

- (c) *Signs.* Signs delineating the Cardinal Forest II Community Parking District shall indicate community specific identification and/or directional information in addition to the following:

NO PARKING  
Watercraft  
Trailers, Motor Homes  
Vehicles ≥ 3 Axles  
Vehicles GVWR ≥ 12,000 lbs.  
Vehicles ≥ 16 Passengers

FAIRFAX COUNTY CODE §82-5B

Fairfax County  
Department of Transportation  
Traffic Operations  
Cardinal Forest II CPD  
Braddock District



Proposed Cardinal Forest II CPD Restriction

0 155 310 620 Feet

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5:00 p.m.

Public Hearing on Proposed Plan Amendment 2014-III-P1, Located on the East Side of Burke Lake Road Between Shipplet Boulevard and Lee Chapel Road (Springfield District)

ISSUE:

Plan Amendment (PA) 2014-III-P1 proposes to amend the Comprehensive Plan guidance for an approximately 4.96 acre parcel located on Burke Lake Road, in the P2-Main Branch Community Planning Sector. The subject parcel currently is planned for residential use at 1-2 dwelling units per acre. The Plan amendment considers an option for residential uses at 2-3 dwelling units per acre or a medical care facility (assisted living facility) with conditions for development.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 29, 2015, the Planning Commission voted 7-0 (Commissioners de la Fe, Hedetniemi, Hurley, Lawrence, and Strandlie were absent from the meeting) to recommend to the Board of Supervisors that it adopt Plan Amendment 2014-III-P1 with the language contained in the staff report dated January 29, 2015. However, before the vote, it was clarified that the language was contained in the handout dated January 29, 2015.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:

Planning Commission public hearing – December 11, 2014

Planning Commission decision only – January 29, 2015

Board of Supervisors' public hearing – February 17, 2015

BACKGROUND:

On May 13, 2014, the Fairfax County Board of Supervisors authorized Plan Amendment PA 2014-III-P1 for Tax Map Parcel 78-3 ((1)) 4, located at 9617 Burke Lake Road. The authorization directed staff to consider the appropriateness of the parcel redeveloping as a medical care facility (assisted living facility) containing up to approximately 54,000 gross square feet. In addition, staff was directed to concurrently process the Plan

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amendment along with any rezoning or any other application necessary to permit the proposed assisted living facility on the subject property.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Planning Commission Verbatim

Attachment II: Planning Commission Recommended Plan Text

Staff Report for Plan Amendment 2014-III-P1 previously furnished and is available at:

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/2014-iii-p1.pdf>

STAFF:

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

Marianne R. Gardner, Director, Planning Division, DPZ

Pamela G. Nee, Branch Chief, Planning Division, DPZ

Mary Ann Tsai, Planner III, Zoning Evaluation Division, DPZ

PA 2014-III-P1 (SILAS BURKE PROPERTY)

Decision Only During Commission Matters  
(Public Hearing held on December 11, 2014)

Commissioner Murphy: Mr. Chairman, I have a decision only on a Plan Amendment 2014-III-P1, concerning the property on Burke Lake Road that has on its property the Silas Burke house. We had a public hearing on this. We had some interesting testimony from a lot of people. I have received lots of letters from folks in Burke, in Springfield, and beyond saying that this house must be preserved. Unfortunately, there's been some confusion and the word "destruction" has entered into a lot of these letters that I've received – don't destroy the house. There is nothing before the Planning Commission that is alluding to or concentrating on the destruction of this house. We would like this house preserved and the one way we have before us to do it is to amend the Comprehensive Plan and put in some language that can be considered by both the Planning Commission and the Board of Supervisors that would, in fact, preserve the house. So therefore, Mr. Chairman, the proposed Plan Amendment would add an option for a residential use at two to three dwelling units per acre or for a medical care facility, subject to conditions previously discussed by staff that we remain and preserve the Silas Burke house. Some of the confusion was what exactly would happen. And the only change tonight in the proposed Plan language that was in the staff report – the only change is that there is a better definition of adaptive reuse. And it reads, "The Silas Burke House should be retained and preserved in accordance with the Secretary of the Interior's standards for the treatment of historic properties with commitment to an active use for the house." I'm going to move tonight to recommend to the Board of Supervisors that it adopt this Plan Amendment. After – if the Board approves the Plan Amendment, then it will go into the rezoning phase where we will have a community meeting with the citizens regarding – of the rezoning of the property, which would contain this language or language similar to this to ensure that the house is preserved. But, of course, the rezoning application would have to meet all the standards of the rezoning process, Comprehensive Plan, Zoning Ordinance, Residential Development Criteria – in order to have this rezoning approved or recommended for approval by the Planning Commission and eventually approved by the Board. Therefore, Mr. Chairman, I WOULD MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT ADOPT PLAN AMENDMENT 2014-III-P1 WITH THE LANGUAGE CONTAINED IN THE STAFF REPORT [sic] DATED JANUARY 29<sup>TH</sup>, 2015.

Commissioners Sargeant and Ulfelder: Second.

Secretary Hart: Seconded by Commissioner Sargeant and Commissioner Ulfelder. Is there any discussion? Commissioner Ulfelder.

Commissioner Ulfelder: I just want to point out – during the hearing, I asked a number of pointed questions concerning the historic preservation of the Silas Burke house and I did not in any way intend to raise a question as to whether it should be –  
Commissioner Murphy: Right.

Commissioner Ulfelder: -it should remain or not. I think it should remain and I'm hopeful that at the time of the rezoning, we will see some good language in the rezoning package that will make it clear exactly what the commitment that the applicant is making to that process for retaining – taking care of – and under the adaptive reuse language – what they're planning to do with the property and how soon they will do it after they start working on that site.

Commissioner Murphy: And I appreciate that clarification. And I just want to add one thing. I'm getting a lot of letters that – that say, "We want the house preserved, but we don't want the rezoning." And right now – as it stands right now – you just can't have it both ways. The only thing that's before the Planning Commission right now to restore this house or to preserve this house is to contain it in a rezoning application for this medical facility. So therefore, that's where we are right now so thank you very much. And I want to thank Mary Ann Tsai, who did a tremendous job in putting this all together. And also, I might add that she is doubly blessed because I understand she will also be handling the rezoning application, which will be coming down the pike – when is the date of that? Do we have a date? I'm sorry.

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Zoning: The rezoning is currently scheduled for March 19<sup>th</sup>. We may be looking at a deferral though.

Commissioner Murphy: Okay. But we will have a citizens meeting and those people who have been on the list and who we have – through the public hearing and all this kind of stuff – will be notified by Supervisor Herrity's Office.

Ms. Tsai: Commissioner Murphy? Can I just make a clarification? The motion tonight is on the PROPOSED ALTERNATIVE PLAN LANGUAGE THAT WAS DISTRIBUTED TONIGHT, DATED JANUARY 29<sup>TH</sup>.

Commissioner Murphy: Yes, okay. Thanks. That's what – that's the date of the alternative Plan language, January 29<sup>th</sup>. Thank you.

Secretary Hart: Mrs. O'Donnell is that what you were trying to – okay. Thank you.

Commissioner Murphy: I didn't say alternative. Okay.

Secretary Hart: Further discussion on the motion? Seeing none, we'll move to a vote. All those in favor of the motion, as articulated by Commissioner Murphy, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? Motion carries.

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(The motion carried by a vote of 7-0. Commissioners de la Fe, Hedetniemi, Hurley, Lawrence, and Strandlie were absent from the meeting.)

JLC

**PLANNING COMMISSION RECOMMENDED PLAN TEXT**

Plan Amendment PA 2014-III-P1, Silas Burke House Property  
January 29, 2015

Recommended modifications to the Comprehensive Plan are shown as underlined for text to be added and as ~~struckthrough~~ as text to be deleted.

**RECOMMENDATION**

Staff recommends the Comprehensive Plan be modified as shown below. Text proposed to be added is shown as underlined and text proposed to be deleted is shown with a ~~struckthrough~~.

**ADD:** Fairfax County Comprehensive Plan, 2013 Edition Area III, Pohick Planning District, Amended through October 28, 2014, P2-Main Branch Community Planning Sector, Land Use Recommendations, a new recommendation (#19), page 34:

“19. Parcel 78-3 ((1)) 4 is planned for residential use at 1-2 dwelling units per acre. As an option, residential use at 2-3 dwelling units per acre or a medical care facility (assisted living facility) may be appropriate, subject to the following conditions:

- The Silas Burke House should ~~have an active adaptive reuse~~ be retained and preserved in accordance with The Secretary of the Interior’s Standards for the Treatment of Historic Properties *with commitment to an active use for the house.*
- Façade, historic, and open space conservation easements should be placed on the property to protect the house, accessory structures, and character of the immediate setting surrounding the house in perpetuity.
- The design, scale, mass, orientation, and architecture of additional development should be compatible with the Silas Burke House and its surrounding area.”

**MODIFY**

**FIGURE:** Fairfax County Comprehensive Plan, 2013 Edition Area III, Pohick Planning District, Amended through October 28, 2014, P2-Main Branch Community Planning Sector, Figure 13, “P-2 Main Branch Community Planning Sector, Land Use Recommendations, General Locator Map,” page 31, to add the new recommendation #19 to the figure.

**LAND USE**

**PLAN MAP:** There will be no change to the Comprehensive Plan map.

**TRANSPORTATION**

**PLAN MAP:** There will be no change to the Countywide Transportation Plan map.

Board Agenda Item  
February 17, 2015

5:00 p.m.

Public Comment from Fairfax County Citizens and Businesses on Issues of Concern