FAIRFAX COUNTY
BOARD OF SUPERVISORS
June 2, 2015

AGENDA

9:30	Presentations
10:30	Presentation of the Volunteer Fire Commission 2014 Annual Report
10:45	Presentation of the Friends of the Trees Awards
10:55	Items Presented by the County Executive

ADMINISTRATIVE ITEMS

1	Approval of Traffic Calming Measures and Installation of "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Mount Vernon, Lee and Dranesville Districts)
2	Authorization to Advertise a Public Hearing to Establish the Mason Community Parking District (Mason District)
3	Authorization to Advertise a Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of State Law
4	Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Sections 7-2-7, 7-2-10, 7-2-12, and 7-2-13 Relating to Election Precincts and Polling Places
5	Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Minor/Editorial Revisions
6	Authorization to Advertise Public Hearings on a Proposed Amendment to the Zoning Ordinance Re: Donation Drop-Off Boxes
7	Extension of Review Period for 2232 Applications (Mason, Hunter Mill, and Providence Districts)
8	Streets into the Secondary System (Mount Vernon and Springfield Districts)

FAIRFAX COUNTY
BOARD OF SUPERVISORS
June 2, 2015

	ACTION ITEMS	
1		Authorization of Fall 2015 Schools and Public Safety Bond Referendums
2		Approval of a Resolution to Authorize the Refunding of Fairfax County Sewer Revenue Bonds
3		Approval of Comments on I-66 Draft NEPA Environmental Assessment (Braddock, Hunter Mill, Providence, Springfield and Sully Districts)
	INFORMATION ITEMS	
1		Project Closeout Expenses for and Status Update on Jeff Todd Way and Telegraph Road (Mount Vernon and Lee Districts)
11:05		Matters Presented by Board Members
12:00		Closed Session
	PUBLIC HEARINGS	
3:00		Decision Only on RZ 2013-MV-015 (Vulcan Construction Materials, LP) (Mount Vernon District)
3:00		Decision Only on PCA 1998-MV-032 (Fairfax County Water Authority) (Mount Vernon District)
3:00		Decision Only on PCA 1998-MV-033 (Fairfax County Water Authority) (Mount Vernon District)
3:00		Decision Only on SEA 81-V-017-02 (Fairfax County Water Authority) (Mount Vernon District)
3:00		Public Hearing on SE 2014-DR-052 (Trinity Land LLC) (Dranesville District)
3:00		Public Hearing on SE 2014-MV-071 (Barry Maglauglin / Catherine Powell) (Mount Vernon District)
3:00		Public Hearing on PCA 82-P-015 (Yue Wang also known as Mike Wang) (Providence District)
3:30		Public Hearing on RZ 2011-PR-009 (Cityline Partners LLC) (Providence District)
3:30		Public Hearing on PCA 92-P-001-11 (Cityline Partners LLC) (Providence District)

FAIRFAX COUNTY
BOARD OF SUPERVISORS
June 2, 2015

PUBLIC HEARINGS
(Continued)

3:30	Public Hearing on SE 2014-BR-039 (Rati KC DBA Mrs. Rati's Family Home Daycare) (Braddock District)
3:30	Public Hearing on PCA 76-M-007-02 (Fairfax County School Board) (Mason District)
4:00	Public Hearing on Proposed Plan Amendment 2014-III-DS1, Located North of the Intersection of Stonecroft and Westfields Boulevards, West of Route 28/Sully Road (Sully District)
4:00	Public Hearing on Proposed Plan Amendment 2014-IV-MV1, Located at 4201 and 4203 Buckman Road (Lee District)
4:00	Public Hearing on Proposed Reston Master Plan Special Study (Phase II) Plan Amendment Item ST09-III-UP1(B), Reston's Residential Neighborhoods, Village Centers and Other Commercial Areas (Hunter Mill District)
4:00	Public Hearing on a Proposal to Prohibit Through Truck Traffic on Ravensworth Road (Mason and Braddock Districts)
4:30	Public Hearing to Consider Adopting an Ordinance Expanding the West Springfield Residential Permit Parking District, District 7 (Springfield District)
4:30	Public Hearing on Adoption of Proposed Amendment to the Public Facilities Manual (PFM) Regarding the Use of Underground Stormwater Detention Facilities in Residential and Mixed-Use Developments

Fairfax County, Virginia

BOARD OF SUPERVISORS AGENDA

Tuesday
June 2, 2015

9:30 a.m.

PRESENTATIONS

Presentation of the Colors by the U.S. Army Continental Color Guard
and an element of the Old Guard Fife and Drum Corps

- PROCLAMATION – To designate June 14-20, 2015, as Army Strong Week in Fairfax County. Requested by Chairman Bulova.

- CERTIFICATE – To recognize the Fort Belvoir and Fairfax County Fire and Rescue Departments for their mutual aid agreement and joint training efforts. Requested by Supervisor McKay.

- PROCLAMATION – To designate June 2015 as Lesbian, Gay, Bisexual and Transgender Pride Month in Fairfax County. Requested by Supervisor Foust.

- CERTIFICATE – To recognize the journalism students of Chantilly High School for earning the 2015 First Amendment Press Freedom Award from the Journalism Education Association. Requested by Supervisor Frey.

- CERTIFICATE – To recognize students from Rachel Carson Middle School for their accomplishments in the We the People competitions at the local, regional, state and national levels. Requested by Supervisors Frey and Hudgins.

— more —

Board Agenda Item
June 2, 2015

- CERTIFICATE – To recognize the Westfield Basketball Team for advancing to the state championship. Requested by Supervisor Frey.

- CERTIFICATE – To recognize the Lake Braddock Secondary School Boys Cross Country Team for winning the 6A state championship. Requested by Supervisors Cook and Herrity.

- RESOLUTION – To recognize the Fairfax County Police Department for its 75th anniversary. Requested by Supervisors Frey and Herrity.

- PROCLAMATION – To designate June 14-20, 2015, as Fire & Emergency Medical Services Safety Health and Survival Week in Fairfax County. Requested by Chairman Bulova.

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

Board Agenda Item
June 2, 2015

10:30 a.m.

Presentation of the Volunteer Fire Commission 2014 Annual Report

ENCLOSED DOCUMENTS:
None. Report delivered under separate cover.

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

Board Agenda Item
June 2, 2015

10:45 a.m.

Presentation of the Friends of the Trees Awards

ENCLOSED DOCUMENTS:
None.

PRESENTED BY:
Robert D. Vickers, Jr., Chairman, Tree Commission

Board Agenda Item
June 2, 2015

10:55 a.m.

Items Presented by the County Executive

Board Agenda Item
June 2, 2015

ADMINISTRATIVE - 1

Approval of Traffic Calming Measures and Installation of "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Mount Vernon, Lee and Dranesville Districts)

ISSUE:
Board endorsement of Traffic Calming measures and installation of "Watch for Children" signs, as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:
The County Executive recommends that the Board endorse a traffic calming plan for Frye Road consisting of the following:

- One Raised Crosswalk on Frye Road (Mount Vernon and Lee Districts)
- One Speed Table on Frye Road (Mount Vernon and Lee Districts)
- Two Speed Humps on Frye Road (Mount Vernon and Lee Districts)

The County Executive further recommends approval for "Watch for Children" signs on the following street:

- Douglass Drive (Dranesville District)

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

TIMING:
Board action is requested on June 2, 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. Traffic calming employs the use of physical devices such as multi-way stop signs (MWS), speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. Staff performed engineering studies

documenting the attainment of qualifying criteria. Staff worked with the local Supervisors' office and community to determine the viability of the requested traffic calming measures to reduce the speed of traffic. Once the plan for the road under review is approved and adopted by staff that plan is then submitted for approval to residents of the ballot area in the adjacent community. On March 27, 2015, FCDOT received verification from the local Supervisors offices confirming community support for the above referenced traffic calming plan.

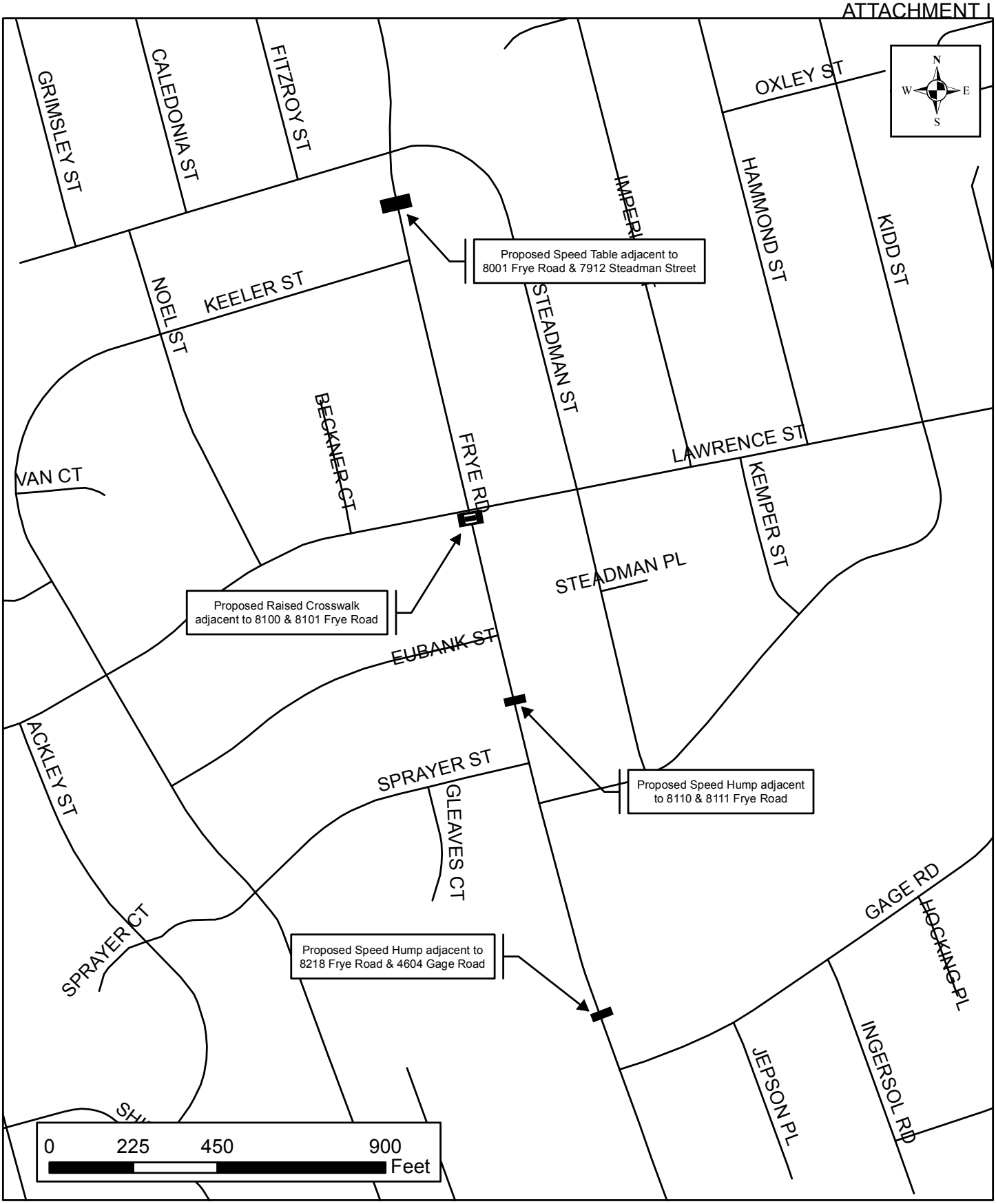
The RTAP allows for installation of "Watch for Children" signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care centers, or community centers. FCDOT reviews each request to ensure the proposed sign will be effectively located and will not be in conflict with any other traffic control devices. On April 9, 2015, FCDOT received written verification from the appropriate local Supervisor confirming community support for the referenced "Watch for Children" signs.

FISCAL IMPACT:
Funding in the amount of $42,000 for the traffic calming measures associated with the Frye Road Traffic Calming project and funding for the "Watch for Children" signs for Douglass Drive is available in Fund 300-C30050, General Fund, under Job Number 2G25-076-000.

ENCLOSED DOCUMENTS:
Attachment I: Traffic Calming Plan for Frye Road

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

ATTACHMENT I



May, 2015

Fairfax County Department of Transportation
Residential Traffic Administration Program (RTAP)
TRAFFIC CALMING PLAN
FRYE ROAD
Mount Vernon and Lee Districts

A Fairfax Co. Va., publication

Tax Map: 101-1, 101-3

Board Agenda Item
June 2, 2015

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing to Establish the Mason Community Parking District (Mason District)

ISSUE:
Board authorization to advertise a public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to establish the large area Mason Community Parking District (CPD).

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing for June 23, 2015, at 4:00 p.m. to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Mason CPD in accordance with existing large area CPD restrictions.

TIMING:
The Board of Supervisors should take action on June 2, 2015, to provide sufficient time for advertisement of the public hearing on June 23, 2015, at 4:00 p.m.

BACKGROUND:
Fairfax County Code Section 82-5B-2 authorizes the Board to establish a CPD for the purpose of prohibiting the parking of watercraft; boat trailers; motor homes; camping trailers; and any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the CPD.

No such CPD shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such CPD for a maximum of 48 hours for the purpose of

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 large area CPD if the proposed District contains all of a magisterial district, excluding certain areas that meet minimum size requirements. In this case, the proposed District will encompass the entire Mason District.

In fall 2014, Supervisor Gross began public outreach in consideration of a large area CPD for Mason District to gauge community support. This outreach has included consulting with the commanders of the Mason, Franconia, and West Springfield District Stations of the Fairfax County Police Department, publishing articles in district-wide and monthly newsletters and a column in the Falls Church News Press, presentation by FCDOT staff and the Police Department's parking enforcement supervisor during the annual Winter Leadership Series for Civic and Homeowners Association Presidents, as well as numerous communications with individual community members and homeowners and civic association board members. As a result of this outreach effort, Supervisor Gross has requested FCDOT review the proposed district boundaries and process the request. All of the requirements for a large area CPD have been met. Therefore, FCDOT has prepared documents to authorize advertisement of a public hearing and scheduled a public hearing date to consider the large area Mason CPD to encompass the entire Mason Magisterial District.

If approved, the proposed Mason large area CPD would be the fifth non-petition based CPD established in the County. Existing CPD signs within the Pinecrest and Old Columbia Pike CPDs that are within the new district will not be removed. However, these existing signs would not be eligible for maintenance or replacement should they become damaged or fail to comply with Federal Highway Administration (FHWA) standards.

Pursuant to Fairfax County Code Section 82-5B-5, the effective date of a large area CPD without signage shall be 30 days after approval of the District. The parking prohibition identified above for the Mason CPD is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:
The recommended changes should have minimal fiscal impact. Signs will not be installed.

Board Agenda Item
June 2, 2015

ENCLOSED DOCUMENTS:
Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Mason CPD

STAFF:
Robert A. Stalzer, Deputy County Executive
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

Attachment I

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX M

M-85 Mason Community Parking District

(a) *District Designation*.

(1) The restricted parking area is designated as the Mason Community Parking District.

(2) Blocks included in the Mason Community Parking District are described below:

All public secondary streets in residential areas within the Mason Magisterial District. This includes the previously established CPDs of Pinecrest and Old Columbia Pike.

(b) *District Provisions*.

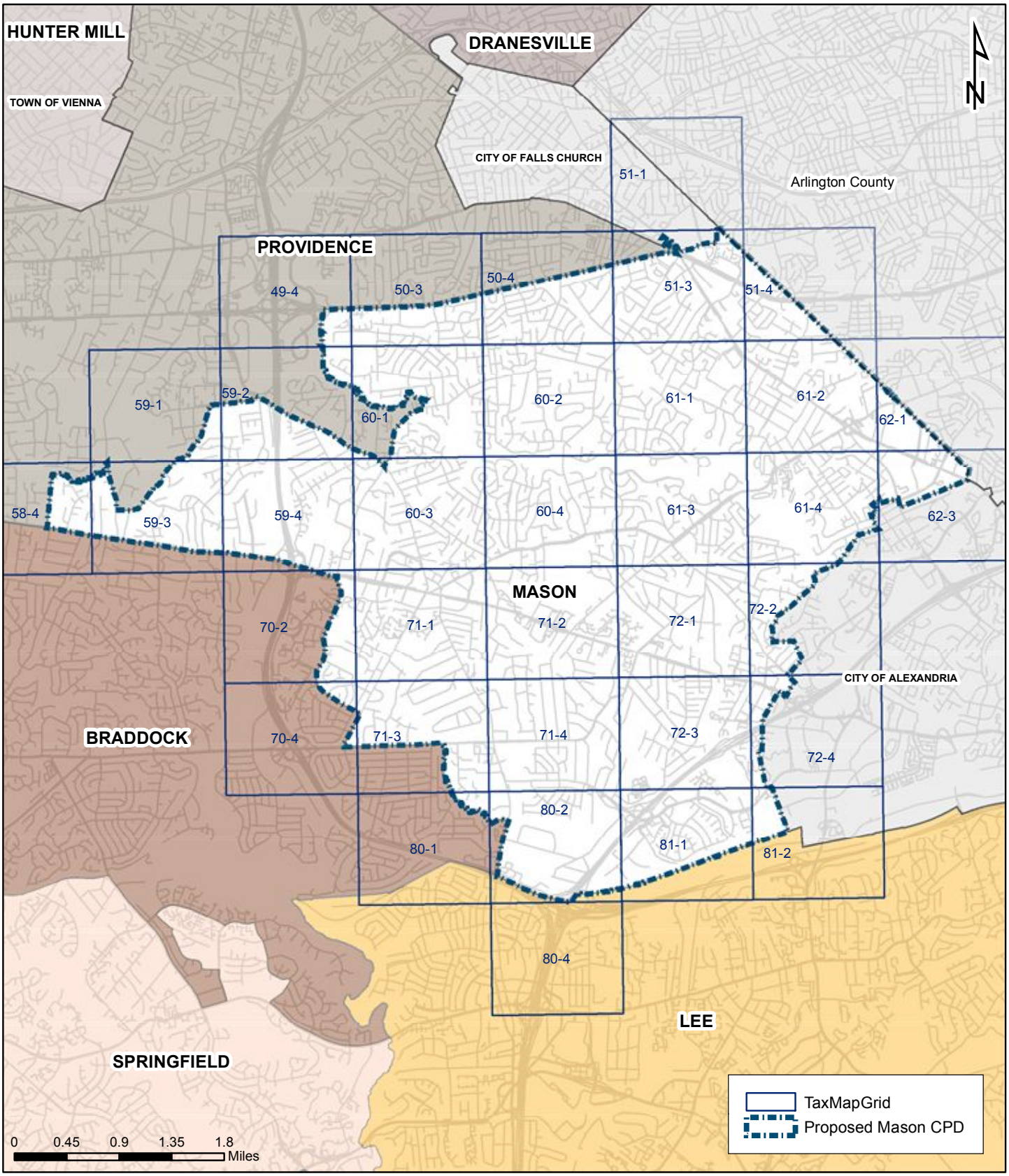
(1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82.

(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 streets within the Mason Community Parking District.

(3) These District provisions shall not 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 the Mason Community Parking District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip.

(c) *Signs*. Signs delineating the Mason Community Parking District will not be installed.

Attachment II



Fairfax County Department of Transportation
Traffic Operations Section
COMMUNITY PARKING DISTRICT
PROPOSED MASON CPD
Mason District

June, 2015

Board Agenda Item
June 2, 2015

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of State Law

ISSUE:
Board authorization to advertise amendments to Chapter 82, Motor Vehicles and Traffic. These amendments adopt actions of the 2015 General Assembly into Chapter 82 of the *Code of the County of Fairfax, Virginia*.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors authorize the advertisement of a public hearing on the proposed amendments to Chapter 82.

TIMING:
Authorization to advertise the proposed amendments on June 2, 2015; Board of Supervisors' public hearing scheduled for June 23, 2015 at 4:30 p.m.

BACKGROUND:
As a housekeeping measure to update Chapter 82, portions of Fairfax County Code Section 82-1-6 (Adoption of State Law) have been amended to reflect changes made to the *Code of Virginia* by the 2015 General Assembly. A summary of all changes is provided in Attachment 2.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 - Proposed Amendments to Chapter 82, Motor Vehicles and Traffic
Attachment 2 - Summary of 2014 General Assembly Amendments Affecting Chapter 82, Motor Vehicles and Traffic

STAFF:
David M. Rohrer, Deputy County Executive
Colonel Edwin C. Roessler Jr., Chief of Police
Karen L. Gibbons, Senior Assistant County Attorney

ATTACHMENT 1

Proposed Amendments to
Chapter 82, Motor Vehicles and Traffic

Section 82-1-6. Adoption of State Law

Pursuant to the authority of Section 46.2-1313 of the Virginia Code, all provisions and requirements of the following sections of the Code of Virginia, as in effect on July 1, ~~2014~~ 2015, except those provisions and requirements the violation of which constitutes a felony, are hereby incorporated into the Fairfax County Code by reference, effective July 1, ~~2014~~ 2015~~, except where noted~~.

18.2-266	18.2-269	46.2-203.1
18.2-266.1	18.2-270	46.2-218
18.2-267	18.2-270.01	46.2-300
18.2-268.1	18.2-270.1	46.2-301
18.2-268.2	18.2-271	46.2-301.1
18.2-268.3	18.2-271.1	46.2-302
18.2-268.4	18.2-272	46.2-329
18.2-268.5	46.2-100	46.2-334.001
18.2-268.6	46.2-102	46.2-341.20:5
18.2-268.7	46.2-104	46.2-341.21
18.2-268.8	46.2-108	46.2-346
18.2-268.9	46.2-109	46.2-349
18.2-268.10	46.2-110	46.2-357
18.2-268.11	46.2-111	46.2-371
18.2-268.12	46.2-112	46.2-373

46.2-376
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46.2-391.01
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46.2-391.3
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46.2-393
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46.2-602.3
46.2-613
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46.2-704
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46.2-1218
46.2-1219.2
46.2-1234
46.2-1240
46.2-1242
46.2-1250
46.2-1309
46.2-1508.2
46.2-1552
46.2-1561
46.2-2812
46.2-2910

References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the County. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein; and it shall be unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or Title 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1 through 18.2-268.12, 18.2-269, 18.2-270, 18.2-270.01, 18.2-270.1, 18.2-271, 18.2-271.1 and 18-2.272 of the *Code of Virginia* which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 or Title 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1 through 18.2-268.12, 18.2-269, 18.2-270, 18.2-270.01, 18.2-271, 18.2-270.1, 18.2-271.1 and 18.2-272 of the *Code of Virginia*.

ATTACHMENT 2

SUMMARY OF 2015 GENERAL ASSEMBLY
AMENDMENTS AFFECTING CHAPTER 82

The information presented below summarizes changes to Title 18.2 and Title 46.2 of the *Code of Virginia*, portions of which are adopted by reference into Chapter 82 of the *Code of the County of Fairfax*.

An Act to amend and reenact §§ 18.2-271.1 and 46.2-391.01 of the Code of Virginia, relating to DUI; persons convicted under laws of other states or federal law; restricted license; ignition interlock. DUI; persons convicted under laws of other states or federal law; restricted license; ignition interlock. Provides that a person convicted in a federal court of an offense substantially similar to Virginia's DUI law may petition the general district court that he be assigned to a certified alcohol safety program and issued a restricted driver's license. Currently, only persons convicted in other states of substantially similar DUI offenses may so petition. The bill also requires that, as a condition of a restricted license, a person who has been convicted of a substantially similar DUI offense under the laws of another state or the United States be prohibited from operating a motor vehicle that is not equipped with an ignition interlock system. This bill contains an emergency clause.

An Act to amend and reenact § 46.2-804 of the Code of Virginia, relating to passing with a double yellow line. Passing with a double yellow line. Allows drivers to cross double yellow lines or a solid yellow line immediately adjacent to a broken yellow line in order to pass a pedestrian or a device moved by human power, if such movement can be made safely. The bill also relocates a definition from the end of the section to the beginning for clarity.

An Act to amend and reenact § 46.2-816 of the Code of Virginia, relating to drivers following too closely. The driver of a motor vehicle shall not follow another vehicle, trailer, or semitrailer more closely than is reasonable and prudent, having due regard to the speed of both vehicles and the traffic on, and conditions of, the highway at the time.

An Act to amend and reenact § 46.2-838 of the Code of Virginia, relating to passing when overtaking a stationary mail vehicle. Overtaking stationary mail vehicles; reduce speed. Requires the driver of any motor vehicle overtaking a stationary vehicle used to collect or deliver the United States mail that is displaying a flashing, blinking, or alternating amber light to proceed with due caution and maintain a safe speed.

An Act to amend and reenact § 46.2-838 of the Code of Virginia, relating to passing when overtaking a stationary refuse-collection vehicle. Passing stationary refuse collection vehicles. Requires that, with due regard to safety and traffic conditions, drivers of motor vehicles overtaking stationary vehicles in the process of refuse

collection (i) on a highway of at least four lanes, yield the right of way by a making a lane change into a nonadjacent lane or (ii) on a highway of fewer than four lanes or if changing lanes would be unreasonable or unsafe, decrease speed to 10 mph below the posted speed limit and pass at least two feet to the left of the stationary vehicle.

An Act to amend and reenact § 46.2-873 of the Code of Virginia, relating to changing speed limits in school zones. Speed limits in school zones. Allows counties in Planning District 8 to increase or decrease the speed limits in school zones; current law allows cities and towns to do so.

An Act to amend and reenact § 46.2-909 of the Code of Virginia, relating to standing while riding a motorcycle. Riding on motorcycles. Allows a operator of a motorcycle to stand on the foot pegs, for no longer than is necessary, when dictated by safety concerns.

An Act to amend and reenact § 46.2-1012 of the Code of Virginia, relating to brake lights on motorcycles and autocycles. Brake lights on motorcycles and autocycles. Repeals the five-second maximum duration of increased brightness of motorcycle and autocycle brake lights when the vehicle's brakes are applied.

An Act to amend and reenact § 46.2-1025 of the Code of Virginia, relating to vehicles equipped with flashing amber, purple, or green warning lights. Flashing lights on motor vehicles; "move over" law. Allows vehicles that assist with the management of roadside and traffic incidents or that perform traffic management services along public highways to be equipped with flashing, blinking, or alternating amber warning lights. Virginia's "move over" law applies to such vehicles. A violation of this provision is punishable as a traffic infraction.

Board Agenda Item
June 2, 2015

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Sections 7-2-7, 7-2-10, 7-2-12, and 7-2-13 Relating to Election Precincts and Polling Places

ISSUE:
Authorization to advertise a public hearing to consider an ordinance that proposes to amend and readopt Chapter 7 of the Fairfax County Code to (1) divide Pioneer precinct to add a new precinct and establish its polling place; (2) combine Thoreau and Stenwood precincts; (3) adjust the boundary between Clearview and Sugarland precincts; (4) relocate polling places for Vienna No. 2, Chesterbrook, Hunters Branch, Lees Corner No. 1, and Kinross East precincts; (5) rename Lees Corner No. 1, Lees Corner No. 2, Kinross East and Kinross West precincts; and (6) amend the description of University precinct to change the name of the polling place building.

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing on Tuesday, June 23, 2015, at 4:30 p.m. to consider this ordinance.

TIMING:
Board action is requested on June 2, 2015, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on June 23, 2015, at 4:30 p.m., and to provide sufficient time to notify voters of the changes in advance of the November 3, 2015, General Election.

BACKGROUND:
Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to change precinct boundaries and polling place locations subject to the requirements of Virginia Code Sections 24.2-305, 24.2-307, 24.2-310 and 24.2-310.1. All registered voters who are affected by a change in their precinct or polling place will be mailed a notice in advance of the November general election.

(1) In Braddock District, staff recommends amending the description of University precinct to change the name of the polling place building from “University Hall” to

"Merten Hall." In 2014, George Mason University renamed the building to honor Alan and Sally Merten, the University's fifth president and his wife.

(2) In Hunter Mill District, staff recommends temporarily moving the polling place for Vienna No. 2 precinct from the Vienna Community Center located at 120 Cherry Street, SE, Vienna, to the nearby Vienna Elementary School located at 128 Center Street, S, Vienna. The Vienna Community Center is scheduled to close in June 2015 for major renovations and will remain closed for 15-18 months.

(3) In Dranesville District, staff recommends moving the polling place for Chesterbrook precinct from Saint Dunstan's Episcopal Church located at 1830 Kirby Road, McLean, to the Arleigh Burke Pavilion located at 1739 Kirby Road, McLean. Saint Dunstan's kindly offered the use of their fellowship hall as a temporary polling place while the Arleigh Burke and Vinson Hall assisted living and retirement facilities were undergoing expansion and renovation.

(4) In Dranesville District, staff recommends adjusting the boundary between Clearview and Sugarland precincts to move 343 voters from Clearview into Sugarland. The proposed change will help reduce the number of voters at Clearview which experienced long lines in November 2012. In addition, this move will be a positive change for the voters moving to Sugarland since these voters live closer to their new polling place located at Herndon High School than to their old polling place at Clearview Elementary School.

(5) In Lee District, staff recommends dividing the Pioneer precinct which currently has over 5,200 registered voters. This proposal will create a new precinct to be named "Forestdale" and its polling place will be established at the Forestdale Elementary School located at 6530 Elder Avenue, Springfield. The new precinct will reduce the size of Pioneer precinct by about 1,200 voters. The polling place for Pioneer voters will remain at Lee High School.

(6) In Providence District, staff recommends moving the polling place for Hunters Branch precinct from the Regent's Park Clubhouse located at 9333 Clocktower Place, Fairfax, to the newly dedicated Providence Community Center located at 3001 Vaden Drive, Fairfax. Regent's Park kindly allowed their facility to be used as a polling place while the Providence Community Center was under construction.

(7) In Providence District, staff recommends combining two small precincts, Thoreau and Stenwood, to conserve resources. The consolidated precinct will retain the name "Thoreau" and the polling place will remain at the Thoreau Middle School.

(8) In Sully District, staff recommends moving the polling place for Lees Corner No. 1 which is currently co-located with Lees Corner No. 2 and renaming the two precincts.

The proposal will move Lees Corner No. 1 from the Lees Corner Elementary School located at 13500 Hollinger Avenue, Fairfax, to the Chantilly Regional Library located at 4000 Stringfellow Road, Chantilly, and will rename the precinct "Stringfellow." Lees Corner No. 2 will be renamed "Lees Corner" and its polling place will remain at the Lees Corner Elementary School.

(9) In Sully District, staff recommends moving the polling place for Kinross East which is currently co-located with Kinross West and renaming the two precincts. The proposal will move Kinross East from Oak Hill Elementary School located at 3210 Kinross Circle, Herndon, to The Episcopal Church of the Epiphany located at 3301 Hidden Meadow Drive, Herndon, and will rename the precinct "Hidden Meadow." Kinross West will be renamed "Oak Hill" and its polling place will remain at the Oak Hill Elementary School.

FISCAL IMPACT:
Insignificant. Funding for precinct and polling place change notifications is provided in the agency's FY 2016 Adopted Budget.

ENCLOSED DOCUMENTS:
Attachment 1 – Virginia Code Pertaining to Election Precincts and Polling Places
Attachment 2 – Summary of Proposed Changes
Attachment 3 – Descriptions and Maps of Proposed Changes
Attachment 4 – Proposed Ordinance

STAFF:
Cameron Quinn, General Registrar
Corinne N. Lockett, Assistant County Attorney

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

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

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

(1986, c. 593, § 24.1-40.7; 1990, c. 500; 1992, c. 425; 1993, c. 641; 2001, c. 614.)

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

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

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

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

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

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

(Code 1950, §§ 24-45, 24-46; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1992, c. 445; 1993, c. 641; 1999, c. 515.)

§ 24.2-310. Requirements for polling places.

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

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

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

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

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

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

(Code 1950, §§ 24-45, 24-46, 24-171, 24-179 through 24-181; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37, 24.1-92, 24.1-97; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1984, c. 217; 1985, c. 197; 1986, c. 558; 1992, c. 445; 1993, cc. 546, 641; 1994, c. 307; 2003, c. 1015; 2004, c. 25; 2005, c. 340; 2008, cc. 113, 394; 2010, cc. 639, 707; 2012, cc. 488, 759.)

§ 24.2-310.1. Polling places; additional requirement.

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

(1993, c. 904, § 24.1-37.1; 1993, c. 641.)

Attachment 2: Summary of Proposed Changes

2015 PROPOSED PRECINCT BOUNDARY and POLLING PLACE CHANGES

SUPERVISOR DISTRICT	EXISTING PRECINCT(S)	CURRENT REGISTERED VOTERS*	EXISTING POLLING PLACE(S)	PROPOSED PRECINCT(S)	PROJECTED REGISTERED VOTERS	PROPOSED POLLING PLACE(S)	NOTES ON CHANGES
BRADDOCK	UNIVERSITY	3,121	GMU - University Hall	UNIVERSITY	3,121	GMU – Merten Hall	Updates description to reflect the new name of the building. (Location does not change.)
HUNTER MILL	VIENNA #2	3,198	Vienna Community Center	VIENNA #2	3,198	Vienna Elementary School	Temporarily moves the polling place due to construction at the Vienna Community Center.
DRANESVILLE	CHESTERBROOK	2,595	St. Dunstan's Episcopal Ch.	CHESTERBROOK	2,595	Arleigh Burke Pavilion	Moves polling place from a temporary location to original polling place.
DRANESVILLE	CLEARVIEW SUGARLAND	4,500 3,251	Clearview Elem. School Herndon High School	CLEARVIEW SUGARLAND	4,157 3,594	Clearview Elem. School Herndon High School	Adjusts precinct boundaries to reduce the number of voters in Clearview precinct.
LEE	PIONEER	5,271	Lee High School	PIONEER "FORESTDALE"	4,053 1,218	Lee High School Forestdale Elementary School	Divides and adds a precinct to reduce the number of voters in Pioneer precinct.
PROVIDENCE	HUNTERS BRANCH	2,165	Regent's Park Clubhouse	HUNTERS BRANCH	2,165	Providence Community Center	Moves polling place from a small private facility to a new larger county facility.
PROVIDENCE	THOREAU STENWOOD	1,787 1,053	Thoreau Middle School Stenwood Elem. School	THOREAU	2,840	Thoreau Middle School	Consolidates two small precincts to conserve resources.
SULLY	LEES CORNER #1 LEES CORNER #2	2,038 2,279	Lees Corner Elem. School Lees Corner Elem. School	"STRINGFELLOW" "LEES CORNER"	2,038 2,279	Chantilly Regional Library Lees Corner Elem. School	Renames precincts and moves a precinct to eliminate co-located polling places
SULLY	KINROSS EAST KINROSS WEST	2,038 2,279	Oak Hill Elementary School Oak Hill Elementary School	"HIDDEN MEADOW" "OAK HILL"	2,038 2,279	Episcopal Ch. of the Epiphany Oak Hill Elementary School	Renames precincts and moves a precinct to eliminate co-located polling places

* Registered voters as of April 1, 2015

Commonwealth of Virginia

COUNTY OF FAIRFAX

Braddock District

PRECINCT 134: UNIVERSITY

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

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

POLLING PLACE: GMU – ~~University Hall~~ Merten Hall
4441 George Mason Boulevard, Fairfax

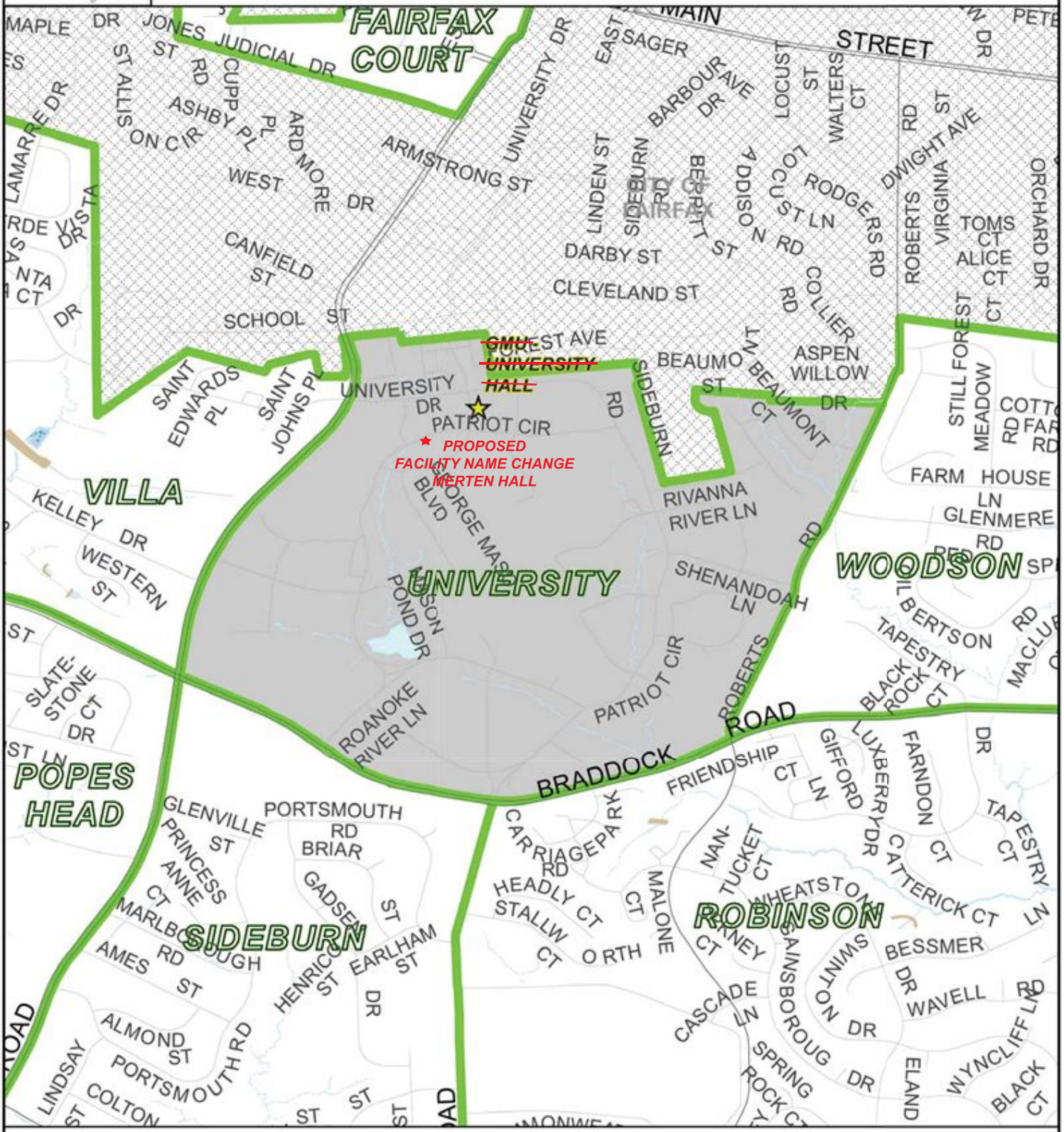
MAP GRIDS: 57-3, 57-4, 68-1, 68-2

NOTES: Established July 2011
Polling place facility renamed – June 2015

Commonwealth of Virginia

County of Fairfax

Braddock District



Precinct: 134 UNIVERSITY

Polling Place: GMU - ~~University Hall~~ ***Merten Hall***

Fairfax County Voting Precincts

Featured Precinct Polling Place

Proposed Facility Name Change

0 500 1,000 Feet

N

November 2014

Commonwealth of Virginia

COUNTY OF FAIRFAX

Hunter Mill District

PRECINCT 214: VIENNA NO. 2

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

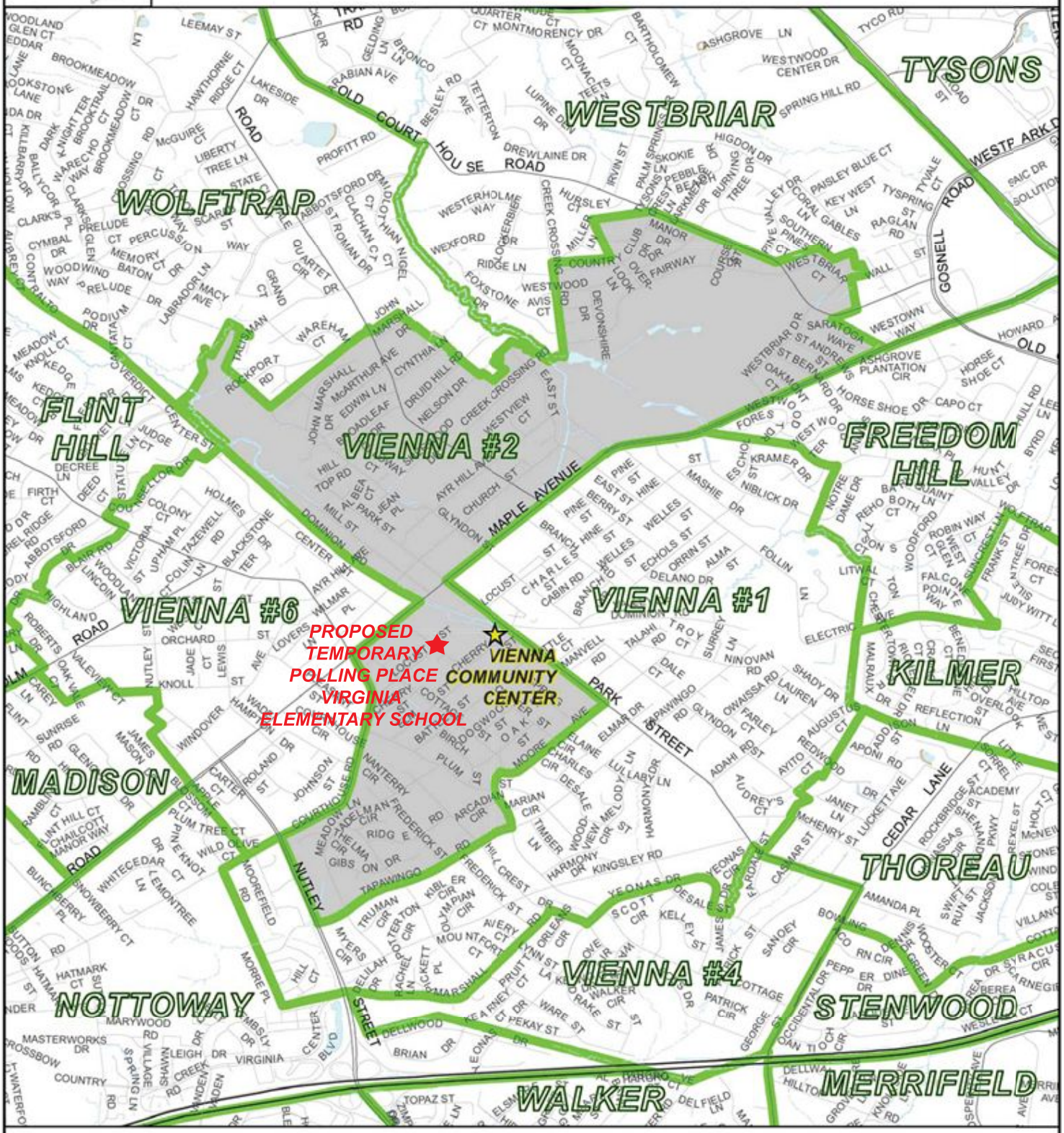
DESCRIPTION:
Beginning at the intersection of the Washington and Old Dominion Railroad Regional Park (trail) and the west corporate boundary of the Town of Vienna, thence with the corporate boundary of the Town of Vienna in a generally easterly direction to its intersection with Maple Avenue (Route 123), thence with Maple Avenue in a southwesterly direction to its intersection with Park Street, thence with Park Street in a southeasterly direction to its intersection with Moore Avenue, thence with Moore Avenue in a southwesterly direction to its intersection with Cottage Street, thence with Cottage Street in a southerly direction to its intersection with Tapawingo Road, thence with Tapawingo Road in a southwesterly direction to its intersection with Nutley Street, thence with Nutley Street in a northwesterly direction to its intersection with Courthouse Road, thence with Courthouse Road in a generally northeasterly direction to its intersection with Maple Avenue, thence with Maple Avenue in a northeasterly direction to its intersection with the Washington and Old Dominion Railroad Regional Park, thence with the Washington and Old Dominion Railroad Regional Park in a northwesterly direction to its intersection with the west corporate boundary of the Town of Vienna, point of beginning.

POLLING PLACE: ~~Vienna Community Center~~ Vienna Elementary School
~~120 Cherry Street, SE~~, 128 Center Street, S, Vienna

MAP GRIDS: 28-4, 29-3, 38-1, 38-2, 38-4, 39-1, 48-2

NOTES: Established 1957
Combined with Vienna #3 - September 1992
The Washington and Old Dominion Railroad Regional Park (trail) is the abandoned Washington and Old Dominion Railroad right-of-way
Precinct description revised and readopted – March 2003
Polling place moved temporarily – June 2015

Commonwealth of Virginia
County of Fairfax
Hunter Mill District



Precinct: 214 VIENNA #2

Polling Place: Vienna Community Center

Fairfax County Voting Precincts

Featured Precinct Polling Place

Proposed Temporary Polling Place

0 875 1,750
Feet

N

November 2014

Commonwealth of Virginia

COUNTY OF FAIRFAX

Dranesville District

PRECINCT 302: CHESTERBROOK

CONGRESSIONAL DISTRICT: **EIGHTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-FIRST**
HOUSE OF DELEGATES DISTRICT: **FORTY-EIGHTH**

DESCRIPTION:
Beginning at the intersection of Kirby Road and Pimmit Run (stream), thence with the meanders of Pimmit Run in a southeasterly direction to its intersection with the Arlington County/Fairfax County Line, thence with the Arlington County/Fairfax County Line in a southwesterly direction to its intersection with Old Dominion Drive, thence with Old Dominion Drive in a northwesterly direction to its intersection with Park Road, thence with Park Road in a westerly, then northwesterly direction to its intersection with Kirby Road, thence with Kirby Road in a generally northeasterly direction to its intersection with Pimmit Run, point of beginning.

POLLING PLACE: ~~Saint Dunstan's Episcopal Church~~ Arleigh Burke Pavilion
~~1830 Kirby Road,~~ 1739 Kirby Road, McLean

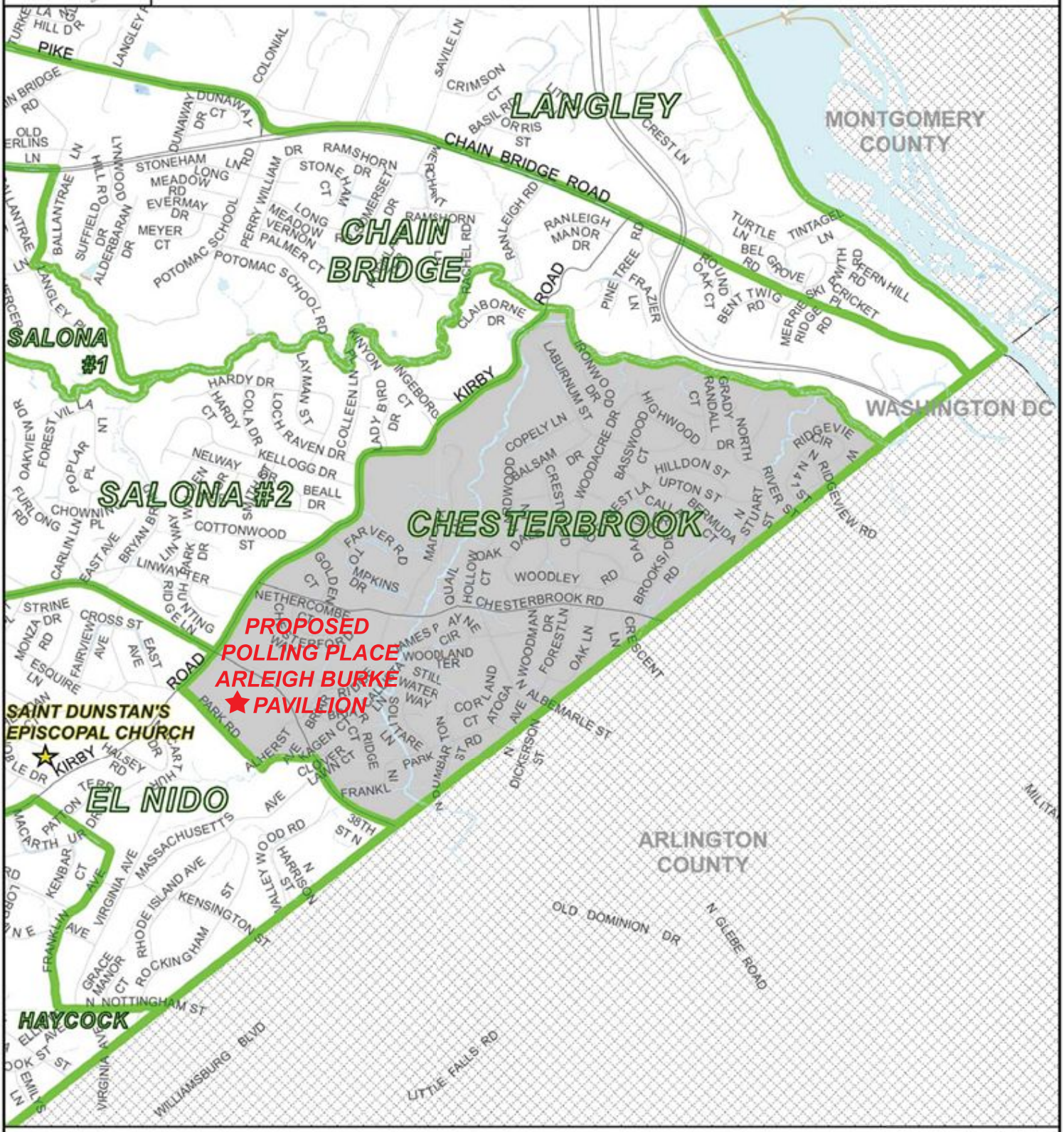
MAP GRIDS: 31-2, 31-3, 31-4, 41-1, 41-2

NOTES: Established December 1976
Precinct description revised and readopted – March 2003
Senate District changed from 32nd to 31st – July 2011
Delegate District changed from 34th to 48th – July 2011
Polling place temporarily moved – January 2012
Congressional District changed from 10th to 8th – January 2012
Polling place returned to original location – June 2015

Commonwealth of Virginia

County of Fairfax

Dranesville District



Precinct: 302 CHESTERBROOK

Polling Place: ~~*Saint Dunstan's Episcopal Church*~~ *Arleigh Burke Pavillion*

Fairfax County Voting Precincts

Featured Precinct Polling Place

Proposed Polling Place

0 750 1,500 Feet

N

November 2014

Commonwealth of Virginia

COUNTY OF FAIRFAX

Dranesville District

PRECINCT 321: CLEARVIEW

CONGRESSIONAL DISTRICT: **TENTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-FIRST**
HOUSE OF DELEGATES DISTRICT: **EIGHTY-SIXTH**

DESCRIPTION:
Beginning at the intersection of the Loudoun County/Fairfax County Line and Leesburg Pike (Route 7), thence with Leesburg Pike in a southeasterly direction to its intersection with Dranesville Road, thence with Dranesville Road in a southerly direction to its intersection with Folly Lick Branch (stream), thence with the meanders of Folly Lick Branch in a southwesterly direction to its intersection with the north corporate boundary of the Town of Herndon, thence with the corporate boundary of the Town of Herndon in a ~~northwesterly, then~~ southwesterly, then northwesterly direction to its intersection with the Loudoun County/Fairfax County Line, thence with the Loudoun County/Fairfax County Line in a northeasterly direction to its intersection with Leesburg Pike, point of beginning.

POLLING PLACE: Clearview Elementary School
12635 Builders Road, Herndon

MAP GRIDS: 5-4, 6-3, 10-1, 10-2, 10-3, 10-4

NOTES: Established June 1981
Precinct description revised and readopted – March 2003
Senate District changed from 32nd to 31st – July 2011
Delegate District changed from 34th to 86th – July 2011
Boundary adjusted with Sugarland – June 2015

Commonwealth of Virginia

COUNTY OF FAIRFAX

Dranesville District

PRECINCT 327: SUGARLAND

CONGRESSIONAL DISTRICT: **TENTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-FIRST**
HOUSE OF DELEGATES DISTRICT: **EIGHTY-SIXTH**

DESCRIPTION:
Beginning at the intersection of Dranesville Road and Leesburg Pike (Route 7), thence with Leesburg Pike in a southeasterly direction to its intersection with Sugarland Road, thence with Sugarland Road in a southwesterly direction to its intersection with Shaker Woods Road, thence with Shaker Woods Road and a projection of Shaker Woods Road to its intersection with Rosiers Branch (stream) at the Fairfax County Parkway (Route 286), thence with the meanders of Rosiers Branch in a northwesterly direction to its intersection with Sugarland Run (stream), thence with the meanders of Sugarland Run in a southerly direction to its intersection with the north corporate boundary of the Town of Herndon, thence with the corporate boundary of the Town of Herndon in a northwesterly direction to its intersection with Folly Lick Branch (stream), thence with the meanders of Folly Lick Branch in northeasterly direction to its intersection with Dranesville Road, thence with Dranesville Road in a northerly direction to its intersection with Leesburg Pike, point of beginning.

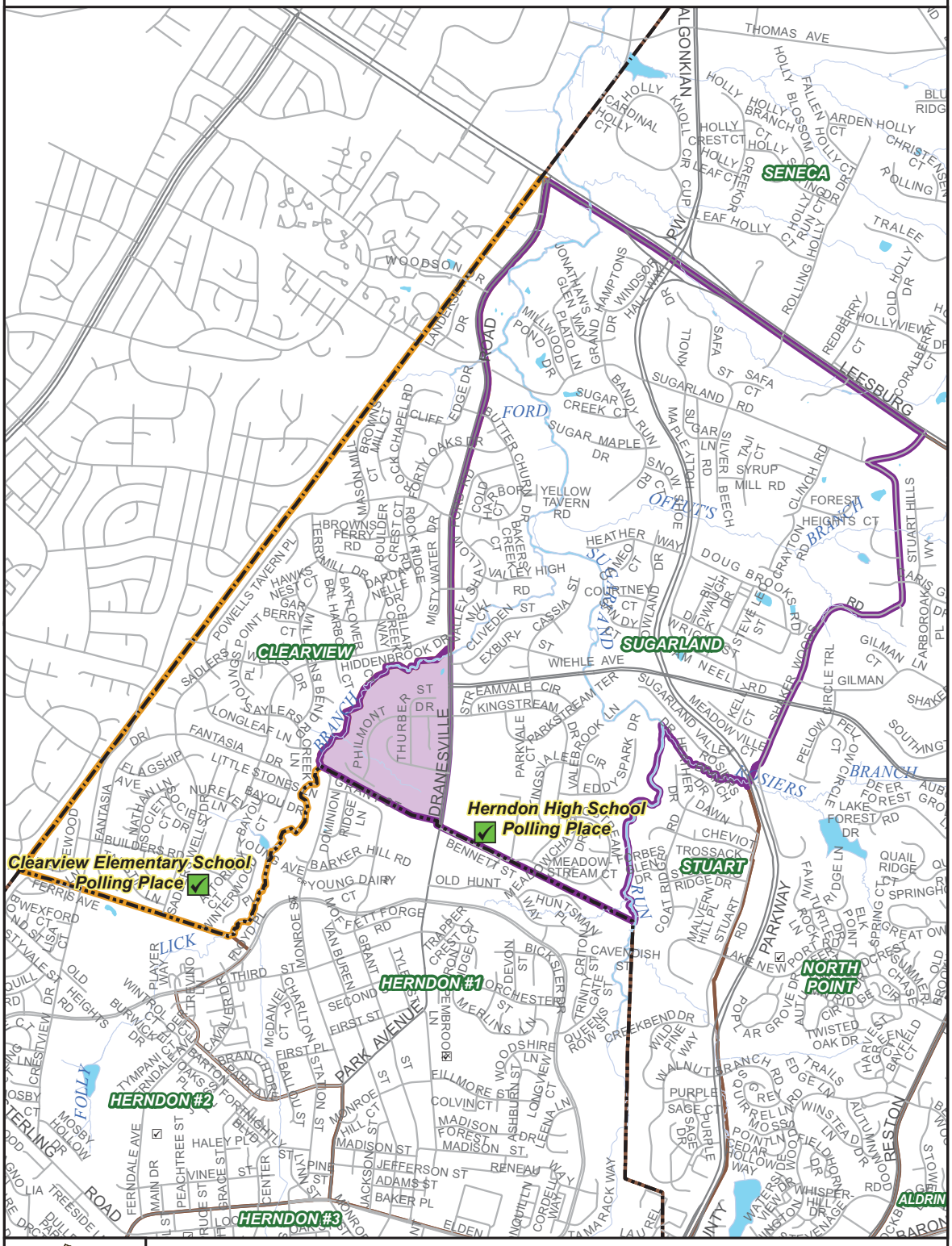
POLLING PLACE: Herndon High School
700 Bennett Street, Herndon

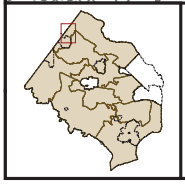
MAP GRIDS: 5-4, 6-3, 6-4, 10-2, 10-4, 11-1, 11-2, 11-3

NOTES: Established June 1991
The portion of Stuart Road north of the Fairfax County Parkway was renamed Shaker Woods Road in 2001. Shaker Woods Road dead-ends at the Fairfax County Parkway.
Precinct description revised and readopted – March 2003
Senate District changed from 32nd to 31st – July 2011
Delegate District changed from 34th to 86th – July 2011
Boundary adjusted with Clearview – June 2015

COUNTY OF FAIRFAX

PROPOSED BOUNDARY CHANGE BETWEEN SUGARLAND AND CLEARVIEW PRECINCTS in Dranesville District





- Proposed Sugarland Precinct
- Proposed Clearview Precinct
- Area Moving from Clearview to Sugarland
- Other Precinct Boundaries

0 550 1,100 2,200 Feet

PREPARED BY FAIRFAX COUNTY
DEPARTMENT OF INFORMATION TECHNOLOGY'S
GIS AND MAPPING SERVICES BRANCH.
CORRECTIONS OR ADDITIONS SHOULD BE BROUGHT
TO THE ATTENTION OF THE ABOVE AGENCY
PHONE: (703) 324-2712
COMPILATION DATE: MAY 2015

Commonwealth of Virginia

COUNTY OF FAIRFAX

Lee District

PRECINCT 403: FORESTDALE

CONGRESSIONAL DISTRICT: **EIGHTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-NINTH**
HOUSE OF DELEGATES DISTRICT: **THIRTY-NINTH**

DESCRIPTION:
Beginning at the intersection of Frontier Drive and Franconia Road, thence with Franconia Road in an easterly direction to its intersection with the Richmond, Fredericksburg and Potomac Railroad, thence with the Richmond, Fredericksburg and Potomac Railroad in a generally southwesterly direction to its intersection with the Franconia-Springfield Parkway, thence with Franconia-Springfield Parkway (Route 289) in a northwesterly direction to its intersection with Frontier Drive, thence with Frontier Drive in a northerly direction to its intersection with Franconia Road, point of beginning.

POLLING PLACE: Forestdale Elementary School
6530 Elder Avenue, Springfield

MAP GRIDS: 81-3, 90-2, 91-1

NOTES: Established 2015

Commonwealth of Virginia

COUNTY OF FAIRFAX

Lee District

PRECINCT 409: PIONEER

CONGRESSIONAL DISTRICT: **EIGHTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-NINTH**
HOUSE OF DELEGATES DISTRICT: **THIRTY-NINTH**

DESCRIPTION:
Beginning at the intersection of the Shirley Memorial Highway (I-395/I-95) and the Norfolk Southern Railroad, thence with the Norfolk Southern Railroad in a northeasterly direction to its intersection with the west corporate boundary of the City of Alexandria, thence with the corporate boundary of the City of Alexandria in a southerly direction to its intersection with the Richmond, Fredericksburg and Potomac Railroad, thence with the Richmond, Fredericksburg and Potomac Railroad in a generally southwesterly direction to its intersection with Franconia Road, thence with Franconia Road in a westerly direction to its intersection with Frontier Drive, thence with Frontier Drive in a southerly direction to its intersection with the Franconia-Springfield Parkway (Route 289), thence with the Franconia-Springfield Parkway in a southeasterly direction to its intersection with the Richmond, Fredericksburg and Potomac Railroad, thence with the Richmond, Fredericksburg and Potomac Railroad in a generally southwesterly direction to its intersection with Newington Road, thence with Newington Road in a southwesterly direction to its intersection with the Shirley Memorial Highway, thence with the Shirley Memorial Highway in a northerly direction to its intersection with the Norfolk Southern Railroad, point of beginning.

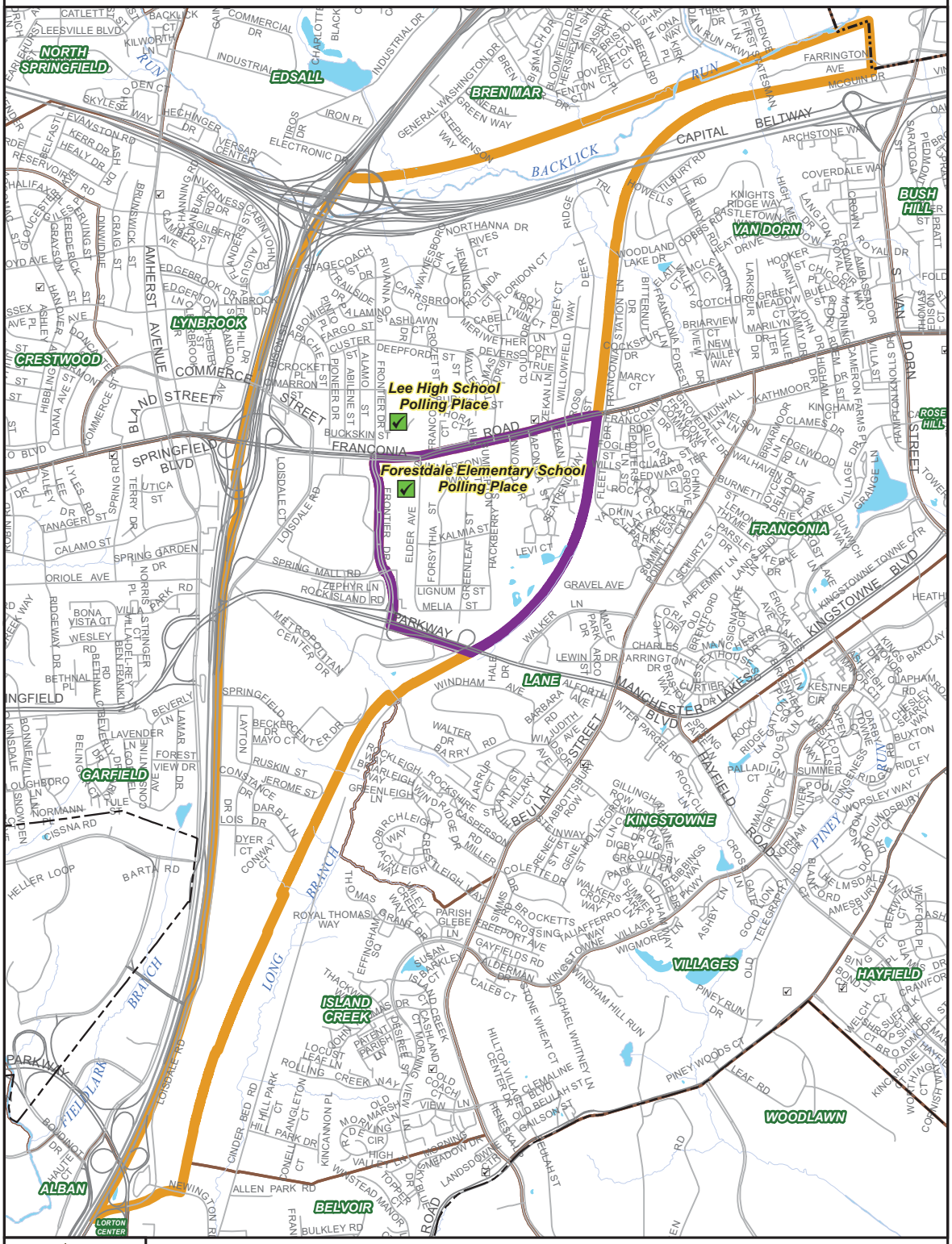
POLLING PLACE: Lee High School
6540 Franconia Road, Springfield

MAP GRIDS: 80-2, 80-4, 81-1, 81-2, 81-3, 90-2, 90-4, 91-1, 99-1, 99-2

NOTES: Established 1960
Combined with Forest precinct - May 1994
Precinct description revised and readopted – March 2003
Delegate District changed from 43rd to 39th – July 2011
Precinct divided – June 2015

COUNTY OF FAIRFAX

PROPOSED CREATION OF FORESTDALE PRECINCT FROM PIONEER PRECINCT in Lee District


Lee High School Polling Place
Forestdale Elementary School Polling Place
NORTH SPRINGFIELD
EDSALL
BREN MAR
VAN DORN
BUSH HILL
LYNBROOK
CRESTWOOD
FRANCONIA
ROSE HILL
GARFIELD
LANE
KINGSTOWNE
VILLAGES
HAYFIELD
ISLAND CREEK
WOODLAWN
ALBAN
BELVOIR
LORTON CENTER
CAPITAL BELTWAY
BACKLICK RUN
LONG BRANCH
PINEY RUN
FIELD LARK
FRANCONIA SPRINGFIELD BLVD
KINGSTOWNE BLVD
MANCHESTER BLVD
PARKWAY
AMHERST AVENUE
COMMERCE STREET
BLAND STREET
VAN DORN STREET
BEULAH STREET
HAYFIELD ROAD
LORTON ROAD
NEWINGTON RD
LOISDALE RD
FRONTIER DR
ELDER AVE
SPRING MALL RD
ZEPHYR LN
ROCK ISLAND RD
METROPOLITAN CENTER DR
WINDHAM AVE
GRAVEL AVE
LEVI CT
ROYAL THOMAS WAY
PARISH GLEBE LN
PINEY WOODS CT
LEAE RD
ALLEN PARK RD
BULKLEY RD
PARK WAY
HELLER LOOP
BARTA RD
CISSNA RD
NORMANN PL
SPRING GARDEN DR
ORIOLE AVE
CALAMO ST
TANAGER ST
SPRINGFIELD BLVD
UTICA ST
BUCKSKIN ST
FRANCONIA
BACKLICK TRL
CAPITAL BELTWAY
ARCHSTONE WAY
COVERDALE WAY
FARRINGTON AVE
MCGUIN DR
INDUSTRIAL DR
COMMERCIAL DR
ELECTRONIC DR
IRON PL
GENERAL WASHINGTON DR
GENERAL STEPHENSON WAY
GREEN WAY
NORTHANNA DR
RIVES CT
WOODLAND LAKE DR
BITTERNUT DR
FRANCONIA FOREST DR
COCKSPUR DR
MARCY CT
KATHMOOR
CLAMES DR
KINGHAM CT
BRIARMOOR LN
EDGEWOOD
WALHAVEN CT
BURNETT ST
THYME
PARSLEY LN
LANDSEND
KEBLE DR
SCHURTZ ST
APPLEMINT LN
KINGSTOWNE TOWNE CTR
HEATH
CHARLES
ARRINGTON DR
LEWIN
WALKER LN
WINDHAM AVE
BARBARA ALFORTH AVE
JUDITH AVE
WALTER DR
BARRY RD
ROCKLEIGH
ROCKSHIRE
WINDRIDGE DR
GREENLEIGH LN
BIRCHLEIGH WAY
CASPERSON RD
MILLER
COLETTE DR
FABBOTTSBURG ROW
FINWAY
HOLLYFORD
GILLINGHAM ROW
DIGBY
CROUDSBY
PARK VILLAGE DR
PALLADIUM
SUMMER
RIDGE GATE LN
ROCK CUP LN
CROSS LN
GOODLAND
TELEGRAPH
ASHBY
WIGMORE LN
VILLAGE WAY
KINGSTOWNE VILLAGE PKWY
WINDHAM HILL RUN
RACHAEL WHITNEY LN
CLEMALINE
OLD BEULAH ST
GAYFIELDS RD
ALDERMAN
CALEB CT
STONE WHEAT CT
HILLTOP VILLAGE BLVD
CENTER DR
RENEWAL
GAILSON ST
BELFAST
EVANSTON RD
KERR DR
HEALY DR
SKYLESS WAY
HECHINGER DR
VERSAR CENTER
HALIFAX
GLOUCESTER
FREDERICK
GRAYSON
BERLING ST
DINWIDDIE
BRUNSWICK
CRAIG ST
HANNING RD
INVERNESS
CABIN JOHN
AUGUSTA
EDGEBROOK DR
EDGERTON
LYNBROOK DR
HILL DR
HESTER
ASHLEY AVE
HANOVER
DONCASTER
HIBBLING
DANA AVE
COMMERCE ST
LEE
VALLEY
LYLES RD
TERRY DR
SPRING GRN
BONA VISTA CT
WESLEY RD
BETHNAL PL
BETHNAL CREEK
BEVERLY
LAMAR
LAVENDER LN
FOREST VIEW DR
BELINDA
KINGSLEY
KINGSLEY PL
BONNIE LN
SNOWDEN
LOUGHBORO LN
BECKER DR
MAYO CT
CENTER DR
LAYTON
RUSKIN ST
JEROME ST
CONSTANCE DR
DARBY LN
LOIS DR
DYER CT
CONWAY CT
CINDER BED RD
HILL PARK CT
PANGLETON CT
KINCANNON PL
MORNING CIR
HIGH VALLEY
MORNING MEADOW DR
LANDSDOWN
WINSTEAD MANOR
TOPPER
SKY BLUE
ISLAND CREEK
CASHLAND
OLD COACH
VIEW LN
LOCUST LEAF LN
ROLLING CREEK WAY
OLD MARSH LN
PATENT DR
PARISH
CONNELL CT
BONDINOT DR
HAUTE
BRAMBLEWOOD
BRAMBLEWOOD CT
BRAMBLEWOOD DR
BRAMBLEWOOD PL
BRAMBLEWOOD WAY
BRAMBLEWOOD CIR
BRAMBLEWOOD LN
BRAMBLEWOOD RD
BRAMBLEWOOD ST
BRAMBLEWOOD TERR
BRAMBLEWOOD DR
BRAMBLEWOOD CT

Commonwealth of Virginia

COUNTY OF FAIRFAX

Providence District

PRECINCT 734: HUNTERS BRANCH

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

DESCRIPTION:
Beginning at the intersection of Hatmark Branch (stream) and Interstate 66, thence with Interstate 66 in a northeasterly direction to its intersection with Nutley Street, thence with Nutley Street in a southeasterly direction to its intersection with Lee Highway (Route 29), thence with Lee Highway in a southwesterly direction to its intersection with Hatmark Branch, thence with the meanders of Hatmark Branch in a northwesterly direction to its intersection with Interstate 66, point of beginning.

POLLING PLACE: ~~Regent's Park Clubhouse~~ Providence Community Center
~~9333 Clocktower Place,~~ 3001 Vaden Drive, Fairfax

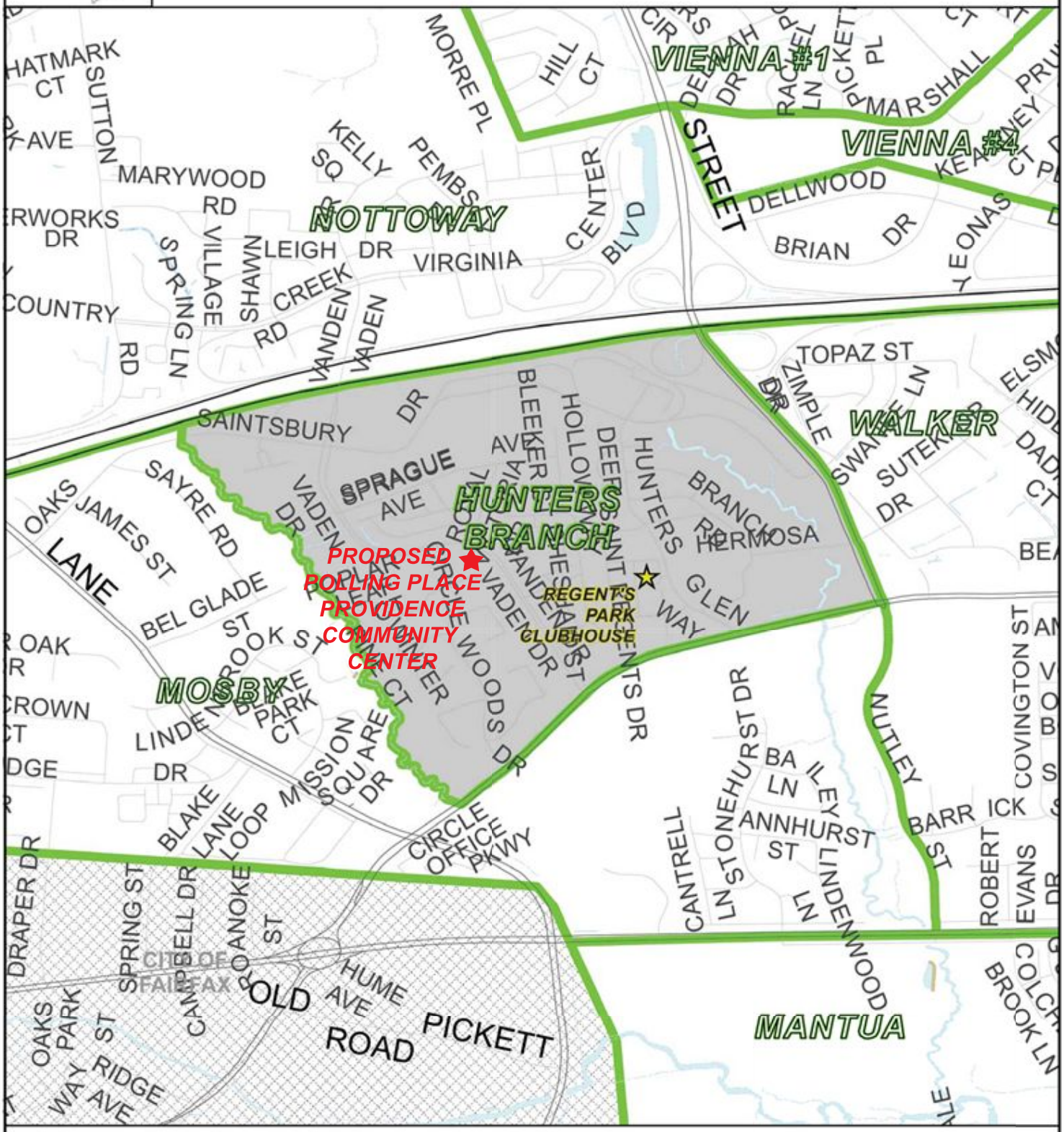
MAP GRIDS: 48-1, 48-2, 48-3, 48-4

NOTES: Established July 2011
Polling place moved – June 2015

Commonwealth of Virginia

County of Fairfax

Providence District



Precinct: 734 HUNTERS BRANCH

Polling Place: ~~Regent's Park Clubhouse~~ Providence Community Center

Fairfax County Voting Precincts

Featured Precinct Polling Place

Proposed Polling Place

0 410 820
Feet

N

November 2014

Commonwealth of Virginia

COUNTY OF FAIRFAX

Providence District

PRECINCT 720: THOREAU

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

DESCRIPTION:
Beginning at the intersection of the east corporate boundary of the Town of Vienna and the Washington and Old Dominion Railroad Regional Park (trail), thence with the Washington and Old Dominion Railroad Regional Park in a southeasterly direction to its intersection with ~~Gallows Road, thence with Gallows Road in a southwesterly direction to its intersection with Cottage Street, thence with Cottage Street in a generally southwesterly direction to its intersection with Bowling Green Drive, thence with Bowling Green Drive in a northwesterly direction to its intersection~~ the Capital Beltway (I-495), thence with the Capital Beltway in a southwesterly direction to its intersection with Interstate 66, thence with Interstate 66 in a southwesterly direction to its intersection with the east corporate boundary of the Town of Vienna, thence with the corporate boundary of the Town of Vienna in a northeasterly, then northwesterly, then northeasterly direction to its intersection with the Washington and Old Dominion Railroad Regional Park, point of beginning.

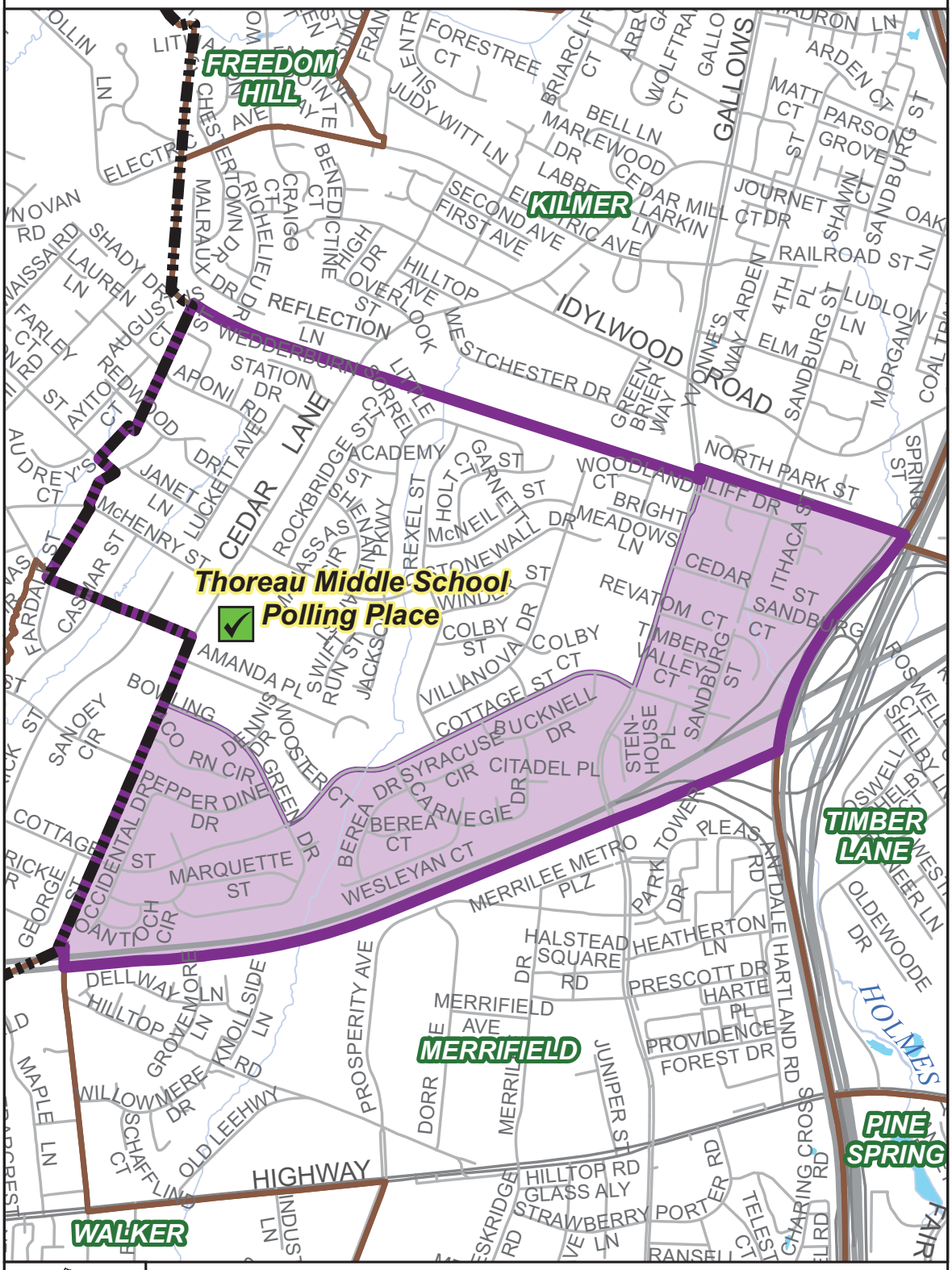
POLLING PLACE: Thoreau Middle School
2505 Cedar Lane, Vienna

MAP GRIDS: 39-3, 39-4, 49-1, 49-2

NOTES: Established July 1981
The Washington and Old Dominion Railroad Regional Park (trail) is the abandoned Washington and Old Dominion Railroad right-of-way
Precinct description revised and readopted – March 2003
Delegate District changed from 53rd to 35th - July 2011
Precinct combined with Stenwood – June 2015

COUNTY OF FAIRFAX

PROPOSED THOREAU PRECINCT
in Providence District



Proposed Thoreau Precinct

Stenwood Area Added to Thoreau

Other Precinct Boundaries

0 330 660 1,320 Feet

PREPARED BY FAIRFAX COUNTY
DEPARTMENT OF INFORMATION TECHNOLOGY'S
GIS AND MAPPING SERVICES BRANCH.
CORRECTIONS OR ADDITIONS SHOULD BE BROUGHT
TO THE ATTENTION OF THE ABOVE AGENCY
PHONE: (703) 324-2712
COMPILATION DATE: MAY 2015

Commonwealth of Virginia

COUNTY OF FAIRFAX

Sully District

PRECINCT 927: ~~LEES CORNER NO. 1~~ STRINGFELLOW

CONGRESSIONAL DISTRICT: **TENTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-SECOND**
HOUSE OF DELEGATES DISTRICT: **EIGHTY-SIXTH**

DESCRIPTION:
Beginning at the intersection of the Centreville Road and Lees Corner Road, thence with Lees Corner Road in a southeasterly direction to its intersection with the Lee-Jackson Memorial Highway (Route 50), thence with the Lee-Jackson Memorial Highway in a northwesterly direction to its intersection with Centreville Road, thence with Centreville Road in a northeasterly direction to its intersection with Lees Corner Road, point of beginning.

POLLING PLACE: ~~Lees Corner Elementary School~~
~~13500 Hollinger Avenue, Fairfax~~
Chantilly Regional Library
4000 Stringfellow Road, Chantilly

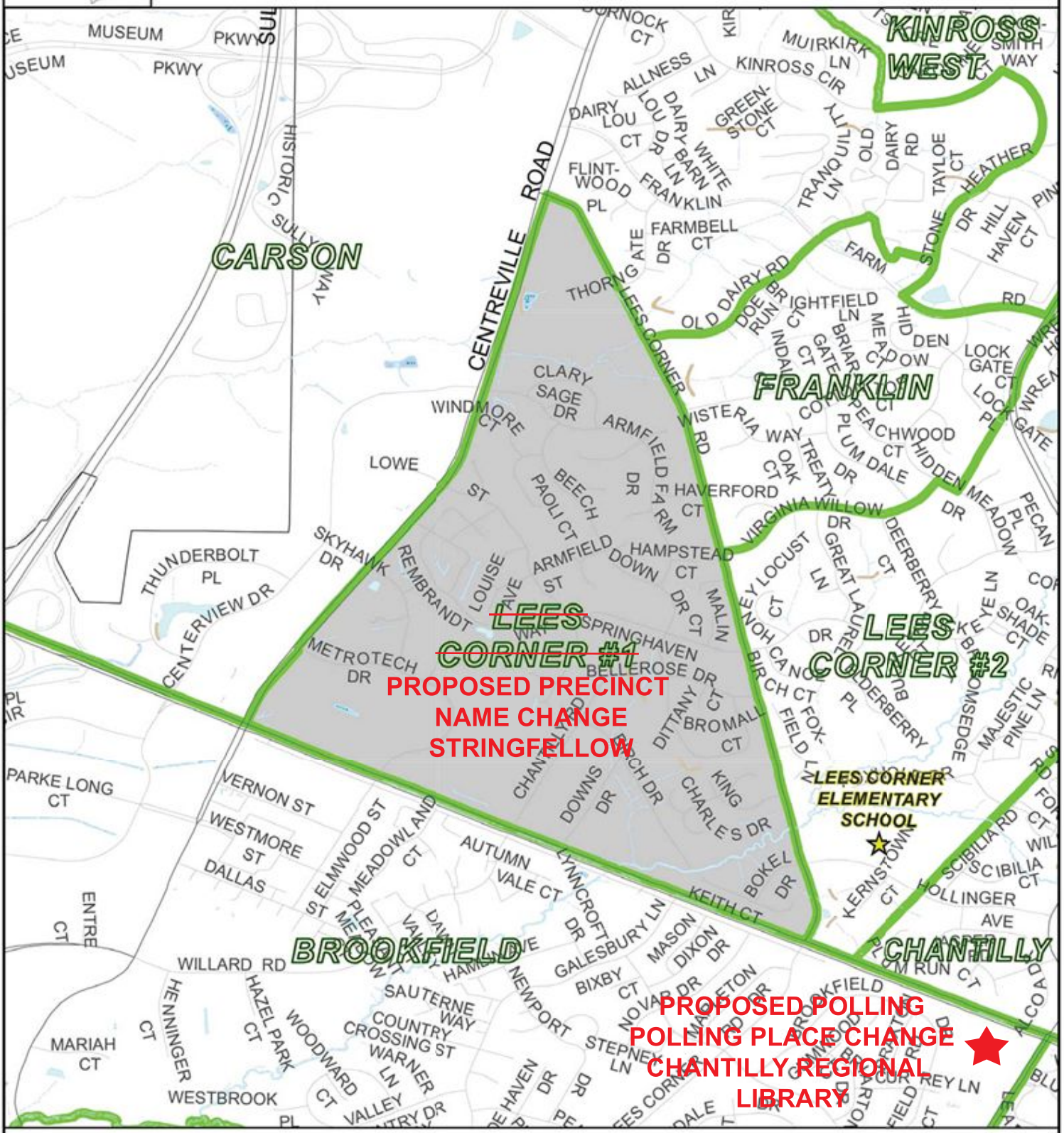
MAP GRIDS: 34-2, 34-4, 35-3, 45-1

NOTES: Established March 2003
Precinct divided and renamed – July 2011
Precinct renamed and polling place moved – June 2015

Commonwealth of Virginia

County of Fairfax

Sully District



Precinct: 927 ~~LEES CORNER #1~~ **STRINGFELLOW**

Polling Place: ~~*Lees Corner Elementary School*~~ *Chantilly Regional Library*

Fairfax County Voting Precincts

Featured Precinct Polling Place

Proposed Polling Place Change

0 550 1,100 Feet

N

November 2014

Commonwealth of Virginia

COUNTY OF FAIRFAX

Sully District

PRECINCT 930: LEES CORNER ~~NO. 2~~

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

DESCRIPTION:
Beginning at the intersection of the Fairfax County Parkway (Route 286) and Franklin Farm Road, thence with Franklin Farm Road in a generally easterly direction to its intersection with the Transcontinental Gas Pipeline Easement, thence with the Transcontinental Gas Pipeline Easement in a southwesterly direction to its intersection with the Lee Jackson Memorial Highway (Route 50), thence with the Lee Jackson Memorial Highway in a northwesterly direction to its intersection with Lees Corner Road, thence with Lees Corner Road in a northwesterly direction to its intersection with Virginia Willow Drive, thence with Virginia Willow Drive in a generally northeasterly direction to its intersection with Hidden Meadow Drive, thence with Hidden Meadow Drive in a southeasterly direction to its intersection with the Colonial Pipeline Company Easement, thence with the Colonial Pipeline Company Easement in a northeasterly direction to its intersection with the Fairfax County Parkway, thence with the Fairfax County Parkway in a northerly direction to its intersection with Franklin Farm Road, point of beginning.

POLLING PLACE: Lees Corner Elementary School
13500 Hollinger Avenue, Fairfax

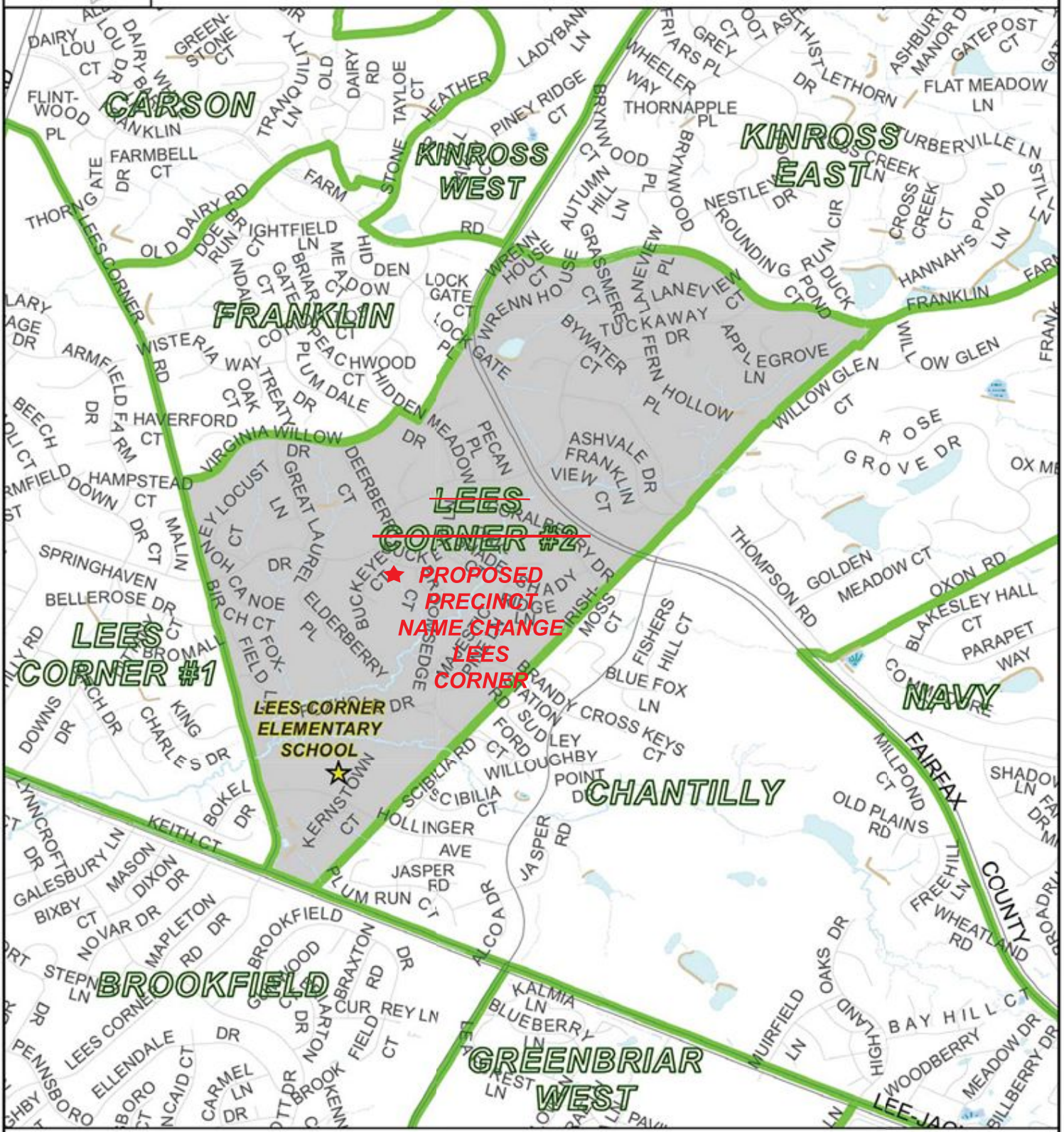
MAP GRIDS: 35-1, 35-2, 35-3, 45-1

NOTES: Established July 2011
Precinct renamed – June 2015

Commonwealth of Virginia

County of Fairfax

Sully District



Precinct: 930 ~~LEES CORNER #2~~ LEES CORNER

Polling Place: Lees Corner Elementary School

Fairfax County Voting Precincts

Featured Precinct Polling Place

Proposed Precinct Name Change

0 550 1,100 Feet

N

November 2014

Commonwealth of Virginia

COUNTY OF FAIRFAX

Sully District

PRECINCT 908: ~~KINROSS EAST~~ HIDDEN MEADOW

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

DESCRIPTION:
Beginning at the intersection of the Fairfax County Parkway (Route 286) and West Ox Road, thence with West Ox Road in a southeasterly, then southerly direction to its intersection with Franklin Farm Road, thence with Franklin Farm Road in a generally westerly direction to its intersection with the Fairfax County Parkway, thence with the Fairfax County Parkway in a northeasterly direction to its intersection with West Ox Road, point of beginning.

POLLING PLACE: ~~Oak Hill Elementary School~~
~~3210 Kinross Circle, Herndon~~
The Episcopal Church of the Epiphany
3301 Hidden Meadow Drive, Herndon

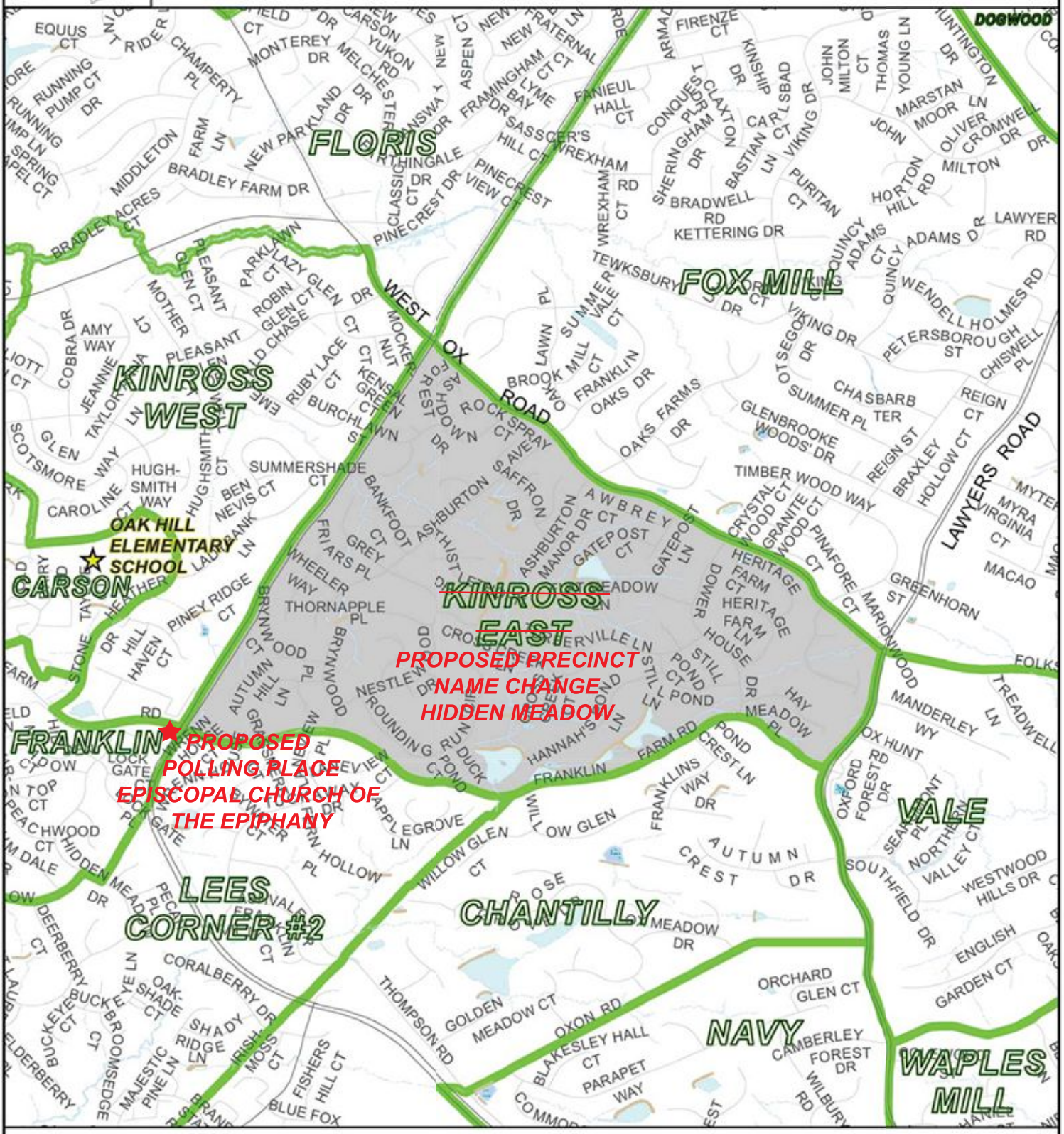
MAP GRIDS: 25-3, 25-4, 35-1, 35-2

NOTES: Established May 1995
Boundary adjusted to conform to House of Delegates Districts - August 2001
Precinct description revised and readopted – March 2003
Senate District changed from 33rd to 32nd – July 2011
Precinct divided and renamed – July 2011
Precinct renamed and polling place moved – June 2015

Commonwealth of Virginia

County of Fairfax

Sully District



Precinct: 908 ~~KINROSS EAST~~ HIDDEN MEADOW

Polling Place: ~~Oak Hill Elementary School~~ Episcopal Church of The Epiphany

Fairfax County Voting Precincts

★ Featured Precinct Polling Place ★ Proposed Polling Place Change

0 625 1,250 Feet

N

November 2014

Commonwealth of Virginia

COUNTY OF FAIRFAX

Sully District

PRECINCT 909: ~~KINROSS WEST~~ OAK HILL

CONGRESSIONAL DISTRICT: **TENTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-SECOND**
HOUSE OF DELEGATES DISTRICT: **EIGHTY-SIXTH**

DESCRIPTION:
Beginning at the intersection of an unnamed stream (east of Highland Mews) and Horsepen Run (stream), thence with the meanders of Horsepen Run in a generally easterly direction to its intersection with West Ox Road, thence with West Ox Road in a southeasterly direction to its intersection with the Fairfax County Parkway (Route 286), thence with the Fairfax County Parkway in a southwesterly direction to its intersection with Franklin Farm Road, thence with Franklin Farm Road in a generally westerly direction to its intersection with Stone Heather Drive, thence with Stone Heather Drive in a northeasterly, then northwesterly direction to its intersection with Kinross Circle, thence with Kinross Circle in a westerly direction to its intersection with an unnamed stream, thence with meanders of the unnamed stream in a generally northerly direction to its intersection with Horsepen Run, point of beginning.

POLLING PLACE: Oak Hill Elementary School
3210 Kinross Circle, Herndon

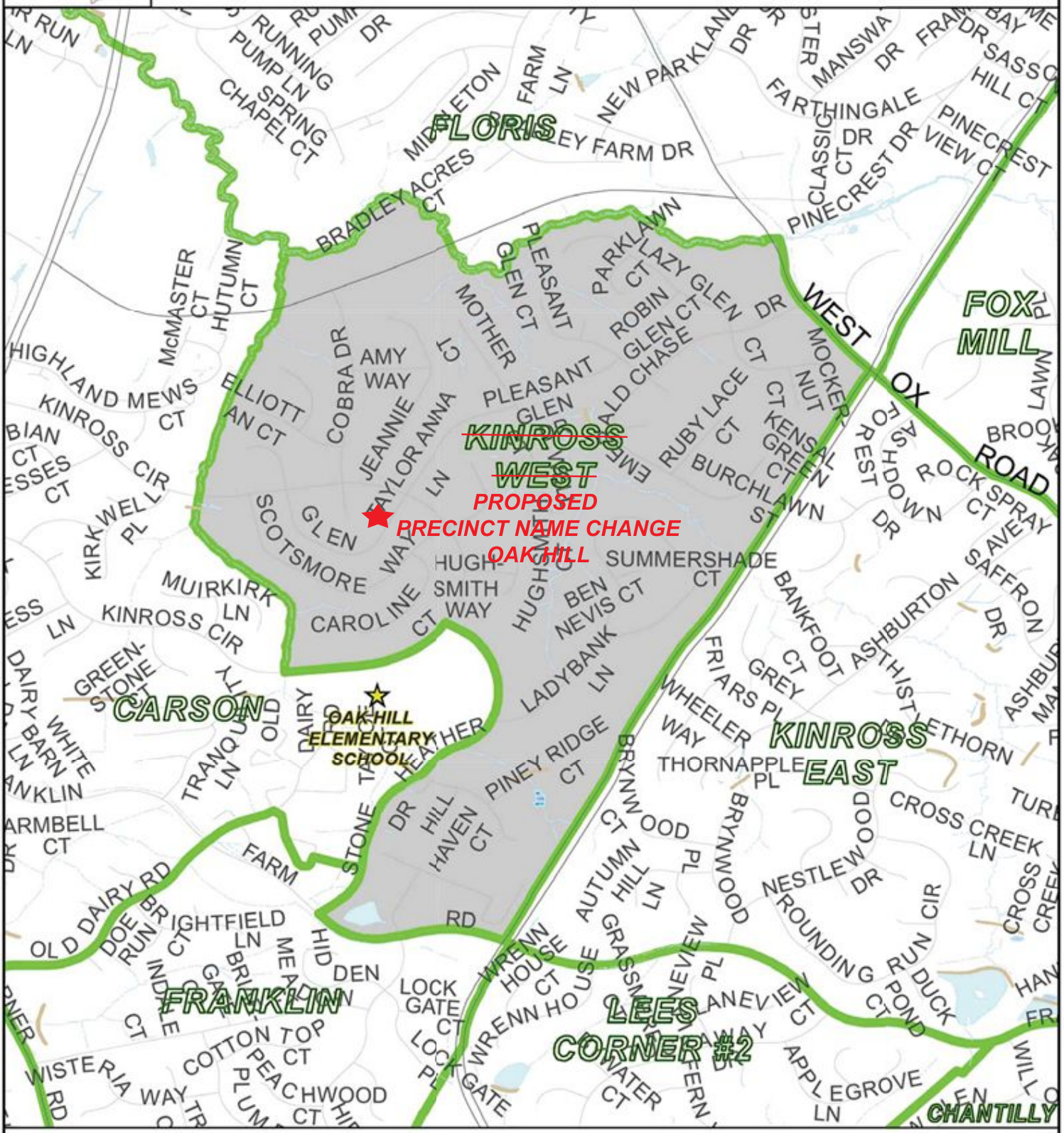
MAP GRIDS: 25-3, 35-1

NOTES: Established July 2011
Precinct renamed – June 2015

Commonwealth of Virginia

County of Fairfax

Sully District



Precinct: 909 ~~KINROSS WEST~~ OAK HILL

Polling Place: Oak Hill Elementary School

Fairfax County Voting Precincts

Featured Precinct Polling Place

Proposed Precinct Name Change

0 460 920
Feet

N

November 2014

PROPOSED ORDINANCE TO AMEND AND READOPT SECTIONS OF CHAPTER 7 OF THE FAIRFAX COUNTY CODE TO DIVIDE AND ESTABLISH A NEW PRECINCT IN THE LEE DISTRICT, ADJUST PRECINCT BOUNDARIES AND MOVE A PRECINCT FROM A TEMPORARY LOCATION BACK THE ORIGINAL POLLING PLACE IN DRANESVILLE DISTRICT, TEMPORARILY RELOCATE A POLLING PLACE IN HUNTER MILL DISTRICT, MOVE A POLLING PLACE AND CONSOLIDATE TWO PRECINCTS IN THE PROVIDENCE DISTRICT, AMEND THE DESCRIPTION OF A PRECINCT IN BRADDOCK DISTRICT, AND RENAME FOUR PRECINCTS AND MOVE TWO PRECINCTS IN THE SULLY DISTRICT

AN ORDINANCE to amend and readopt Sections 7-2-7, 7-2-10, 7-2-12 and 7-2-13 of the Fairfax County Code to reflect election precinct adjustments for Braddock, Hunter Mill, Dranesville, Lee, Providence, and Sully Districts, and division, relocation, boundary adjustments, and renaming of polling places for certain precincts.

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

1. That Sections 7-2-7, 7-2-10, 7-2-12, and 7-2-13 of the Fairfax County Code are amended and readopted:

Section 7-2-7. Lee District.

The Lee District shall consist of these election precincts: Bush Hill, Cameron, Clermont, Crestwood, Fairfield, Forestdale, Franconia, Garfield, Greenspring, Groveton, Hayfield, Huntley, Hybla Valley, Island Creek, Kingstowne, Lane, Lynbrook, Mount Eagle, Pinewood, Pioneer, Rose Hill, Van Dorn, Villages, and Virginia Hills.

Section 7-2-10. Providence District.

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Graham-Greenway, Hunters Branch, Kilmer, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Shreve, ~~Stenwood,~~ Thoreau, Timber Lane, Tysons, Walker, and Woodburn.

Section 7-2-12. Sully District.

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

Section 7-2-13. General provisions.

All references to election precincts shall refer to those precincts, together with the descriptions and maps of the boundaries and polling places for each of those precincts, which were adopted by the Board of Supervisors on March 24, 2003, as amended on March 8, 2004, March 21, 2005, March 27, 2006, March 26, 2007, September 10, 2007, March 10, 2008, January 12, 2009, March 9, 2010, July 27, 2010, April 26, 2011, July 26, 2011, January 10, 2012, July 10, 2012, March 19, 2013, ~~and~~ July 9, 2013, September 9, 2014, and June 23, 2015, and kept on file with the clerk to the Board of Supervisors. Whenever a road, a stream, or other physical feature describes the boundary of a precinct, the center of such road, stream, or physical feature shall be the dividing line between that precinct and any adjoining precinct.

2. Polling place locations for the following precincts identified in the first clause of this ordinance are established at:

Supervisor District	Precinct	Polling Place
Lee	Forestdale (new precinct)	Forestdale Elementary School 6530 Elder Avenue Springfield, Virginia 22150
Braddock	University (updated description)	From: GMU–University Hall 4441 George Mason Boulevard Fairfax, Virginia 22030 To: GMU–Merten Hall 4441 George Mason Boulevard Fairfax, Virginia 22030
Hunter Mill	Vienna No. 2 (polling place relocated)	From: Vienna Community Center 120 Cherry Street, SE Vienna, Virginia 22180 To: Vienna Elementary School 128 Center Street, S Vienna, Virginia 22180
Dranesville	Chesterbrook	From:

	(polling place relocated)	Saint Dunstan's Episcopal Church 1830 Kirby Road McLean, Virginia 22101 <u>To:</u> Arleigh Burke Pavilion 1739 Kirby Road McLean, Virginia 22101
Providence	Hunters Branch (polling place relocated)	<u>From:</u> Regent's Park Clubhouse 9333 Clocktower Place Fairfax, Virginia 22031 <u>To:</u> Providence Community Center 3001 Vaden Drive Fairfax, Virginia 22031
Sully	Stringfellow (renamed, polling place relocated)	<u>From:</u> Lees Corner Elementary School 13500 Hollinger Avenue Fairfax, Virginia 22033 <u>To:</u> Chantilly Regional Library 4000 Stringfellow Road Chantilly, Virginia 20151
Sully	Hidden Meadow (renamed, polling place relocated)	<u>From:</u> Oak Hill Elementary School 3210 Kinross Circle Herndon, Virginia 20171 <u>To:</u> The Episcopal Church of the Epiphany 3301 Hidden Meadow Drive Herndon, Virginia 20171

3. That two precincts will be combined:

Providence	Thoreau and Stenwood (now collectively renamed Thoreau)	<u>Polling place</u>: Thoreau Middle School 2505 Cedar Lane Vienna, Virginia 22180

4. That the following precincts are renamed:

Supervisor District	Precinct	Polling Place
Sully	Lees Corner (formerly Lees Corner #2)	Lees Corner Elementary School 13500 Hollinger Avenue Fairfax, Virginia 22033
Sully	Oak Hill (formerly Kinross West)	Oak Hill Elementary School 3210 Kinross Circle Herndon, Virginia 20171

4. That this ordinance shall become effective upon adoption.

GIVEN under my hand this _____ day of June, 2015.

_____
Catherine A. Chianese
Clerk to the Board of Directors

Board Agenda Item
June 2, 2015

ADMINISTRATIVE – 5

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Minor/Editorial Revisions

ISSUE:
The proposed amendment makes clarifying and minor revisions, as well as correcting inconsistencies and errors that have resulted from the adoption of previous Zoning Ordinance amendments.

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

TIMING:
Board action is requested on June 2, 2015, to provide sufficient time to advertise the proposed Planning Commission public hearing on July 8, 2015, at 8:15 p.m., and the proposed Board public hearing on October 6, 2015, at 4:00 p.m.

BACKGROUND:
The proposed amendment is on the 2015 Priority 1 Zoning Ordinance Amendment Work Program and makes clarifying and minor revisions as well as correcting inconsistencies and errors that have resulted from the adoption of previous Zoning Ordinance amendments. Specifically, the amendment:

1) Revises Par. 2B(2) of Sect. 2-514 to increase the permitted height of directional/panel antennas from 6 feet to 8.5 feet when mounted on existing or replacement utility distribution and transmission poles or light/camera standards. Also revises Par. 2C(3)(b) to increase the permitted diameter for certain new or replacement light/camera standards from 42 inches to 60 inches.

2) Revises Par. 1 of Sect. 8-305 to permit the BZA to allow an expansion of the permitted hours of attendance beyond the current limits of 7:00 AM to 6:00 PM for a nonresident employee of a home child care center seeking special permit approval.

3) Revises Paragraphs 3 and 4 of Sect. 8-810 to allow temporary farmers' markets when there is frontage or safe and convenient access to any arterial street and

clarifies the kinds of display items (canopies, tables, shelving, etc.) that may be utilized for the market.

4) Revises the reference to the Noise Ordinance in Par. 7 of Article 14, Noise Standards, by reflecting the recodification of the Noise Ordinance from Chapter 108 of the Code to 108.1.

5) Deletes references to metric units of measure and inserts the English equivalent in Sections 17-106 and 17-201and 18-704.

6) Modifies the definition of group residential facility in Article 20 to be consistent with the amended language in the Code of Virginia with regard to non-resident and resident counselors.

A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

REGULATORY IMPACT:
The proposed amendment enhances existing regulations by providing clarification, resolving inconsistencies and updating the Zoning Ordinance.

FISCAL IMPACT:
The proposed amendment will not require any additional review by staff or cost to the public and, as such, there will be no fiscal impacts to applicants or staff.

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

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred Selden, Director, Department of Planning and Zoning (DPZ)
Leslie B. Johnson, Zoning Administrator, DPZ
Michelle M. O'Hare, Deputy Zoning Administrator for Ordinance Administration Branch, DPZ
Donna Pesto, Senior Assistant to the Zoning Administrator, DPZ
Saundra O'Connell, Assistant to the Zoning Administrator, DPZ
Matthew D. Mertz, Assistant to the Zoning Administrator, DPZ

ATTACHMENT 1

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center Building, Fairfax, Virginia, on June 2, 2015, which meeting a quorum was present and voting and the following resolution was adopted:

WHEREAS, the Code of Virginia has been modified with regard to the definition of a group residential facility such that the Zoning Ordinance must be updated to incorporate those changes; and

WHEREAS, it is desirable to clarify the intent of certain Zoning Ordinance provisions and to modify certain provisions based on current practices and industry standards, particularly with regard to the size limits of certain telecommunications antennas and support structures and standards related to street frontage requirements and type of structures permitted for temporary farmers' markets, and

WHEREAS, inconsistencies have resulted from the adoption of previous Zoning Ordinance amendments, particularly with regard to hours of attendance for a nonresident employee at a home child care center, citing the correct reference to the Noise Ordinance, and metric versus English units of measure, and

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

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

A Copy Teste:

_____

Catherine A. Chianese
Clerk to the Board of Supervisors

ATTACHMENT 2

FAIRFAX COUNTY

V I R G I N I A

STAFF REPORT

PROPOSED ZONING ORDINANCE AMENDMENT

Minor/Editorial Revisions

PUBLIC HEARING DATES

Planning Commission July 8, 2015 at 8:15 p.m.

Board of Supervisors October 6, 2015 at 4:00 p.m.

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

June 2, 2015

DP/SO/MM

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

STAFF COMMENT

Background

The proposed amendment addresses several topic areas that are set forth in the 2015 Priority 1 Zoning Ordinance Amendment Work Program under the heading "Minor Revisions," as well as correcting a few inconsistencies that have resulted from the adoption of previous Zoning Ordinance amendments. The proposed amendment will also clarify the original intent and meaning of certain Zoning Ordinance provisions, modify certain provisions based on current practices and industry standards, and update the Zoning Ordinance to incorporate the changes made to the Code of Virginia at the last legislative session.

Proposed Amendment

A description of each element of the proposed amendment is set forth by topic area, as follows:

Telecommunication Facility

The proposed amendment will change the maximum size of certain directional or panel antenna from 6 feet by 2 feet to 8.5 feet by 2 feet and will change the maximum diameter for certain new or replacement poles or standards from 42 inches to 60 inches. With regard to the antenna size, the increased dimensions would apply to those antennas mounted on existing or replacement utility distribution and transmission poles or on light/camera standards. The proposed change to Par. 2B(2) of Sect. 2-514 will make the antenna dimensions on an existing pole or standard consistent with the antenna size currently permitted on a new pole or standard.

The size limits for directional or panel antennas located on a new pole/standard or on a rooftop was increased from 6 feet by 2 feet to 8.5 feet by 2 feet under a previous text amendment, ZOA-09-415. Since that time, there has been an increase in public acceptance of structures associated with telecommunication services, as there has been a significant increase in demand for such services. Additionally, staff is aware of instances where a telecommunications provider has constructed a new pole directly adjacent to an existing pole, solely for the purpose of being able to install a 8.5 feet by 2 feet panel antenna instead of being limited to a 6 feet by 2 feet size. Staff does not believe the proliferation of new poles serves any purpose and believes that the visual impacts of such a minor increase in antenna size will be negligible. The net result will allow the telecommunications industry to establish directional/panel antennas of slightly larger size on existing poles/standards and, in turn, to reduce the number of new support structures needed to provide sufficient coverage.

Regarding the increase in the diameter of the pole or standard, staff notes that representatives of the telecommunications industry have indicated that a 42 inch diameter may be structurally insufficient in situations where there would be a full array of lighting and/or cameras in addition to multiple antennas on a pole or standard. Staff has confirmed with the Department of Public Works and Environmental Services that the 42 inch diameter limits for a pole/standard may be a limiting factor for the installation of antennas on a structure that also supports lighting and recording appurtenances. In an effort to increase the opportunity for colocation of antennas on light/camera standards, staff is proposing an amendment to allow for a 60 inch diameter pole or standard in Par. 2C(3)(b) of Sect. 2-514. Again, staff believes the negligible visual impact of the

proposed increase in pole diameter is outweighed by the benefits of collocation in an attempt to reduce the overall number of antenna support structures throughout the County.

Temporary Farmers' Market

In response to the growing demand for and popularity of farmers' markets offering more locally/regionally grown, organic or other specialty produce and farmed items, staff has been requested to consider changes that would allow broader opportunities for location of a farmers' market. Farmers' markets are typically conducted one day per week at any given location and generally operate during growing through harvesting seasons for farm produce. Currently, farmers' markets are permitted to locate only on a lot that has frontage on a principal arterial. The proposed change would permit farmers' markets to have frontage on and/or safe and convenient access to both principal and minor arterial roadways. Staff believes this will better accommodate farmers' markets in more urbanizing areas of the County where commercial areas are often accessed by roadways other than principal arterials. Additionally, as more mixed use communities develop and residential uses are integrated in areas that had been predominantly commercial in nature, staff believes that the customers will come increasingly to farmers' markets by means other than private vehicles, such as on foot and/or by bicycle This lessens the need for high capacity roadways to serve the use.

In staff's proposed change to Par. 3 of Sect. 8-810, temporary farmers' markets will be required to be located on a lot that has frontage on or safe and convenience access to any arterial street, including principal and minor arterials. The standards for temporary farmers' markets also include a requirement that the temporary special permit may only be issued when there is safe ingress and egress to the adjacent street. Under the current regulations, the Zoning Administrator uses these provisions in combination to determine that there is safe and convenient access to the principal arterial on which the lot fronts. With the proposed change, the Zoning Administrator can consider those farmers' market applications that have frontage on a minor arterial and/or for lots that have frontage on, but no access to, a principal arterial. Additionally, for consistency, staff proposes to change the text in Par. 3 that states the roadway classification definitions "set forth in the adopted comprehensive plan" to a reference of "Appendix 8 of the Zoning Ordinance", which is the section of the Zoning Ordinance that lists all arterial streets.

With regard to structures associated with a farmers' market, staff is proposing to change Par. 4 of Sect. 8-810 to state that temporary, fabric pop-up canopies are permitted in addition to canopies that may be attached to vehicles. Additionally, temporary portable shelving, hanging racks and the like would also be allowed. Structures of a more permanent nature continue to be prohibited. Farmers' market displays today typically include a pop-up canopy, along with bins or shelves of produce that are often placed on top of folding tables. Staff believes these kinds of structures are appropriate given how farmers' markets typically function.

Home Child Care Facility

Currently, the Zoning Ordinance provides that the maximum number of children who can be cared for in a "by right" home child care facility is 5 children in a multiple family/single family attached/mobile home dwelling unit or 7 children in a single family detached unit. Under the zoning provisions, the care provider's own children do not count toward these maximum

numbers of children. The current provisions provide that one non-resident assistant may work at the home child care facility during the hours of 7:00 AM and 6:00 PM, Monday through Friday. The Ordinance allows the Board of Zoning Appeals (BZA) or the Board of Supervisors (Board), for properties located in Planned Development District, to increase the number of children to 12 upon approval of a special permit or special exception. The BZA and Board can also approve a request to increase the number of non-resident assistant as part of a special permit or special exception application. There is, however, no current provision in the Zoning Ordinance that allows for a modification of the non-resident assistant's hours, regardless of the hours of operation for the facility.

Under the State's regulations for home child care facilities, ratio guidelines set forth the minimum number of adult caregivers to the number of children under care. In general, a provider-to-child ratio of 1:4 is required when the children are less than 16 months old; a ratio of 1:5 is required when the children are between 16 and 24 months old; and the ratio for two to four year olds is 1:8. Although the Zoning Ordinance does not include a child care provider's own children in the maximum number of children allowed, the State regulations do include those children for licensing purposes, which can make the impact of the ratios more restrictive. There have been multiple special permit and special exception applications in which the provider has requested to operate past 6:00 PM and/or during weekend hours. In a circumstance where the home child care facility is being sought by way of a special exception, the Board can modify the hours of attendance of a nonresident employee as the use limitations of Sect. 10-102 would be considered as additional standards; however, the BZA has no such authority under the special permit provisions. Because the BZA could not extend the hours of employment for the nonresident assistant, some applicant's request to extend the hours of operation have been denied or have been granted only when the number of children in care can be reduced to the State-mandated ratios by 6:00 PM, when the assistant must leave the facility.

Given diverse working hours related to jobs and businesses in the County, including medical care services, retail/entertainment/restaurant services, etc., coupled with long commuting times, the need for early morning/late evening/weekend child care is inherent in many working households. Staff believes that it is appropriate to allow the BZA to be able to consider a request to extend the work hours of a nonresident assistant as part of a special permit application, just as the Board can with a special exception. The BZA will have the ability to evaluate the potential for increased noise, light, headlight glare and traffic as well as the availability of parking. The changes are proposed to Sect. 8-305, which sets forth the use limitations for home child care facilities special permit.

Noise Standards Reference

A new Noise Ordinance has been drafted and a public hearing has been scheduled on May 12, 2015 for the Board to consider the proposed Ordinance. The chapter number of the proposed new Noise Ordinance is 108.1 of the County Code. The Zoning Ordinance, under Article 14, Performance Standards, makes reference to the Noise Ordinance under its current Chapter 108 designation. The proposed amendment changes the reference to the Noise Ordinance in Article 14 of the Zoning Ordinance to Chapter 108.1.

Metric Dimension

In 1992, the federal government enacted requirements to mandate that federally funded transportation project submissions must be calculated in metric units. The Virginia state government and Fairfax County subsequently adopted corresponding regulations to require a metric standard of measure on plans and submissions. In 1998, the federal government passed legislation suspending a requirement that submissions utilize metric measurements as a condition for receiving federal funding for transportation projects, and in 1999, both the Virginia General Assembly and Fairfax County reverted back to the English standard. Since that time, staff has become aware of a number of locations in the Zoning Ordinance where the metric standard of measure is still specified. This amendment deletes those references and converts them to the English equivalent. These changes are purely editorial in nature and correct several oversights from the 1999 amendment to revert from the metric to the English standard of measure.

Group Residential Facility

The definition of a group residential facility was modified in the Code of Virginia during the 2014 Virginia General Assembly, specifically under House Bill HB 527. The Code change clarified that a counselor in residence is not required. The new language now states that a group residential facility must include "one or more resident or nonresident staff persons." Accordingly, the definition of a group residential facility under the Zoning Ordinance is being amended to reflect this change. It is noted that staff has always interpreted that off-site counselors or staff are permitted for a group residential facility.

Conclusion

The proposed amendment represents changes that serve to clarify, codify and/or provide for slight modifications in current provisions regarding a number of Ordinance topics. There are no new uses or extensive modifications of existing provisions proposed by these changes. As such, staff recommends approval of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption.

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of June 2, 2015, 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, as other amendments may be adopted prior to action on this amendment. In the case of such an event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

Amend Article 2, General Regulations, Part 5, Qualifying Use, Structure Regulations, by amending Paragraphs 2B(2) and 2C(3)(b) of Sect. 2-514, Limitations on Mobile and Land Based Telecommunication Facilities, as follows:

Mobile and land based telecommunication facilities shall be permitted on any lot in the following zoning districts when such use is in accordance with the following limitations and when such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition which limits the number, type and location of antenna and/or related equipment structure. Further provided, however, such use shall be in substantial conformance with any proffered condition, development condition, special permit or special exception condition. In addition, such uses shall be subject to the requirements of Sect. 15.2-2232 of the Code of Virginia.

2. Antennas mounted on existing or replacement utility distribution and transmission poles (poles) and light/camera standards (standards), with related unmanned equipment cabinets and/or structures, shall be permitted in accordance with the following and may exceed the maximum building height limitations, subject to the following paragraphs:

B. The following antenna types shall be permitted subject to Paragraphs 2C through 2I below:

(2) Directional or panel antennas, not exceeding ~~six (6)~~ <u>eight and one-half (8½)</u> feet in height or two (2) feet in width.

C. The antennas listed in Par. 2B above shall be permitted as follows:

(3) In commercial or industrial districts; in commercial areas of PDH, PDC, PRC PRM, and PTC Districts; in districts zoned for multiple family dwellings and residentially developed with buildings that are greater than thirty-five (35) feet in height; in any zoning district on lots containing: Group 3 special permit uses, except home child care facilities and group housekeeping units, Group 4, 5 or 6 special permit uses, Category 1, 2, 3 or 4 special exception uses, or Category 5 special exception uses of country clubs, golf clubs, commercial golf courses, golf

driving ranges, miniature golf ancillary to golf driving ranges, baseball hitting and archery ranges, or kennels and veterinary hospitals ancillary to kennels; or in any zoning district on property owned or controlled by a public use or Fairfax County governmental unit, to include street right-of-ways, the following shall apply:

(b) Except for replacement light/camera standards identified in the following paragraph, the height of a replacement pole or standard, including antennas, shall not exceed 100 feet, provided however, if the height of the existing pole or standard exceeds 100 feet, the replacement pole or standard, including antennas, shall be no more than 15 feet higher. The diameter of a replacement pole or standard shall not exceed sixty (60) ~~forty-two (42)~~ inches.

The height of a new or replacement light/camera standard on the property used for athletic fields and owned or controlled by a public use or Fairfax County governmental unit, including antennas, shall not exceed 125 feet. The diameter of the light/camera standard shall not exceed sixty (60) ~~forty-two (42)~~ inches.

Amend Article 8, Special Permits, as follows:

- **Amend Part 3, Group 3 Institutional Uses, by amending Par. 1 of Sect. 8-305, Additional Standards for Home Child Care Facilities, to read as follows:**

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use and/or allow an expansion of the permitted hours of attendance of any such nonresident person beyond the hours permitted under Par. 6D of Sect. 10-103. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.

- **Amend Part 8, Group 8 Temporary Uses, by amending Paragraphs 3 and 4 of Sect. 8-810, Standards and Time Limits for Temporary Farmers' Markets, to read as follows:**

3. Such use shall be located on a lot having frontage on or safe and convenient access to a principal or minor arterial street as ~~defined in the adopted comprehensive plan~~ set forth in Appendix 8.

4. No ~~overnight~~ storage of vehicles, canopies, display items or produce shall be permitted when the market is not in operation.~~, and~~ Additionally, no structures shall be allowed, provided, however, that canopy tents, fabric canopies primarily attached to vehicles and temporary portable shelving, portable tables, bins, hanging racks and similar display items shall not be deemed structures.

Amend Article 10, Accessory Uses, Accessory Service Uses and Home Occupations, as follows:

- **Amend Part 1, Accessory Uses and Structures, Sect. 10-103, Use Limitations, by revising Par. 6.G. to read as follows:**

6.G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person or an extension of the hours of attendance of such nonresident person as ~~permitted~~ provided for under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.

Amend Article 14, Performance Standards, Part 7, Noise Standards, by revising Sect. 14-700 to read as follows:

No use, operation or activity shall cause or create noise in excess of the sound levels prescribed in Chapter 108.1 of The Code.

Amend Article 17, Site Plans, as follows:

- **Amend Part 1, General Requirements, Sect. 17-106, Required Information on Site Plans, by revising the lead-in paragraph and Paragraphs 2, 8 and 9 to read as follows:**

All site plans shall contain a cover sheet as prescribed by the Director and the following information, where applicable, unless the Director determines, based upon written justification submitted with the plan, that the information is unnecessary for a complete review of the site plan. Site plans shall also be prepared in accordance with the provisions of the Public Facilities Manual and shall be submitted in English ~~metric~~ measurements ~~of the English equivalent to metric measurements; provided, however, that in the event of any discrepancy between the English and metric measurements used to express any standard in this Ordinance, the English measure shall control~~, unless otherwise approved by the Director.

2. Site plans shall be prepared to a ~~metric scale of 1:500 or an English~~ scale of one inch equals fifty feet (1”=50’) or larger and all lettering shall be not less than ~~3mm in height if done in metric or~~ 1/10” in height ~~if done in English measurements~~. The sheet(s) shall be 24” by 36” and, if prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets adjoin.

8. ~~Horizontal dimensions shown on the site plan in metric shall be shown to the closet one-hundredth (0.01) meter. Survey data shall be shown to the closest one-thousandth (0.001) meter.~~ Horizontal dimensions shown on the site plan ~~in English measurements~~ shall be shown in feet and decimal fractions of a foot accurate to the closet one-hundredth of a foot (.00). All bearings in degrees,

minutes and seconds shall be shown to a minimum accuracy of ten (10) seconds.

9. Existing topography with a maximum contour interval of ~~one half (0.5) meter if done in metric and~~ two (2) foot ~~if done in English measurement~~, except that where existing ground is on a slope of less than two (2) percent, either ~~one-quarter (0.25) meter or~~ one (1) foot contour or spot elevations shall be provided where necessary, but no more than ~~fifteen (15) meters or~~ fifty (50) feet apart in both directions.

- **Amend Part 2, Required Improvements, Sect. 17-201, Improvements to be Provided, by revising the Paragraphs 3B and 7 to read as follows:**

3B. Adjacent to any minor arterial or collector street, a travel lane not less than 22 feet ~~6.60 meters, or the English equivalent,~~ in width shall be constructed to afford access to adjoining properties.

7. Installation of adequate 'No Parking' signs along travel lanes or service drives to prohibit parking on same. Such signs shall be located on each curbed side, no more than 50 feet ~~fifteen (15) meters, or the English equivalent,~~ apart.

Amend Article 18, Administration, Amendments, Violations and Penalties, Part 7, Residential and Non-Residential Use Permits, by revising Paragraphs 13 and 13A of Sect. 18-704, Minimum Requirements, to read as follows:

13. For single family detached dwelling units, five (5) copies of an as-built house location survey plat shall be submitted to the Zoning Administrator for review and approval within thirty (30) days of the issuance of the Residential Use Permit. Such plat shall be presented on a sheet having a maximum size of 8 ½" by 14", drawn to a designated scale of not less than one inch equals fifty feet (1" = 50')~~, or a metric scale of 1:500~~ or larger, unless a smaller scale is required to accommodate the development, with the scale clearly indicated. In all cases, the scale used on the as-built house location plat shall be the same as the scale of the approved house grading plan. Such plat, regardless of the area of the lot, shall be prepared in accordance with the rules and regulations adopted by the Commonwealth of Virginia, Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects (APELSLA), and shall also show the following:

A. The distance from all structures including any extensions from the vertical plane of the building, structure, or addition shown to the nearest one-tenth of a foot to all lot lines and any floodplain. ~~If metric units are used, their English equivalents shall be provided, with English measurements shown in parentheses.~~ For features which extend into the minimum required yard pursuant to Sect. 2-412, in addition to showing the distance of the feature to all lot lines, the plat shall also include the specific dimensions which qualifies the feature for the permitted extension.

Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 2, Definitions, by amending the entry for GROUP RESIDENTIAL FACILITY, to read as follows:

GROUP RESIDENTIAL FACILITY: A group home or other residential facility, with one or more resident ~~counselors or other~~ <u>or nonresident</u> staff persons, in which no more than: (a) eight (8) mentally ill, intellectually disabled or developmentally disabled persons reside and such home is licensed by the Virginia Department of Behavioral Health and Developmental Services; or (b) eight (8) intellectually disabled persons or eight (8) aged, infirm or disabled persons reside and such home is licensed by the Virginia Department of Social Services; or (c) eight (8) handicapped persons reside, with handicapped defined in accordance with the Federal Fair Housing Amendments Act of 1988. The terms handicapped, mental illness and developmental disability shall not include current illegal use or addiction to a controlled substance as defined in Sect. 54.1-3401 of the Code of Virginia or as defined in Sect. 102 of the Controlled Substance Act (21 U.S.C. 802).
For the purpose of this Ordinance, a group residential facility shall not be deemed a group housekeeping unit, or ASSISTED LIVING FACILITY and a dwelling unit or facility for more than four (4) persons who do not meet the criteria set forth above or for more than eight (8) handicapped, mentally ill, intellectually disabled or developmentally disabled persons shall be deemed a CONGREGATE LIVING FACILITY.

Board Agenda Item
June 2, 2015

ADMINISTRATIVE - 6

Authorization to Advertise Public Hearings on a Proposed Amendment to the Zoning Ordinance Re: Donation Drop-Off Boxes

ISSUE:
The proposed amendment is on the 2014 Priority 1 Zoning Ordinance Amendment Work Program and is in response to a Board request to consider adopting provisions to regulate donation drop-off boxes, which are unattended self-serve depositories for clothing, shoes, household textiles and other items that people are willing to donate. The amendment proposes to address the number, location and proper maintenance of these containers.

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

TIMING:
Board action is requested on June 2, 2015 to provide sufficient time to provide notice and advertisements for the proposed Planning Commission public hearing on July 8, 2015, at 8:15 p.m., and for the proposed Board of Supervisors' public hearing on October 6, 2015, at 4:00 p.m.

BACKGROUND:
The proposed amendment would define the term donation drop-off box and regulate them as an accessory use, subject to specific use limitations. Currently, a donation drop-off box is considered to be most similar to a freestanding accessory storage structure and, therefore, subject to the same location requirements as set forth in Par. 10 of Sect. 10-104, Location Regulations of the Zoning Ordinance. Given the number of donation drop-off boxes observed around the County and the complaints received regarding their location and maintenance issues, the Board requested staff to prepare a Zoning Ordinance Amendment to regulate such containers. In response, staff has prepared the attached amendment. Specifically, the amendment proposes to:

(1) Add a definition of a donation drop-off box to Article 20 of the Zoning Ordinance.

(2) Create a new Par. 34 in Sect. 10-102 of the Zoning Ordinance that provides standards and regulatory restrictions for donation drop-off boxes. These limitations include:

a) Restricting the permitted locations to property zoned C-5 through C-9 on lots at least 40,000 square feet in area, in any commercial area of a P district when shown on an approved development plan, in any R district lot with a non-residential principal use, or in conjunction with approval for another use by a special permit, special exception or proffered rezoning and only when shown on an approved development plan;
b) Limiting the number of donation drop-off boxes to two (2) per lot in an area not to exceed a total of 120 square feet and the size of each container to a maximum of 7 feet tall x 6 feet deep x 6 feet wide;
c) Prohibiting donation drop-off boxes in a minimum required front yard, required open space, landscaped areas, pedestrian and vehicular travel ways, and intersections;
d) Requiring that donation drop-off boxes be constructed of weather-proof, noncombustible materials and be maintained so donations are collected regularly and no items are left outside; and
e) Listing the following information on the exterior of the donation drop-off box: name and telephone number of the owner/operator, the items for collection, and a statement prohibiting liquids and dumping.

A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

REGULATORY IMPACT:
The proposed amendment establishes new regulations for donation drop-off boxes, restricting the number, size and location as well as imposing maintenance standards. Such regulations should assist with compliance efforts.

FISCAL IMPACT:
There may be an initial increase in staff resources devoted to enhanced enforcement efforts and outreach to property owners, but it is anticipated that these efforts can be accommodated with existing staff resources.

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

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Leslie Johnson, Zoning Administrator, DPZ
Heath Eddy, Senior Assistant to the Zoning Administrator, DPZ

ATTACHMENT 1

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center Building, Fairfax, Virginia, on June 2, 2015, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, donation drop-off boxes can provide opportunities for convenient donation of used clothing, shoes, and small household items; and

WHEREAS, these donation drop-off boxes also can attract the dumping of unwanted furniture and other junk items which may negatively affect neighborhood character due to the number, location and lack of maintenance; and

WHEREAS, the Zoning Ordinance does not clearly address donation drop-off boxes as a permitted use or specifically provide any limitations on such containers; and

WHEREAS, it may be appropriate to expressly permit such a use and reasonably limit it to certain residential, commercial and P District developments as an accessory use, subject to certain limitations; and

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

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

A Copy Teste:

_____

Catherine A. Chianese
Clerk to the Board of Supervisors

FAIRFAX COUNTY

V I R G I N I A

ATTACHMENT 2

STAFF REPORT

PROPOSED ZONING ORDINANCE AMENDMENT

Donation Drop-Off Boxes

PUBLIC HEARING DATES

Planning Commission July 8, 2015 at 8:15 p.m.

Board of Supervisors October 6, 2015 at 4:00 p.m.

PREPARED BY
FAIRFAX COUNTY DEPARTMENT OF PLANNING AND ZONING
703-324-8692

June 2, 2015

HE

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

STAFF COMMENT

The proposed amendment is on the 2014 Priority 1 Zoning Ordinance Amendment Work Program and is in response to a Board item adopted on April 9, 2013, to amend the Zoning Ordinance to regulate donation drop-off boxes. The Board expressed concern that while these donation boxes can provide opportunities for donations of used clothing, shoes and small household items, they also attract the dumping of unwanted furniture and other junk items, generating complaints of overflowing containers which often appear in undesirable locations. The purpose of the proposed amendment is to define these containers, to specify the conditions under which such a use may be permitted, and to provide a clear framework for enforcement.

Background

Donation drop-off boxes are collection containers of various designs, sizes and colors that are frequently placed in commercial parking lots, unused areas of roadways or any other highly visible location. They function as self-service depositories for unwanted clothing, shoes, household textiles and other items that people are willing to donate. Oftentimes they are found grouped together, with each box advertising a specific charity and soliciting for either a specific item or a variety of items. These boxes can become a nuisance and detract from a community's appearance when they are inappropriately located on a site, appear as a predominate feature on a lot, or function as a dumping ground.

Donation drop-off boxes are mainly found in highly visible locations in commercial areas and shopping centers so the public can easily donate unwanted items at their convenience. Many are located at the periphery of commercial parking lots in parking spaces that are infrequently used. When placed in parking spaces, the boxes may be located in required parking areas, thereby reducing the available parking to less than the number of spaces required by the Zoning Ordinance. Furthermore, the location of the boxes can be a concern because they may block adequate lines of sight and disrupt proper traffic circulation. Some are located in places that may not be appropriate. Boxes have been seen in residential areas and on vacant properties that can contribute to a negative community appearance. Finally, if improperly maintained the boxes become filled to capacity that results in donated items being left outside the box. Staff has observed that large household items, those too big to fit in the drop box opening, such as mattresses, are placed near the boxes creating a makeshift dumping site. Staff has also seen boxes made of materials that are not waterproof, lack durability, or are poorly maintained, creating an eyesore.

Current Zoning Ordinance Provisions

Donation drop-off boxes are not currently defined in the Zoning Ordinance. At the present time, they are regulated by interpretation and deemed to be most similar to accessory storage structures. As such, donation drop-off boxes are not permitted within a front yard, except on lots that contain greater than 36,000 square feet of land area. On all lots, donation drop-off boxes may not be placed within a minimum required front yard, which is typically 40 feet for commercial and industrial districts. Donation drop-off boxes that exceed 8½ feet in height cannot be located in any minimum required side yard or closer than a distance equal to its height to the rear lot line. Donation drop-off boxes that do not exceed 8½ feet in height may be located in any side or rear yard. Additional

regulations also apply. Donation drop-off boxes are permitted only in commercial and industrial districts as accessory to a principal commercial or industrial use. They are not permitted in any transitional screening yard, landscaped open space, required parking space, in the public right-of-way, or any location that would impede onsite circulation or access to the site. They are not permitted as the principal use on a lot.

Staff conducted research and outreach in preparation for this amendment. Staff met with representatives of Planet Aid, a local organization that uses donation drop-off boxes to collect used clothing and shoes. The collected items are then bundled and sold to processors who sort donations for resale or to be repurposed, with the result that all donations are reused and not thrown away. Planet Aid indicated that regulation of donation drop-off boxes would be a benefit to the industry as it would provide clear standards for maintenance and a means for local enforcement. Staff also received comments from the Secondary Materials and Recycled Textiles (SMART) Association, an international trade association dedicated to the recycling and reuse of textiles and related secondary materials. The association promotes a code of conduct for the use of clothing collection bins (or donation drop-off boxes), and advocates the benefits of donation drop-off boxes for the reduction of waste and promotion of recycling of clothing and other household items. SMART provided staff with a draft ordinance for consideration. They also noted that two federal courts have ruled that donation drop-off boxes are a form of charitable solicitation, which is protected as free speech under the First Amendment. As such, local and state governments may regulate donation drop-off boxes but must do so reasonably so as not to limit the recognized constitutionally protected rights of charitable organizations. Furthermore, staff reviewed regulatory approaches to donation drop-off boxes of various jurisdictions bordering or nearby to Fairfax County. The following table summarizes these approaches by other jurisdictions.

Location	***Regulation?***	***Method***	***Permit Required?***	***Enforcement***
Fairfax City	No			
Falls Church	Yes	Site Plan	No	Complaint basis
Alexandria	None specific to drop boxes	Compliance as sight distance obstructions	No	Complaint basis
Arlington County	None specific see above	Shall be shown on a Site Plan	No	Not specified
Loudoun County	No			
Prince William County	Yes	Treated as an accessory structure, with limitations	Yes	Complaint basis/ coordination with VDOT in right-of-way
Town of Herndon	No – banned	Deadline of 7/31/14 for removal; all donation drop-off boxes are prohibited	No	Complaint basis
Town of Vienna	No			
Gaithersburg, MD	Yes	Accessory structure	Yes – with sunset provision for existing non-permitted boxes	Complaint basis

Most recently, staff prepared a draft set of standards that were discussed with the Board's Development Process Committee (DPC) on February 3, 2015. With the input provided by Planet Aid, SMART, and the comments received at the DPC meeting, staff prepared this amendment to the Zoning Ordinance to permit donation drop-off boxes as an accessory use that would be subject to limitations. This amendment provides specific limitations with regard to the numbers, placement and maintenance of these containers. With the addition of these regulations, the Department of Code Compliance will have specific provisions for donation drop-off boxes that will assist staff in enforcement efforts. Note that the Zoning Ordinance does not deal with regulations in the public rights-of-way and the proposed amendment does not address donation drop-off boxes placed in a public street. Any enforcement on public roads is handled by VDOT, since public rights-of-way are owned and maintained by VDOT and therefore outside of County zoning jurisdiction. VDOT is responsible for removing donation drop-off boxes within the public right-of-way and have had them removed previously.

Proposed Amendment

The proposed amendment adds the term 'Donation Drop-off Box' in Article 20 and defines it as a fully enclosed storage container specifically intended for the collection and storage of donated household items. This new definition provides the necessary basis on which to distinguish these containers from other types of storage structures, such as sheds. The proposed regulations will treat donation drop-off boxes as a permitted accessory use under Section 10-102 of the Zoning Ordinance, with the following proposed use limitations:

Permitted in Limited Zoning Districts

The proposed amendment deems donation drop-off boxes as an accessory use, because they contribute to the comfort and convenience of visitors, shoppers, and others who frequent retail and community-oriented uses. In recognition that donation drop-off boxes are a form of protected speech, and in certain circumstances can be an appropriate use, the proposed amendment allows donation drop-off boxes as an accessory use subject to limitations that mitigate the negative impacts associated with this type of use.

Therefore, the proposed amendment permits donation drop-off boxes in the C-5 through C-9 Districts on lots that meet the minimum lot area requirement of 40,000 square feet. In addition, the proposed amendment allows donation drop-off boxes in commercial areas of P districts, provided that a principal use is already located on a given property and provided the donation drop-off box area is shown on an approved development plan.

Furthermore, in recognition that some nonresidential uses are permitted in districts other than those listed above, the proposed amendment allows for donation drop-off boxes to be placed on properties in residential districts where the principal use is not a dwelling. When such uses are subject to a special permit or a special exception approval, donation drop-off boxes may be permitted as a minor modification under Par. 4 of Sect. 8-004 for special permits or under Par. 4 of Sect. 9-004 for special exceptions. Finally, donation drop-off boxes may be permitted in conjunction with the approval of another special permit or special exception use or in conjunction with a rezoning, and only when the proposed donation drop-off box is shown on the approved development plan.

Number, Dimensions, and Locational Restrictions on Each Site

The proposed amendment establishes limits on where donation drop-off boxes can be located, how large they can be, and how many can be located on any given site. The proposed amendment limits the number of donation drop-off boxes on a property to two. This limitation is in response to concerns about situations where an excessive number of donation drop-off boxes were found on commercial properties, which leads to dumping of unwanted items. Staff has identified a number of locations that have 8-10 donation drop-off boxes lined up in parking areas.

As such, the proposed amendment limits the number allowed on an individual lot to two (2) donation drop-off boxes. No single donation drop-off box may exceed the dimensions of seven (7) feet in height, six (6) feet in width or six (6) feet in length. Based on surveys conducted by staff around the County, most of the existing donation drop-off boxes would comply with this size limitation.

Furthermore, several standards are proposed to address where donation drop-off boxes can be located on the site and require that they be located within a contiguous area of not more than 120 square feet in size. The proposed amendment allows these containers to be located in any yard except the minimum required front yard, and requires screening from view of any residential property.

The proposed amendment also seeks to ensure that donation drop-off boxes are situated on-site so as to avoid creating conflicts with pedestrians or vehicles or interfere with on-site circulation. The proposal also seeks to ensure that donation drop-off boxes are not located in any sight distance areas for site access as currently regulated by Sect. 2-505 of the Zoning Ordinance. The proposed amendment further restricts the location of donation drop-off boxes so as to preserve and protect required open space, transitional screening, landscaped areas, private streets, sidewalks or trails, and required parking. It is recognized that typically donation drop-off boxes are located in paved parking spaces. The proposed amendment allows donation drop-off boxes to locate in parking spaces only when the spaces are considered excess parking, meaning there are more parking spaces onsite than the minimum required under Article 11 of the Zoning Ordinance.

Construction, Maintenance, and Signage/Identification Requirements

In order to protect donated charitable items inside the donation drop-off boxes as well as prevent the deterioration of any donation drop-off box and its surroundings, staff proposes a minimum standard for maintenance and upkeep of these boxes. The proposed amendment provides that donation drop-off boxes shall be constructed of a weather-proof, noncombustible material and secured so as to prevent unauthorized access. In addition, there is a standard for collections such that the operator or owner of a donation drop-off box regularly manages the location of each container so as to avoid overflow, and to maintain the surrounding area so that unwanted refuse or illegal dumping is prevented.

In addition, there is a requirement to display the identity of the owner or operator of each donation drop-off box and their contact information, along with identification of the materials requested and prohibited. This requirement is to address problems concerning maintenance of the donation drop-

off box and its surroundings and to provide a means for direct contact for compliance purposes. In addition, the proposed amendment clearly establishes that a donation drop-off box shall not be utilized for unrelated commercial advertising.

Permitting/Licensing Questions

In reviewing the proposed amendment with the Board at the Development Process Committee meeting in February 2015, a permitting process for donation drop-off box approval was discussed. While the merits were considered, staff believes a permitting process would consume additional staff resources, and offers no significant advantages over the proposed amendment set forth herein. The proposed amendment is intended to create specific regulations and assist in enforcement efforts for this particular accessory use.

Conclusion

The proposed amendment recognizes the proliferation of donation drop-off boxes around the County and the unique nature of these uses. As such, the proposed amendment adds a new definition for donation drop-off boxes that distinguishes these containers from other accessory storage structures, while providing a reasonable regulatory framework for the number, location, and maintenance of donation drop-off boxes. Staff believes the proposed amendment strikes an appropriate balance between the convenience that donation drop-off boxes provide coupled with the positive benefits of charitable giving and the free speech protections associated with charitable uses, while also providing an effective basis for protection of local community character. Therefore, staff recommends approval of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption.

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of June 2, 2015 and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

Amend Article 10, Accessory Uses, Accessory Service Uses and Home Occupations, Part 1, Accessory Uses and Structures, Sect. 10-102, Permitted Accessory Uses, by adding new Par. 34 to read as follows:

34. Donation drop-off boxes, but subject to the following:

A. Donation drop-off boxes shall be permitted:

(1) In the C-5 through C-9 districts on a lot containing not less than 40,000 square feet;

(2) In the commercial area of a P district, when ancillary to the principal use and only when shown on an approved development plan;

(3) In the R district where the principal use of the development is not residential; or

(4) When the donation drop-off box is specifically identified on an approved development plan that is approved in conjunction with (i) an approval by the BZA of a special permit for another use or (ii) an approval by the Board of a proffered rezoning or a special exception for another use.

B. A maximum of two (2) donation drop-off boxes shall be permitted on any one (1) lot and shall be located within a contiguous area of not more than 120 square feet, with no individual drop-off box exceeding the dimensions of seven (7) feet in height, six (6) feet in width or six (6) feet in length.

C. Donation drop-off boxes shall be permitted in any yard except the minimum required front yard and shall be screened from view from the first-story window of any neighboring dwelling.

D. Donation drop-off boxes shall not be located in any required open space, transitional screening yard, landscaped area, on any private street, sidewalk or trail, in any required parking space, or in any location that blocks or interferes

with vehicular and/or pedestrian circulation. Donation drop-off boxes shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress, access to utility shut-off valves, and for fire protection. Such containers shall also be subject to the sight distance provisions of Sect. 2-505.

E. Donation drop-off boxes shall be weather-proof, constructed of painted metal, plastic, or other similarly noncombustible material, properly maintained in good repair and in a manner that complies with all applicable Building Code and Fire Code regulations, and secured from unauthorized access.

F. All donated items shall be collected and stored in the donation drop-off box. Items and materials including trash shall not be located outside or in proximity to a donation drop-off box for more than 24 hours and shall be removed by the property owner, operator of the donation drop-off box or a designated agent.

G. Donation drop-off boxes shall display the following information in a permanent and legible format that is clearly visible from the front of the container:

(1) The specific items and materials requested;

(2) The name of the operator or owner of the container;

(3) The entity responsible for the maintenance of the container and the removal of donated items, including any abandoned materials and trash located outside the donation drop-off box;

(4) A telephone number where the owner, operator or agent of the owner or operator may be reached at any time.

(5) A notice stating that no items or materials shall be left outside of the donation drop-off box and the statement, “Not for refuse disposal. Liquids are prohibited.”

Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, Definitions, Sect. 20-300, by adding a new definition in alphanumeric order to read as follows:

DONATION DROP-OFF BOX: Any portable outdoor container intended or used for the collection and storage of unwanted textile and household items such as clothing, toys, books, and shoes, which are removed from the container on a periodic basis. For purposes of this Ordinance, a donation drop-off box shall not be deemed to include a RECYCLING CENTER or SOLID WASTE COLLECTION FACILITY.

Board Agenda Item
June 2, 2015

ADMINISTRATIVE – 7

Extension of Review Period for 2232 Applications (Mason, Hunter Mill, and Providence 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: FSA-M05-39-1, FS-M14-47, FS-H15-7, FSA-P09-4-3, and 2232-M14-2.

TIMING:
Board action is required on June 2, 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:

FSA-M05-39-1	T-Mobile 7212 Early Street Annandale, VA Mason District Accepted March 10, 2015 Extend to August 7, 2015

Board Agenda Item
June 2, 2015

FS-M14-47	Verizon Wireless 5400 Shawnee Road Alexandria, VA Mason District Accepted March 13, 2015 Extend to August 10, 2015
FS-H15-7	Verizon Wireless 1720 Wiehle Avenue Reston, VA Hunter Mill District Accepted April 3, 2015 Extend to August 31, 2015
FSA-P09-4-3	Verizon Wireless 3300 Gallows Road Falls Church, VA Providence District Accepted April 21, 2015 Extend to September 18, 2015
2232-M14-2	New Cingular Wireless (AT&T) (120' Monopole) I-395 and Edsall Road (VDOT R-O-W) Alexandria, VA Mason District Accepted April 23, 2015 Extend to September 20, 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
June 2, 2015

ADMINISTRATIVE – 8

Streets into the Secondary System (Mount Vernon and Springfield Districts)

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

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

Subdivision	**District**	**Street**
Halley Farm	Mt. Vernon	Halley Farm Court
		Lukens Lane (Route 624) (Additional Right-of-Way (ROW) Only)
Laurel Hill Landbay D, Section 2	Mt. Vernon	Bluebonnet Drive
		Rhododendron Circle
		Rhododendron Court
		Crepe Myrtle Court
Ethel's Pond	Springfield	Ethel's Pond Court
		Westbrook Drive (Route 1258) (Additional ROW Only)

TIMING:
Routine.

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

Board Agenda Item
June 2, 2015

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Street Acceptance Forms

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
William D. Hicks, P.E., Director, Land Development Services, DPWES

Print Form

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: 24570-SD-001

SUBDIVISION PLAT NAME: Halley Farm

COUNTY MAGISTERIAL DISTRICT: Mount Vernon

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

BY: Nadia Alphonse

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 02/11/2015

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Halley Farm Court	CL Lukens Lane (Route 624) - 212' N CL Old Mill Road (Route 623)	243' W to End of Cul-de-Sac	0.05
Lukens Lane (Route 624) (Additional Right-of-Way Only)	57' N CL Old Mill Road (Route 623)	305' N to End of Dedication	0.0
		TOTALS:	0.05

NOTES:

Halley Farm Court: 4' Concrete Sidewalk on Both Sides to be maintained by Fairfax County.

Lukens Lane: 5' Concrete Sidewalk on West Side to be maintained by VDOT.

Print Form

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: 1183-SD-07

SUBDIVISION PLAT NAME: Laurel Hill Landbay D, Section 2

COUNTY MAGISTERIAL DISTRICT: Mount Vernon

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

BY: Nadia Alphonse

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 12/11/2014

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Bluebonnet Drive	Existing Bluebonnet Drive (Route 10430) - 119' SE CL Native Violate Drive (Route 10416)	1,816' SE to End of Cul-de-Sac	0.34
Rhododendron Circle	CL Bluebonnet Drive - 894' SE CL Native Violate Drive (Route 10416)	1,840' NE Loop to CL Bluebonnet Drive	0.35
Rhododendron Court	CL Rhododendron Circle - 1,137' NE CL Bluebonnet Drive	304' NE to End of Cul-de-Sac	0.06
Crepe Myrtle Court	CL Rhododendron Circle - 525' NE CL Bluebonnet Drive	229' E to End of Cul-de-Sac	0.04
		TOTALS:	0.79

NOTES:

Bluebonnet Drive: 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.
Rhododendron Circle: 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.
Rhododendron Court: 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.
Crepe Myrtle Court: 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.

Print Form

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA

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

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

BY: William N Pulley

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: 4606-SD-001

SUBDIVISION PLAT NAME: Ethel's Pond

COUNTY MAGISTERIAL DISTRICT: Springfield

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 12/17/2014

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Ethel's Pond Court	CL Westbrook Drive (Route 1258) - 413' W CL Lincoln Drive (Route 10197)	417' S to End of Cul-de-Sac	0.08
Westbrook Drive (Route 1258) (Additional Right-of-Way Only)	26' W CL Lincoln Drive (Route 10197)	434' W to End of Dedication	0.0
		TOTALS:	0.08

NOTES:

Ethel's Pond Court: 5' Concrete Sidewalk on East Side to be maintained by VDOT.

Westbrook Drive: 5' Concrete Sidewalk on South Side to be maintained by VDOT.

Board Agenda Item
June 2, 2015

ACTION - 1

Authorization of Fall 2015 Schools and Public Safety Bond Referendums

ISSUE:
The Board of Supervisors approval of (1) a Fairfax County Public Schools bond referendum totaling $310,000,000, as requested by the School Board and (2) a Fairfax County public safety bond referendum totaling $151,000,000; and (3) adoption of two resolutions requesting the Circuit Court to order special elections on the issuance of such bonds on November 3, 2015. A schedule of events is included as Attachment 1.

RECOMMENDATION:
The County Executive recommends that the Board:

1. Adopt the proposed resolution (Attachment 2) directing the County Attorney to petition the Circuit Court to schedule a school bond referendum on November 3, 2015; and

2. Adopt the proposed resolution (Attachment 3) directing the County Attorney to petition the Circuit Court to schedule a public safety bond referendum on November 3, 2015; and

3. Approve a list of public safety projects (Attachment 6) that may be funded with the 2015 public safety bond funds; and

4. Authorize the preparation and distribution of an informational pamphlet about the public safety bonds that is mailed to all County households.

TIMING:
Board authorization is requested on June 2, 2015, to direct the County Attorney to petition the Circuit Court to order the special election and to provide sufficient time for staff to prepare for the special election and provide information to the public. Attachment 1 is the proposed fall 2015 bond referendum schedule of events. Staff will return to the Board with an Administrative Item on September 22, 2015, for authorization to print and distribute an explanatory County bond referendum statement (known as the “Plain English Statement”).

BACKGROUND:
Board approval is sought to put two bond referendums totaling $461 million on the ballot on November 3, 2015. The Capital Improvement Program (CIP) contains a detailed

long-range bond referendum plan whereby each project was thoroughly reviewed by program area and prioritized accordingly. This plan was presented to the Board as part of the March 17, 2015 Budget Committee meeting on the CIP. This plan, including the proposed fall 2015 referendum was subsequently approved as part of the FY 2016 – FY 2020 Adopted Capital Improvement Program (with Future Fiscal Years to 2025) on April 21, 2015.

Fairfax County – Public Safety $151,000,000

For the Fire & Rescue Department, an amount of $51 million is recommended to renovate or replace five aging fire stations. These fire stations are all between 36 and 48 years old, and require the replacement of major building subsystems, such as HVAC and electrical systems, which have reached the end of their useful lives. In addition to the outdated major building systems, these stations do not meet the current operational requirements of the Fire and Rescue Department. The fire stations will be renovated to enable the Fire and Rescue Department to expand equipment bays to provide adequate space for apparatus and provide space for current station minimum staffing requirements, and enhance bunkrooms and locker facilities for male and female personnel. These five fire stations include: Merrifield, Reston, Penn Daw, Woodlawn, and Edsall.

For the Police Department, an amount of $100 million is recommended and includes funding for two police stations. The bond will provide for a new co-located police facility and Animal Shelter in the South County area. This is a critical need given the significant current and future population growth in the area. A new station will allow the department to organize smaller patrol areas and decrease response times throughout the County. Bond funds would provide for the renovation or replacement of the Franconia District Station. This station is over 20 years old, in need of building system replacements, and has reached its operational and personnel capacity limits for areas such as locker rooms, and crime scene processing.

In addition, bond funds are recommended for the construction, renovation, and expansion to three specialized operational facilities. The Heliport facility houses the County's two helicopters and faces limitations such as undersized bays, office, training and maintenance space, and a slope on the landing pad that causes problems in winter conditions. Bond funds would provide for either construction of a new building onsite, or an alternate site for the facility. The Operations Support Bureau is located at the former Pine Ridge Elementary School which was built in 1969. The site houses the Police Department's specialty units and the current layout creates inadequate space for operations and training and limited storage for specialty equipment. In addition, the Motorcycle Squad facility is currently in a temporary warehouse building. Bond funds would provide for the renovation and expansion of the existing facility on site. The Emergency Vehicle Operations and K9 Center were first built in 1995 as temporary

structures, and have limited space for staff training and locker rooms. The interior K9 training space is currently located in a separate shed structure. Bond funds would provide for a consolidated facility to accommodate both functions

Fairfax County Public Schools - $310,000,000

On May 7, 2015, the Fairfax County School Board approved a resolution for a School Referendum in the amount of $310,000,000 (Attachment 4). Details of the projects expected to be funded are included in Attachment 5. The School Board sizes the referendum to include the full cost of new construction and renovation projects with spending anticipated to occur over the course of a multi-year period.

It is important to note that while the project lists for both the public safety bonds and the school bonds represent the current proposals regarding what projects to fund, the ballot questions will be phrased more generally, to allow the Board flexibility as to precisely which projects to fund with the bond proceeds. The questions on the ballot will read exactly as stated in Section 1 of each of the attached Resolutions. Therefore, should circumstances change the scope of or the need for any of the listed projects, the Board may use the bond proceeds for similar projects, so long as the projects are within the uses described in the ballot question.

Public Information Materials

To help inform the public about the referendum, the Office of Public Affairs traditionally prepares and distributes an informational pamphlet that is mailed to all County households. The Board is asked to authorize the development and distribution of a pamphlet about the public safety referendum. This will apply to the Public Safety 2015 referendum only.

The pamphlet will describe the intended use for the bond funds, as well as offer information on bond financing, the cost of borrowing, the effect of borrowing on the tax rate, and other financial information.

Virginia law does not permit local governments to use the list of registered voters to provide information to voters on referendums, although it does permit parties and candidates to use the list. Therefore, the County will use a commercial mailing firm to deliver the pamphlet to all County households in October.

As in past years, the pamphlet will be translated into the most widely spoken non-English languages in the County, including Korean, Spanish, and Vietnamese. As required by Section 203 of the Voting Rights Act of 1965, as amended, and the 2011 designation of the Director of the Bureau of the Census, the County will provide all election information in Spanish as well as in English.

Both the English and non-English language versions of the pamphlet will be posted on

the County's Web site and distributed at County facilities. However, only the English language version of the pamphlet will be mailed to County households.

To inform the public, the Office of Public Affairs also will work with the Police Department and the Fire and Rescue Department. This includes providing information to the media, publishing information in print and electronic newsletters, outreach to residents, posting information online and using social media sites, including blogs, Twitter and Facebook.

FISCAL IMPACT:
The County bonds are expected to be sold according to actual cash requirements over the next several years. The School bond sales will be maintained in the annual amount of $155 million. Annual debt service payments associated with the School and Public Safety 2015 Bond Referendums have been incorporated into the County's long term debt ratio projections, and are referenced in the FY 2016 - FY 2020 Adopted Capital Improvement Program (With Future Years to FY 2025).

The Office of Public Affairs will pay for printing, translating, and mailing the informational pamphlet out of its existing budget.

ENCLOSED DOCUMENTS:
Attachment 1 – Schedule of Events
Attachment 2 – Board of Supervisors Resolution Requesting an Order for Election on the Issuance of Bonds in the amount of $310,000,000 for Schools
Attachment 3 – Board of Supervisors Resolution Requesting an Order for Election on the Issuance of Bonds in the amount of $151,000,000 for Public Safety
Attachment 4 – Resolution Adopted by the School Board on May 7, 2015 Requesting Bond Referendum
Attachment 5 – School 2015 Bond Referendum Project List
Attachment 6 – Public Safety 2015 Bond Referendum Project List

STAFF:
Edward L. Long, Jr., County Executive
James Patteson, Director, Department of Public Works and Environmental Services
Richard R. Bowers, Chief, Fairfax County Fire and Rescue Department
Edwin C. Roessler, Jr., Chief, Fairfax County Police Department
Tony Castrilli, Director, Office of Public Affairs
Erin C. Ward, Senior Assistant County Attorney, Office of the County Attorney
Martha Reed, Capital Coordinator, Department of Management and Budget
Joseph LaHait, Debt Coordinator, Department of Management and Budget

Attachment 1

Proposed Schedule of Events
Fall 2015 Bond Referendum – Schools and Public Safety

Date	Item
March 17, 2015	Budget Committee FY 2016-FY 2020 Capital Improvement Program
April 21, 2015	FY 2016 Budget Markup & Approval of the FY 2016-2020 Capital Improvement Program
April 28, 2015	Budget Adoption
May 7, 2015	Fairfax County School Board Adopts School Bond Referendum
June 2, 2015	Board of Supervisors Adopts Public Safety and School Bond Referendum Resolutions
June 12, 2015	Petitions filed with Fairfax County Circuit Court for Referendums on Public Safety and School Bond Issues
July 6, 2015 (est.)	Circuit Court orders Referendums on Bond Issues
September 22, 2015	Board of Supervisors Administrative Item on Explanatory Bond Referendum Statement for Public Safety Bonds (Plain Language Text)
September 19, 2015	Absentee ballots available (required 45 days prior to election)
October 2, 2015	Publication of notice of election
November 3, 2015	Election Day; referendum held
November 11, 2015 (est.)	Referendum results certified by the County Electoral Board by this date

Attachment 2

Resolution to Request the Fairfax County Circuit Court to Order an Election on the Question of Whether Fairfax County, Virginia, Should be Authorized to Contract a Debt, Borrow Money, and Issue Bonds in the Maximum Aggregate Principal Amount of $310,000,000 to Finance the Cost of School Improvements

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on June 2, 2015, at which meeting a quorum was present and voting, the following resolution was adopted by roll call:

WHEREAS, Virginia Code § 15.2-2640 provides that before the governing body of a county can adopt a resolution asking the circuit court to order an election on the question of contracting debt and issuing bonds for school purposes, the local school board must, by resolution, request the governing body of the county to take such action; and

WHEREAS, on May 7, 2015, the Fairfax County School Board (the "School Board") adopted a resolution requesting the Board of Supervisors of Fairfax County, Virginia, to adopt a resolution asking the Fairfax County Circuit Court to order an election on the question of contracting a debt, borrowing money, and issuing capital improvement bonds of Fairfax County, Virginia, in the maximum aggregate principal amount of $310,000,000 for the purposes of providing funds, in addition to funds from school bonds previously authorized, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system; and

WHEREAS, the School Board has provided a certified copy of that resolution to the Clerk of the Board of Supervisors; and

WHEREAS, the Board of Supervisors concurs in the determinations and the request of the School Board as set forth in its resolution; and

WHEREAS, Virginia Code §§ 15.2-2610, 15.2-2611, and 24.2-684 provide the Fairfax County Circuit Court with the authority to issue an order for the conduct of an election; now, therefore,

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

Section 1. That the Circuit Court of Fairfax County, Virginia, is hereby requested to order an election on November 3, 2015, on the question of whether Fairfax County, Virginia, should contract a debt, borrow money, and issue capital improvement bonds in the maximum aggregate principal amount of $310,000,000 for the purposes of providing funds, in addition to funds from school bonds previously authorized, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system.

Section 2. The County Attorney is hereby directed to provide the Fairfax County Circuit Court with certified copies of this resolution and the resolution of the School Board, which was adopted on May 7, 2015, and to petition the Fairfax County Circuit Court for an order to conduct such a referendum as a special election in conjunction with the general election on November 3, 2015.

Section 3. The members, officers, legal counsel, agents and employees of the Board, and the County are hereby authorized and directed to do all acts and things required of them

under Virginia law to ensure that the referendum will be held as a special election in conjunction with the general election on November 3, 2015.

Given under my hand on this _____ day of ___ 2015.

_____
Catherine A. Chianese
Clerk to the Board of Supervisors
County of Fairfax, Virginia

Attachment 3

Resolution To Request the Fairfax County Circuit Court to Order a Referendum on the Question of Whether Fairfax County, Virginia, Should be Authorized to Contract a Debt, Borrow Money, and Issue Bonds in the Maximum Aggregate Principal Amount of $151,000,000 to Finance the Cost of Public Safety Facilities

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on June 2, 2015, at which meeting a quorum was present and voting, the following resolution was adopted by roll call:

WHEREAS, the Board of Supervisors of Fairfax County, Virginia, has determined that bonds in the maximum aggregate principal amount not to exceed $151,000,000 should be issued to finance the cost of projects to provide public safety facilities, including the construction, reconstruction, enlargement, renovation and equipment of civil and criminal justice facilities, police training facilities and stations, fire and rescue training facilities and stations, including fire and rescue stations owned by volunteer organizations, and the acquisition of necessary land ("Public Safety Facilities"); and

WHEREAS, the Board of Supervisors has determined that the Public Safety Facilities cannot be provided for from current revenues; and

WHEREAS, the Board of Supervisors has determined that for the purpose of providing funds, with any other available funds, to finance, including reimbursement to the County for temporary financing for, the cost of Public Safety Facilities, Fairfax County should contract a debt, borrow money and issue bonds, in addition to the public safety facilities bonds previously authorized, in the maximum aggregate principal amount of $151,000,000; and

WHEREAS, Virginia Code §§ 15.2-2610, 15.2-2611, and 24.2-684 provide the Fairfax County Circuit Court with the authority to issue an order for the conduct of a referendum on the question of approving such bonds; now therefore,

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

Section 1. That the Circuit Court of Fairfax County, Virginia, is hereby requested to order an election on November 3, 2015, on the question of whether Fairfax County, Virginia, should contract a debt, borrow money, and issue capital improvement bonds in the maximum aggregate principal amount of $151,000,000 for the purposes of providing funds, in addition to funds from public safety facilities bonds previously authorized, to finance, including reimbursement to the County for temporary financing for, the costs of public safety facilities, including the construction, reconstruction, enlargement, renovation and equipment of civil and criminal justice facilities, police training facilities and stations, fire and rescue training facilities and stations, including fire and rescue stations owned by volunteer organizations, and the acquisition of necessary land.

Section 2. The County Attorney is hereby directed to provide the Fairfax County Circuit Court with certified copies of this resolution and to petition the Fairfax County Circuit Court for an order to conduct such a referendum as a special election in conjunction with the general election on November 3, 2015.

Section 3. The members, officers, legal counsel, agents and employees of the Board of Supervisors and Fairfax County are hereby authorized and directed to do all acts and things

required of them under Virginia law to ensure that the referendum will be held as a special election in conjunction with the general election on November 3, 2015.

Given under my hand on this _____ day of June 2015.

_____
Catherine A. Chianese
Clerk, Board of Supervisors

FAIRFAX COUNTY SCHOOL BOARD
BOND REFERENDUM RESOLUTION

May 7, 2015

RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, TO ASK THE CIRCUIT COURT FOR THE COUNTY TO ORDER AN ELECTION ON THE QUESTION OF CONTRACTING A DEBT, BORROWING MONEY AND ISSUING CAPITAL IMPROVEMENT BONDS OF THE COUNTY IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $310,000,000 FOR THE PURPOSES OF PROVIDING FUNDS, WITH ANY OTHER AVAILABLE FUNDS, TO FINANCE THE COSTS OF IMPROVEMENTS FOR THE SCHOOL SYSTEM.

WHEREAS, the Fairfax County School Board of Fairfax County, Virginia, has determined that certain school improvements should be financed including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system; and

WHEREAS, the School Board has determined that, for the purpose of providing funds to pay the cost of such public school improvements and the cost of such public school property, Fairfax County should contract a debt, borrow money and issue bonds in the aggregate principal amount of $310,000,000; and

BE IT RESOLVED by the School Board that:

Section 1. The Board of Supervisors of Fairfax County, Virginia, is hereby requested to ask the Circuit Court of Fairfax County, Virginia, to order an election on the question of contracting a debt, borrowing money, and issuing capital improvement bonds of Fairfax County, Virginia, in the maximum aggregate principal amount of $310,000,000 for the purposes of providing funds, in addition to funds from school bonds previously authorized, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system.

Section 2. The Board of Supervisors is hereby advised that it is the desire of the School Board that the proposed referendum be scheduled for November 3, 2015.

Section 3. The Clerk of the School Board is hereby authorized and directed to file two certified copies of this resolution with the Board of Supervisors of Fairfax County, Virginia.

DC1 3661183v.2

Given under my hand this ___ day of ____, 2015.

_____

Pamela Goddard
Clerk, Fairfax County School Board

(SEAL)

DC1 3661183v.2

Attachment 5

Fairfax County Public Schools Proposed
2015 School Bond Referendum

NEW CONSTRUCTION			
Northwest County ES (planning)		1,662,494	
Modular Building Relocations (3)		6,000,000	
	New Construction Subtotal:		**7,662,494**
CAPACITY ENHANCEMENT			
South Lakes High School Addition (construction)		13,359,385	
	Capacity Enhancement Subtotal:		**13,359,385**
RENOVATIONS			
Elementary School Renovation:			
Cherry Run	(construction)	19,391,516	
Waynewood	(construction)	21,416,487	
Stratford Landing	(construction)	24,524,543	
Newington Forest	(construction)	21,221,449	
Hollin Meadows	(construction)	22,258,061	
White Oaks	(construction)	21,799,997	
Annandale Terrace	(planning)	975,427	
Clearview	(planning)	997,299	
Silverbrook	(planning)	1,171,609	
	Elementary School Renovation Subtotal:		**133,756,388**
Middle School Renovation:			
Hughes	(planning)	3,727,188	
Cooper	(planning)	3,494,041	
	Middle School Renovation Subtotal:		**7,221,229**
High School Renovation:			
West Springfield	(construction)	89,000,000	
Herndon	(construction)	99,000,504	
	High School Renovation Subtotal:		**188,000,504**
	PROJECT SUBTOTAL:		**350,000,000**
	UNSPENT PROCEEDS FROM PRIOR BOND ISSUES:		**(42,500,000)**
	BOND COST:		**2,500,000**
	REFERENDUM TOTAL:		**310,000,000**

Attachment 6

Fall 2015 Bond Referendum

Category	Amount
Fire & Rescue	
Merrifield Fire Station	$8,000,000
Reston Fire Station	$13,000,000
Penn Daw Fire Station	$10,000,000
Woodlawn Fire Station	$10,000,000
Edsall Fire Station	10,000,000
Total Parks	**$51,000,000**
Police	
South County Police Station / Animal Shelter	$30,000,000
Heliport	13,000,000
Police Tactical Operations Facility (Pine Ridge)	24,000,000
Emergency Vehicle Operations Center & K9	10,000,000
Franconia Police Station	23,000,000
Total Public Safety	**$100,000,000**
Total Referendum	**$151,000,000**

Board Agenda Item
June 2, 2015

ACTION – 2

Approval of a Resolution to Authorize the Refunding of Fairfax County Sewer Revenue Bonds

ISSUE:
Board approval of a resolution to authorize the sale of Fairfax County Sewer Revenue Refunding Bonds.

RECOMMENDATION:
The County Executive recommends approval of the authorization of the sale of Sewer Revenue Refunding Bonds up to $266 million.

TIMING:
Board action is requested on June 2, 2015.

BACKGROUND:
In June 2009, Fairfax County issued $152,255,000 of Sewer Revenue Bonds (Series 2009) and in July 2012, Fairfax County issued $90,710,000 of Sewer Revenue Bonds (Series 2012). The Series 2009 and Series 2012 were backed by revenues collected by the County's Integrated Sewer System. The proceeds were primarily to be used to support the capital improvement projects, as required by the Commonwealth of Virginia, Department of Environmental Quality (DEQ), at certain wastewater treatment plants that provide wastewater capacity to the Integrated Sewer System.

In 2001 and 2002, the County obtained loans from the Virginia Water Facilities Revolving Fund administered by the Virginia Resources Authority (VRA) in the amounts of $40 million and $50 million, respectively, to pay its 60% share of the capital costs associated with certain improvements being made by Alexandria Renew Enterprises to its wastewater treatment plant in Alexandria, Virginia. Debt service on the VRA loans are also paid from revenues collected by the County's Integrated Sewer System.

Staff is presenting the Board with the necessary documents to authorize a potential refunding sale of the Series 2009, Series 2012, 2001 and 2002 VRA loans for the purpose of reducing debt service payments through lower interest rates. There is no extension of the original maturity date for any of the potential refunding candidates. Per the terms of the resolution, staff has the ability to pursue refunding opportunities through

December 31, 2015. The County employs a similar refunding strategy that provides flexibility for outstanding general obligation bonds with a resolution submitted to the Board on an annual basis.

FISCAL IMPACT:
Based on market conditions as of May 2015, a refunding bond sale of $129.1 million of the existing debt is estimated to generate a net present value savings of $5.2 million or 4% of the refunded bonds.

The Integrated Sewer System revenue bonds have held Aa1 rating from Moody's Investors Service, AAA rating from Standard and Poor's Corporation, and AAA rating from Fitch Ratings.

ENCLOSED DOCUMENT:
Attachment 1: Resolution of Approval
Attachment 2: Preliminary Official Statement
Attachment 3: Bond Purchase Agreement
Attachment 4: Continuing Disclosure Agreement
Attachment 5: Escrow Deposit Agreement

STAFF:
Edward L. Long, Jr., County Executive
Robert A. Stalzer, Jr. Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Randolph W. Bartlett, Deputy Director, DPWES
Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES
Joseph LaHait, Debt Coordinator, Department of Management and Budget

At a regular meeting of the Board Supervisors of Fairfax County, Virginia, held in the Board auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia on June 2, 2015, at which meeting a quorum was present and voting, the following resolution was adopted:

FAIRFAX COUNTY

Virginia

SERIES RESOLUTION

SERIES RESOLUTION SUPPLEMENTING THE GENERAL BOND RESOLUTION OF THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AUTHORIZING THE ISSUANCE OF SEWER REVENUE BONDS, TO PROVIDE FOR THE ISSUANCE OF AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $266,000,000 SEWER REVENUE REFUNDING BONDS, IN ONE OR MORE SERIES; DELEGATING TO THE CHAIRMAN AND VICE CHAIRMAN OF THE BOARD, THE COUNTY EXECUTIVE AND THE CHIEF FINANCIAL OFFICER OF THE COUNTY AUTHORITY TO DETERMINE CERTAIN DETAILS OF SUCH BONDS; DESIGNATING A PAYING AGENT AND BOND REGISTRAR AND DEPOSITARY FOR THE BONDS; APPROVING THE FORM AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FINAL OFFICIAL STATEMENT RELATING TO SUCH BONDS; APPROVING THE EXECUTION OF A BOND PURCHASE AGREEMENT RELATING TO THE PURCHASE OF SUCH BONDS; APPROVING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT; AND DIRECTING THE AUTHENTICATION AND DELIVERY OF SUCH BONDS.

WHEREAS, the Board of Supervisors (the "Board of Supervisors" or "Board") of Fairfax County, Virginia ("County"), has adopted a General Bond Resolution authorizing the issuance initially of not exceeding $179,000,000 Sewer Revenue Bonds and thereafter the

issuance of additional and refunding sewer revenue bonds (such Resolution as initially adopted on July 29, 1985, amended and restated on July 21, 1986, further amended on January 9, 1989, further amended and restated on June 26, 1989, further amended and restated on May 18, 2009 effective July 1, 2009, and as supplemented, herein called the "General Bond Resolution"); and

WHEREAS, the County has determined, based on the advice of its Financial Advisor and subject to favorable market conditions, that it is advantageous to the County to refund on their earliest redemption dates all, or a portion, of its outstanding Sewer Revenue Bonds, Series 2009 (the "2009 Bonds") stated to mature on or after July 15, 2020, that are subject to optional redemption by the County; and

WHEREAS, 2009 Bonds in the aggregate principal amount of $123,065,000 stated to mature on and after July 15, 2020 (the "2009 Refunding Candidates"), are subject to redemption at the option of the County on their July 15, 2019 redemption date at the redemption price of 100% thereof; and

WHEREAS, the County has determined, based on the advice of its Financial Advisor and subject to favorable market conditions, that it is advantageous to the County to refund on their earliest redemption dates all, or a portion of, its outstanding Sewer Revenue Bonds, Series 2012 (the "2012 Bonds") stated to mature on or after July 15, 2022, that are subject to optional redemption by the County; and

WHEREAS, 2012 Bonds in the aggregate principal amount of $75,345,000 stated to mature on and after July 15, 2022 (the "2012 Refunding Candidates" and together with the 2009 Refunding Candidates, the "Refunding Candidates"), are subject to redemption at the option of the County on their July 15, 2021 redemption date at the redemption price of 100% thereof; and

WHEREAS, the County in 2001 and 2002 issued Subordinate Obligations (the "VRA Bonds") under the General Bond Resolution to Virginia Resources Authority ("VRA") to evidence repayment loan received from VRA to pay a portion of capital improvements being made by Alexandria Renew Enterprises to its wastewater treatment plan; and

WHEREAS, the County has determined, based on the advice of its Financial Advisor and subject to favorable market conditions, that it is advantageous to the County to refund the VRA Bonds with bonds to be issued as Subordinate Obligations or to otherwise refinance the VRA Bonds with VRA; and

WHEREAS, the County has determined to provide for the issuance of a series of refunding bonds pursuant to Section 210 of the General Bond Resolution (the "2015A Refunding Bonds") for the purpose of providing funds, with any other available funds, for refunding all or any of the Refunding Candidates (the Refunding Candidates actually refunded, the "2015A Refunded Bonds"), including the payment of the redemption price thereon and interest that will accrue on the 2015A Refunded Bonds to their respective redemption dates and the expenses in connection with such refunding; and

WHEREAS, the County has determined to provide for the issuance of subordinate obligations pursuant to Section 507 of the General Bond Resolution (the "2015B Subordinate Refunding Bonds" and together with the 2015A Refunding Bonds, the "Refunding Bonds") for the purpose of providing funds, with any other available funds, for refunding all or any of the VRA Bonds (the "2015B Subordinate Refunded Bonds" and together with the 2015A Refunded Bonds, the "Refunded Bonds") or in the alternative to refinance the VRA Bonds with VRA; and

WHEREAS, the Board has determined to delegate, pursuant to the terms of this Series Resolution, to each of the Chairman and Vice Chairman of the Board and the County Executive and the Chief Financial Officer of the County (each a "Delegate") authority to make certain determinations for such obligations to be issued pursuant to this Series Resolution that are in the best interest of the County; and

WHEREAS, the Board has found and determined that the issuance and sale of the refunding bonds authorized hereby on the terms contemplated hereby are in the public interest and otherwise beneficial to the County; and

WHEREAS, Section 210 of the General Bond Resolution contemplates that the County will fix in this Series Resolution the aggregate principal amount of the refunding bonds and the details thereof and describe the indebtedness to be refunded; and

WHEREAS, the staff of the County has prepared a draft of the Preliminary Official Statement to be furnished for use in connection with a sale of the bonds authorized hereby upon the terms set forth therein and will prepare a final Official Statement to be furnished to the purchasers or underwriters of the bonds for their use in connection with a bona fide public offering of the bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AS FOLLOWS:

Section 1. Authorization of 2015A Refunding Bonds. Pursuant to Section 210 of the General Bond Resolution, Bonds of Fairfax County, Virginia, are hereby authorized to be issued as Current Interest Bonds, in one or more series, in an aggregate principal amount not to exceed $230,000,000 to provide funds, with any other available funds, for refunding the 2015A Refunded Bonds, including the payment of the redemption price thereon and interest that will accrue on such 2015A Refunded Bonds to their earliest respective redemption dates and the expenses in connection with such refunding. The refunding bonds authorized hereby shall be designated "Sewer Revenue Refunding Bonds, Series 2015[A]" (the "2015A Refunding Bonds"). The definitive 2015A Refunding Bonds shall be issuable as fully registered bonds without coupons, in the denominations of $5,000 and any whole multiple thereof, shall be dated, and shall be numbered from R-1 upwards. The 2015A Refunding Bonds will be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York, and immobilized in its custody.

All of the 2015A Refunding Bonds shall mature on July 15 of such year and in such principal amounts, and shall bear interest, payable on January 15 and July 15 of each year unless such different dates are determined pursuant to Sections 2(c) and (f) hereof.

Section 2. Authorization of 2015B Subordinate Refunding Bonds or Refinancing with VRA. Pursuant to Section 507 of the General Bond Resolution, Subordinate Indebtedness of Fairfax County, Virginia, in one or more series, in the aggregate principal amount of not to exceed $36,000,000 to provide funds, with any other available funds, for refunding the VRA Bonds, including the payment of the redemption price thereon and any interest that will accrue on the VRA Bonds to their earliest respective redemption dates and the expenses in connection with such refunding. The refunding bonds authorized hereby shall be designated "Sewer Revenue Refunding Subordinate Bonds, Series 2015[B]" (the "2015B Subordinate Refunding Bonds" and together with the 2015A Refunding Bonds, the "Refunding Bonds"). The definitive

2015B Subordinate Refunding Bonds shall be issuable as fully registered bonds without coupons, in the denominations of $5,000 and any whole multiple thereof, shall be dated, and shall be numbered from R-1 upwards. The 2015B Subordinate Refunding Bonds will be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York, and immobilized in its custody.

In the alternative subject to provisions of Sections 3 and 6 hereof each Delegate is hereby directed to determine to refinance the VRA Bonds with VRA and is authorized to take the necessary steps to effectuate such refinancing including, but not limited to, the execution and delivery of allonges to the VRA Bonds and amendments to financing agreements relating to the VRA Bonds.

Section 3. Delegation. The Board of Supervisors hereby delegates to each of the Delegates, the powers and duties to determine the following, such delegation to be effective only if the Board of Supervisors shall not then be in session (the Board not to be deemed in session if less than a quorum is present and voting):

(a) The aggregate principal amount of the 2015A Refunding Bonds, such amount not to exceed the lesser of (X) $230,000,000 and (Y) the amount required to fund a sufficient escrow to defease the 2015A Refunded Bonds in accordance with the General Bond Resolution and pay the costs of issuance of the 2015A Refunding Bonds and defeasing the 2015A Refunded Bonds;

(b) Subject to the provisions of Section 6 hereof, whether the VRA Bonds shall be refunded by 2015B Subordinate Refunding Bonds or shall be refinanced with VRA;

(c) If VRA Bonds shall be refunded by the 2015B Subordinate Refunding Bonds, the aggregate principal amount of the 2015B Subordinate Refunding Bonds, such amount not to exceed the lesser of (X) $36,000,000 and (Y) the amount required to defease the VRA Bonds in accordance with the General Bond Resolution and pay the costs of issuance of the 2015B Subordinate Refunding Bonds and defeasing the VRA Bonds;

(e) The respective annual maturity dates and any mandatory redemption dates of the 2015A Refunding Bonds, and the respective principal amounts of the 2015A Refunding Bonds to mature or be redeemed on such dates, provided that the final maturity date shall not be later than December 31, 2035;

(e) The respective annual maturity dates and any mandatory redemption dates of the 2015B Subordinate Refunding Bonds, and the respective principal amounts of the 2015B Subordinate Refunding Bonds to mature or be redeemed on such dates, provided that the final maturity date shall not be later than December 31, 2022;

(f) Subject to the provisions of Section 6 hereof, whether the Refunding Bonds shall be sold in a competitive sale process or in a negotiated sale to one or more underwriters;

(g) The dated date of the Refunding Bonds; provided, however, the bonds shall be dated their date of issue or as of a customary date preceding their date of issue;

(h) The Refunding Bonds shall be dated as of a customary date preceding their date of issue and shall bear interest from such dated date payable semi-annually thereafter, provided that the first interest payment date shall be not more than ten (10) months after the dated date of the Refunding Bonds;

(i) The semi-annual interest payment dates, or such other interest payment dates deemed applicable, for the bonds and the record date for the Refunding Bonds;

(j) The status of the Refunding Bonds as Serial Bonds or Term Bonds or a combination thereof, whichever is most likely to be best received by bidders for the Bonds;

(k) The amount to release from the Debt Service Subfund and Reserve Subfund, if any, as an additional source of funds to defease the 2015A Refunded Bonds; provided that the amount on deposit in the Reserve Subfund after such release shall not be less than the Reserve Subfund Requirement;

(l) The optional redemption provisions of the 2015A Refunding and the 2015B Subordinate Refunding Bonds, if applicable, provided that the Refunding Bonds shall be made subject to redemption at the option of the County on a date or dates and at the price of par plus accrued interest plus a redemption premium ("Redemption Premium") not in excess of three percent (3%), the first such date on which such a redemption may occur (the "First Redemption Date") to be no later than the eleventh (11th) anniversary of the dated date of the Bonds;

(m) The particular Escrow Securities (as defined in the Escrow Deposit Agreement hereinafter mentioned) and the form thereof and the terms of any related agreement with respect thereto that in his judgment will improve the efficiency of the Escrow Securities in defeasing the 2015A Refunded Bonds and the 2015B Subordinate Refunded Bonds, if applicable; and

(n) The particular Refunding Candidates or VRA Bonds to be refunded if less than all of the Refunding Candidates or VRA Bonds are selected to be refunded. Provided, however, that the present value of the debt service savings to be obtained from the refunding of the Refunded Bonds shall not be less than 3.0% of the principal amount of such Refunded Bonds.

Section 4. Designations. Pursuant to the General Bond Resolution, the County hereby appoints U.S. Bank National Association, Richmond, Virginia, as (i) Paying Agent and Bond Registrar for the Bonds, (ii) as Depositary for the Bonds and (iii) Escrow Agent under the Escrow Deposit Agreement.

Section 5. Redemption Provisions. (a) When the Refunding Bonds become subject to redemption as determined in accordance with Section 2(k), they may be redeemed prior to their respective maturities, at the option of the County, from any moneys that may be made available for such purpose other than moneys set aside in respect of the Sinking Fund Requirement, either in whole or in part on any date, at the applicable redemption prices expressed as a percentage of the principal amount of Refunding Bonds to be redeemed, together with the interest accrued thereon to the date fixed for redemption.

Any notice of optional redemption of the Refunding Bonds may state that it is conditioned upon there being available an amount of money sufficient to pay the redemption price plus interest accrued and unpaid to the redemption date, and any conditional notice so given may be rescinded at any time before the payment of the redemption price if any such condition so specified is not satisfied. If a redemption does not occur after a conditional notice is given due to an insufficient amount of funds on deposit by the County, the corresponding notice of redemption shall be deemed to be revoked.

If the County gives an unconditional notice of redemption, then on the redemption date the Refunding Bonds called for redemption will become due and payable. If the County gives a

conditional notice of redemption, and the amount of money to pay the redemption price of the affected Refunding Bonds shall have been set aside with the Trustee or a depositary (either, a "depositary") for the purpose of paying such Refunding Bonds, then on the redemption date the Refunding Bonds will become due and payable. In either case, if on the redemption date the County holds money to pay the Refunding Bonds called for redemption, thereafter no interest will accrue on those Refunding Bonds, and a bondholder's only right will be to receive payment of the redemption price upon surrender of those Refunding Bonds.

The County shall give notice as contemplated by Securities Exchange Act of 1934 Release No. 34-23856, dated December 3, 1986, including the requirement that notice be given to The Electronic Municipal Market Access ("EMMA") system administered by the Municipal Securities Rulemaking Board.

(b) In the event that any of the Refunding Bonds will be a Term Bond or Bonds, then the following provisions shall apply to such Term Bond or Bonds:

Any Term Bond or Bonds shall be called for redemption, in part, on July 15, or date determined pursuant to the delegation in Section 2 hereof, in such years and in the principal amounts equal to the respective Sinking Fund Requirements for such Term Bonds, which Sinking Fund Requirement shall correspond to the maturities of the Serial Bonds subsumed in such Term Bond or Bonds (less the principal amount of any Term Bond retired by purchase and otherwise subject to adjustment as herein provided in this Section) from moneys in the Debt Service Subfund at a redemption price equal to par plus accrued interest thereon to the date fixed for redemption.

Amounts accumulated for each Sinking Fund Requirement may be applied by the County prior to the giving of notice of redemption of the Refunding Bonds on account of such Sinking Fund Requirement to the purchase for cancellation of Refunding Bonds at a cost not exceeding the principal amount thereof plus accrued interest, and upon any such purchase, an amount equal to the principal amount thereof shall be credited toward the applicable Sinking Fund Requirement. The accrued interest on any Refunding Bonds so purchased shall be paid from moneys in the appropriate special account in the Debt Service Subfund established in respect of the interest accrued on the Refunding Bonds.

If at the close of any Principal Payment Date the total principal amount of the Term Bonds of any maturity of each series retired by purchase or redemption or called for redemption under the provisions of this Series Resolution prior to such Principal Payment Date shall be in excess of the total amount of the Sinking Fund Requirements for the Term Bonds of such maturity and Series on such Principal Payment Date, then, the total amount of the Sinking Fund Requirements for the Term Bonds of such maturity and series for all subsequent Principal Payment Dates shall be reduced by the amount of such excess. The amount of the reduction in the Sinking Fund Requirement for each such subsequent Principal Payment Date shall be specified in a certificate of a County Representative filed with the Clerk to the Board of Supervisors.

It shall be the duty of the Department of Finance of the County, on or before the 1st day of December, to compute the Sinking Fund Requirements for all subsequent Principal Payment Dates for the Term Bonds of each Series then Outstanding. The Sinking Fund Requirements for the next succeeding Principal Payment Date shall continue to be applicable and no further

adjustment shall be made therein by reason of Refunding Bonds purchased or redeemed prior to the next succeeding Principal Payment Date.

Any such redemption, either in whole or in part, shall be made in the manner and under the terms and conditions provided in the General Bond Resolution.

Section 6. Sale of the Refunding Bonds.

(a) Sale. The Refunding Bonds shall be offered in a negotiated sale or for competitive bidding to one or more underwriters on such dates as a Delegate determine in consultation with the County's Financial Advisor, such dates to be not later than December 31, 2015. Any refinancing of the VRA Bonds with VRA shall be effectuated on such dates determined by a Delegate and VRA.

(b) (i) Negotiated Sale Delegation. Each Delegate, is hereby authorized to sell the Refunding Bonds in a negotiated sale to one or more underwriters through the execution of a bond purchase agreement on one or more dates not later than December 31, 2015, subject to the following conditions: (A) the true interest cost of the Refunding Bonds sold shall not exceed 5.0%, (B) the underwriter(s) of the Refunding Bonds shall have been chosen pursuant to County guidelines and (C) the present value of the debt service savings, as calculated by the Financial Advisor, to be obtained from the issuance of the Refunding Bonds and the refunding of the Refunded Bonds is not less than 3.0% of the principal amount of the Refunded Bonds.

(ii) Competitive Sale Delegation. Each Delegate, is hereby authorized to accept the lowest bid (determined in accordance with the Notice of Sale (described herein)) for the Refunding Bonds, being offered for sale by the Board of Supervisors at competitive bidding on one or more dates not later than December 31, 2015, subject to the following conditions: (A) the Financial Advisor to the County shall have recommended that due to financial market conditions such a competitive sale best serves the interest of the County, (B) a Delegate shall have determined that the bid conforms in all material respects to the requirements of the Notice of Sale, (C) a Delegate shall have determined that the bid to be accepted is the lowest bid conforming to the terms of the Notice of Sale, (D) the Financial Advisor to the County shall have recommended that the lowest conforming bid be accepted, (E) the true interest cost of such bid shall not exceed 5.0% and (F) the present value of the debt service savings, as calculated by the Financial Advisor, to be obtained from the issuance of the Refunding Bonds and the refunding of the Refunded Bonds is not less than 3.0% of the principal amount of the Refunded Bonds.

In the event of a competitive sale the County the distribution of an Official Notice of Sale (the "Notice of Sale"), substantially in the form previously used for County bond sales, is hereby authorized. County staff is also authorized to take any actions necessary or appropriate for selling the Bonds in a competitive sale pursuant to bids received electronically via the PARITY Competitive Bidding System or similar electronic based competitive bidding system. The award of the Bonds as contemplated by Section 6(c)(ii) of this Series Resolution shall be conclusive evidence of the approval of the terms of the Notice of Sale.

(c) Bond Purchase Agreement. The form of Bond Purchase Agreement presented to this meeting providing for the purchase of the Refunding Bonds, is hereby approved and the Chairman or Vice Chairman of the Board or a Delegate, as appropriate, be, and they hereby are, authorized, directed and empowered to execute and deliver in the name and on behalf of the County a Bond Purchase Agreement in such form and containing substantially the terms and

provisions therein contained, with such additions and modifications as shall be approved by those executing a Bond Purchase Agreement, their execution thereof being conclusive evidence of such approval.

Section 7. Official Statement. A Preliminary Official Statement of the County relating to the Refunding Bonds shall be prepared, and the preparation and circulation thereof, the completion thereof with the results of the sale and the printing and delivery to the winning bidder or underwriter of a reasonable number of copies thereof as so completed (the "final Official Statement") are hereby approved and authorized, and the Chairman or Vice Chairman of the Board of Supervisors is hereby authorized and directed to execute and deliver the final Official Statement, both the Preliminary Official Statement and the final Official Statement to be in substantially the form of the draft Preliminary Official Statement presented at this meeting, with the changes contemplated hereby and such other changes as the Chairman or Vice Chairman may approve, his or her signature on the final Official Statement to be conclusive evidence of his or her approval thereof.

Section 8. Continuing Disclosure Agreement. The execution and delivery of a continuing disclosure agreement (the "Continuing Disclosure Agreement") is hereby authorized, said Continuing Disclosure Agreement to be substantially in the form presented at the meeting at which this Series Resolution is adopted, with such changes, insertions and omissions as may be approved by the Chairman or Vice Chairman of the Board of Supervisors, the County Executive or the Chief Financial Officer of the County, the execution of the Continuing Disclosure Agreement to be conclusive evidence of any such approval of any such changes, insertions and omissions therein.

Section 9. Manner of Execution of Bonds. The Refunding Bonds shall be executed with the facsimile signatures of the Chairman of the Board of Supervisors and the Clerk of the Board, and a facsimile of the official seal of the Board shall be imprinted on the Refunding Bonds. The Refunding Bonds shall be authenticated by the Bond Registrar for the Refunding Bonds, and shall be delivered to or for the account of the purchaser of the Refunding Bonds upon receipt of the purchase price of the Refunding Bonds.

Section 10. Escrow Deposit Agreement. The execution and delivery of an escrow deposit agreement (the "Escrow Deposit Agreement" between the County and U.S. Bank National Association, Richmond, Virginia which will act as escrow agent for the Refunding Bonds), is hereby authorized, said Escrow Deposit Agreement to be substantially in the form presented to this meeting, with such changes, insertions and omissions as may be approved by a Delegate, the execution of the Escrow Deposit Agreement by the Delegate to be conclusive evidence of any such approval of any changes, insertions and omissions therein.

Section 11. Application of Proceeds of Bonds. (a) The proceeds of the 2015A Refunding Bonds shall be deposited in accordance with the provisions of the General Bond Resolution as follows:

(1) the accrued interest on the 2015A Refunding Bonds shall be paid to the Depositary thereof for deposit to the Debt Service Subfund;

(2) an amount that taking into account the amount described in the following paragraph, together with the interest that shall accrue and the principal that shall mature on the Escrow Securities, if any, shall be sufficient to pay the principal of and redemption premium, if

any, and the interest on the 2015A Refunded Bonds to their redemption date shall be paid to the Escrow Agent, for deposit to the credit of the Escrow Fund, to be held in trust by such Escrow Agent for the sole and exclusive purpose of paying such principal, redemption premium and interest;

(3) to the credit of a separate account within the Revenue Subfund, the estimated amount of the cost of issuing such 2015A Refunding Bonds; and

(4) any balance of such proceeds shall be paid to the Depositary for deposit to the credit of the Debt Service Subfund.

In the event that after a valuation by the Depositary or the County, as appropriate, of the amounts to the credit of the Reserve Subfund or any other Subfund or account created pursuant to the General Bond Resolution, the Depositary determines that the balance of the credit of such Subfund or account exceeds the amount required to be on deposit therein on account of all Bonds and Parity Indebtedness outstanding after the issuance of the 2015A Refunding Bonds, such excess shall be paid to the Escrow Agent for deposit to the credit of the escrow for the 2015A Refunded Bonds or for any other purpose allowed by the General Bond Resolution.

(b) The proceeds of the 2015B Subordinate Refunding Bonds shall be deposited in accordance with the provisions of the General Bond Resolution as follows:

(1) the accrued interest on the 2015B Subordinate Refunding Bonds shall be paid to the Depositary thereof for deposit to the Subordinate Obligations Subfund;

(2) an amount that taking into account the amount described in the following paragraph, shall be sufficient to pay the principal of and redemption premium, if any, and the interest on the VRA Bonds to their redemption date shall be paid to VRA;

(3) to the credit of a separate account within the Subordinate Obligations Subfund, the estimated amount of the cost of issuing such 2015B Subordinate Refunding Bonds; and

(4) any balance of such proceeds shall be paid to the Depositary for deposit to the credit of the Subordinate Obligations Subfund.

Moneys deposited in each of the Subfunds shall be held in trust and disbursed in accordance with the General Bond Resolution.

Section 12. Tax Covenant. The County covenants that it will comply with the provisions of the Internal Revenue Code of 1986, as amended, to the extent necessary so that interest on the Refunding Bonds will remain excludable from gross income from existing Federal income tax to the same extent as it is excludable on the date of the issuance of the Refunding Bonds.

Section 13. Definitions. All terms not otherwise defined herein shall have the meanings ascribed thereto by the General Bond Resolution.

Section 14. Authority of Officers. The officers and agents of Fairfax County are hereby authorized and directed to do all the acts and things required of them by the bonds and by this resolution for the full, punctual and complete performance of all of the terms, covenants, provisions and agreements contained in the bonds and in this Series Resolution.

Section 15. Effectiveness. This Series Resolution shall take effect immediately upon its adoption. This Series Resolution shall also serve as a supplemental resolution to the General Resolution pursuant to Section 1101 of the General Resolution.

A Copy - Teste:

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

This Preliminary Official Statement and the information contained herein are subject to completion or amendment. Under no circumstances shall this Preliminary Official Statement constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale, of the 2015 [A] Bonds, in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of such jurisdiction.

PRELIMINARY OFFICIAL STATEMENT DATED _____ __, 2015

NEW ISSUE **RATINGS: Fitch .....“____”**
Moody’s .....“___”
Full Book-Entry **Standard & Poor’s.....“____”**

In the opinion of Bond Counsel, under current law and assuming continuing compliance with the certain tax covenants and requirements of the Internal Revenue Code of 1986, as amended, as described herein, interest on the 2015 [A] Bonds will not be includable in the gross income of the owners thereof for federal income tax purposes. Under existing law, the interest on the 2015 [A] Bonds is excluded from Virginia taxable income for purposes of the individual income tax and the income taxation of corporations by the Commonwealth of Virginia under Sections 58.1-322 and 58.1-402 of the Code of Virginia of 1950, as amended, to the extent that such interest is excludable from gross income for federal income tax purposes. See “TAX MATTERS” herein for further information.

$_____*

FAIRFAX COUNTY, VIRGINIA

SEWER REVENUE REFUNDING BONDS, SERIES 2015 [A]

Dated: Date of Delivery **Due: [July 15], as shown below**

Interest on the 2015 [A] Bonds will be payable on each [_____ __ and _____ __], commencing _____, 20__. The 2015 [A] Bonds will be issuable in denominations of $5,000 and any integral multiple thereof.

The 2015 [A] Bonds maturing after [_____, 20__], are subject to redemption prior to maturity as a whole or in part at any time on or after ____, 20__, at a redemption price equal to the principal amount thereof plus accrued interest.

The 2015 [A] Bonds are being issued to refund certain of the outstanding sewer revenue bonds issued by the County in 2009 and 2012 under the General Bond Resolution.

Payment of the principal of and redemption premium, if any, and the interest on the 2015 [A] Bonds is secured by a pledge of Gross Revenues derived by the County from the ownership and the operation of the County’s sewage collection, treatment and disposal systems (the “System”), after provision for payment of the operating expenses of the System. **The 2015 [A] Bonds shall not be deemed to constitute a pledge of the full faith and credit of the Commonwealth of Virginia (the “Commonwealth”) or of any political subdivision thereof, including the County. Neither the full faith and credit of the Commonwealth nor the full faith and credit of the County are pledged to the payment of the principal of or premium, if any, or interest on the 2015 [A] Bonds, and the issuance of the 2015 [A] Bonds shall not directly or indirectly or contingently obligate the Commonwealth or the County to levy any taxes whatever therefor or to make any appropriation for their payment except from the revenues and receipts provided for their payment under the Bond Resolution (defined herein).**

MATURITY DATES, PRINCIPAL AMOUNTS, INTEREST RATES AND PRICES/YIELDS

Maturity Date [(___ __)]	Principal Amount*	Interest Rate	Price or Yield	CUSIP†
[2016	$	%	%	
2017				
2018				
2019				
2020				
2021				
2022				
2023				
2024				
2025				
2026				
2027				
2028				
2029]				

† CUSIP® is a registered trademark of the American Bankers Association. The CUSIP numbers listed above are being provided solely for the convenience of bondholders only, and the County does not make any representation with respect to such numbers or undertake any responsibility for their accuracy.

The 2015 [A] Bonds are offered for delivery when, as and if issued, subject to the approving opinion of Sidley Austin LLP, Washington, D.C., Bond Counsel. Certain legal matters will be passed upon for the County by David P. Bobzien, Esquire, County Attorney, and for the Underwriters by _____. The 2015 [A] Bonds will be available for delivery in New York, New York, through the facilities of DTC on or about _____, 2015.

This cover page contains certain information for quick reference only. It is not a summary of this issue. Investors must read the entire Official Statement to obtain information essential to making an informed investment decision.

____ __, 2015

* Preliminary, subject to change.

Attachment 2

Fairfax County, Virginia

BOARD OF SUPERVISORS
Sharon Bulova, *Chairman*
Penelope A. Gross, *Vice Chairman*
John C. Cook
John W. Foust
Michael R. Frey
Patrick S. Herrity
Catherine M. Hudgins
Gerald W. Hyland
Jeffrey C. McKay
Linda Q. Smyth

COUNTY OFFICIALS
Edward L. Long Jr., *County Executive*
Robert A. Stalzer, *Deputy County Executive*
David P. Bobzien, *County Attorney*
David J. Molchany, *Deputy County Executive*
David M. Rohrer, *Deputy County Executive*
Patricia D. Harrison, *Deputy County Executive*
Christopher J. Pietsch, Director, *Department of Finance*
Susan W. Datta, *Chief Financial Officer*
James W. Patteson, P.E., *Director, Department of Public Works and Environmental Services*
Randolph W. Bartlett, P.E., *Deputy Public Works Director for Wastewater and Stormwater Management Programs*
Shahram Mohsenin, P.E., *Director, Wastewater Planning and Monitoring Division*
Jeffrey Kent, *Financial Manager, Wastewater Management Program*

FINANCIAL ADVISOR
Public Financial Management, Inc.
4350 North Fairfax Drive
Suite 580
Arlington, Virginia 22203-1547
(703) 741-0175

BOND COUNSEL
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8350

DEPOSITARY AND BOND REGISTRAR
U.S. Bank National Association
1021 E. Cary Street, Suite 1850
Richmond, Virginia 23219
(804) 771-7932

No person has been authorized by the County to give any information or to make any representations with respect to the County or the 2015 [A] Bonds other than those contained in this Official Statement, and, if given or made, such other information or representations may not be relied upon as having been authorized by the County. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the 2015 [A] Bonds by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. The information herein is subject to change without notice, and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the County since the date hereof. This Official Statement is not to be construed as a contract or agreement between the County and the purchasers or owners of any of the 2015 [A] Bonds. Any electronic reproduction of this Official Statement may contain computer generated errors or other deviations from the printed Official Statement. In any such case, the printed version controls.

Forward–Looking Statements. **Certain statements contained in this Official Statement that are not historical facts are forward looking statements, which are based on the County's beliefs, as well as assumptions made by, and information currently available to, its officers and personnel. Because the statements are based on expectations about future events and economic performance and are not statements of fact, actual results may differ materially from those projected. The words "anticipate," "assume," "estimate," "expect," "objective," "projection," "forecast," "goal," "budget," or similar words are intended to identify forward looking statements. The words or phrases "to date," "now," "currently," and the like are intended to mean as of the date of the Official Statement.**

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Attachment 2

OFFICIAL STATEMENT

FAIRFAX COUNTY, VIRGINIA

Regarding

$_____*
Sewer Revenue Refunding Bonds, Series 2015 [A]

INTRODUCTION

The purpose of this Official Statement, which includes the cover and inside cover pages and the appendices hereto, is to furnish information in connection with the sale by Fairfax County, Virginia (the "County"), of its $_____* Sewer Revenue Refunding Bonds, Series 2015 [A] (the "2015 [A] Bonds").

Authorization

The 2015 [A] Bonds will be issued pursuant to, and secured under, the General Bond Resolution adopted by the Board of Supervisors of Fairfax County (the "Board of Supervisors") on July 29, 1985, amended and restated on July 21, 1986, further amended on January 9, 1989, further amended and restated on June 26, 1989, and further amended and restated on May 18, 2009, effective July 1, 2009 (the "General Bond Resolution"). The General Bond Resolution, as supplemented by a Series Resolution adopted by the Board of Supervisors on _____, 2015 (the "2015 Series Resolution"), provides for the issuance of the 2015 [A] Bonds.

The General Bond Resolution, as supplemented, is hereinafter referred to as the "Bond Resolution." The General Bond Resolution was adopted pursuant to Article 3, Chapter 21, Title 15.2, Code of Virginia, 1950, as amended, and Chapter 26, Title 15.2, Code of Virginia, 1950, as amended (collectively, the "Act").

Capitalized terms used in this Official Statement and not otherwise defined herein have the meanings ascribed to such terms in Appendix C - "SUMMARY OF CERTAIN PROVISIONS OF THE GENERAL BOND RESOLUTION—Definitions of Certain Terms."

Purpose

The 2015 [A] Bonds are being issued to provide funds, with other available funds, to refund all or a portion of the County's outstanding Sewer Revenue Bonds, Series 2009 that mature on July 15, 20__, through July 15, 20__* (the "2009 Refunding Candidates") and Sewer Revenue Bonds, Series 2012 that mature on July 15, 20__, through July 15, 20__* (the "2012 Refunding Candidates" and together with the 2009 Refunding Candidates, the "Refunding Candidates"), which were issued and are outstanding under the General Bond Resolution. The purpose of the refunding is to achieve present value debt service savings. The County's decision whether to refund any given maturity of the Refunding Candidates is subject to prevailing market conditions at the time of the sale of the 2015 [A] Bonds. The County may refund only certain maturities of the Refunding Candidates if such refunding permits the County to meet certain savings targets. The 2009 Refunding Candidates, if any, that are refunded with proceeds of the Bonds are referred to as the "2009 Refunded Bonds" and the 2012 Refunding Candidates, if any, that are

* Preliminary, subject to change

refunded with proceeds of the Bonds are referred to as the "2012 Refunded Bonds" and together with the 2009 Refunded Bonds are referred to as the "Refunded Bonds." See "Refunding Plan."

Existing Indebtedness

Beginning in 1986, the County has issued several series of bonds under the General Bond Resolution for the benefit of the County's sewage collection, treatment and disposal systems (the "System"), including $104,000,000 Sewer Revenue Bonds, Series 1996 (the "1996 Bonds") issued to provide funds for (i) paying a portion of the costs of certain additions, extensions and improvements to the System, (ii) making a deposit to the Reserve Subfund, and (iii) paying the costs of issuing the 1996 Bonds. The County also issued $94,005,000 Sewer Revenue Refunding Bonds, Series 2004 (the "2004 Bonds") on October 14, 2004, to provide funds, with other available funds, to refund the $91,430,000 of the County's outstanding 1996 Bonds that were scheduled to mature on and after July 15, 2007. On June 17, 2009, the County issued $152,255,000 Sewer Revenue Bonds, Series 2009 (the "2009 Bonds") to provide funds to finance capital improvements for the benefit of the System as well as for the purchase of additional wastewater capacity for the benefit of the County. In addition, on August 8, 2012, the County issued $90,710,000 Sewer Revenue Bonds, Series 2012 (the "2012 Bonds") to provide funds, for paying a portion of capital improvement costs allocable to the County at certain wastewater treatment facilities that are owned by, or that provide service to, the County, which are required by the Commonwealth of Virginia Department of Environmental Quality to reduce total nitrogen discharge to required limits, the purchase of additional capacity at certain wastewater treatment facilities for the benefit of the County and the costs of certain additions, extensions and improvements to the County's sewage collection, treatment and disposal systems. On April 16, 2014 the County issued $61,755,000 Sewer Revenue Refunding Bonds, Series 2014 (the "2014 Bonds") to refund the 2004 Bonds that matured on or after July 15, 2015.

The outstanding 2009 Bonds, 2012 Bonds, 2014 Bonds, the 2015 [A] Bonds and any Additional Bonds and any Refunding Bonds issued on a parity under the General Bond Resolution are herein referred to as "Bonds." As of June 30, 2015, there will be outstanding under the General Bond Resolution, $142,220,000 aggregate principal amount of 2009 Bonds, $89,270,000 aggregate principal amount of 2012 Bonds, $61,755,000 aggregate principal amount of 2014 Bonds and certain other Subordinate Indebtedness. As of the date of issuance of the 2015 [A] Bonds, the 2009 Bonds, the 2012 Bonds, the 2014 Bonds and the 2015 [A] Bonds will be the only Bonds outstanding under the General Bond Resolution. See "THE SYSTEM—Sewer Revenue Bonds, Debt Service Payments and Other Debt Obligations."

The County may also incur additional "Parity Indebtedness," payable on a parity with, and "Subordinate Obligations," payable on a subordinated basis to, its Bonds. Any Parity Indebtedness would be payable on a parity with Bonds from Gross Revenues after provision for Operating Expenses but has no claim on the Reserve Subfund established for Bonds. See "DEBT SERVICE REQUIREMENTS" and "THE SYSTEM—Sewer Revenue Bonds, Debt Service Payments, and Other Debt Obligations." See also "SECURITY FOR AND SOURCES OF PAYMENT OF THE 2015 [A] BONDS—Additional Parity Debt" and "—Subordinate Obligations" and APPENDIX C - "SUMMARY OF CERTAIN PROVISIONS OF THE GENERAL BOND RESOLUTION—Additional Indebtedness."

Refunding Plan

The County will use the proceeds of the 2015 [A] Bonds to pay certain costs in connection with the issuance of the 2015 [A] Bonds and to provide for the redemption of the Refunded Bonds by depositing with U.S. Bank National Association, Richmond, Virginia, as escrow agent, pursuant to an escrow deposit agreement, cash and non-callable, direct obligations of the United States of America, the maturing principal of and interest on which, together with such cash, will be sufficient to pay all principal,

applicable redemption premium, and interest on the Refunded Bonds to their redemption date. The 2009 Refunded Bonds will be called for redemption on their [July 15, 2019] redemption date at the redemption price of 100% of their principal amount and the 2012 Refunded Bonds will be called for redemption on their [July 15, 2021] redemption date at the redemption price of 100% of their principal amount. The sufficiency of the cash and securities deposited with the escrow agent to pay the principal of and interest on the Refunded Bonds will be verified by Robert Thomas CPA, LLC, Shawnee Mission, Kansas. Set forth below are the Refunded Bonds and their original CUSIP numbers.

Refunding Candidates*

Refunded Bonds	Maturities	Amount	Redemption Date	Redemption Price	CUSIP Number†
2009 Bonds	July 15, 20__	$	July 15, 2019	100%	303867
	July 15, 20__		July 15, 2019	100	303867
	July 15, 20__		July 15, 2019	100	303867
	July 15, 20__		July 15, 2019	100	303867
	July 15, 20__		July 15, 2019	100	303867
	July 15, 20__		July 15, 2019	100	303867
	July 15, 20__		July 15, 2019	100	303867
	July 15, 20__		July 15, 2019	100	303867
	July 15, 20__		July 15, 2019	100	303867
	July 15, 20__		July 15, 2019	100	303867
2012 Bonds	July 15, 20__		July 15, 2021	100	303867
	July 15, 20__		July 15, 2021	100	303867
	July 15, 20__		July 15, 2021	100	303867
	July 15, 20__		July 15, 2021	100	303867
	July 15, 20__		July 15, 2021	100	303867
	July 15, 20__		July 15, 2021	100	303867
	July 15, 20__		July 15, 2021	100	303867
	July 15, 20__		July 15, 2021	100	303867
	July 15, 20__		July 15, 2021	100	303867
	July 15, 20__		July 15, 2021	100	303867

† CUSIP® is a registered trademark of the American Bankers Association. The CUSIP numbers listed above are being provided solely for the convenience of bondholders only, and the County does not make any representation with respect to such numbers or undertake any responsibility for their accuracy. The CUSIP numbers are subject to being changed after the issuance of the 2015 [A] Bonds.

* Preliminary, subject to change

SOURCES AND USES OF FUNDS

The estimated sources and uses of the proceeds of the 2015 [A] Bonds are set forth below.

Sources	
Par Amount of 2015 [A] Bonds	$
Net Offering Premium/Discount	
[Release from Debt Service Subfund/Reserve Subfund]	
Total Sources	$

Uses	
Deposit in Escrow Account	$
Underwriters' Discount	
Issuance Expenses	
Total Uses	$

DESCRIPTION OF THE 2015 [A] BONDS

General

The 2015 [A] Bonds will be dated their date of delivery, will be issued in the respective aggregate principal amounts and will bear interest at the rates and will mature on _____, in the years and in the principal amounts as set forth on the cover page of this Official Statement. U.S. Bank National Association will act as Bond Registrar for the 2015 [A] Bonds.

Interest on the 2015 [A] Bonds will be payable on each _____ ___ and _____ __, commencing _____ __, 20__. The 2015 [A] Bonds will be issuable in denominations of $5,000 and any integral multiple thereof under the book-entry system of The Depository Trust Company, and principal and interest on the 2015 [A] Bonds will be payable, in the manner described below under "Book-Entry-Only System."

Book-Entry-Only System

The description which follows of the procedures and recordkeeping with respect to beneficial ownership interests in the 2015 A Bonds, payments of principal of and interest on the 2015 A Bonds to The Depository Trust Company, New York, New York ("DTC"), its nominee, Direct Participants (as defined below) or Beneficial Owners (as defined below), confirmation and transfer of beneficial ownership interests in the 2015 [A] Bonds and other bond-related transactions by and between DTC, the Direct Participants and Beneficial Owners is based solely on information furnished by DTC.

The Depository Trust Company ("DTC"), New York, New York, will act as securities depository for the 2015 [A] Bonds. The 2015 [A] Bonds will be issued as fully registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully registered 2015 Bond certificate will be issued for each maturity of 2015 [A] Bonds, each in the aggregate principal amount of such quantity of 2015 [A] Bonds.

DTC, the world's largest depository, is a limited purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A

of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). DTC has a Standard & Poor's rating of AA+. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com.

Purchases of the 2015 [A] Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the 2015 [A] Bonds on DTC's records. The ownership interest of each actual purchaser of the 2015 [A] Bonds ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interest in the 2015 [A] Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive bond certificates representing their ownership interests in the 2015 [A] Bonds, except in the event that use of the book entry system for the 2015 [A] Bonds is discontinued.

To facilitate subsequent transfers, all 2015 [A] Bonds deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of the 2015 [A] Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the 2015 [A] Bonds; DTC's records reflect only the identity of the Direct Participants to whose accounts such 2015 [A] Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of 2015 [A] Bonds may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the 2015 [A] Bonds, such as redemptions, tenders, defaults, and proposed amendments to the 2015 Bond documents. For example, Beneficial Owners of the 2015 [A] Bonds may wish to ascertain that the nominee holding the 2015 [A] Bonds for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the registrar and request that copies of notices be provided directly to them.

Redemption notices shall be sent to DTC. If less than all of the 2015 [A] Bonds within an issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to the 2015 [A] Bonds unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the County as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the 2015 [A] Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal, premium, if any, and interest payments on the 2015 [A] Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detailed information from the County or Depositary (defined herein) or the Trustee, on a payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC or the County or Depositary, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of principal, premium, if any, and interest payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC), is the responsibility of the County or Depositary, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners shall be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as depository with respect to the 2015 [A] Bonds at any time by giving reasonable notice to the County or Depositary. Under such circumstances, in the event that a successor depository is not obtained, certificates for the 2015 [A] Bonds are required to be printed and delivered.

The County may decide to discontinue use of the system of book-entry transfers through DTC (or a successor securities depository). In that event, certificates for the 2015 [A] Bonds will be printed and delivered.

The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the County believes to be reliable, but the County takes no responsibility for the accuracy thereof.

The County may enter into amendments to the agreement with DTC, or successor agreements with a successor securities depository, relating to the book-entry system to be maintained with respect to the 2015 [A] Bonds without the consent of Beneficial Owners.

Redemption Provisions

Optional Redemption

The 2015 [A] Bonds that mature on or before ____, 20__*, are not subject to redemption before maturity. The 2015 [A] Bonds that mature after ____ __, 20__*, may be redeemed, at the option of the County, before their respective maturities on any date not earlier than ____ __, 20__, as a whole or in part

* Preliminary, subject to change

(in integral multiples of $5,000), upon payment of the redemption price of the principal amount thereof plus accrued interest to the redemption date.

Selection of 2015 [A] Bonds for Redemption

The 2015 [A] Bonds shall be redeemed only in denominations of $5,000 and in whole multiples of $5,000. In selecting 2015 [A] Bonds for redemption, the County shall treat each 2015 Bond as representing the number of 2015 [A] Bonds that is obtained by dividing the principal amount of such 2015 Bond by $5,000. If less than all of the 2015 [A] Bonds of any maturity shall be called for redemption, the particular 2015 [A] Bonds or portions thereof to be redeemed shall be selected by the County by such method as the County in its sole discretion deems fair and appropriate.

Notice of Redemption

Each notice of redemption of 2015 [A] Bonds shall set forth the 2015 [A] Bonds or portions thereof to be redeemed, the date fixed for redemption, the Redemption Price to be paid, and, if less than all the 2015 [A] Bonds shall be called for redemption, the maturities of the 2015 [A] Bonds to be redeemed. If less than all of the 2015 [A] Bonds of any one maturity then outstanding shall be called for redemption, such notice shall also set forth the distinctive numbers and letters, if any, of such 2015 [A] Bonds to be redeemed and, in the case of 2015 [A] Bonds to be redeemed in part only, the portion of the principal amount thereof to be redeemed. If any 2015 [A] Bond is to be redeemed in part only, the notice of redemption shall state also that on or after the redemption date, upon surrender of such 2015 [A] Bond, a new 2015 [A] Bond in principal amount equal to the unredeemed portion of such 2015 [A] Bond and of the same maturity will be issued.

Such notice shall be given by mail at least 30 days prior to the date fixed for redemption to the owners of 2015 [A] Bonds to be redeemed; provided, however, that any defect in such notice or the failure to mail such notice to any owner owning any 2015 [A] Bonds to be redeemed shall not affect the validity of the proceedings for the redemption of any other 2015 [A] Bonds.

Any notice of optional redemption of the 2015 [A] Bonds may state that it is conditioned upon there being available on the redemption date an amount of money sufficient to pay the redemption price plus interest accrued and unpaid to the redemption date, and any conditional notice so given may be rescinded at any time before the payment of the redemption price of any such condition so specified is not satisfied. If a redemption does not occur after a conditional notice is given due to an insufficient amount of funds on deposit by the County, the corresponding notice of redemption shall be deemed to be revoked.

SECURITY FOR AND SOURCES OF PAYMENT OF THE 2015 [A] BONDS

Pledge by Bond Resolution

The 2015 [A] Bonds, the 2014 Bonds, the 2012 Bonds, the 2009 Bonds and any Additional Bonds and Refunding Bonds issued, and any Parity Indebtedness incurred, under the General Bond Resolution will be secured as to the payment of the principal thereof and redemption premium, if any, and the interest thereon by a pledge of the Gross Revenues derived by the County from the ownership and operation of the System, subject to the prior provision for the payment of the Operating Expenses of the System ("Net Revenues"), as provided in the Bond Resolution. See Appendix C - "SUMMARY OF CERTAIN PROVISIONS OF THE GENERAL BOND RESOLUTION - Definitions of Certain Terms" and "- Collection and Disposition of Revenues."

The 2015 [A] Bonds shall not be deemed to constitute a pledge of the full faith and credit of the Commonwealth of Virginia (the "Commonwealth") or of any political subdivision thereof, including the County. Neither the full faith and credit of the Commonwealth nor the full faith and credit of the County are pledged to the payment of the principal of or premium, if any, or interest on the 2015 [A] Bonds, and the issuance of the 2015 [A] Bonds shall not directly or indirectly or contingently obligate the Commonwealth or the County to levy any taxes whatever therefor or to make any appropriation for their payment except from the revenues and receipts provided for their payment under the Bond Resolution.

Flow of Funds

The County has established, under the Bond Resolution, the following subfunds and accounts within the Integrated Sewer System Fund of the County, to be held either by the County or by a Depositary, currently U.S. Bank National Association, Richmond, Virginia, for the application of proceeds of Additional Bonds and the application of Gross Revenues:

Subfunds	Held By
Construction Subfund	County
Revenue Subfund	County
Debt Service Subfund	
Bond Interest and Principal Accounts	Depositary
Accounts for Parity Debt Service Components	County
Reserve Subfund	Depositary
Subordinate Obligations Subfund	County
Extension and Improvement Subfund	County

Pursuant to the Bond Resolution, all Gross Revenues received by the County are to be deposited in the Revenue Subfund. The money to the credit of the Revenue Subfund following the withdrawal of money from such Subfund and the payment of Operating Expenses and the application of such money, as described herein, may be used by the County for any lawful purpose of the System. After an amount equal to the Operating Expenses (excluding expenses for extraordinary repairs or maintenance) due and payable in such month has been paid or set aside for payment, amounts in the Revenue Subfund are to be deposited on or before the 25th day of each month (a "Deposit Day"), except as described below, in the following subfunds and accounts in the following order:

First, to the Debt Service Subfund, including the 2009, 2012, 2014 and 2015 Interest and Principal Accounts, or, in the case of Parity Indebtedness, to the credit of a special account in the Debt Service Subfund, after first taking into account any accrued interest deposited from the proceeds of any Bonds and any transfers from the Construction Subfund pursuant to the Bond Resolution, the sum of (i) so much of the Interest Requirement for the Bonds as would accrue during such month, (ii) so much of the Principal Requirement for such Bonds as would accrue during such month, and (iii) such amount of the Debt Service Requirements for Parity Indebtedness as the Chief Financial Officer determines is necessary to accrue in equal monthly installments to ensure the sufficiency of deposits to make timely payment of any Parity Indebtedness.

Second, to the Reserve Subfund, beginning on the Deposit Day of the month next succeeding the month in which an amount is transferred from the Reserve Subfund to the Debt Service Subfund to cure a deficiency therein pursuant to the terms of the Bond Resolution, an amount that, taking into account any gain or loss in a subsequent valuation and together with investment income credited to such Subfund during such month, is equal to one thirty-fifth (1/35th) of the amount or amounts so transferred until the

amount then on deposit in the Reserve Subfund is equal to the current Reserve Subfund Requirement for the Bonds secured thereby.

Third, to the Subordinate Obligations Subfund, an amount that, together with funds then held to the credit of the Subordinate Obligations Subfund, will make the total amount then to the credit of the Subordinate Obligations Subfund equal to the entire aggregate amount of the Subordinate Obligations due and payable prior to the Deposit Day of the next succeeding month.

Fourth, to the Extension and Improvement Subfund, an amount that, together with funds then held to the credit of the Extension and Improvement Subfund, will make the total amount then to the credit of the Extension and Improvement Subfund equal to the amount, if any, budgeted for expenditure therefrom by the County in its Annual Budget.

The payments and deposits so required are to be cumulative, and the amount of any deficiency in any month is to be added to the amount otherwise required to be paid or deposited in each month thereafter until such time as such deficiency has been made up. Notwithstanding the foregoing clauses *First, Second* and *Third,* if there is to the credit of any of such Subfunds on a Deposit Day the amount required to be on deposit to the credit of such Subfund on the next Interest Payment Date or the next Principal Payment Date or the next Parity Indebtedness payment date or Subordinate Obligations payment date, no further deposit into such Subfund on account of the requirements of such clauses will then be required.

Reserve Subfund

Pursuant to the General Bond Resolution, the County is required to maintain with a Depositary, for the benefit of the Bonds, including the 2015 [A] Bonds, the Reserve Subfund. The Reserve Subfund Requirement with respect to Bonds is equal to the lesser of (i) the maximum Principal and Interest Requirements of the Outstanding Bonds for any Bond Year and (ii) 125% of the average annual Principal and Interest Requirements of the Outstanding Bonds for any Bond Year. On the date of delivery of the 2015 [A] Bonds, $_____, an amount equal to the Reserve Subfund Requirement for the 2015 [A] Bonds, 2014 Bonds, the outstanding 2012 Bonds that are not Refunded Bonds, the outstanding 2009 Bonds that are not Refunded Bonds (collectively, the "Outstanding Bonds"), will be on deposit in the Reserve Subfund.

The Depositary is to transfer money from the Reserve Subfund to the related Interest and Principal Account in the Debt Service Subfund for the purpose of paying the interest on and principal of (whether at maturity, by acceleration or in satisfaction of a Sinking Fund Requirement) the Outstanding Bonds, whenever and to the extent that the money on deposit in such Interest and Principal Account is insufficient for such purposes.

If on the Business Day next preceding an Interest Payment Date or a Principal Payment Date money to the credit of the applicable Interest and Principal Account in the Debt Service Subfund is not sufficient to pay the principal and interest due and payable on the Outstanding Bonds on such Interest Payment Date or Principal Payment Date, the County, before any transfer is made from the Reserve Subfund, is to transfer from the Revenue Subfund, if and to the extent money in the Revenue Subfund is legally available for such purpose, an amount equal to the deficiency in such Interest and Principal Account.

In the event the County determines to provide for deposits to a separate account within the Reserve Subfund in respect of any Parity Indebtedness, the term "Reserve Subfund Requirement" may be amended to include such additional deposits. No money to the credit of the Reserve Subfund may be

withdrawn and applied to the payment of Parity Indebtedness unless the County has first provided for deposits to a separate account within the Reserve Subfund with respect to such Parity Indebtedness.

See Appendix C - "SUMMARY OF CERTAIN PROVISIONS OF THE GENERAL BOND RESOLUTION—Collection and Disposition of Revenues—*Reserve Subfund.*"

Rate Covenant

The County has covenanted in the General Bond Resolution that it will at all times fix, charge and collect reasonable rates and charges for the use of, and for the services and facilities furnished by, the System and that from time to time, and as often as it shall appear necessary, it will adjust such rates and charges so that in each Bond Year both:

(A) the Net Revenues, excluding, for purposes of the calculation set forth in this clause (A) certain non-recurring revenue such as availability charges, and income previously received and then held by the County under the Bond Resolution, will be sufficient to provide at least 125% of the sum of (i) the Principal and Interest Requirements in such Bond Year on account of all the Bonds then outstanding under the Bond Resolution in such Bond Year and (ii) the Debt Service Requirements of Parity Indebtedness in such Bond Year, and

(B) the Net Revenues, including, for purposes of the calculation set forth in this clause (B) certain non-recurring revenue such as availability charges, and income previously received and then held by the County under the Bond Resolution, will be sufficient to provide at least 100% of the sum of the amounts described in sub-clauses (A)(i) and (ii) above and the debt service requirements of Subordinate Obligations in such Bond Year.

Under the Act and other applicable laws, the Board of Supervisors of the County is authorized to fix and revise the rates and charges for the services and facilities of the System, and such rates and charges are not subject to regulation by any federal, state or other local entity.

Additional Parity Debt

The 2015 [A] Bonds are secured on a parity as to their lien on Gross Revenues after provisions for Operating Expenses with the Outstanding Bonds and certain Parity Indebtedness (collectively, "Parity Debt"). No Bonds may be issued, or Parity Indebtedness incurred, under the General Bond Resolution except upon compliance with the requirements described below.

Additional Bonds. Additional Bonds, as described in the General Bond Resolution, in excess of such amount initially authorized in the Bond Resolution, may be issued under and secured by the Bond Resolution for such purpose or for paying all or any portion of the cost of projects, including any future additions, enlargements, improvements, extensions, alterations, fixtures, equipment, land, appurtenances and other facilities to or for the System, or the undivided ownership interest of the County therein, or any entitlement to capacity or service, or any obligations of the County under any Service Contract.

The County has covenanted in the General Bond Resolution that in order to issue Additional Bonds the County must meet certain historical and projected tests that show both:

(A) the Net Revenues, excluding, for purposes of the calculation set forth in this clause (A) certain non recurring revenue such as availability charges, and income previously received and then held by the County under the Bond Resolution, will be sufficient to provide at least 125% of the sum of (i) the Principal and Interest Requirements in such applicable time period on account of all the Bonds then

outstanding under the Bond Resolution in such Bond Year and (ii) the Debt Service Requirements of Parity Indebtedness in such applicable time period, and

(B) the Net Revenues, including, for purposes of the calculation set forth in this clause (B) certain non recurring revenue such as availability charges, and income previously received and then held by the County under the Bond Resolution, will be sufficient to provide at least 100% of the sum of the amounts described in sub-clauses (A)(i) and (ii) above and the debt service requirements of Subordinate Obligations in such applicable time period. See Appendix C - "SUMMARY OF CERTAIN PROVISIONS OF THE GENERAL BOND RESOLUTION—Additional Indebtedness."

Refunding Bonds. Refunding Bonds may be issued from time to time under and secured pursuant to the General Bond Resolution, subject to the conditions provided in the General Bond Resolution, for the purpose of providing funds, with any other available funds, for refunding all or any part of any Indebtedness then outstanding (including, without limitation, Bonds, Parity Indebtedness and Subordinate Obligations that may have been issued or incurred under the provisions of the Act and whether or not under the provisions of the Bond Resolution), including the payment of any redemption premium thereon and interest that will accrue on such Indebtedness to the redemption date or stated maturity date or dates and any expenses in connection with such refunding. The General Bond Resolution requires, among other things, in connection with the issuance of Refunding Bonds that either (A) during the years in which any of the Bonds and Parity Indebtedness not so refunded are outstanding, the maximum Debt Service Requirements on account of all Bonds and Parity Indebtedness outstanding (after the issuance of such Refunding Bonds and after the redemption or provision for payment of the Indebtedness to be refunded) for any Bond Year following the Bond Year in which provision for the payment of the Indebtedness to be refunded is effected shall not exceed the maximum Debt Service Requirements on account of all the Bonds and Parity Indebtedness outstanding (including the Indebtedness to be refunded) immediately prior to the issuance of such Refunding Bonds for any Bond Year following the Bond Year in which provision for payment of the Bonds to be refunded is effected or (B) the County shall demonstrate satisfaction of the tests for the issuance of Additional Bonds as applied mutatis mutandis to the Refunding Bonds to be issued and the project financed from the proceeds of the Indebtedness to be paid or redeemed.

Parity Indebtedness. The County has no outstanding Parity Indebtedness.

The General Bond Resolution permits the County to enter into additional Service Contracts for the benefit of the System provided that any such Service Contract shall specify the items payable as the Debt Service Component of the Cost of Contracted Services and provided further that except in the case of Service Contracts that by their terms do not permit payments from Gross Revenues, the County shall not enter into such additional Service Contracts that would create additional Parity Debt Service Components unless the Chief Financial Officer of the County determines in writing that the requirements for the issuance of Additional Bonds are met. The Chief Financial Officer of the County is to determine in writing on or before the effective date of any new Service Contract the amounts and due dates of any Debt Service Components of the Cost of Contracted Services and any Parity Debt Service Components payable by the County under such Service Contract and the interest and principal portions of such Components.

The County may incur and refund Parity Indebtedness other than Parity Debt Service Components, provided that the documents providing for such Parity Indebtedness are to specify the amounts and due dates of the Debt Service Requirements of such Parity Indebtedness and the principal and interest components of such Debt Service Requirements and that the Bond Registrar is to determine that all the requirements for the issuance of Additional Bonds or Refunding Bonds, as appropriate, have been met as if such Parity Indebtedness to be incurred were an additional Series of Bonds to be issued under the provisions of the Bond Resolution.

See Appendix C - "SUMMARY OF CERTAIN PROVISIONS OF THE GENERAL BOND RESOLUTION—Additional Indebtedness—*Other Parity Indebtedness*."

Subordinate Obligations

Substantial portions of the County lie in watersheds that flow naturally to other jurisdictions. Consequently, the County has contracts with wastewater systems in neighboring jurisdictions for the treatment of wastewater flows emanating from the County. In two cases, the County has incurred Subordinate Obligations with respect to the capital improvements made by these wastewater systems.

ARE. In 2001 and 2002, the County obtained loans from the Virginia Water Facilities Revolving Fund (the "Fund") administered by the Virginia Resources Authority in the amounts of $40 million and $50 million, respectively, to pay its 60% share of the capital costs associated with certain improvements being made by Alexandria Renew Enterprises ("ARE") to its wastewater treatment plant in Alexandria, Virginia. The County issued to the Fund "local bonds" as Subordinate Obligations, payable from money in the Subordinate Obligations Subfund under the General Bond Resolution, in evidence of its obligation to repay the 20-year loans. In 2012 the loans were modified to bear interest at the rates of 2.35% and are payable in equal semi-annual installments of principal and interest. The holder of the local bonds may accelerate the maturity thereof in the event of a default thereon. See "DEBT SERVICE REQUIREMENTS" and "THE SYSTEM—Interjurisdictional Service Contracts—*Wastewater Treatment Services Provided by Other Entities*" and "—County Commitments at Treatment Facilities by Interjurisdictional Service Contracts—*Alexandria Renew Enterprises (ARE)*."

UOSA. Under its contract with the Upper Occoquan Service Authority ("UOSA") for wastewater treatment services, the County is obligated for a portion of the debt service on bonds issued by UOSA for capital improvements to its wastewater treatment facilities located in Prince William County. Such obligation is expressly made a Subordinate Obligation under the General Bond Resolution. As of June 30, 2014, the County's obligation for UOSA outstanding debt totaled $277,293,041 in principal amount. The contract makes no provision for the acceleration of the County's obligations under the contract were the County to default thereon. See "DEBT SERVICE REQUIREMENTS" and "THE SYSTEM—Interjurisdictional Service Contracts—*Wastewater Treatment Services Provided by Other Entities*" and "—County Commitments at Treatment Facilities by Interjurisdictional Service Contracts—*Upper Occoquan Service Authority (UOSA)*."

Additional Subordinate Debt. The County may issue additional Subordinate Obligations in accordance with and as provided in the General Bond Resolution.

DEBT SERVICE REQUIREMENTS

The following table shows total debt service requirements[1] for all Indebtedness of the County relating to the System and payable from the Gross Revenues of the System, prior to the issuance of the 2015 [A] Bonds.

	Parity Debt[2]					Subordinate Debt[3]		
	2015 [A] Bonds							
Fiscal Year Ending June 30	Principal	Interest	Total	Outstanding Bonds Debt Service[4]	Total Senior Debt Service	Total VRA Debt	Total UOSA Debt[5]	Total Debt Service
2015	$	$	$	$20,524,756	$20,524,756	$6,203,277	13,963,358	$40,691,391
2016				20,896,350	20,896,350	6,203,277	18,669,606	45,769,234
2017				20,918,500	20,918,500	6,203,277	18,667,796	45,789,574
2018				20,927,625	20,927,625	6,203,277	18,659,549	45,790,452
2019				20,943,250	20,943,250	6,203,277	18,646,441	45,792,969
2020				20,975,625	20,975,625	6,203,277	18,636,693	45,815,596
2021				20,983,750	20,983,750	6,203,278	18,278,363	45,465,391
2022				20,996,875	20,996,875	3,412,199	21,251,686	45,660,760
2023				21,008,625	21,008,625		18,804,455	39,813,080
2024				21,027,500	21,027,500		18,789,845	39,817,345
2025				21,040,650	21,040,650		18,776,091	39,816,741
2026				21,052,325	21,052,325		21,376,155	42,428,480
2027				21,078,950	21,078,950		14,682,038	35,760,988
2028				21,078,713	21,078,713		14,660,598	35,739,310
2029				21,083,138	21,083,138		14,642,820	35,725,958
2030				15,205,338	15,205,338		7,368,164	22,573,502
2031				15,208,188	15,208,188		7,351,129	22,559,316
2032				15,204,625	15,204,625		7,322,537	22,527,162
2033				15,208,563	15,208,563		7,214,325	22,422,888
2034				15,208,788	15,208,788		6,914,692	22,123,480
2035				15,209,200	15,209,200		2,746,154	17,955,354
2036				15,208,588	15,208,588		2,718,495	17,927,083
2037				15,210,625	15,210,625		2,689,960	17,900,585
2038				15,208,975	15,208,975		2,658,802	17,867,777
2039				15,207,300	15,207,300		7,378,453	22,585,753
2040 – 2044				31,877,838	$31,877,838		17,475,903	49,353,741
Total[6]				$498,494,656	$498,494,656	$46,835,141	$340,344,112	$885,673,908

1 Cash basis. Amounts shown are due on payment dates in the indicated fiscal years.
2 The County's only outstanding Parity Debt are the 2014, 2012 and 2009 Bonds.
3 See "SECURITY FOR AND SOURCES OF PAYMENT OF THE 2015 A BONDS—Subordinate Obligations" and "THE SYSTEM—Interjurisdictional Service Contracts—County Commitments at Treatment Facilities by Interjurisdictional Service Contracts."
4 Reflects principal and interest payable July 15 of the calendar year prior to the fiscal year shown and interest payable January 15 of the same calendar year as the fiscal year shown. Includes the 2009 and 2012 Bonds that will be refunded with the 2015 [A] Bonds.
5 Does not reflect anticipated payments by the United States Treasury with respect to UOSA Build America Bonds.
6 Columns may not add due to rounding.

FAIRFAX COUNTY

Overview

The County is located in the northeastern corner of the Commonwealth of Virginia (the "Commonwealth") and encompasses an area of 407 square miles. Its current estimated population is approximately one million. The County is part of the Washington, D.C. metropolitan area, which includes jurisdictions in Maryland, the District of Columbia, and Northern Virginia.

The Fairfax County government is organized under the Urban County Executive form of government (as defined under Virginia law). The governing body of the County is the Board of Supervisors, which makes policies for the administration of the County. The Board of Supervisors is comprised of ten members: the Chairman, elected at large for a four-year term, and one member from each of nine districts, each elected for a four-year term by the voters of the district in which the member resides. The Board of Supervisors appoints a County Executive to act as the administrative head of the County. The County Executive serves at the pleasure of the Board of Supervisors, carries out the policies established by the Board of Supervisors, directs business and administrative procedures, and recommends officers and personnel to be appointed by the Board of Supervisors.

In Virginia, cities and counties are discrete units of government and do not overlap. Fairfax County completely surrounds the City of Fairfax and is adjacent to the City of Falls Church and the City of Alexandria. Property within these cities is not subject to taxation by Fairfax County, and the County generally is not required to provide governmental services to their residents. The County does, however, provide certain services to the residents of certain of these cities pursuant to agreements with such cities.

In the County there are located three incorporated towns, Clifton, Herndon, and Vienna, which are underlying units of government within the County, and the ordinances and regulations of the County are, with certain limitations prescribed by Virginia law, generally effective in them. Property in these towns is subject to County taxation, and the County provides certain services to their residents. These towns may incur general obligation bonded indebtedness without the prior approval of the County.

Certain County Administrative and Financial Staff Members [update]

Edward L. Long Jr., County Executive, joined the County in 1977 as a Budget Analyst. He served as a Senior Budget Analyst from 1980 to 1983 and as Assistant Director from 1983 to 1989. He was appointed Director of the Office of Management and Budget in October 1989 and Deputy County Executive-Chief Financial Officer ("DCE-CFO") in 1997. Mr. Long retired as DCE-CFO in May, 2011. Mr. Long was appointed County Executive effective April 25, 2012. Mr. Long has a Bachelor's Degree in Political Science from Emory & Henry College, Emory, Virginia and a Master's Degree in Urban Studies from the University of Maryland at College Park. He has served on the Fairfax-Falls Church Community Services Board and is active and has held offices in numerous professional organizations in the Northern Virginia region. Mr. Long serves as an adjunct professor at George Mason University and American University. He served on the Government Finance Officers Association ("GFOA") Standards Committee on Governmental Budgeting and Management. In 1993 Mr. Long was recognized by the Washington Metropolitan GFOA with the Anna Lee Berman Award for Outstanding Leadership in Governmental Finance. In 2006, Mr. Long was awarded the A. Heath Onthank Award, the County's highest employee award, in recognition of his achievements in advancing and improving public service in Fairfax County. In 2012, Mr. Long received the 2012 Distinguished Local Government Leadership Award from the Association of Government Accountants.

Patricia D. Harrison, Deputy County Executive, has worked in the field of human services since her graduation from Slippery Rock University, Slippery Rock, Pennsylvania in 1980 where she obtained a Bachelor's Degree in Therapeutic Recreation. She joined Fairfax County Government in 1986 and directed the creation of inclusive and therapeutic recreation services for people with disabilities. Prior to joining the County Executive's office, she served as Director for the Department of Community and Recreation Services for ten years. Ms. Harrison also holds a Master's Degree with a concentration in Therapeutic Recreation Administration from University of Maryland, College Park campus and obtained a Certificate of Public Management from George Washington University. She maintains her credentials as a Certified Therapeutic Recreation Specialist.

David J. Molchany, Deputy County Executive, joined the County in 1995. In 2003 Mr. Molchany was recognized by Governing magazine as one of the top ten Public Officials of the Year. He is also active in professional organizations at the international, national, state, and local levels of government. Previous employers have included Sallie Mae, American Management Systems, and Electronic Data Systems. Mr. Molchany is a 1983 graduate of Juniata College and holds a Bachelor of Science degree in Marketing and Computer Science.

David M. Rohrer, Deputy County Executive, has worked with the Fairfax County Police Department for almost 32 years and was appointed chief in 2004. In addition, Mr. Rohrer has also served as deputy chief for investigations and operations support; Patrol Bureau commander; Special Operations Division and district commander; SWAT first-line supervisor; and first-line patrol supervisor. Mr. Rohrer has served two terms as chairman of the Metropolitan Washington Council of Governments Police Chiefs' Committee, and he is a member of numerous organizations, including the International Association of Chiefs of Police; the Major Cities Chiefs' Association; the Police Executive Research Forum; and the Virginia Association of Chiefs of Police. Mr. Rohrer holds a bachelor's degree in administration of justice from George Mason University.

Robert A. Stalzer, Deputy County Executive, joined Fairfax County Government on June 5, 2000. Mr. Stalzer previously served as Town Manager for the Town of Herndon, Virginia from 1988 until June 2000. He was Director of Planning and Zoning for Roanoke County, Virginia from 1983 until 1988. Mr. Stalzer holds a Bachelor of Arts degree from Clark University, Worcester, Massachusetts, a Master of Regional and City Planning degree from the University of Oklahoma, and a Master of Business Administration degree from Syracuse University. Mr. Stalzer is a past president of the Virginia Local Government Management Association and recognized as a credentialed manager by the International City/County Management Association. Mr. Stalzer has served as an adjunct professor at Virginia Polytechnic Institute and State University, Roanoke College, and George Mason University.

David P. Bobzien was appointed County Attorney by the Fairfax County Board of Supervisors effective January 1993, after serving as a member of the Fairfax County Planning Commission and as the Chairman of the Fairfax County Goals Advisory Commission. He is a past chair of the Local Government Law Section of the Virginia State Bar, a past president of the Local Government Attorneys of Virginia, a past president of Lawyers Helping Lawyers, the organization that assists lawyers in Virginia suffering from substance abuse or mental illness, and a past president of the Virginia Law Foundation. In 2004-2005 he served as the president of the Virginia State Bar. Mr. Bobzien is the current Chairman of the Virginia Continuing Legal Education Committee of the Virginia Law Foundation and a board member of the Fairfax Law Foundation. He also serves as a member of the American Bar Association's Commission on Domestic and Sexual Violence and as the Fairfax Bar Association's delegate in the American Bar Association's House of Delegates. Mr. Bobzien is a fellow of both the Virginia Law Foundation and the American Bar Foundation. Prior to assuming his present County position, he served as an assistant counsel in the Office of Professional Responsibility of the United States Department of Justice. From 1975 to 1979 Mr. Bobzien was an associate in the Fairfax law firm of

Fitzgerald and Smith. He served as a captain in the Judge Advocate General's Corps in the United States Army from 1971 to 1975. Mr. Bobzien is a graduate of Holy Cross College Worcester, Massachusetts and holds a J.D. from the University of Virginia and an LL.M. in Taxation from George Washington University.

Christopher J. Pietsch was appointed Director of Finance for Fairfax County effective December 30, 2013. From 2003 until his appointment as Director of Finance, Mr. Pietsch served as the Director of the Fairfax County Internal Audit Office. Prior to that, Mr. Pietsch spent 16 years working in bank auditing as well as governmental auditing with the Commonwealth of Virginia. Mr. Pietsch is a graduate of James Madison University, Harrisonburg, Virginia, with a degree in Finance. In addition, he is a Certified Internal Auditor and a Certified Bank Auditor.

Susan W. Datta was appointed as the Chief Financial Officer of the County in May 2011. In addition, she is Director of the County Department of Management and Budget. Ms. Datta received her Bachelor's Degree in American Government from the University of Virginia and a Masters of Public Administration from the University of North Carolina at Chapel Hill. Ms. Datta worked as Assistant to the County Manager in Catawba County, North Carolina, from 1984 to 1987. She joined the Fairfax County Department of Management and Budget in May 1987 as a budget analyst.

James W. Patteson, P.E., was appointed the Director of Public Works and Environmental Services in December 2009. He began his career with Fairfax County in 1985 and has worked in a variety of agencies including the Department of Housing and Community Development, the Office of the County Executive, various DPWES divisions, and Facilities Management Division where he served as director. He is on the advisory board of the Virginia Tech Land Development Design Initiative and the executive board of the Engineers and Surveyors Institute. Mr. Patteson has a Bachelor's Degree in Civil and Environmental Engineering from Virginia Polytechnic Institute and State University and a Master's Degree in Public Administration from George Mason University. He also participated in the Senior Executive Institute at the University of Virginia Weldon Cooper Center.

Randolph W. Bartlett, P.E., Deputy Public Works Director for Wastewater and Stormwater Management Programs, joined the County in December 2005. He originally was hired to manage the County Stormwater Management Program, but effective September 16, 2008, was given responsibility to oversee the operations, maintenance, and planning functions for both Wastewater and Stormwater Management Programs. Prior to joining the County, he held a series of responsible positions in Arlington County, most recently as the Department of Environmental Services Director from May 2003 to December 2005; Division Director for Water, Sewer, and Streets from January 1991 through May 2003; and Division Director, Street Operations, from January 1989 to 1991. From October 1983 to January 1989, Mr. Bartlett was Director of Public Works for the Town of Blacksburg, Virginia, and from October 1981 to October 1983, he was Public Works Administrator for the Town of Bedford, Virginia. For a time, from June 1980 to October 1981, he was a design engineer with a consultant firm. From July 1976 to June 1980, he was an engineer with the City of Norfolk, Virginia, first as a civil engineer, than as Director for the Planning and Engineering Division. Mr. Bartlett graduated from Virginia Polytechnic Institute and State University with a Bachelor of Science Degree in Civil Engineering.

Shahram Mohsenin, P.E., Director, Wastewater Planning and Monitoring Division of the Fairfax County Wastewater Management Program, joined the County in August 2002. Prior to joining the County, Mr. Mohsenin was the Director of the Department of Utilities in the City of Fairfax, Virginia from March 1997 to August 2002. From September 1993 to March 1997 he served as a senior engineer in the Planning and Development Engineering Division of the Loudoun County Sanitation Authority in Loudoun County, Virginia. From February 1984 to September 1993 he served as District Engineer with the Office of Water Programs of the Virginia Department of Health regulating the design and operation of

water and wastewater facilities in Virginia. From April 1981 to February 1984 he served as Assistant District Engineer with the Office of Water Programs of the Virginia Department of Health. In December 1980 he received a Bachelor of Science Degree in Civil Engineering from Old Dominion University in Norfolk, Virginia. He has completed an extensive number of graduate level courses in the Sanitary Engineering field at Old Dominion University.

Jeffrey Kent, Financial Manager, Wastewater Planning and Monitoring Division of the Fairfax County Wastewater Management Program, has served in his current position since January 2010. He joined the County in July 1987 as a Management Analyst with the Solid Waste Program, and moved to the Wastewater Management Program in February 1989. Mr. Kent received his Bachelor's Degree in Political Science with a minor in Economics from Northeastern University and a Master's of Public Administration from the University of North Carolina at Greensboro.

County Employees

As of July 2014, the School Board supported [23,843.3] full time equivalent positions. Other than school board employees [11,282] County employees were employed in activities funded directly or supported by the General Fund of the County and [1,032] employees were employed in activities not supported by the General Fund, principally the County's Integrated Sewer System (the "Integrated Sewer System"). Fairfax County employees are not represented by unions. Fairfax County public school employees have, however, organized the Fairfax Education Association and the Fairfax County Federation of Teachers to represent the interests of its members at public hearings and meetings before the School Board and the Board of Supervisors. General County employees' interests are represented at these types of meetings by the Employees Advisory Council and other groups such as police, fire, and sheriff employee organizations. None of these organizations is empowered to serve as negotiating agent for its members for collective bargaining purposes. Collective bargaining by public employees in Virginia is prohibited by law, a restriction upheld by the Supreme Court of Virginia.

See Appendix B - "FAIRFAX COUNTY" for additional general information respecting the County.

THE SYSTEM

Introduction

The following is organizational, operational, and financial information pertaining to the Fairfax County sanitary sewer system. The System information was compiled by the County's Wastewater Planning and Monitoring Division (the "Division") in the Department of Public Works and Environmental Services.

System Organizational Structure

In Fairfax County, essential management, engineering, design, and construction services in support of the System are provided through the Department of Public Works and Environmental Services. Public Works and Environmental Services is under the general supervision of the County Executive and the Deputy County Executive for Planning and Development. The Wastewater Management Program is one of five Business Areas within the Department of Public Works and Environmental Services and is responsible for the administration and management of the System.

With oversight through a Deputy Public Works Director, the Wastewater Management Program consists of three agencies: the Wastewater Planning and Monitoring Division, the Wastewater Collection Division and the Wastewater Treatment Division.

The Wastewater Planning and Monitoring Division (1) reviews the need for System development and additional treatment capacity, (2) administers and manages the System's billing operations, (3) administers the contract capacity at treatment plants providing wastewater treatment under contract, (4) manages the environmental monitoring of the County's collection and pumping system and the County treatment facility, (5) reviews development plans for the construction of new sewer lines and (6) manages the Wastewater Management Program's finances. The Wastewater Collection Division is responsible for the operation, maintenance, and repair of the System sewer lines, pumping stations, and metering stations. The Wastewater Treatment Division is responsible for the operation, maintenance, and repair of the County-owned treatment facility.

System Characteristics

[update] Approximately 104 million gallons of wastewater are generated daily in the System. Almost 40 percent of the System wastewater flow is treated at the Noman M. Cole, Jr., Pollution Control Plant (NMCPCP) (formerly the Lower Potomac Pollution Control Plant) near Lorton, Virginia. The rest of the flow is distributed between one privately operated plant and four other regional treatment facilities operated and maintained by Arlington County, the DCWater (Blue Plains), Alexandria Renew Enterprises (ARE), and the Upper Occoquan Service Authority (UOSA) pursuant to contract agreements with the System. In addition, the System has purchased 1.0 million gallons per day (mgd) of capacity in the Loudoun Water's Broad Run Water Reclamation Facility for flow capacity in the northern portion of the County, and 0.1 million gallons per day (mgd) of capacity in the Prince William County Service Authority (PWCSA) for flow generated in the southern portion of the County.

The System consists of approximately 3,400 miles of sewer lines ranging in size from 8 inches to 72 inches; 59 wastewater pump stations ranging in capacity from 0.1 to 37 mgd; and 54 metering stations. NMCPCP, the County treatment plant, has a capacity of 67 million gallons per day (mgd). Capacity entitlement at the other treatment facilities totals 90 mgd. The System has a staff of 315 employees and for FY 2014, had an operation outlay of $91.1 million (NMCPCP, $19.9 million; ARE, $13.1 million; Blue Plains, $11.8 million; UOSA, $12.3 million; Arlington, $2.2 million; collections and pumping, $13.4 million; billing administration, $7.6; planning and administration, $10.8 million).

Approximately 85% of the 409,000 households and virtually all businesses in the County are connected to the System. The sewer service area covers approximately 234 square miles, nearly 60% of the County's 407 square mile land mass. Under separate service agreements, sewer service is provided to nearby Arlington and Loudoun Counties, Fort Belvoir, the Cities of Fairfax and Falls Church, and the Towns of Herndon and Vienna.

System Wastewater Flows

System wastewater flows from County and non-County sources are collected in a network of sewer lines, pumping stations, and interceptors. The flows are conveyed to wastewater treatment plants where greases, solids, nutrients and other oxygen demanding wastes are removed. Treated effluent flows are also disinfected before being discharged into various tributaries leading to the Upper Potomac River Estuary. The resultant sludge streams are collected, conditioned, and disposed of separately.

Wastewater sources and the distribution of flow between wastewater treatment plants in the System are shown in the following tables.

Attachment 2

FAIRFAX COUNTY SANITARY SEWER SYSTEM
(Million Gallons per Day, mgd)

Wastewater Source	Fiscal Year (Ended June 30)					Current Capacity Allocation
	2010	2011	2012	2013	2014	
County Households and Businesses	96.79	90.85	92.75	88.72	92.26	141.93
Other (Sale of Service) Entities:						
City of Fairfax	3.46	3.00	3.15	2.63	3.20	4.20
Town of Herndon	2.59	2.47	2.46	2.27	2.66	3.00
Arlington County	1.57	1.32	1.36	1.21	1.39	1.80
Fort Belvoir	1.16	0.90	1.05	1.30	2.70	3.00
City of Falls Church	1.12	0.93	0.99	0.94	0.98	1.00
Town of Vienna	0.86	0.73	0.82	0.73	0.86	1.25
Loudoun Water	0.07	0.08	0.09	0.10	0.11	1.0
Fairfax Water	0.03	0.03	0.03	0.04	0.05	- (a) -
Covanta/ERR Facility	0.08	0.09	0.09	0.15	0.13	- (a) -
Subtotal, Other Entities	10.94	9.55	10.04	9.37	12.08	15.25
Total (b)	107.73	100.40	102.79	98.09	104.34	157.18

(a) No capacity allocated; capacity included in allocation for County households and businesses.
(b) Due to rounding, columns may not total to the amounts indicated.

DISTRIBUTION OF FLOW TO WASTEWATER TREATMENT PLANTS
FAIRFAX COUNTY SANITARY SEWER SYSTEM
(Million Gallons per Day, mgd)

Wastewater Treatment Plant (WWTP)	Fiscal Year (Ended June 30)					Current Capacity Allocation
	2010	2011	2012	2013	2014	
County WWTP, Noman M. Cole	42.04	38.59	39.91	37.56	39.77	67.00
Blue Plains (DC Water)	29.65	28.65	29.31	28.39	29.98	31.00
Alexandria Renew Enterprises	20.81	18.57	18.93	17.66	19.07	32.40
Upper Occoquan Service Authority	13.14	12.54	12.60	12.50	13.53	22.60
Arlington County	2.02	2.02	2.00	1.96	1.96	3.00
Colchester (Private)	0.03	0.03	0.04	0.02	.02	0.08
Loudoun Water (a)	-	-	-	-	-	1.00
Prince William Co. Service Auth. (b)	0.04	-	-	-	0.01	0.10
Subtotal, Non-County WWTPs	65.69	61.81	62.88	60.53	64.57	90.18
Total (c)	107.73	100.40	102.79	98.09	104.34	157.18

(a) Capacity in Loudoun Water was purchased in March 2011.
(b) Capacity in the Prince William County Service Authority system was purchased in FY 2001.
(c) Due to rounding, columns may not total to the amounts indicated.

Interjurisdictional Service Contracts

Wastewater Treatment Services Provided for Other Entities

Sewer services are provided to other jurisdictional entities through "Sale of Service" agreements between the County and the entities. As prescribed by each Sale of Service agreement, each entity shares in the operating, debt and capital costs of the System. Each entity's share is determined on the basis of actual wastewater flow or reserved treatment capacity. The County currently has Sale of Service Agreements with Arlington County, Fort Belvoir, the Cities of Fairfax and Falls Church, the Towns of Herndon and Vienna and Loudoun Water. The following table summarizes service charge revenues from the Sale of Service entities for Fiscal Years 2010 through 2014.

SALE OF SERVICE REVENUES
FAIRFAX COUNTY SANITARY SEWER SYSTEM
(in thousands)

ENTITY	Fiscal Year (Ended June 30)				
	2010	**2011**	**2012**	**2013**	**2014**
Arlington County	$662	$632	$567	$538	$540
City of Fairfax	2,327	1,767	3,162	1,702	2,158
City of Falls Church	887	1,056	1,030	922	1,023
Fort Belvoir	1,617	1,440	1,843	2,430	2,431
Town of Herndon	2,509	2,797	3,193	2,993	3,758
Town of Vienna	589	453	452	651	456
Loudoun Water	114	158	113	192	129
Other (a)	182	232	236	459	435
Total (b)	$8,887	$8,535	$10,596	$9,887	$10,930

(a) Includes Fairfax Water and the I-95 Energy Resource Recovery Facility operated by Covanta, a private company.

(b) Due to rounding, columns may not total to the amounts indicated.

Wastewater Treatment Services Provided by Other Entities

The System supplements the capacity of its own collection and treatment facilities through "Treatment by Contract" agreements with the DC Water, Alexandria Renew Enterprises, the Upper Occoquan Service Authority and Arlington County. As prescribed in individual agreements, the County pays its share of the capital and operating and/or debt costs of each entity's system based on allocated capacity and actual wastewater flows, respectively. Following are amounts paid by the County to the four entities shown as operating expenses, parity indebtedness, or subordinate obligations for Fiscal Years 2010 through 2014.

TREATMENT BY CONTRACT OPERATING EXPENSES AND INDEBTEDNESS
FAIRFAX COUNTY SANITARY SEWER SYSTEM
(in thousands)

ENTITY	Fiscal Year (Ended June 30)				
	2010	**2011**	**2012**	**2013**	**2014**
DC Water:					
Operating Expenses	$12,279	$13,493	$13,257	$13,214	$11,816
Alexandria Renew Enterprises:					
Operating Expenses	13,841	13,222	12,837	12,786	13,134
Parity Indebtedness	-	-	-	-	-
Arlington County:					
Operating Expenses (a)	1,608	1,701	2,225	2,174	2,225
UOSA: (b)					
Operating Expenses	12,945	13,188	12,045	12,635	12,276
Subordinate Debt Obligations	17,660	18,274	18,891	19,735	19,704
Other Operating Expenses (c)	560	608	498	531	496
Total (d)	$58,893	$60,486	$59,753	$61,075	$59,651

(a) An annual debt payment (not related to a bond issue) is included in the operating expenses.

(b) Debt payments reflect UOSA's bond issues, which constitute Subordinate Obligations under the General Bond Resolution.

(c) Includes City of Falls Church and Colchester Public Service Corporation operating expenses.

(d) Due to rounding, columns may not total to the amounts indicated.

Capital costs paid to Treatment by Contract entities are classified as "Purchased Capacity" expenses in the financial statements and amortized with other System capital expenses. Summarized below are the annual purchased capacity expenditures for Fiscal Years 2010 through 2014.

PURCHASED CAPACITY ADDITIONS - AMORTIZED CAPITAL EXPENDITURES
FAIRFAX COUNTY SANITARY SEWER SYSTEM
(in thousands)

ENTITY	Fiscal Year (Ended June 30)				
	2010	**2011**	**2012**	**2013**	**2014**
DC Water (a)	$12,852	$9,356	$24,399	$27,685	$31,359
Alexandria Renew Enterprises (b)	11,865	468	7,952	9,758	32,916
Arlington County (c)	7,057	3,547	2,251	3,107	1,022
UOSA	0	248	3,973	4,887	0
Loudoun Water	0	20,942	0	0	0
Total (d)	$31,774	$34,561	$38,575	$45,437	$65,297

(a) County pays 31/370 or 8.38% of the expansion and upgrade expenses at the DC Water's Blue Plains Advanced Waste treatment (AWT) Plant.

(b) County pays 32.4/54 or 60% of ARE plant improvement expenses. The County issued $40 million in 2001 and $50 million in 2002 in subordinated debt to Virginia Resources Authority to finance its share of certain plant improvements.

(c) County pays 3.0/40 or 7.5% of Arlington County WWTP upgrade expenses.

(d) Due to rounding, columns may not total the amount indicated.

[County Commitments at Treatment Facilities by Interjurisdictional Service Contracts – make consistent with Annual Disclosure?]

Blue Plains

In September 1985, the users of the Blue Plains plant (Fairfax County, the District of Columbia (District), Montgomery and Prince George's Counties in Maryland, and the Washington Suburban Sanitary Commission (WSSC)) entered into the Blue Plains Intermunicipal Agreement (1985 IMA). Under the terms of the 1985 IMA, the County's capacity entitlement was increased to 31 mgd in February 1997 when the Blue Plains plant was fully upgraded and expanded to 370 mgd. Although the County has a representative on the eleven-member District of Columbia Water and Sewer Authority (described herein) which runs the Blue Plains plant, the County has no significant control over plant operation or construction activity and therefore, retained no ongoing equity interest in the assets or liabilities of the facility under the IMA.

In April 1996, the District established an independent Water and Sewer Authority (DC Water) to operate the District of Columbia's water and sewer systems including the Blue Plains plant. DC Water has a Board of Directors comprised of six members from the District, two each from Montgomery County and Prince George's County, and one from Fairfax County. DC Water honored the capacity entitlement assigned to Blue Plains plant users under the 1985 IMA.

In 2012, the parties to the 1985 IMA, together with DC Water, entered into a new IMA (the 2012 IMA) which replaced the 1985 IMA. The 2012 IMA updates the 1985 IMA to reflect changes since 1985 and recognizes the dynamic nature of regulations and regional needs. Fairfax County's flow capacity at Blue Plains remains at 31 MGD in the 2012 IMA as it was in the 1985 IMA.

Alexandria Renew Enterprises (ARE)

Under a service agreement amended and restated as of October 1, 1998, the County has a capacity entitlement of 32.4 mgd of ARE's 54 mgd treatment facility. Currently, the County has a substantial financial responsibility for its share of operating costs, construction costs and annual debt service expenses. Although the County is allowed one non-voting representative at the Authority's Board of Directors meetings, the County has no significant influence in the management of the plant and has no direct ongoing equity interest in the assets or liabilities of the Authority. As mentioned above, the County issued $40 million in 2001 and $50 million in 2002 in Subordinated Obligations to Virginia Resources Authority as administrator to the Virginia Water Facilities Revolving Fund to finance its share of certain plant improvements. See "SECURITY FOR AND SOURCES OF PAYMENT OF THE 2015 [A] BONDS—Subordinate Obligations—*ARE*."

Arlington County

Fairfax County is a minor user of the Arlington County wastewater treatment plant. Based on the most recent service agreement dated January 9, 1989, the County has a capacity entitlement of 3.0 mgd of the plant's 40 mgd treatment capacity. Although the County had a measurable responsibility for its share of operating and construction costs, the County has no influence in the management of the plant and has no direct equity interest in the assets or liabilities of the plant.

Upper Occoquan Service Authority (UOSA)

UOSA, a joint venture formed on March 3, 1971, serves portions of Fairfax County, Prince William County, and the Cities of Manassas and Manassas Park. UOSA is governed by an eight-member board of directors consisting of two members each from the four participating jurisdictions. Effective May 1995, the County had a capacity entitlement of 13.19 mgd of the plant's 32 mgd treatment capacity. Based on a February 1991 restated service agreement, the County's capacity entitlement increased to 27.6 mgd when the UOSA facility expanded to 54 mgd in FY 2003. In 2008, County capacity entitlement was reduced to 24.6 mgd with the sale of 3.0 mgd of capacity; 2.0 mgd of capacity to the Prince William County Service Authority and 1.0 mgd of capacity to the City of Manassas. In fiscal year 2011, the County sold an additional 2.0 mgd of its capacity to Prince William County Service Authority, reducing its entitlement to 22.6 mgd. The sale was based on updated build-out flow projections indicating that the County will not need the extra 2.0 mgd capacity. The County has no explicit and measurable interest in UOSA but does have an ongoing financial responsibility for its share of operating, construction and debt service expenses. See "SECURITY FOR AND SOURCES OF PAYMENT OF THE 2015 [A] BONDS—Subordinate Obligations—*UOSA*."

Summary of Financial Activity

SEWER FUND FINANCIAL ACTIVITY
FAIRFAX COUNTY SANITARY SEWER SYSTEM
(in thousands)

(As reported in Budget Documents)	**Fiscal Year** (Ended June 30)				
	2010	**2011**	**2012**	**2013**	**2014**
BEGINNING FUND BALANCE	$255,572	$212,629	$204,097	$192,163	$272,069
Sources (Inflows) of Funds:					
Service Charges	126,682	142,929	159,436	173,554	188,169
Availability Fees	10,669	11,189	28,960	20,477	24,007
Interest Earnings	1,304	1,084	521	1,409	484
Sale of Purchased Capacity (c)	0	39,808	0	0	0
Grant Revenue	6,075	8,225	10,270	1,107	592
Bond Proceeds	0	0	0	100,694	69,118
Other	47	14	560	188	127
Subtotal, Inflows	144,777	203,249	199,747	297,429	282,497
Funds Available	$400,349	$415,878	$403,844	$489,592	$554,566
Uses (Outflows) of Funds:					
O&M Expenses	82,841	84,757	85,454	86,441	91,111
Capital Expenses	66,609	85,862	84,315	89,326	120,786
Debt Service (a)	38,216	41,096	41,863	44,309	47,998
Redemption of Sewer Bonds	0	0	0	0	71,382
Other	54	66	49	65	0
Subtotal, Outflows	$187,720	$211,781	$211,681	$220,141	$331,276
ENDING FUND BALANCE	$212,629	$204,097	$192,163	$269,451	$223,289
Less Investments	(27,356)	(27,442)	(27,590)	(36,956)	(34,335)
Less Receivables	(33,401)	(37,824)	(45,624)	(45,521)	(52,799)
Less Inventory and other	(1,264)	(1,223)	(581)	(611)	(112)
Plus Payables	16,831	18,199	19,160	20,861	22,895
POOLED CASH BALANCE (b)	$167,439	$155,807	$137,528	$207,224	$158,938

(a) Includes County debt on Bonds and Subordinate Obligations for UOSA and VRA Indebtedness.
(b) Due to rounding, columns may not total to the amounts indicated.
(c) Does not include depreciation.

Sewer Revenue Bonds, Debt Service Payments, and Other Debt Obligations

History and Description of Bonds and Other Debt Obligations

[On July 29, 1985, the Board of Supervisors adopted the General Bond Resolution authorizing the issuance of sewer revenue bonds. The bond proceeds were to be used to finance improvements to the System, primarily at the Noman M. Cole, Jr., Pollution Control Plant. The bond resolution was restated on July 21, 1986, in advance of the initial $75 million bond sale on August 6, 1986. These bonds were variable rate demand sewer revenue bonds, backed by a letter of credit. On January 9, 1989, and again on June 26, 1989, the bond resolution was amended before converting the variable rate bonds to fixed rate bonds on July 6, 1989. On May 18, 1993, the County issued $72.1 million in sewer revenue refunding bonds to advance-refund all callable 1986 revenue bonds. The remaining $104 million in sewer revenue bonds initially authorized by the Board of Supervisors were issued on July 15, 1996. The County also issued $94,005,000 sewer revenue refunding bonds on October 14, 2004, to refund certain of the outstanding bonds issued in 1996. On June 17, 2009, the County issued $152,255,000 sewer revenue bonds to provide funds to finance capital improvements for the benefit of the System as well as for the purchase of additional wastewater capacity for the benefit of the County. In addition on August 8, 2012, the County issued $90,710,000 sewer revenue bonds to provide funds, for paying a portion of capital improvement costs allocable to the County at certain wastewater treatment facilities that are owned by, or that provide service to, the County, which are required by the Commonwealth of Virginia Department of Environmental Quality to reduce total nitrogen discharge to required limits, the purchase of additional capacity at certain wastewater treatment facilities for the benefit of the County and the costs of certain additions, extensions and improvements to the County's sewage collection, treatment and disposal systems. On April 16, 2014 the County issued $61,755,000 Sewer Revenue Refunding Bonds, Series 2014 to refund the Series 2004 that matured on July 15, 2015 through July 15, 2028.]

[The proceeds of the sewer revenue bonds issued in 1996 were used to finance improvements and expansion of treatment facilities at the County's Noman M. Cole, Jr., Pollution Control Plant from 54 mgd to 67 mgd. The treatment capacity of the Blue Plains Plant has been expanded from 309 mgd to 370 mgd, with the County's capacity entitlement being expanded in phases from 16.02 mgd to an interim capacity of 24.6 mgd, and then to a final capacity of 31.0 mgd. The revenue bonds issued in 2004 were issued to refund the remaining 1996 revenue bonds. The revenue bonds issued in 2009 financed capital improvements for the benefit of the System as well as for the purchase of additional wastewater capacity for the benefit of the County. The revenue bonds issued in 2012 financed capital improvements relating to meeting environmental standards for the benefit of the System. The revenue bonds issued in 2014 were issued to refund the callable 2004 revenue refunding bonds.]

Under the General Bond Resolution, the County is required to establish rates and fees for connection to and use of the System sufficient to pay operating expenses, System debt service, and other obligations payable from the revenues of the System. As described previously under the subcaption, "Interjurisdictional Service Contracts," the County has classified as indebtedness under the Bond Resolution certain fixed payments owed to UOSA as shares of their debt service costs (such shares derived from the County's capacity rights in their treatment facilities).

As defined in the General Bond Resolution, the County prioritizes its payment obligations under Treatment by Contract agreements as follows: (first) operating expenses, payable on par with operating expenses of the County's System; (second) debt service on the County's outstanding Sewer Revenue Bonds and parity indebtedness, payable on parity with the debt service on the County's outstanding Sewer Revenue Bonds; and (third) subordinate obligations, payable after provision is made for operating expenses, debt service on Sewer Revenue Bonds and parity indebtedness, and debt service reserve deficiencies. The County retired the last sewer parity indebtedness in 1999.

In addition the County has borrowed money for the System from the Virginia Water Facilities Revolving Fund (the "Revolving Fund"), acting by and through the Virginia Resources Authority ("VRA"). In 2001, the County received financing approval for $40 million from the Revolving Fund for a period of 20 years. Additional financing of $50 million was approved in FY 2002. Debt service on these loans, refinanced in 2012 and administered through VRA, is subordinate to the debt service on the Outstanding Bonds.

Debt Service Coverage Ratio

DEBT SERVICE COVERAGE
FAIRFAX COUNTY SANITARY SEWER SYSTEM
($ in thousands)

The following table shows the coverage of Debt Service on System indebtedness for Fiscal Years 2010 through 2014.

	Fiscal Year (Ending June 30)				
	2010	**2011**	**2012**	**2013**	**2014**
System Revenue:					
User Service Charges	$117,551	$134,051	$148,892	$163,052	$176,471
Sales of Service	8,889	8,535	10,544	9,887	10,930
Availability Fees	10,668	11,189	28,960	20,477	24,007
Interest Income	1,304	1,085	521	1,409	484
Other	290	358	530	803	890
Total System Revenue	$138,701	$144,218	$189,447	$195,628	$212,782
System O&M Expenses	(82,841)	(84,757)	(85,454)	(86,441)	(91,111)
Revenue Available for Paying Debt	$55,860	$70,461	$103,993	$109,187	$121,671
Debt Service:					
2004 Bonds	6,659	6,670	6,684	6,700	6,682
2009 Bonds	4,223	9,652	9,651	9,652	9,652
2012 Bonds	0	0	0	1,801	5,556
Subtotal, Senior Debt Service	10,882	16,322	16,335	18,153	21,890
Subordinate Obligations:					
UOSA	17,660	18,274	18,891	19,735	19,904
Virginia Resources Authority	6,637	6,637	6,637	6,420	6,203
Total Debt Service	$35,179	$41,233	$41,863	$44,308	$47,997
Revenue Available after Paying Debt	$26,757	$37,452	$62,130	$64,879	$73,674
Senior Debt Service Coverage (a)	5.11x	4.32x	6.37x	6.01x	5.56x
Total Debt Service Coverage (b)(c)	1.58x	1.71x	2.48x	2.46x	2.53x

(a) Revenue available for paying debt divided by Senior Debt Service. Shows 1.25x or greater coverage as required by the General Bond Resolution rate covenant. Revenue does not include non-recurring revenues (availability fees) or income previously received and held by the County derived from the System.

(b) Revenue available for paying debt divided by Total Debt Service.

(c) Due to rounding columns may not total to the amounts indicated.

As shown in the previous table, System revenue includes current year revenue from availability fees, service charges and interest income. System revenue does not include available fund balance reserves; i.e., income received in previous years and currently held by the County in reserve in the Revenue Subfund. To maintain a debt service coverage ratio greater than one and to generate sufficient revenues to meet the System's funding needs, the County's Office of Waste Management annually evaluates the need for, and the timing of implementing, increases in the availability fees and sewer service charge rates.

The following table provides projected debt service coverage for Fiscal Years 2015 through 2019. Such projections are based on revenue projections derived from the expected rates for such time period. System Operating Expenses have been projected to increase an average of 3.7% in each year. In addition to the 2015 [A] Bonds the County expects to issue $90 million in Sewer Revenue Bonds in 2017 (the "2017 Bonds").

Attachment 2

PROJECTED DEBT SERVICE COVERAGE
FAIRFAX COUNTY SANITARY SEWER SYSTEM
($ in thousands)

	Fiscal Year (Ending June 30)				
	2015	**2016**	**2017**	**2018**	**2019**
System Revenue:					
User Service Charges	$182,675	$190,372	$198,420	$205,289	$211,661
Sales of Service	9,692	9,832	9,960	10,113	11,027
Availability Fees	18,007	15,926	15,926	18,580	20,622
Interest Income	1,298	1,425	2,119	2,181	1,871
Other (a)	150	150	150	150	150
Total System Revenue	211,822	217,705	226,575	236,313	245,331
System O&M Expenses	(94,151)	(97,879)	(101,871)	(106,320)	(108,156)
Revenue Available for Paying Debt	117,671	119,826	124,704	129,993	137,175
Debt Service:					
[2004 Bonds	6,795	6,819	6,830	6,844	0]
2009 Bonds	9,725	9,732	9,726	9,732	9,735
2012 Bonds	5,585	5,593	5,598	5,600	5,600
2014 Bonds	0	0	0	0	5,851
[2015 [A] Bonds					]
2017 Bonds	0	0	4,598	4,598	4,746
2019 Bonds	0	0	0	0	4,935
Subtotal, Senior Debt Service	22,105	22,144	26,752	26,774	30,866
Subordinate Obligations:					
UOSA	20,505	20,984	22,050	22,879	21,312
Virginia Resources Authority	6,203	6,203	6,203	6,203	6,203
Total Debt Service (d)	48,813	49,331	55,005	55,856	58,382
Revenue Available after Paying Debt	68,858	70,495	69,699	74,137	78,793
Senior Debt Service Coverage (b)	5.32x	5.41x	4.66x	4.86x	[4.44x]
Total Debt Service Coverage (c)	2.41x	2.43x	2.27x	2.33x	2.35x

(a) Includes spur fees.

(b) Revenue available for paying debt divided by Senior Debt Service. Shows 1.25x or greater coverage as required by the General Bond Resolution rate covenant. Revenue does not include non-recurring revenues (availability fees) or income previously received and held by the County derived from the System.

(c) Revenue available for paying debt divided by Total Debt Service.

(d) Due to rounding columns may not total to the amounts indicated.

Capital Improvement Program

As shown on the table below it is anticipated there will be approximately $710,447 Million in System related capital funding to be performed over the next six years ending Fiscal Year 2020.

Summary of System Capital Costs for the Forecast Period (in $000s) [1]

	Fiscal Year Ending June 30,						6-Year
	2015	2016	2017	2018	2019	2020	Total
Pump Station & Collection	$30,014	$33,603	$22,094	$23,917	$20,121	$40,050	$169,799
Noman Cole PCP	25,005	32,279	72,597	74,037	74,629	78,036	356,583
TbC Partners' Plants	55,229	15,206	16,975	14,369	9,707	13,422	124,908
Subtotal System Capital Cost	$110,247	$81,088	$111,666	$112,323	$104,457	$131,508	$651,289
UOSA Capital Cost	6,551	11,394	12,770	8,952	11,803	7,688	$59,158
Total System Capital Cost	$116,798	$92,482	$124,436	$121,275	$116,260	$139,196	$710,447

[1] Amounts shown include miscellaneous departmental capital expenditures (such as vehicles and small equipment) included in the System's operating budget and not included in the System's adopted 5-year capital improvement program.

The sources of funds for the capital financing plan include (i) available funds to be accrued during normal operations of the System by the County (e.g., receipt of System availability fees, deposits made to the Extension and Improvement Subfund from rates, etc.), (ii) bond proceeds to be derived from the 2017 Bonds and which are allocable to the above referenced projects, (iii) Subordinate Obligations incurred for capital improvements directly financed by UOSA, and (iv) additional bonds assumed to be issued by the County during the forecast period. A summary of the funding sources assumed for the System capital improvement plan for the forecast period is presented below.

Capital Improvement Program Funding Plan – For the Forecast Period – (in $000s)

	Fiscal Year Ending June 30 [1]						
	2015	2016	2017	2018	2019	2020	6-Year Total
Total System Capital Projects	$116,798	$92,482	$124,436	$121,275	$116,260	$139,196	$710,447
Funding Sources:							
Operating Reserves/Extension and Improvement Subfund	$83,826	$64,997	$90,770	$65,250	$85,873	$105,507	$496,223
Wastewater Service Availability Fees	0	0	0	0	0	0	0
Series 2012 Bonds (Senior)	26,421	16,091	989	0	0	0	43,501
Series 2017 Bonds (Senior)	0	0	19,907	47,073	1,990	0	68,970
Series 2019 Bonds (Senior)	0	0	0	0	16,594	26,001	42,595
Grants	0	0	0	0	0		0
UOSA Bonds (Subordinate)	6,551	11,394	12,770	8,952	11,803	7,688	59,158
Total Funding Sources	$116,798	$92,482	$124,436	$121,275	$116,260	$139,196	$710,447

[1] Amounts shown reflect when funding projected to be required and may be vary from when funds are actually expended through project completion. Amounts may not add up to Table 6 due to rounding.

Rates and Charges

Rate Structure

The County adopts a sewer rate structure designed to satisfy all System revenue requirements. The rate structure is also designed to derive revenues from customers equitably. The sewer rates and availability and other fees for the last five fiscal years and the adopted rate structure, as of July 1, 2015, are summarized below.

SEWER RATE STRUCTURE
FAIRFAX COUNTY SANITARY SEWER SYSTEM

Description of Rate	Fiscal Year (Ending June 30)								
	2011	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**
Sewer Service Charge, $/Thousand Gallons (TG)	5.27	6.01	6.55	6.55	6.62	6.65	6.68	6.75	6.82
Base Charges, $/Bill	5.00	5.00	5.50	12.79	15.86	20.15	24.68	27.62	29.83
Availability Fee, $/Unit: Single Family Dwelling	7,750	7,750	7,750	7,750	7,750	7,750	7,750	7,750	7,750
Apartment or Townhouse	6,200	6,200	6,200	6,200	6,200	6,200	6,200	6,200	6,200
Dorm Unit	1,938	1,938	1,938	1,938	1,938	1,938	1,938	1,938	1,938
Fixture Unit, (Commercial)	401	401	401	401	401	401	401	401	401
Connection Charge, $/Foot	6.00	6.00	152.50	152.50	152.50	152.50	152.50	152.50	152.50

Sewer Service Charges are based on water consumption, in 1,000 gallons (TG), as measured by a water service meter(s). For single family dwellings and townhouses, water consumption for sewer billing is based on the previous winter quarter consumption. For apartment or multifamily complexes and nonresidential connections, billing is based on actual water used for the quarter. Sewer billings are included in quarterly water and sewer bills issued by the water billing agents.

Base Charges are per bill charges assessed quarterly, in addition to the Sewer Service Charge, to partially recover fixed expenses for billing, wastewater collection, engineering, planning, and administrative expenses.

Availability Fees are one-time charges collected from new sewer customers prior to connection to the system. These fees cover in part the applicants' proportional share of costs for facilities required beyond the collector system; i.e., sub-trunk sewers, pumping stations, and treatment facilities. For nonresidential units, the minimum availability fee is equal to a single family dwelling rate. The minimum nonresidential rate provides for approximately 20 fixture units. Fixture units in excess of the minimum rate are charged at the prevailing fixture unit rate. The fixture unit rate and the minimum fixture unit count were adjusted in FY 1995 and FY 1996 to reflect higher water usage, per fixture unit, by nonresidential users.

Connection Charges are one-time front footage charges used to offset the cost of installing County-built sewers adjacent to the property. The residential minimum is $7,625; the nonresidential minimum is $15,250. The residential maximum is $15,250; for commercial customers, there is no maximum. An additional lateral spur charge of $600 is charged for connecting to a County built sewer spur.

Rate Development

Sewer service charge and availability fee rates are reviewed annually by County staff and an outside consultant as part of the County's annual budget process. Each year, the Board of Supervisors adopts charges and rates for the following three fiscal years. These fees are analyzed and evaluated, adjusted as necessary, and adopted annually by the Board of Supervisors to ensure that rates are priced accurately. The County allocates operating revenues and expenses, interest income, bond proceeds, debt service payments, and capital improvement expenses between existing and new users of the System based on cost causive relationship analyses.

Separate accounting of revenues and expenses for existing and new customers along with analyses to determine the adequacy of sewer service charges and availability fees are conducted annually by the County. The purpose of these analyses is to allocate System revenues and expenses between existing and new customers such that growth pays for growth.

Sewer service charges are adjusted to maintain minimum reserves in the existing customer portion of the fund balance. The availability fee calculation is based on a "growth related" or marginal-incremental cost method whereby new customers are responsible for the next increment of System expansion costs incurred.

Rate Comparison

The table below compares FY 2015 average annual sewer service revenues per Single Family Residential Equivalent (SFRE) for Fairfax County with selected other regional jurisdictions. Representative average sewer service revenues for the other jurisdictions have been developed by applying each jurisdiction's sewer service rate schedule to appropriate SFRE usage determined from an analysis of Fairfax Water's (FW) historical average water usage records for SFREs.

As the table illustrates, the County's estimated average sewer service revenues per SFRE are less than all but one of the estimated equivalent revenues of other jurisdictions. Management anticipates other jurisdictions' sewer service revenues will also be significantly affected by the Virginia Department of Environmental Quality's adoption of more stringent discharge standards. Such effects may not be reflected in current revenue levels of the other jurisdictions.

Comparison of Fiscal Year 2015
Average Monthly Sewer Service Revenues for Single Family Residential Equivalents (SFREs)

Jurisdiction	Average Monthly Sewer Service Revenue (a) ($/SFRE)
WSSC, MD (b)	$543
Loudoun County (c)	426
Fairfax County (c)	540
Prince William County (b)	562
DCWater	710
City of Alexandria (c)	669
Arlington County (b)	644

(a) Each jurisdiction's sewer service rate schedule is applied to the average usage as specified in the respective additional footnotes.

(b) Average billed quarterly usage of 18,000 gallons is based on an analysis of FCWA annual usage reports.

(c) These jurisdictions use a winter quarter billing method for residential customers, eliminating billing of water usage such as lawn irrigation, which does not enter the sewer system. The average winter quarter usage of 18,000 gallons is based on an analysis of FCWA's annual usage reports.

As the following table illustrates, the County's availability fees are competitive with charges of other regional jurisdictions. Management anticipates other jurisdictions' availability fees will also be significantly affected by adoption of more stringent discharge standards. Such effects may not be reflected in current fees of the other jurisdictions.

Comparison of Fiscal Year 2015 Single Family Availability Fees

Jurisdiction	Availability Fees ($/SFRE)
Arlington County (a)	$2,760
WSSC, MD	10,750
Fairfax County	7,750
Loudoun County	7,896
Prince William County	10,800
City of Alexandria	8,505

(a) The availability fee for an SFRE is based on the Fairfax County Department of Public Works and Environmental Service's evaluation of Arlington County's drainage fixture unit (FU) charge of $116/FU. The calculated fee is based on Fairfax County's assumption of 26 FU's per SFRE.

Existing Customer Base

Approximately 345,000 households in the County are served by the System. That represents approximately 935,000 County residents. Another 60,000 non-County residents are served through Sale of Service contracts. More than 27,000 nonresidential connections are served by the System. The floor area of the nonresidential customers is approximately 224 million square feet. The following table summarizes the County's sewer customer base in terms of County residential connections and population during Fiscal Years 2010 through 2014. County nonresidential connections and square footage are also shown for the same period.

RESIDENTIAL AND NONRESIDENTIAL CUSTOMER BASE
FAIRFAX COUNTY SANITARY SEWER SYSTEM

Service Class	**Fiscal Year** (Ended June 30)				
	2010	**2011**	**2012**	**2013**	**2014**
Residential Connections:					
Single Family Dwellings	161,777	162,264	162,671	163,266	164,021
Townhouses	76,811	76,885	77,019	77,301	77,469
Apartments	95,476	95,649	96,177	96,207	96,212
Total Residential Connections	334,064	334,798	335,867	336,774	337,702
Connected County Population	911,995	930,350	932,864	935,390	935,435
Annual Growth of residential connections, %	0.4%	0.2%	0.3%	0.3%	0.3%
Nonresidential Connections	26,247	27,411	27,676	28,092	28,136
Nonresidential Square Feet, MSF (million square feet)	214.5	222.5	223.4	223.9	224.2
Annual Growth of Nonresidential Connections, %	12.3%	4.4%	1.0%	1.5%	1.5%

The following is a summary of the top ten utility retail customers (does not include sales of service customers that receive bulk wastewater service on a contractual basis) for the System for Fiscal Year 2014.

[Retail Wastewater Top Ten Utility Customers – Fiscal Year 2014 (Based on Sales Revenue) [1]

Retail Account[2]	Service Class	Total Revenues	% of Total System Rate Revenues
Fairfax Hospital	Commercial	$517,919	0.28%
Greenspring Village	Commercial	506,771	0.27
Reston Hospital Center	Commercial	268,307	0.14
Fairmont Residential	Commercial	263,321	0.14
Montebello Condo Unit	Commercial	224,451	0.12
Homart Development Corp.	Commercial	203,085	0.11
BECO Management	Commercial	181,844	0.10
Hyatt Regency Reston	Commercial	145,007	0.08
ZML-Reston Town Center LLC	Commercial	144,800	0.08
INOVA Health Systems – Fair Oaks Hospital	Commercial	144,536	0.08
Totals		$2,600,041	[1.40%]
Total Retail Wastewater Rate Revenues[3]		$176,471,310	100.00%

[1] Based on information provided by the County and includes only retail sales information; does not reflect customers that receive wastewater service on a bulk or wholesale basis. Amounts reflect information for the Fiscal Year ended June 30, 2014, the most recently completed fiscal year.

[2] Represents the sum of all meters (accounts) which are considered as service to an individual customer, where applicable.

[3] Amount reflects revenues derived from the application of retail wastewater service charges and does not include bulk or wholesale service revenues or any other operating revenues received by the System for the respective Fiscal Year. – update]

LITIGATION

To the County's knowledge, no litigation is pending or threatened, (a) to restrain or enjoin the issuance, sale or delivery of any of the 2015 [A] Bonds, the application of the proceeds thereof as provided in the Bond Resolution or the collection of revenues pledged under the Bond Resolution, (b) in any way contesting or affecting any authority for the issuance or validity of the 2015 [A] Bonds or the validity of the Bond Resolution, (c) in any way contesting the creation, existence or powers of the County or (d) that, if determined adversely against the County, would have a material adverse effect on the County.

APPROVAL OF LEGAL PROCEEDINGS

Certain legal matters relating to the authorization and issuance of the 2015 [A] Bonds are subject to the approval of Sidley Austin LLP, Washington D.C., Bond Counsel, the proposed form of whose opinion is included herein as Appendix D.

Certain legal matters will be passed upon for the County by David Bobzien, Esquire, Fairfax County Attorney.

TAX MATTERS

Opinion of Bond Counsel [to be updated]

The County has covenanted to comply with applicable provisions of the Internal Revenue Code of 1986, as amended (the "Code"), relating to the exclusion from gross income of the interest on the Series 2015 [A] Bonds for purposes of federal income taxation. In the opinion of Sidley Austin LLP, Bond Counsel, under current law and assuming continuing compliance by the County with such covenants and requirements of the Code regarding, among other matters, the use, expenditure and investment of Series 2015 Bond proceeds and the timely payment of certain investment earnings to the United States Treasury, interest on the Series 2015 [A] Bonds will not be included in the gross income of the owners thereof for federal income tax purposes. Failure by the County to comply with such covenants and requirements may cause interest on the Series 2015 [A] Bonds to be includable in the gross income of the owners thereof retroactive to the date of issue of the Series 2015 [A] Bonds; and no opinion is rendered by Bond Counsel as to the effect on the exclusion from gross income of the interest on the 2015 [A] Bonds for federal income tax purposes of any action taken or not taken without the approval of Bond Counsel or upon the advice or approval of counsel other than Bond Counsel.

Interest on the 2015 [A] Bonds will not be an item of tax preference for purposes of the federal individual or corporate alternative minimum tax under the Code. Interest on the 2015 [A] Bonds will, however, be included in the calculation of alternative minimum tax liability imposed on corporations under the Code. The Code contains other provisions (some of which are noted below) that could result in tax consequences, as to which no opinion will be rendered by Bond Counsel, as a result of (i) ownership of the Bonds or (ii) inclusion in certain computations of interest that is excluded from gross income.

Original Issue Discount

The excess, if any, of the amount payable at maturity of any maturity of the 2015 [A] Bonds purchased as part of the initial public offering over the issue price thereof constitutes original issue discount. The amount of original issue discount that has accrued and is properly allocable to an owner of any maturity of the 2015 [A] Bonds with original issue discount (a "Discount Bond") will be excluded from gross income for federal income tax purposes to the same extent as interest on the 2015 [A] Bonds. In general, the issue price of a maturity of the 2015 [A] Bonds is the first price at which a substantial amount of 2015 [A] Bonds of that maturity was sold (excluding sales to bond houses, brokers, or similar persons or organizations acting in the capacity of underwriters, placement agents, or wholesalers) and the amount of original issue discount accrues in accordance with a constant yield method based on the compounding of interest. A purchaser's adjusted basis in a Discount Bond is to be increased by the amount of such accruing discount for purposes of determining taxable gain or loss on the sale or other disposition of such Discount Bonds for federal income tax purposes.

A portion of the original issue discount that accrues in each year to an owner of a Discount Bond which is a corporation will be included in the calculation of the corporation's federal alternative minimum tax liability. In addition, original issue discount that accrues in each year to an owner of a Discount Bond is included in the calculation of the distribution requirements of certain regulated investment companies and may result in some of the collateral federal income tax consequences discussed herein. Consequently, an owner of a Discount Bond should be aware that the accrual of original issue discount in each year may result in an alternative minimum tax liability, additional distribution requirements or other collateral federal income tax consequences although the owner of such Discount Bond has not received cash attributable to such original issue discount in such year.

The accrual of original issue discount and its effect on the redemption, sale, or other disposition of a Discount Bond that is not purchased in the initial offering at the first price at which a substantial amount of such 2015 [A] Bonds is sold to the public may be determined according to rules that differ from those described above. Owners of a Discount Bond should consult their tax advisors with respect to the determination for federal income tax purposes of the amount of original issue discount with respect to such Discount Bond and with respect to state and local tax consequences of owning and disposing of such Discount Bond.

Bond Premium

The excess, if any, of the tax basis of 2015 [A] Bonds purchased as part of the initial public offering to a purchaser (other than a purchaser who holds such 2015 [A] Bonds as inventory, stock in trade, or for sale to customers in the ordinary course of business) over the amount payable at maturity is "Bond Premium." Bond Premium is amortized over the term of such 2015 [A] Bonds for federal income tax purposes (or, in the case of a bond with bond premium callable prior to its stated maturity, the amortization period and yield may be required to be determined on the basis of an earlier call date that results in the lowest yield on such bond). Owners of such 2015 [A] Bonds are required to decrease their adjusted basis in such 2015 [A] Bonds by the amount of amortizable Bond Premium attributable to each taxable year such 2015 [A] Bonds are held. The amortizable bond premium on such 2015 [A] Bonds attributable to a taxable year is not deductible for federal income tax purposes; however Bond Premium on such 2015 [A] Bonds is treated as an offset to qualified stated interest received on such 2015 [A] Bonds. Owners of such 2015 [A] Bonds should consult their tax advisors with respect to the determination for federal income tax purposes of the treatment of Bond Premium upon sale, redemption or other disposition of such 2015 [A] Bonds and with respect to state and local income tax consequences of owning and disposing of such 2015 [A] Bonds.

Backup Withholding

Interest paid on the 2015 [A] Bonds is subject to information reporting in a manner similar to interest paid on taxable obligations. While this reporting requirement does not by itself, affect the excludability of interest on the 2015 [A] Bonds from gross income for federal income tax purposes, the reporting requirement causes the payment of interest on the 2015 [A] Bonds to be subject to backup withholding if such interest is paid to beneficial owners who (i) are not "exempt recipients," and (ii) either fail to provide certain identifying information (such as the beneficial owner's taxpayer identification number) in the required manner or have been identified by the Internal Revenue Service as having failed to report all interest and dividends required to be shown on their income tax returns. Generally, individuals are not exempt recipients, whereas corporations and certain other entities generally are exempt recipients. Amounts withheld under the backup withholding rules from a payment to a beneficial owner would be allowed as a refund or a credit against such beneficial owner's federal income tax liability provided the required information is furnished to the Internal Revenue Service.

Other Tax Consequences

Under existing law, the interest on the 2015 [A] Bonds is excluded from Virginia taxable income for purposes of the individual income tax and the income taxation of corporations by the Commonwealth of Virginia under Sections 58.1-322 and 58.1-402 of the Code of Virginia of 1950, as amended (the "Virginia Code"), to the extent that such interest is excludable from gross income for federal income tax purposes.

The Code and the Virginia Code contain other provisions (some of which are noted below) that could result in tax consequences, upon which Bond Counsel expresses no opinion, as a result of

ownership of the 2015 [A] Bonds or the inclusion in certain computations of interest on the Bonds that is excluded from gross income for purposes of federal income taxation.

PROSPECTIVE PURCHASERS OF THE 2015 [A] BONDS SHOULD CONSULT THEIR TAX ADVISORS AS TO THE APPLICABILITY AND IMPACT OF ANY SUCH COLLATERAL TAX CONSEQUENCES.

Ownership of tax-exempt obligations may result in collateral federal income tax consequences to certain taxpayers, including, without limitation, financial institutions, property and casualty insurance companies, certain foreign corporations doing business in the United States, certain S Corporations with excess passive income, individual recipients of Social Security or Railroad Retirement benefits, taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry tax-exempt obligations and taxpayers who may be eligible for the earned income tax credit.

Future Tax Developments

Future or pending legislative proposals, if enacted, regulations, rulings or court decisions may cause interest on the 2015 [A] Bonds to be subject, directly or indirectly, to federal income taxation or to state or local income taxation, or may otherwise prevent beneficial owners from realizing the full current benefit of the tax status of such interest. Legislation or regulatory actions and future or pending proposals may also affect the economic value of the federal or state tax exemption or the market value of the 2015 [A] Bonds. Prospective purchasers of the 2015 [A] Bonds should consult their tax advisors regarding any future, pending or proposed federal or state tax legislation, regulations, rulings or litigation as to which Bond Counsel expresses no opinion.

For example, various proposals have been made in Congress and by the President (the "Proposed Legislation") which, if enacted, would subject interest on bonds that is otherwise excludable from gross income for federal income tax purposes, including interest on the 2015 [A] Bonds, to a tax payable by certain bondholders with adjusted gross income in excess of thresholds specified in the Proposed Legislation. It is unclear if the Proposed Legislation will be enacted, whether in its current or an amended form, or if other legislation that would subject interest on the 2015 [A] Bonds to a tax or cause interest on the 2015 [A] Bonds to be included in the computation of a tax, will be introduced or enacted. Prospective purchasers should consult their tax advisors as to the effect of the Proposed Legislation, if enacted, in its current form or as it may be amended, or such other legislation on their individual situations.

RATINGS

The 2015 [A] Bonds have been rated "____" (stable) by Fitch Ratings ("Fitch"), "___" (positive outlook) by Moody's Investors Service, Inc. ("Moody's"), and "___" (stable) by Standard & Poor's Ratings Services, a division of The McGraw-Hill Companies, Inc. ("Standard & Poor's"). The County requested that the 2015 [A] Bonds be rated and furnished certain information to Fitch, Moody's and Standard & Poor's, including certain information that is not included in this Official Statement.

These ratings are not a recommendation to buy, sell or hold the 2015 [A] Bonds. Generally, rating agencies base their ratings on such materials and information, as well as investigations, studies and assumptions of the rating agencies. Such ratings may be changed at any time and no assurance can be given that they will not be revised downward or withdrawn entirely by any or all of such rating agencies, if, in the judgment of any or all, circumstances so warrant. Such circumstances may include, without limitation, change in or unavailability of information relating to the County. Any such downward revision or withdrawal of any of such ratings may have an adverse effect on the market price of the 2015 [A] Bonds.

FINANCIAL ADVISOR

The County has retained Public Financial Management, Inc., Arlington, Virginia, as financial advisor (the "Financial Advisor") in connection with the issuance of the 2015 [A] Bonds. Although the Financial Advisor assisted in the preparation and review of this Official Statement, the Financial Advisor is not obligated to undertake, and has not undertaken to make, an independent verification or to assume responsibility for the accuracy, completeness, or fairness of the information contained in the Official Statement. The Financial Advisor is a financial advisory, investment management, and consulting organization and is not engaged in the business of underwriting municipal securities.

VERIFICATION OF CERTAIN MATHEMATICAL COMPUTATIONS

The accuracy of (i) the arithmetical computations of the cash and the maturing principal and interest earned on investments, if any, in the escrow accounts established in the escrow agreements relating to the Refunded Bonds to pay when due or at their respective redemption dates, the principal of, premium, if any, and interest on such Refunded Bonds and (ii) the mathematical computations supporting the conclusion that the Bonds are not "arbitrage bonds" within the meaning of Section 148 of the Code, have been verified by Robert Thomas CPA, LLC. Such verifications have been based upon information supplied by the Financial Advisor.

UNDERWRITING

The 2015 [A] Bonds are being purchased by the Underwriters. The Underwriters will agree to purchase the 2015 [A] Bonds at a purchase price equal to $_____ (representing the principal amount of the 2015 [A] Bonds plus the net original issue premium less an underwriters' discount in the amount of $_____), and to reoffer such 2015 [A] Bonds at the initial reoffering yields set forth on the inside cover page hereof. The Underwriters will agree to accept delivery of and pay for all of the 2015 [A] Bonds if any are delivered. The obligations of the Underwriters will be subject to certain terms and conditions set forth in a purchase contracts relating to the 2015 [A] Bonds. The Underwriters may offer and sell the 2015 [A] Bonds to certain dealers (including dealers depositing the 2015 [A] Bonds into investment trusts) and others at prices different from the public offering prices stated on the cover page of this Official Statement. The public offering prices may be changed from time to time at the discretion of the Underwriters.

CERTIFICATE CONCERNING OFFICIAL STATEMENT

Concurrently with the delivery of the 2015 [A] Bonds, the Chairman of the Board of Supervisors and the County Executive of the County will certify that, to the best of their knowledge, the Official Statement did not as of its date, and does not as of the date of delivery of the 2015 [A] Bonds, contain any untrue statement of a material fact or omit to state a material fact that should be included therein for the purpose for which the Official Statement is to be used, or that is necessary in order to make the statements contained therein, in the light of the circumstances under which they were made, not misleading. Such certificate will also state, however, that the Chairman of the Board of Supervisors and the County Executive of the County did not independently verify the information indicated in this Official Statement as having been obtained or derived from sources other than the County and its officers but that they have no reason to believe that such information is not accurate.

FUTURE FINANCIAL INFORMATION

The Securities and Exchange Commission has adopted Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (the "Rule"). In general, the Rule prohibits an underwriter from

purchasing or selling municipal securities such as the 2015 [A] Bonds, unless it has determined that the issuer of such securities or other persons deemed to be material "obligated persons" have committed to provide to The Electronic Municipal Market Access ("EMMA") system administered by the Municipal Securities Rulemaking Board (i) on an annual basis, certain financial information and operating data ("Annual Reports"), and, if available, audited financial statements, and (ii) notice of various events described in the Rule, if material ("Event Notices").

The County will covenant in the Continuing Disclosure Agreement (the form of which appears in Appendix E), to be dated the date of delivery of the 2015 [A] Bonds, for the benefit of the holders of the 2015 [A] Bonds, to provide to EMMA, annually, not later than March 31 of each year, commencing March 31, 2016, Annual Reports with respect to itself, as issuer. Similarly, the County will provide Event Notices with respect to the Bonds to EMMA.

In accordance with continuing disclosure undertakings (the "Sewer Undertakings") relating to the County's sewer revenue bonds, the County agreed to provide and file certain annual financial and statistical information ("Sewer System Annual Disclosure Reports") relating to the County's sanitary sewer system (the "System") as well as the County's audited financial statements for the System ("Sewer System Annual Financial Statements"). For the Fiscal Years ended June 30, 2009, and June 30, 2010, the County prepared and filed the Sewer System Annual Disclosure Reports for each year. Such filings, however, inadvertently did not include the prepared Sewer System Annual Financial Statements (the "2009 and 2010 Sewer System Annual Financial Statements") required to be included in such filings pursuant to the terms of the Continuing Disclosure Undertakings, although the 2009 and 2010 Sewer System Annual Financial Statements were timely posted to the County's website. As of June 5, 2014, the County has filed the 2009 and 2010 Sewer System Annual Financial Statements. In addition, as a condition to the issuance of various series of revenue bonds ("UOSA Bonds") issued by the Upper Occoquan Service Authority for the benefit of the County and other jurisdictions, the County has agreed pursuant to continuing disclosure undertakings (the "UOSA Undertakings") to provide and file the Sewer System Annual Disclosure Reports and Sewer System Annual Financial Statements. The 2009 and 2010 Sewer System Annual Financial Statements were filed pursuant to the UOSA Undertakings but not in a timely manner and other filings were complete and timely but were not correctly cross-referenced to the UOSA Bonds. The County has implemented procedures to ensure the inclusion of necessary information in a timely manner in future filings required by the Sewer Undertakings and the UOSA Undertakings.

Pursuant to several continuing disclosure undertakings entered into relating to the Fairfax County Economic Development Authority's Transportation Contract Revenue Bonds (Route 28 Project), the County provided all required information, except that it inadvertently did not include in its annual information required under such undertakings a description of the twenty largest owners of real property by assessed value in the State Route 28 Highway Transportation Improvement District. The County has implemented procedures to ensure the inclusion of such information in future filings.

It should be noted, however, that while the County has timely filed each annual financial report required by its continuing disclosure undertakings (except as described under this caption), the filings with respect to certain bond issues were not cross-referenced to such bonds. Although such cross-references are not specifically required by the undertakings, the County has implemented procedures to ensure such cross-references in future filings.

Except as described under this caption, in the five years preceding the date of this Official Statement, the County has materially complied with its undertakings under the Rule.

Any failure by the County to perform its obligations under the Continuing Disclosure Agreement shall not constitute an Event of Default under the Bond Resolution or the 2015 [A] Bonds; rather, the

right to enforce the provisions of the Continuing Disclosure Agreement is limited to the right to compel performance. The Underwriter's obligations to purchase the 2015 [A] Bonds shall be conditioned upon receipt, at or prior to the delivery of the 2015 [A] Bonds, of an executed copy of the Continuing Disclosure Agreement.

MISCELLANEOUS

Any statements in this Official Statement involving matters of opinion or estimates, whether or not expressly so stated, are intended as such and not as representations of fact. No representation is made that any of the estimates will be realized.

The distribution of this Official Statement has been duly authorized by the Board of Supervisors of the County.

Attachment 2

PRELIMINARY OFFICIAL STATEMENT DEEMED FINAL

The distribution of this Preliminary Official Statement has been duly authorized by the Board of Supervisors of the County. The County deems this Preliminary Official Statement final as of its date within the meaning of Rule 15c2-12 of the Securities and Exchange Commission except for the omission of certain pricing and other information permitted to be omitted by Rule 15c2-12.

BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA

By: , Chairman

Attachment 3

BOND PURCHASE AGREEMENT

$___,000,000
FAIRFAX COUNTY, VIRGINIA
SEWER REVENUE REFUNDING BONDS, SERIES 2015A

_____ __, 2015

Fairfax County, Virginia
12000 Government Center Pkwy, Suite 561
Fairfax, VA 22035

The undersigned, _____ (the "Representative"), on its own behalf and on behalf of _____ (collectively, the "Underwriters"), hereby agrees to purchase the above-captioned bonds (the "Bonds") from Fairfax County, Virginia (the "County") pursuant to the terms and conditions of this Bond Purchase Agreement (this "Agreement").

The Bonds will be issued pursuant to, and secured under, the General Bond Resolution adopted by the Board of Supervisors of Fairfax County (the "Board of Supervisors") on July 29, 1985, amended and restated on July 21, 1986, further amended on January 9, 1989, further amended and restated on June 26, 1989, and further amended and restated on May 18, 2009, effective July 1, 2009 (the "General Bond Resolution"). The General Bond Resolution, as supplemented by a Series Resolution adopted by the Board of Supervisors on June 2, 2015 (the "2015 A Series Resolution" and together with the 2015 A Series Resolution, the "Resolution"), provides for the issuance of the Bonds. The General Bond Resolution was adopted pursuant to Article 3, Chapter 21, Title 15.2, Code of Virginia, 1950, as amended, and Chapter 26, Title 15.2, Code of Virginia, 1950, as amended (collectively, the "Act").

This offer is made subject to the acceptance hereof by the County evidenced by such party's execution and delivery (manually or by facsimile or electronic (PDF) transmission) of this Agreement (or the signature page) to the Underwriters or their counsel, at or prior to 5:00 p.m., Eastern Time, today. If not so accepted, this offer shall expire upon written notice sent by the Underwriters to the County at any time prior to acceptance.

Capitalized terms used in this Agreement and not otherwise defined shall have the meanings ascribed to them in the Preliminary Official Statement (as defined herein).

Section 1. Offer and Sale of the Bonds; Good Faith Deposit

(a) On the basis of the representations, warranties, covenants and agreements contained in this Agreement, and in the other agreements referred to herein, and subject to the terms and conditions described in this Agreement, the Underwriters, jointly and severally, agree to purchase the Bonds for the purchase price of $_____, representing the par amount of the Bonds of $_____, plus net original issue premium of $_____, less an underwriting discount of $_____.

The Bonds shall be dated their date of issuance and shall be payable as to principal and interest in years and amounts and at rates as shown on Exhibit A.

(b) The Underwriters acknowledge that the County has not authorized or consented to any of the following:

(i) the sale of the Bonds to any purchaser in connection with the initial public offering of the Bonds unless the Underwriters have complied with Rule G-32 of the Municipal Securities Rulemaking Board;

(ii) the offer or sale of Bonds in any jurisdiction where any such offer or sale would be in violation of the jurisdiction's securities laws;

(iii) making any representations or providing any information to prospective purchasers of the Bonds in connection with the public offering and sale of the Bonds other than the information set forth in the Preliminary Official Statement (as defined herein), the Official Statement and any amendment thereto approved in writing by the County; or

(iv) any actions in connection with the offering and sale of the Bonds in violation of applicable requirements of federal and state securities laws and any applicable requirements of the Municipal Securities Rulemaking Board or the National Association of Securities Dealers, Inc. The Underwriters agree that in their offering of the Bonds they will comply with the applicable rules of the Municipal Securities Rulemaking Board.

(c) On the date hereof, $_____ which amount is the payment in good faith on account of the purchase price of the Bonds (the "Good Faith Deposit"), shall be delivered by wire transfer of immediately available funds from the Underwriters to the account identified in writing by the County. In the event the County does not accept this offer, such Good Faith Deposit shall be immediately returned to the Underwriters by wire transfer to the account designated in writing by the Representative. In the event that the Underwriters fail (other than for a reason permitted herein) to accept and pay for the Bonds on the Closing Date (as defined herein) as herein provided, the amount of such Good Faith Deposit plus any interest earned thereon shall be retained by the County as and for liquidated damages for such failure and for any defaults hereunder on the part of the Underwriters, and such retention shall constitute a full release and discharge of all claims by the County against the Underwriters arising out of the transactions contemplated hereby. In the event of the County's failure to deliver the Bonds on the Closing Date, or if the County shall be unable to satisfy the conditions to the obligations of the Underwriters contained herein (unless such conditions are waived by the Underwriters), or if the obligations of the Underwriters shall be terminated for any reason permitted herein, the County shall immediately return to the Underwriters the Good Faith Deposit, plus any interest earned by the County on said sum from the date hereof to the date of return of the Good Faith Deposit, by wire transfer of immediately available funds to the account designated in writing by the Representative.

Section 2. Official Statement

The County hereby deems the Preliminary Official Statement to be final as of its date within the meaning of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended ("Rule 15c-2-12"), except for the omission of pricing and other information allowed to be omitted pursuant to such Rule 15c2-12. The County will prepare the Official Statement in final form, including the completion of all information required pursuant to such Rule 15c2-12. The execution of the Official Statement in final form by the County's Director of Finance shall be conclusive evidence that the County has deemed it final as of its date. The County shall arrange for the delivery within seven business days of the date hereof, and in any event in sufficient time to accompany customer confirms requesting payment, of a reasonable number of copies of the Official Statement in final form (which need not be manually executed) to the Underwriters for delivery to each potential investor requesting a copy of the Official Statement and to each purchaser to which the Underwriters initially sells Bonds.

The Underwriters represent that a copy of the Official Statement will be deposited before the "end of the underwriting period" (as defined herein) with the Municipal Securities Rulemaking Board.

Section 3. County's Representations, Warranties, Covenants and Agreements

The County hereby represents, warrants, covenants and agrees as follows:

(a) The County is, and will be at the Closing Time (as defined herein), (i) duly organized in the county executive form of government, a political subdivision of the Commonwealth of Virginia (the "Commonwealth") possessing all power and authority granted to counties so organized under the Constitution and laws of the Commonwealth, and (ii) authorized to enter into and adopt and perform its obligations under the Resolution, this Agreement, a Continuing Disclosure Agreement delivered by the County, dated the Closing Date (the "Continuing Disclosure Agreement) and an escrow deposit agreement between the County and U.S. Bank National Association (the "Escrow Agreement") (collectively, the "County Documents").

(b) The County has complied with all provisions of the Commonwealth's constitution and laws pertaining to the County's adopting or entering into the County Documents and has full power and authority to consummate all transactions contemplated by the County Documents and the Official Statement and any and all other agreements relating thereto to which the County is a party.

(c) At the time of the County's delivery of this Agreement and (unless an event occurs of the nature described in Section 3(i) below) at all subsequent times up to and including the Closing Time, the information contained in the Preliminary Official Statement and the Official Statement, excluding the information under the headings "DESCRIPTION OF THE 2015 BONDS – Book-Entry-Only System," "FINANCIAL ADVISOR" and "UNDERWRITING", and in any amendment or supplement to the Official Statement that the County may authorize for use with respect to the Bonds is and will be true and correct and does not contain and will not contain any untrue statement of a material fact and does not omit and will not omit to state a material fact necessary to make the statements in such document, in the light of the circumstances under which they were made, not misleading. If the Official Statement is supplemented or amended pursuant to Section 3(i) below, at the time of each supplement or amendment thereto and (unless subsequently again supplemented or amended pursuant to Section 3(i) below) at all times subsequent thereto up to and including the Closing Time, the County shall take all steps necessary to ensure that the Official Statement as so supplemented or amended does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading.

(d) The County has duly adopted and authorized, at one or more public meetings duly called and held at which quorums were present and acting throughout, (i) the distribution and use of the Official Statement, (ii) the adoption, execution, delivery and due performance of the County Documents and any and all such other agreements and documents as may be required to be executed and delivered by the County in order to carry out, give effect to and consummate the transactions contemplated by the County Documents and by the Official Statement, and (iii) the carrying out, giving effect to and consummation of the transactions contemplated by the County Documents and the Official Statement. Upon the Closing Date, the County shall have duly adopted or authorized, executed and delivered each County Document, if applicable and the Official Statement.

(e) Except as and to the extent described in the Preliminary Official Statement and the Official Statement, to the County's knowledge, there is no action, proceeding or investigation before or by any court or other public body pending or, threatened against or affecting the County or any County officer or employee in an official capacity (or, to the County's knowledge, any basis therefor), with respect to the completeness or accuracy of the Preliminary Official Statement or the Official Statement, or wherein an unfavorable decision, ruling or finding would materially adversely affect the transactions contemplated or

described herein or in the Official Statement, or the validity of the County Documents or of any other agreement or instrument to which the County is or is expected to be a party and which is used or contemplated for use in the consummation of the transactions contemplated or described herein or in or by the Official Statement, or the ability of the County to perform its obligations under any of the County Documents.

(f) The County's adoption or execution and delivery of the County Documents and other agreements contemplated by the County Documents and by the Official Statement, and compliance with the provisions thereof, will not constitute on the County's part a material breach of or a default under any existing law, court or administrative regulation, decree or order or any material contract, agreement, loan or other instrument to which the County is subject or by which the County is or may be bound. No event has occurred or is continuing that, with the lapse of time or the giving of notice, or both, would constitute an event of default under any such agreement, including the County Documents.

(g) The County will not take or omit to take any action the taking or omission of which will in any way cause the proceeds from the sale of the Bonds to be applied in a manner other than as described in the Official Statement and as permitted by the Resolution and which would cause the interest on the Bonds to be includable in the gross income of the recipients thereof for federal or Commonwealth income tax purposes.

(h) The audited financial statements of the County's Integrated Sewer System (the "Sewer System) for the fiscal year ended June 30, 2014, set forth as Appendix A to the Official Statement, present fairly the Sewer System's financial position as of June 30, 2014, and such statements have been prepared in conformity with generally accepted accounting principles applied on a consistent basis. The Official Statement presents fairly the financial information purported to be shown as of the indicated dates. There has been no material adverse change in the financial condition of the Sewer System as a whole since June 30, 2014.

(i) If between the date of this Agreement and the date that is 25 days after the "end of the underwriting period," as defined below, any event shall occur that might or would cause the Official Statement, as then supplemented or amended, to contain any untrue statement of a material fact or to omit to state a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading, the County shall promptly notify the Underwriters. If, in the opinion of the Underwriters, such event requires the preparation and publication of a supplement or amendment to the Official Statement, the County will, at the County's expense, supplement or amend the Official Statement in a form and in a manner approved by the Underwriters.

The "end of the underwriting period" is the time that is the later of (i) the Closing Time and (ii) the time the Underwriters do not retain, directly or as members of an underwriting syndicate, an unsold balance of the Bonds for sale to the public. Unless the Underwriters shall otherwise advise the County in writing prior to the Closing Date, the County may assume that the end of the underwriting period is the Closing Time.

(j) The County is not required to obtain any further consent, approval, authorization or order of any governmental or regulatory authority as a condition precedent to its adoption or authorization, execution and delivery of the County Documents or the Official Statement, or the County's performance hereunder and thereunder (provided no representation or warranty is expressed as to any action required under federal or state securities or Blue Sky laws in connection with the Underwriters' offers or sales of the Bonds).

(k) The County agrees to take all reasonable steps as requested to cooperate with the Underwriters and their counsel in order to qualify the Bonds for offering and sale under the securities or "Blue Sky"

laws of such jurisdictions of the United States as the Underwriters may request, provided that the County need not consent to jurisdiction or service of process in any state other than the Commonwealth.

(l) The County has never defaulted in the payment of principal or interest on any general obligation indebtedness, has not exercised any rights of nonappropriation or similar rights, and has not borrowed for general fund cash-flow purposes. No proceedings have ever been taken, are being taken, or are contemplated by the County under the United States Bankruptcy Code or under any similar law or statute of the United States or the Commonwealth.

(m) The County will comply timely with the provisions of the Continuing Disclosure Agreement.

Section 4. Delivery of Bonds

The Bonds shall be delivered through The Depository Trust Company in New York, New York, by 12:00 noon, Eastern Time, on _____, 20__, or such other place, time or date as shall be mutually agreed on in writing by the County and the Underwriters. Simultaneously, the Underwriters shall make the payment required pursuant to Section 1 above, in immediately available funds, to the County or at its direction. In this Agreement, the date of such delivery and payment is called the "Closing Date," and the hour and date of such delivery and payment is called the "Closing Time."

The Bonds shall be delivered in fully registered form, in the form of one Bond for each maturity, bearing CUSIP numbers (provided neither the inclusion of a wrong number on any Bond nor the failure to include a number thereon shall constitute cause to refuse delivery of any Bond).

Section 5. Conditions to Underwriters' Obligations

The Underwriters' obligations hereunder are subject to the following conditions:

(a) The County Documents and the Official Statement shall have been duly authorized or adopted and, if applicable, executed and delivered in the forms heretofore approved by the Underwriters with only such changes as are mutually agreed on by the County and the Underwriters.

(b) The performance by the County of its obligations and adherence to its covenants hereunder to have been performed at or prior to the Closing Time.

(c) The representations and warranties contained in this Agreement by the County are true and correct today and as of the Closing Time as if made at the Closing Time.

(d) There has been no material change in the County's condition (financial or otherwise) between the most recent dates as to which information is given in the Official Statement and the Closing Time, other than as reflected in or contemplated by the Official Statement, and there are at the Closing Time no material transactions or obligations (not in the ordinary course of business) entered into by the County subsequent to the date of the Official Statement, other than as reflected in or contemplated by the Official Statement.

(e) All necessary approvals, whether legal or administrative, have been obtained from such federal, state and local entities or agencies as are appropriate and are required in connection with the financing.

(f) At the Closing Time, the Underwriters shall have received:

(i) Opinions dated the Closing Date of (A) Sidley Austin LLP, Bond Counsel, in substantially the form of Appendix VI to the Official Statement, and (B) _____., counsel to the Underwriters, in form and substance acceptable to the Underwriters.

(ii) An opinion of David P. Bobzien, Esq., County Attorney, dated the Closing Date and addressed to the Underwriters, to the effect that (A) the County is a political subdivision of the Commonwealth, duly organized and validly existing under the Constitution and laws of the Commonwealth and vested with all the rights, powers and privileges conferred upon it by the Constitution and laws of the Commonwealth, (B) the Resolution was duly adopted by the Board of Supervisors of the County and is in full force and effect, (C) the County has all necessary power and authority (1) to adopt or execute and deliver, as applicable, the County Documents and (2) to consummate all of the actions contemplated by the County Documents, (D) the County Documents have been duly authorized and, if applicable, executed and delivered by the County and constitute valid and legally binding obligations of the County, enforceable (subject to customary exceptions) against the County in accordance with their terms, (E) no further approval, consent of withholding of objection on the part of any regulatory body, federal, Commonwealth or local, is required for the County to execute and deliver and perform its obligations under the County Documents, (F) the adoption by the Board of Supervisors of the Resolution and the execution and delivery by the County of the other County Documents and the consummation by the County of the transactions contemplated by them are not prohibited by, and do not violate any provision of and will not result in the breach of any law, rule, regulation, judgment, decree, order or other requirement applicable to the County, any ordinance or resolution of the County, or any material contract, indenture or agreement to which the County is a party or by which the County is bound, and have not resulted, and will not result, in the creation or imposition of any lien, encumbrance, mortgage or other similar conflicting ownership or security interest in favor of any third person in or to the County's revenues, assets, properties or funds except as contemplated in the County Documents, and (G) to the County's knowledge there is no legal action or other proceeding, or any investigation or inquiry (before any court, agency, arbitrator or otherwise), pending or threatened against the County or any of its officials, in their respective capacities, (1) to restrain or enjoin the issuance, sale or delivery of the Bonds or the application of proceeds of the Bonds as provided in the Official Statement or (2) which may reasonably be expected to have a material and adverse effect upon the due performance by the County of the transactions contemplated by the County Documents and the Official Statement or the validity or enforceability of the Bonds or the County Documents.

(iii) A supplemental opinion of Bond Counsel, dated the Closing Date and in form and substance acceptable to the Underwriters, that authorizes the Underwriters to rely on the approving opinion of Bond Counsel and, additionally, is to the effect that

(A) the information contained in those portions of the Official Statement entitled **"DESCRIPTION OF THE 2015 BONDS (excluding Book-Entry-Only System)," "SECURITY FOR AND SOURCES OF PAYMENT OF THE 2015 BONDS," "APPROVAL OF LEGAL PROCEEDINGS", "TAX MATTERS,"** and **"FUTURE FINANCIAL INFORMATION,"** insofar as such information summarizes provisions of the County Documents or is a description of opinions rendered by Bond Counsel, is a fair and accurate summary of the information purported to be summarized, and such statements, as summaries, do not contain an untrue statement of a material fact or omit to state a material fact necessary to make such statements, as summaries, in the light of the circumstances under which they were made, not misleading.

(B) the Bonds do not require registration under the Securities Act of 1933, as amended (the "Securities Act"); and

(C) the Trust Indenture Act of 1939, as amended (the "Trust Indenture Act"), does not require the qualification of the Resolution thereunder.

(iv) Evidence satisfactory to the Underwriters that the Bonds have received ratings of "___" from Moody's Investors Service, Inc., "____" from Fitch Ratings and "___" from Standard & Poor's

Ratings Services, a division of The McGraw-Hill Companies, Inc., and that such ratings are in effect at the Closing Time.

(v) Certified copies of all relevant proceedings of the Board of Supervisors of the County.

(vi) Original executed or certified copies of the County Documents.

(vii) Signed copies of a certificate or certificates, dated the Closing Date, signed by the County Executive to the effect that (1) the representations and warranties of the County contained herein are true and correct in all material respects on and as of the Closing Date as if made on the Closing Date; (2) to the best of the knowledge of such officer, the Official Statement does not contain any untrue statement of material fact or omit any statement of a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading; (3) no litigation is pending against the County or, to the knowledge of such officer pending against any other entity or person or threatened in any court in any way adversely affecting the legal existence of the County or seeking to restrain or enjoin the issuance, sale, execution or delivery of the Bonds, or materially and adversely affecting the ability of the County to pay principal and interest on the Bonds, or in any way materially and adversely contesting or affecting the validity or enforceability of the Bonds, the Resolution or this Agreement, or contesting the completeness or accuracy of the Preliminary Official Statement or the Official Statement, or contesting the power of the County or its authority with respect to the County Documents; (4) to the best of the knowledge of such officer, no event materially and adversely affecting the County or the transactions contemplated by the Official Statement has occurred since the date of the Official Statement which, in the reasonable opinion of the County, is required to be set forth in an amendment or supplement to the Official Statement (whether or not the Official Statement shall have been amended or supplemented to set forth such event); (5) the County has the full legal right, power and authority to carry out and consummate the transactions contemplated to be carried out by the County by the Official Statement; and (6) the County has complied with all the requirements and satisfied all the conditions on its part to be performed or satisfied at or prior to the Closing Date.

(viii) Receipt by the Underwriters and Bond Counsel of a tax certificate of the County which includes the issue price certificate for the Bonds of the Underwriters the form of which appears as Exhibit B to this Agreement.

(ix) A letter in form and substance satisfactory to the Representative of _____, the Verification Agent, dated no later than the Closing Date and addressed to the County and the Underwriters (the "Verification Report") (A) verifying the accuracy of the mathematical computations of the adequacy of the maturing principal of, premium, if any, and interest earned on the obligations to be held pursuant to the Escrow Agreement together with cash deposited thereunder, if any, to provide for the payment of the principal of and interest on the bonds to be refunded when due, and (B) consenting to the reference to them and to their Verification Report under the caption of the Official Statement entitled "VERIFICATION OF MATHEMATICAL COMPUTATIONS;"

(x) Such additional certificates and other documents in such form and substance as the Underwriters, their counsel or Bond Counsel may request to evidence performance of or compliance with the provisions of the County Documents or the Official Statement and the transactions contemplated hereby and thereby, the truth and accuracy as of the Closing Time of the County's representations herein and in the Official Statement, and the County's due performance at or prior to the Closing Time of all agreements then to be performed by the County.

The delivery of the above documents shall be made on the Closing Date, at or prior to the Closing Time, at the offices of Sidley Austin LLP, Washington, D.C., or at such other place as the County and the Underwriters may hereafter determine.

The County shall exercise its reasonable best efforts to fulfill such of the foregoing conditions as may be under their control or direction. In no event shall the failure of any such condition to be met constitute a default on the part of any party (except any party who had such condition under its control or direction). The provisions of Section l(c) shall apply whether or not the failure of any such condition to be met constitutes a default on the part of any party.

Section 6. Underwriters' Right to Cancel

The Underwriters have the right to cancel their obligations hereunder by written notification from the Representative to the County of the Underwriters election to do so between today and the Closing Time, if at any time before the Closing Time:

(a) legislation shall have been enacted or introduced by the Congress of the United States or the legislature of the Commonwealth or legislation shall have been reported out of committee of either body or be pending in committee of either body, or a decision shall have been rendered by a court of the United States or the Commonwealth or the Tax Court of the United States, or a ruling, resolution, regulation, or temporary regulation, release, or announcement shall have been made or shall have been proposed to be made by the Treasury Department of the United States or the Internal Revenue Service, or other federal or Commonwealth authority, with respect to federal or Commonwealth taxation upon revenues or other income of the general character of that to be derived by the County from its operations, or upon interest received on obligations of the general character of the Bonds that, in the Underwriters' reasonable judgment, materially adversely affects the market for the Bonds, or the market price generally of obligations of the general character of the Bonds; or

(b) there shall exist any event or circumstance that in the Underwriters' reasonable judgment either makes untrue or incorrect in any material respect any statement or information in the Official Statement or is not reflected in the Official Statement but should be reflected therein in order to make any statement of material fact therein not misleading in any material respect; or

(c) there shall have occurred (a) an outbreak or escalation of hostilities involving the United States or the declaration by the United States of a national emergency or war occurs; or (b) the occurrence of any other calamity or crisis or any change in the financial, political, or economic conditions in the United States or elsewhere, if the effect of any such event specified in clause (a) or (b), in the judgment of the Underwriters, materially adversely affects the market for the Bonds; or

(d) there shall be in force a general suspension of trading on the New York Stock Exchange, or minimum or maximum prices for trading shall have been fixed and be in force, or maximum ranges for prices for securities shall have been required and be in force on the New York Stock Exchange, whether by virtue of a determination by that Exchange or by an order of the Securities and Exchange Commission (the "SEC") or any other governmental authority having jurisdiction that, in the Underwriters' reasonable judgment, materially adversely affects the market for the Bonds; or

(e) a general banking moratorium shall have been declared by federal or state authorities having jurisdiction and be in force that, in the Underwriters' reasonable judgment, materially adversely affects the market for the Bonds; or

(f) legislation shall be enacted or be proposed or actively considered for enactment, or a decision by a court of the United States shall be rendered, or a ruling, regulation, proposed regulation, or statement by or on behalf of the SEC or other governmental agency having jurisdiction of the subject matter shall be made, to the effect that the Bonds or any comparable securities of the County, or any obligations of the general character of the Bonds are not exempt from the registration, qualification or other requirements of the Securities Act, or otherwise, or would be in violation of any provision of the federal securities laws; or

(g) there shall be established any new restriction on transactions in securities materially affecting (a) the free market for securities (including the imposition of any limitation on interest rates) or (b) the extension of credit by, or a change to the net capital requirements of, the Underwriters established by the New York Stock Exchange, the SEC, any other federal or state agency or the Congress of the United States, or by Executive Order; or

(h) a stop order, release, regulation, or no-action letter by or on behalf of the SEC or any other governmental agency having jurisdiction of the subject matter shall have been issued or made to the effect that the issuance, offering or sale of the Bonds, including all underlying obligations as contemplated hereby or by the Official Statement, or any County Documents or other documents relating to the issuance, offering or sale of the Bonds, is or would be in violation of any provision of the federal securities laws; or

(i) there shall have been any material adverse change in the affairs of the County that in the Underwriters' reasonable judgment will materially adversely affect the market for the Bonds; or

(j) there shall have occurred, after the signing hereof, either a financial crisis or a default with respect to the debt obligations of the County or the Commonwealth (which, in the case of a financial crisis or default of the Commonwealth, causes a material adverse change in the affairs of the County) or proceedings under the bankruptcy laws of the United States or insolvency laws of the Commonwealth shall have been instituted by the County in either case the effect of which, in the reasonable judgment of the Underwriters, is such as to materially and adversely affect the market price or the marketability of the Bonds.

Section 7. Representations, Warranties, Covenants and Agreements to Survive Delivery

All of the County's representations, warranties, covenants and agreements in this Agreement shall remain operative and in effect, regardless of any investigation made by the Underwriters on their own behalf, after delivery of and payment for any Bonds or of termination or cancellation of this Agreement.

Section 8. Expenses

The County and the Underwriters acknowledge that the underwriting fee provided for in Section 1 represents compensation and reimbursement to the Underwriters for expenses; provided, however, that nothing in this acknowledgement shall be deemed to make the Underwriters agents of the County.

The Underwriters shall pay their out-of-pocket expenses, including the fees and expenses of Underwriters' counsel (including the cost of performing any blue sky and legal investment surveys), including advertising expenses in connection with a public offering of the Bonds, fees of the CUSIP Bureau and any fees of the Municipal Securities Rulemaking Board or the Securities Industry and Financial Markets Association.

The County shall pay all expenses and costs to effect the authorization, preparation, execution, delivery and sale of the Bonds, including, without limitation, the fees and expenses of Bond Counsel, rating agency fees and expenses, the fees and expenses of the bond registrar and paying agent, any registration or similar fees for qualifying the Bonds for sale in various jurisdictions chosen by the Underwriters and agreed to by the County and the expenses and costs for the preparation, printing, photocopying, execution and delivery of the Bonds and the Official Statement and all other agreements and documents contemplated by this Agreement. The County shall also pay all meal, travel and lodging, expenses of its own officials and employees.

Section 9. Miscellaneous

(a) Any notice or other communication to be given hereunder may be given by mailing or delivering the same in writing as follows:

If to the Underwriters:

Attention: _____

If to the County: Fairfax County, Virginia
Attention: Chief Financial Officer
12000 Government Center Parkway
Fairfax, Virginia 22035

(b) The parties intend that this Agreement shall be governed by the laws of the Commonwealth.

(c) This Agreement may be executed in several counterparts (including separate counterparts), each of which shall be regarded as an original and all of which shall constitute one and the same document.

(d) This Agreement will inure to the benefit of and be binding on the County and the Underwriters and their respective successors and assigns, but will not confer any rights on any other person, partnership, association or corporation other than persons, if any, controlling the County and the Underwriters within the meaning of the Securities Act or the Securities Exchange Act of 1934, as amended. The terms "successors" and "assigns" shall not include any purchaser of any Bond from the Underwriters merely because of such purchase.

(e) No covenant, condition or agreement contained herein shall be deemed to be a covenant, agreement or obligation of a present or future member, officer, employee or agent of the County in such person's individual capacity, and no officer, member, employee or agent of the County shall be liable personally for the performance of any obligation under this Agreement. No recourse shall be had by the Underwriters for any claim based on this Agreement or otherwise against any officer, member, employee or agent of the County in his or her individual capacity, provided such person acts in good faith, all such liabilities, if any, being hereby expressly waived and released by the Underwriters.

(f) Section headings in this Agreement are a matter of convenience of reference only, and such section headings are not part of this Agreement and shall not be used in the interpretation of any provisions of this Agreement. Terms of any gender used herein shall include the masculine, feminine and neuter.

(g) Notwithstanding any provision herein to the contrary, the Underwriters, in their sole discretion, may waive the performance of any and all obligations of the County hereunder and the performance of any and all conditions contained herein for the Underwriters' benefit, and the Underwriters' approval when required hereunder or the determination of their satisfaction as to any document referred to herein shall be in writing signed by an appropriate officer or officers of the Representative, on the Underwriters' behalf, and delivered to the County.

(h) This Agreement is the entire agreement of the parties, superseding all prior agreements, and may not be modified except in writing signed by the parties hereto.

(i) The County acknowledges and agrees that: (i) the primary role of the Underwriters, as underwriters, is to purchase securities for resale to investors, in an arm's-length commercial transaction between the County and the Underwriters and that the Underwriters have financial and other interests that differ from those of the County.; (ii) the Underwriters are not acting as a municipal advisor, financial advisor, or fiduciary to the County and have not assumed any advisory or fiduciary responsibility to the County with respect to the transaction contemplated hereby and the discussions, undertakings and procedures leading thereto (irrespective of whether the Underwriters have provided other services or are currently providing other services to the County on other matters); (iii) the only obligations the Underwriters have to the County with respect to the transaction contemplated hereby expressly are set forth in this Agreement; and (iv) the County has consulted its own financial or municipal, legal, accounting, tax and other advisors, as applicable, to the extent it deems appropriate.

(j) This Agreement is effective on its acceptance by the County.

Attachment 3

_____,
On behalf of the Underwriters, including itself

By _____

[Signature Continued on Following Page]

Attachment 3

[Counterpart Signature Page to Bond Purchase Agreement]

Accepted and agreed to:

_____

By:_____

Attachment 3

EXHIBIT A

$_____
FAIRFAX COUNTY, VIRGINIA
SEWER REVENUE REFUNDING BONDS, SERIES 2015A

SERIES 2015A BONDS
RATE AND MATURITY SCHEDULE

Maturity (July 15)	Amount	Interest Rate	Yield	Maturity (July 15)	Amount	Interest Rate	Yield
20__	$	%	%	20__	$	%	%
20__				20__			
20__				20__			
20__				20__			
20__				20__			

SERIES 2015A BONDS REDEMPTION PROVISIONS

The Bonds are not subject to redemption before maturity.

EXHIBIT B

$_____
FAIRFAX COUNTY, VIRGINIA
SEWER REVENUE REFUNDING BONDS, SERIES 2015

CERTIFICATE OF _____

$_____
Fairfax County, Virginia
Sewer Revenue Refunding Bonds, Series 2015A

This Certificate is furnished by _____, as representative of the underwriters of the above-referenced Bonds (the "Underwriters"), to establish the initial offering prices of the Bonds for purposes of determining the "issue price" of the Bonds within the meaning of Section 1273 of the Internal Revenue Code of 1986, as amended (the "Code") and certain other matters relating to the Bonds.

Capitalized terms used and not defined herein are as defined in the Tax Certificate to which this certification is attached as Exhibit __.

Based on the foregoing, the undersigned DOES HEREBY CERTIFY as follows:

A. Issue Price

1. The Underwriters reasonably expected on _____, 2015, which is the date on which a written binding agreement to purchase the Bonds was entered into (the "Sale Date"), to sell all of the Bonds for cash to the "General Public" (as defined below) at the respective initial public offering prices for each maturity of substantially identical Bonds, as set forth in Schedule I hereto (each an "Initial Public Offering Price" and, collectively, the "Initial Public Offering Prices").

2. The Underwriters made a bona fide offering of each maturity of the Bonds to the General Public at its respective Initial Public Offering Price.

3. Except as provided in paragraph 4 below, with respect to each maturity of substantially identical Bonds, the Underwriters first sold for cash at least 10% of such maturity of the Bonds to the General Public at a price equal to its Initial Public Offering Price.

4. In the case of the Bonds maturing on _____, 20__, ___, 20___ and _____, 20__ (the "Unsold Bonds"), although the Underwriters made a bona fide public offering of all of the Unsold Bonds to the General Public at their Initial Public Offering Prices, and reasonably expected on the Sale Date to sell all of the Unsold Bonds to the General Public for cash at their Initial Public Offering Prices, the Underwriters have not sold at least ten percent (10%) of the Unsold Bonds and have temporarily retained them in inventory. While it can be reasonably expected that (i) such Unsold Bonds will be held as inventory until sold to the General Public (as

opposed to being held for the Underwriter's own account), and (ii) such sale to the General Public may be at prices higher than the Initial Public Offering Prices, the Underwriters' reasonable expectations regarding the fair market value of the Bonds, as of the Sale Date, are those reflected as the Initial Public Offering Prices.

4. The aggregate Initial Public Offering Prices of all of the Bonds is $_____.

5. We have no reason to believe that any of the Initial Public Offering Prices is more than a fair market value of the Bonds as of the Sale Date.

6. For purposes of this certificate, the term "General Public" means the general public of investors who are purchasing for their own account as ultimate purchasers and does not include bond houses, brokers and similar persons acting in the capacity of underwriters or wholesalers.

Attachment 3

We understand that the foregoing information may, among other things, be relied upon by the Issuer with respect to certain of the representations set forth in the Tax Certificate and by the Issuer's Bond Counsel, Sidley Austin LLP, in connection with its opinion as to the exclusion from gross income of the interest on the Bonds for federal income tax purposes.

Dated: _____, 20__ _____

_____
By:
Title:

Attachment 3

Schedule I of Exhibit __

Initial Public Offering Prices

Maturity Date	Principal Amount ($)	Interest Rate (%)	Price (% of Par)
07/15/20__		%	
07/15/20__			
07/15/20__			
07/15/20__			
07/15/20__			
07/15/20__			
07/15/20__			
07/15/20__			
07/15/20__			
Total	$		

Attachment 4

CONTINUING DISCLOSURE AGREEMENT

This Continuing Disclosure Agreement (the "Disclosure Agreement") is executed and delivered by Fairfax County, Virginia (the "County") in connection with the issuance by the County of $_____ aggregate principal amount of its Sewer Revenue Refunding Bonds, Series 2015 [A] (the "Bonds" or "2015 A Bonds") pursuant to the provisions of the General Bond Resolution adopted by the Board of Supervisors of Fairfax County (the "Board of Supervisors") on July 29, 1985, amended and restated on July 21, 1986, further amended on January 9, 1989, further amended and restated on June 26, 1989, and further amended and restated on May 18, 2009, effective July 1, 2009 (the "General Bond Resolution"). The General Bond Resolution was supplemented by the Series Resolution adopted by the Board of Supervisors on July 21, 1986, as amended and restated on August 4, 1986, supplemented on June 26, 1989, further supplemented by the Series Resolution adopted by the Board of Supervisors on April 12, 1993, further supplemented by the Series Resolution adopted by the Board of Supervisors on June 17, 1996, further supplemented by the Series Resolution adopted by the Board of Supervisors on September 13, 2004, further amended and supplemented by the Series Resolution adopted by the Board of Supervisors on May 18, 2009, further supplemented by the Series Resolution adopted by the Board of Supervisors on June 18, 2012, further supplemented by the Series Resolution adopted by the Board of Supervisors on March 4, 2014, further supplemented by the Series Resolution adopted by the Board of Supervisors on _____, 2015, providing for the issuance of the 2015 A Bonds (the "2015 Series Resolution"). The 2015 A Bonds are being issued to provide funds for (i) refunding certain of the outstanding Sewer Revenue Bonds, Series 2009, (ii) refunding certain of the outstanding Sewer Revenue Bonds, Series 2012 and (iii) paying the costs of issuing the 2015 A Bonds. The County hereby covenants and agrees as follows:

SECTION 1. Purpose of the Disclosure Agreement. This Disclosure Agreement is being executed and delivered by the County for the benefit of the holders of the 2015 A Bonds and in order to assist the Participating Underwriters (defined below) in complying with the Rule (defined below). The County acknowledges that it is undertaking primary responsibility for any reports, notices or disclosures that may be required under this Agreement.

SECTION 2. Definitions. In addition to the definitions set forth in the Resolution, which apply to any capitalized term used in this Disclosure Agreement unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

"Annual Report" shall mean any Annual Report provided by the County pursuant to, and as described in, Sections 3 and 4 of this Disclosure Agreement.

"Dissemination Agent" shall mean the County, acting in its capacity as Dissemination Agent hereunder, or any successor Dissemination Agent designated in writing by the County and which has filed with the County a written acceptance of such designation.

"Filing Date" shall have the meaning given to such term in Section 3(a) hereof.

"Fiscal Year" shall mean the twelve-month period at the end of which financial position and results of operations are determined. Currently, the County's Fiscal Year begins July 1 and continues through June 30 of the next calendar year.

"Holder" or "holder" shall mean, for purposes of this Disclosure Agreement, any person who is a record owner or beneficial owner of a 2015 A Bond.

"Listed Events" shall mean any of the events listed in subsection (b)(5)(i)(C) of the Rule, which are as follows:

principal and interest payment delinquencies;

non-payment related defaults; if material;

unscheduled draws on debt service reserves reflecting financial difficulties;

unscheduled draws on credit enhancements reflecting financial difficulties;

substitution of credit or liquidity providers, or their failure to perform;

adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 570-TEB) or other material notices or determinations with respect to the tax-exempt status of the 2015 A Bonds or other material events affecting the tax-exempt status of the 2015 A Bonds;

modifications to rights of holders, if material;

bond calls, if material, and tender offers;

defeasances;

release, substitution, or sale of property securing repayment of the Bonds, if material;

rating changes;

bankruptcy, insolvency, receivership or similar event of the County; which event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the County in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets of business of the County, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the County;

the consummation of a merger, consolidation, or acquisition involving the County or the sale of all or substantially all of the assets of the County, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating any such actions, other than pursuant to its terms, if material; and

appointment of a successor or additional paying agent or the change of name of a paying agent, if material.

"Participating Underwriter" shall mean any of the original underwriters of the County's 2015 A Bonds required to comply with the Rule in connection with the offering of such Bonds.

"Repository" shall mean The Electronic Municipal Market Access ("EMMA") system administered by the Municipal Securities Rulemaking Board. EMMA is recognized as a National Repository for purposes of the Rule.

"Rule" shall mean Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

SECTION 3. Provision of Annual Reports.

A. The County shall, or shall cause the Dissemination Agent to, provide to each Repository an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Agreement. Such Annual Report shall be filed on a date (the "Filing Date") that is not later than March 31 after the end of any Fiscal Year (commencing with its Fiscal Year ending June 30, 2015). Not later than ten (10) days prior to the Filing Date, the County shall provide the Annual Report to the Dissemination Agent (if applicable). In such case, the Annual Report (i) may be submitted as a single document or as separate documents comprising a package, (ii) may cross-reference other information as provided in Section 4 of this Disclosure Agreement and (iii) shall include the County's audited financial statements for the County's Integrated Sewer System (the "System") or, if audited financial statements are not available, such unaudited financial statements as may be required by the Rule. In any event, audited financial statements for the System must be submitted, if and when available, together with or separately from the Annual Report.

B. The annual financial statements for the System shall be prepared on the basis of generally accepted accounting principles and will be audited. Copies of the audited annual financial statements, which may be filed separately from the Annual Report, will be filed with the Repository when they become publicly available.

C. If the County fails to provide an Annual Report to the Repository by the date required in subsection (a) hereto or to file its audited annual financial statements for the System with the Repository when they become publicly available, the County shall send a notice to the Repository in substantially the form attached hereto as Exhibit B.

SECTION 4. Content of Annual Reports. Except as otherwise agreed, any Annual Report required to be filed hereunder shall contain or incorporate by reference, at a minimum, annual financial information relating to the System, including operating data, updating such information relating to the System as described in Exhibit A, all with a view toward assisting Participating Underwriters in complying with the Rule.

Any or all of such information may be incorporated by reference from other documents, including official statements of securities issues with respect to which the County is an "obligated person" (within the meaning of the Rule), which have been filed with the Repository or the Securities and Exchange Commission. If the document incorporated by reference is a final official statement, it must be available from the Repository. The County shall clearly identify each such other document so incorporated by reference.

SECTION 5. Reporting of Listed Events. The County will provide within 10 business days to the Repository notice of any of the Listed Events.

SECTION 6. Termination of Reporting Obligation. The County's obligations under this Disclosure Agreement shall terminate upon the earlier to occur of the legal defeasance or final retirement of all the 2015 Bonds.

SECTION 7. Dissemination Agent. The County may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Agreement and may

discharge any such Agent, with or without appointing a successor Dissemination Agent. If at any time there is not any other designated Dissemination Agent, the County shall be the Dissemination Agent.

SECTION 8. Amendment. Notwithstanding any other provision of this Disclosure Agreement, the County may amend this Disclosure Agreement, if such amendment is supported by an opinion of independent counsel with expertise in federal securities laws, to the effect that such amendment is permitted or required by the Rule.

SECTION 9. Additional Information. Nothing in this Disclosure Agreement shall be deemed to prevent the County from disseminating any other information, using the means of dissemination set forth in this Disclosure Agreement or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Agreement. If the County chooses to include any information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is specifically required by this Disclosure Agreement, the County shall have no obligation under this Agreement to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

SECTION 10. Default. Any person referred to in Section 11 (other than the County) may take such action as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the County to file its Annual Report or to give notice of a Listed Event. The holders of not less than a majority in aggregate principal amount of Bonds outstanding may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to challenge the adequacy of any information provided pursuant to this Disclosure Agreement, or to enforce any other obligation of the County hereunder. A default under this Disclosure Agreement shall not be deemed an event of default under the General Bond Resolution, the 2015 Series Resolution or the 2015 Bonds of the County, and the sole remedy under this Disclosure Agreement in the event of any failure of the County to comply herewith shall be an action to compel performance. Nothing in this provision shall be deemed to restrict the rights or remedies of any holder pursuant to the Securities Exchange Act of 1934, the rules and regulations promulgated thereunder, or other applicable laws.

SECTION 11. Beneficiaries. This Disclosure Agreement shall inure solely to the benefit of the County, the Participating Underwriters, and holders from time to time of the County's Bonds, and shall create no rights in any other person or entity.

Date: _____, 2015

FAIRFAX COUNTY, VIRGINIA

By: _____
Susan W. Datta
Chief Financial Officer

Attachment 4

Exhibit A

CONTENT OF ANNUAL REPORT

For the most recent complete fiscal year:

(a) Number of connections (or accounts).

(b) Rate schedule.

(c) Total amounts for:

(i) Service charge revenues,

(ii) Availability/connection fee revenues,

(iii) Interest income revenues,

(iv) Total System Gross Revenues,

(v) System Operating Expenses,

(vi) Expense payments,

(vii) Debt service payments on Bonds and Parity Indebtedness, and

(viii) Debt service payments on Subordinate Obligations.

(d) Identity of any customer of the System paying over 5% of the total service charge revenues charge revenues of the System and the specific percentage for such customer.

(e) System capacity (flows in mgd) and System wastewater flows.

In general, the foregoing will include information as of the end of the most recent fiscal year or as of the most recent practicable date. Where information for the fiscal year just ended is provided, it may be preliminary and unaudited. Where information has historically been provided for more than a single period, comparable information will in general be provided for the same number of periods where valid and available. Where, in the judgment of the County, an accompanying narrative is required to make data presented not misleading, such narrative will be provided.

Attachment 4

Exhibit B

NOTICE OF FAILURE TO FILE ANNUAL REPORT
[AUDITED ANNUAL FINANCIAL STATEMENTS]

Re: FAIRFAX COUNTY, VIRGINIA
SEWER REVENUE REFUNDING BONDS,
SERIES 2015

CUSIP NOS.:

Dated: _____,

NOTICE IS HEREBY GIVEN that Fairfax County, Virginia has not provided an Annual Report [Audited Annual Financial Statements] as required by Section 3 of the Continuing Disclosure Agreement, which was entered into in connection with the above-named bonds issued pursuant to that certain Series Resolution adopted on _____, 2015, by the Board of Supervisors of the County, the proceeds of which were used to refund certain of outstanding sewer revenue bonds issued by the County and (ii) paying the costs of issuing the 2015 Bonds. [The County anticipates that the Annual Report [Audited Annual Financial Statements] will be filed by _____.]

Dated: _____

FAIRFAX COUNTY, VIRGINIA

By _____

Attachment 5

ESCROW DEPOSIT AGREEMENT

THIS ESCROW DEPOSIT AGREEMENT, dated as of _____, 2015, by and between **Fairfax County, Virginia** (the "County"), a political subdivision of the Commonwealth of Virginia, and **U.S. Bank National Association**, Richmond, Virginia, a national banking association organized and existing under the laws of the United States of America, and any successor thereto, as escrow agent (the "Escrow Agent"),

W I T N E S S E T H:

WHEREAS, the County has issued its Sewer Revenue Bonds, Series 2009, in the aggregate principal amount of $152,255,000 dated and issued on June 17, 2009, maturing July 15, 2010 to 2039, inclusive, and first subject to optional redemption on July 15, 2019 (the "2009 Bonds") pursuant to the provisions of a General Bond Resolution and a Series Resolution duly adopted by the Board of Supervisors of the County July 29, 1985, amended and restated on July 21, 1986, further amended on January 9, 1989, further amended and restated on June 26, 1989, and further amended and restated on May 18, 2009, effective July 1, 2009 (the "General Bond Resolution"), as supplemented by a Series Resolution adopted by the Board of Supervisors on May 18, 2009 (the "2009 Series Resolution"); and

WHEREAS, the County has issued its Sewer Revenue Bonds, Series 2012, in the aggregate principal amount of $90,710,000 dated and issued on August 8, 2012, maturing July 15, 2013 to 2042, inclusive, and first subject to optional redemption on July 15, 2021 (the "2012 Bonds") pursuant to the provisions of the General Bond Resolution, as supplemented by a Series Resolution adopted by the Board of Supervisors on June 19, 2012 (the "2012 Series Resolution" and together with the 2009 Series Resolution, the "Series Resolutions"); and

WHEREAS, the County has determined to refund for debt service savings [all] the outstanding portions of each of the July, 20__ through 20__ maturities, inclusive, of the 2009 Bonds (the "2009 Refunded Bonds") and to give U.S. Bank National Association, as bond registrar and paying agent for the 2009 Refunded Bonds (the "2009 Refunded Bonds Paying Agent") irrevocable instructions to call such 2009 Refunded Bonds for redemption on July 15, 2019, at the applicable redemption price of 100% of the principal amount of each 2009 Refunded Bond plus accrued interest to the redemption date; and

WHEREAS, the County has determined to refund for debt service savings [all] the outstanding portions of each of the July, 20__ through 20__ maturities, inclusive, of the 2012 Bonds (the "2012 Refunded Bonds" and together with the 2009 Refunded Bonds, the "Refunded Bonds") and to give U.S. Bank National Association, as bond registrar and paying agent for the 2012 Refunded Bonds (the "2012 Refunded Bonds Paying Agent" and together with the 2009 Refunded Bonds Paying Agent, the "Refunded Bonds Paying Agent") irrevocable instructions to call such 2012 Refunded Bonds for redemption on July 15, 2021, at the applicable redemption price of 100% of the principal amount of each 2012 Refunded Bond plus accrued interest to the redemption date; and

WHEREAS, the County has deposited with the Escrow Agent $_____ (the "Deposit") which consists of (i) $_____ derived from a portion of the proceeds of the $_____ Fairfax County, Virginia, Sewer Revenue Refunding Bonds, Series 2015 [A] (the "Refunding Bonds"), [(ii) $_____ released from the Reserve Subfund established under the [General] Bond Resolution and (iii) $_____ released from the Debt Service Subfund established under the General Bond Resolution,] and has made arrangements for and has directed the Escrow Agent to purchase from the Deposit the securities listed in Appendix A, that, without consideration of any reinvestment of the maturing principal and interest on such escrow securities, will provide sufficient money, to enable the Escrow Agent to pay to the registered owners, on behalf of the County and the Refunded Bonds Paying Agent, the Refunded Bonds as follows:

(a) (i) the principal of the 2009 Refunded Bonds on July 15, 2019, (the "2009 Refunded Bonds Redemption Date") and (ii) when due and payable the interest to accrue on the 2009 Refunded Bonds to and including the 2009 Refunded Bonds Redemption Date all as set forth in Appendix B-1; and

(b) (i) the principal of the 2012 Refunded Bonds on July 15, 2021, (the "2012 Refunded Bonds Redemption Date") and (ii) when due and payable the interest to accrue on the 2012 Refunded Bonds to and including the 2012 Refunded Bonds Redemption Date all as set forth in Appendix B-2; and

WHEREAS, in order to ensure that the procedures required for the redemption of the Refunded Bonds will be followed, the County and the Escrow Agent have agreed to enter into this Agreement;

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

1. **Receipt of Verification Report**. Receipt of a true and correct copy of the verification report (Appendix E to this Agreement) of Robert Thomas CPA, LLC, dated _____, 2015 (the "Verification Report"), is hereby acknowledged by the Escrow Agent.

2. **Creation of and Deposits to Escrow Fund**. There is hereby created and established with the Escrow Agent a special, segregated and irrevocable escrow fund, designated the "Fairfax County Sewer Revenue Refunding Bonds 2015 [A] Escrow Fund" (the "Escrow Fund"), to be held in the custody of the Escrow Agent as a trust fund for the benefit of the holders of the Refunded Bonds, and separate and apart from other funds of the County and the Escrow Agent. The Escrow Agent hereby accepts the Escrow Fund and acknowledges the receipt of, and deposit to the credit of the Escrow Fund, the Deposit, a portion of which has been or is to be used to purchase the Escrow Securities listed in Appendix A.

3. **Investment of Escrow Fund**. The Escrow Agent represents and acknowledges that on the date hereof it will use $_____ of the Deposit to purchase the Escrow Securities, described in Appendix A, in the principal amount of $_____ at the respective purchase prices indicated in Appendix A and credit such Escrow Securities to the Escrow Fund. The Escrow Agent further represents that it will hold $___ of the Deposit uninvested.

4. **Sufficiency Representation**. (a) In sole reliance upon the Verification Report, the County represents that the interest on and the maturing principal amounts of the Escrow Securities in accordance with their terms (without consideration of any reinvestment of such maturing principal and interest) are sufficient to assure that money will be available to the Escrow Agent in the amounts and on the dates required to pay (i) the principal of the Refunded Bonds on their respective 2009 Refunded Bonds Redemption Date and 2012 Refunded Bonds Redemption Date (collectively, the "Redemption Dates") and (ii) when due and payable, the interest to accrue on the Refunded Bonds, to the respective Redemption Dates, all as described in Appendices B-1 and B-2. If the Escrow Securities (hereinafter defined) shall be insufficient to make such payments as they become due and payable, the County shall, from available money, timely pay to the Escrow Agent for deposit to the Escrow Fund such additional amounts as may be required to meet fully the amount so due and payable. Notice of any insufficiency in the Escrow Fund shall be given by the Escrow Agent to the County as promptly as possible, but the Escrow Agent shall in no manner be responsible for the County's failure to make any payments to the Escrow Fund.

(b) The Escrow Agent shall not be liable for the accuracy of the calculations as to the sufficiency of the Escrow Securities and the Deposit to meet the payment requirements of the Refunded Bonds, nor shall the Escrow Agent be liable for any deficiencies in the amounts necessary to meet the payment requirements.

5. **Escrow Fund**. The Escrow Agent shall hold the cash and the book-entry credits of the Escrow Securities in the Escrow Fund at all times as a special and separate escrow fund for the benefit of the holders of the Refunded Bonds, wholly segregated from other funds and securities on deposit with it, shall never commingle the Escrow Securities with other funds or securities owned or held by it, and shall never at any time use, loan, or borrow the same in any way other than as provided in this Agreement. The Escrow Fund is hereby irrevocably pledged to the payment of the Refunded Bonds in the amounts and on the dates set forth in Appendices B-1 and B-2. Nothing herein contained shall be construed as requiring the Escrow Agent to keep the identical money, or any part thereof, in the Escrow Fund if it is impractical, but money of an equal amount, except to the extent represented by the Escrow Securities, must always be maintained on deposit in the Escrow Fund as an escrow fund held by the Escrow Agent; and a special account for the Escrow Fund evidencing such holdings shall at all times, until the termination of this Agreement in accordance with Paragraph 23 hereof, be maintained on the books of the Escrow Agent, together with the Escrow Securities so purchased and any cash on deposit therein.

6. **Investment Income**. (a) The Escrow Agent shall from time to time collect and receive the interest accruing and payable on the Escrow Securities and any Substituted Escrow Securities (as defined in Paragraph 7(b)) (collectively, the "Escrow Securities") and the maturing principal amounts of the Escrow Securities as the same become due, and credit the same to the Escrow Fund, so that the interest on and proceeds of the Escrow Securities, as the same become due, will be available to meet the payment requirements of the Refunded Bonds, as shown in Appendices B-1 and B-2 to this Agreement.

The County, hereby irrevocably instructs the Escrow Agent, in its capacity as the Refunded Bonds Paying Agent, to apply the principal and interest received from the Escrow

Securities to the payment, for the account of the County, of the interest and premium on and principal of the Refunded Bonds. The Escrow Agent shall make such payments directly to The Depository Trust Company ("DTC") for Cede & Co., as registered owner of the Refunded Bonds and the partnership nominee of DTC, in the amounts and at the times specified within Appendices B-1 and B-2.

No further direction will be required by the Escrow Agent upon receipt of this wire transfer information.

7. **Reinvestment; Substitution**. (a) Except as otherwise provided in this Paragraph 7, neither the County nor the Escrow Agent shall otherwise invest or reinvest any money in the Escrow Fund.

(b) Upon the prior written request of the County and upon compliance with the conditions hereinafter stated, the Escrow Agent shall sell, transfer or otherwise dispose of, or request the redemption of Escrow Securities (or any previously acquired Substituted Escrow Securities) as shall be specified in such request by the County and shall substitute for such Escrow Securities (or Substituted Escrow Securities) direct obligations of or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America designated by the County in such written request (the "Substituted Escrow Securities"). The Escrow Agent shall purchase the Substituted Escrow Securities with the proceeds derived from the sale, transfer, disposition or redemption of the Escrow Securities (or previously acquired Substituted Escrow Securities) and money, if any, provided by the County. No substitution for the Escrow Securities (or previously acquired Substituted Escrow Securities) shall be made by the Escrow Agent unless:

(i) the Escrow Agent shall have received the opinion of Sidley Austin LLP, Washington, D.C., Bond Counsel, or other nationally recognized bond counsel, designated by the County, stating that such substitution will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Refunded Bonds or on the Refunding Bonds and that such substitution is permitted by this Agreement; and

(ii) the Escrow Agent shall have received a verification report from an independent certified public accountant or firm of independent public accountants/financial consultants selected by the County, stating that the principal of and interest on the Substituted Escrow Securities, together with any cash or Escrow Securities (or any previously acquired Substituted Escrow Securities) in the Escrow Fund for which substitution is not then being made, will be fully sufficient, without reinvestment, to meet the payment requirements with respect to the Refunded Bonds.

(c) Investments in mutual funds or unit investment trusts are prohibited.

8. **No Liability**. The Escrow Agent shall not be liable or responsible for any loss resulting from any investment or reinvestment made in the Escrow Securities.

9. **Inviolability of Escrow Fund**. In the event of the Escrow Agent's failure to account for any funds or securities received by it for the County's account under this Agreement, such funds and securities shall be and remain the property of the Escrow Fund, and the County and the holders of the Refunded Bonds shall be entitled to such preferred claims, and shall have such first liens, upon such funds and securities as are enjoyed by a trust beneficiary. If for any reason particular Escrow Securities or money cannot be identified, the Escrow Agent shall proceed as promptly as possible to make such identification. The money and securities received by the Escrow Agent under this Agreement shall not be considered banking deposits by the County, and the County shall have no right or title with respect thereto. The money and securities so received by the Escrow Agent as Escrow Agent under this Agreement shall not be subject to checks or drafts drawn by the County.

10. **[Reserved.]**

11. **Notice of Establishment of Escrow Fund; Redemption**. (a) The County directs the Escrow Agent, and the Escrow Agent agrees, to cause the notice of the establishment of the Escrow Fund, and of the deposit of the Deposit and Escrow Securities to the Escrow Fund, to be sent by via electronic means only to The Electronic Municipal Market Access system administered by the Municipal Securities Rulemaking Board ("EMMA"), within two (2) days after the date of this Agreement, such notice to be in substantially the form set forth in Appendices C-1 and C-2.

(b1) The County hereby specifically and irrevocably elects to redeem on the 2009 Refunded Bonds Redemption Date the 2009 Refunded Bonds at the applicable redemption price of 100% of the principal amount of each 2009 Refunded Bond plus accrued interest to the 2009 Refunded Bonds Redemption Date, as set forth in Appendix C-1.

(b2) The County hereby specifically and irrevocably elects to redeem on the 2012 Refunded Bonds Redemption Date the 2012 Refunded Bonds at the applicable redemption price of 100% of the principal amount of each 2012 Refunded Bond plus accrued interest to the 2012 Refunded Bonds Redemption Date, as set forth in Appendix C-2.

(c) The County directs the Escrow Agent, and the Escrow Agent agrees, to cause the notices of redemption, to be sent by certified mail, postage prepaid to the registered owners of the Refunded Bonds at least 30 but not more than 60 days prior to the applicable Refunded Bonds Redemption Dates. The County agrees to take all other steps necessary for the redemption thereof, as provided in and in accordance with the applicable provisions of the General Bond Resolution and Series Resolutions. Notice of such redemptions shall be in substantially the form set forth in Appendices D-1 and D-2.

(d) The Escrow Agent shall also take the following actions with respect to such notice of redemption:

Not less than thirty-five (35) days prior to the days of redemption, notice of such redemption shall be given by (i) confirmed email transmission, (ii) telephonically confirmed facsimile transmission or (iii) through EMMA and the following securities depository at the address and transmission number given, or such other address or transmission number as may

have been delivered in writing to the Escrow Agent for such purpose not later than the close of business on the day before such notice is given:

The Depository Trust Company
55 Water Street
New York, New York 10041
Telephone: (212) 855-1000
Facsimile transmission:
(212) 855-7232
(212) 855-7233
Email: redemptions@dtcc.com

12. **Duties of Escrow Agent**. The Escrow Agent shall have no responsibility to any person in connection herewith except the responsibilities specifically provided herein and shall not be responsible for anything done or omitted to be done by it except for its own negligence or misconduct in the performance of any obligation imposed on it hereunder. The Escrow Agent, except as herein specifically provided for, is not a party to, nor is it bound by nor need it give consideration to the terms or provisions of any other agreement or undertaking between the County and other persons, and the Escrow Agent assents to and is to give consideration only to the terms and provisions of this Agreement. Unless it is specifically provided, the Escrow Agent has no duty to determine or to inquire into the happening or occurrence of any event or contingency or the performance or failure of performance of the County with respect to arrangements or contracts with others, with the Escrow Agent's sole duty hereunder being to safeguard the Escrow Fund and to dispose of and deliver the same in accordance with this Agreement. If, however, the Escrow Agent is called upon by the terms of this Agreement to determine the occurrence of any event or contingency, the Escrow Agent shall be obligated, in making such determination, to exercise reasonable care and diligence, and in the event of error in making such determination the Escrow Agent shall be liable for its own misconduct and its negligence. In determining the occurrence of any such event or contingency, the Escrow Agent may request from the County or any other person such reasonable additional evidence as the Escrow Agent in its discretion may deem necessary to determine any fact relating to the occurrence of such event or contingency and, in this connection, may inquire and consult with the County, among others, at any time. The Escrow Agent shall be entitled to rely upon such evidence that it in good faith believes to be genuine. The Escrow Agent may consult with legal counsel, and the opinion of such counsel shall be full and complete authority and protection to the Escrow Agent as to any action taken or omitted by it in good faith and in accordance with such opinion.

13. **Benefits of Agreement**. This Agreement is between the County and the Escrow Agent only, and, in connection herewith, the Escrow Agent is authorized by the County to rely upon the representations of the County in connection with this Agreement, and the Escrow Agent shall not be liable to any person in any manner for such reliance. The duties of the Escrow Agent hereunder shall only be to the County and the owners of the Refunded Bonds. Neither the County nor the Escrow Agent shall assign or transfer or attempt to assign or transfer its interest hereunder or any part thereof. Any such assignment or attempted assignment shall be in direct conflict with this Agreement and shall be void and without effect.

14. **Reliance on Instruments**. The Escrow Agent may act upon any written notice, request, waiver, consent, certificate, receipt, authorization, power of attorney, or other instrument or document that the Escrow Agent in good faith believes to be genuine and to be what it purports to be.

15. **Notices**. Any notice, authorization, request, or demand required or permitted to be given between the parties hereunder shall be in writing and shall be deemed to have been duly given when mailed by registered or certified mail, postage prepaid, addressed as follows:

to the County:

Board of Supervisors of the County of Fairfax, Virginia
12000 Government Center Parkway
Fairfax, VA 22035

Attention: County Executive

With a copy to:

Department of Finance
Fairfax County, Virginia
12000 Government Center Parkway
Fairfax, VA 22035

Attention: Director

to the Escrow Agent:

U.S. Bank National Association
U.S. Bank Corporate Trust Services
1021 East Cary Street, Suite 1850
Richmond, VA 23219

Attention: Stephanie E. Haysley

16. **Business Days**. Whenever under the terms of this Agreement the performance date of any act to be done hereunder shall fall on a day that is not a legal banking day in Richmond, Virginia, and upon which the Escrow Agent is not open for business, the performance thereof on the next succeeding business day of the Escrow Agent shall be deemed to be in full compliance with this Agreement. Whenever time is referred to in this Agreement, it shall be the time recognized by the Escrow Agent in the ordinary conduct of its respective normal business transactions.

17. **Agreement Binding Upon Assigns**. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective personal representatives, successors, and assigns.

18. **Fee of Escrow Agent**. The compensation for the Escrow Agent under this Agreement has been agreed upon by the Escrow Agent and the County and is to be paid from funds other than the Deposit and Escrow Securities and the income thereon.

Any legal expenses, or any costs, charges or expenses associated with the mailing of any notice with respect to the Refunded Bonds under this Agreement of the Escrow Agent, shall be paid by the County solely from funds of the County, and in no event shall such costs, charges or expenses give rise to any claim against the Escrow Fund, the money of which are solely for the benefit of the holders of the Refunded Bonds.

19. **Resignation of Escrow Agent**. The Escrow Agent may resign and thereby become discharged from the duties hereby created, by notice in writing given to the County not less than sixty (60) days before such resignation shall take effect. The Escrow Agent shall continue to serve as Escrow Agent until a successor is appointed. Such resignation shall take effect immediately, however, upon the appointment of a new Escrow Agent hereunder, if such new Escrow Agent shall be appointed before the time limited by such notice and such new Escrow Agent shall have accepted the trusts hereof. In the event of a resignation, the Escrow Agent shall be liable for all costs and expenses (but not including administrative fees) associated with the appointment of a new Escrow Agent and the transfer of the responsibilities outlined in this Agreement to the new Escrow Agent.

20. **Removal of Escrow Agent**. The Escrow Agent may be removed at any time by an instrument or concurrent instruments in writing, executed by the owners of not less than a majority in aggregate principal amount of the Refunded Bonds then unpaid, such instruments to be filed with the County. A photographic copy of any instrument filed with the County under the provisions of this paragraph shall be delivered by the County to the Escrow Agent.

The Escrow Agent may also be removed at any time for any breach of trust or for acting or proceeding in violation of, or for failing to act or proceed in accordance with, any provisions of this Agreement with respect to the duties and obligations of the Escrow Agent, by any court of competent jurisdiction upon the application of the County or the owners of not less than a majority in aggregate principal amount of the Refunded Bonds then unpaid.

21. **Appointment of Successor Escrow Agent**. If at any time hereafter the Escrow Agent shall resign, be removed, be dissolved or otherwise become incapable of acting, or shall be taken over by any governmental official, agency, department or board, the position of Escrow Agent shall thereupon become vacant. If the position of Escrow Agent shall become vacant for any of the foregoing reasons or for any other reason, the County shall appoint an Escrow Agent to fill such vacancy. The County shall notify the registered owners of any such appointment made by it by mail, postage prepaid within sixty (60) days of such appointment.

At any time after such appointment by the County, and prior to the termination of this Agreement in accordance with Paragraph 23, the owners of a majority in aggregate principal amount of the Refunded Bonds then outstanding, by an instrument or concurrent instruments in writing, executed and filed with the County, may appoint a successor Escrow Agent that shall supersede any Escrow Agent theretofore appointed by the County. Photographic copies of each

such instrument shall be delivered promptly by the County to the predecessor Escrow Agent and to the Escrow Agent so appointed by the owners of the Refunded Bonds.

If no appointment of a successor Escrow Agent shall be made pursuant to the foregoing provisions of this section, the owner of any Refunded Bond or the retiring Escrow Agent may apply to any court of competent jurisdiction to appoint a successor Escrow Agent. Such court may thereupon, after such notice, if any, as such court may deem proper and prescribe, appoint a successor Escrow Agent.

If the Escrow Agent shall merge into another banking or other similar institution with trust powers, or if substantially all of the assets of the Escrow Agent shall otherwise be acquired by any such banking or other similar institution, the surviving or acquiring institution shall be substituted for the Escrow Agent as Escrow Agent and shall succeed to the rights and obligations of the Escrow Agent hereunder without the necessity of execution of any instrument or the taking of any other action by the Escrow Agent, such surviving or acquiring bank, or the County and without giving any notice, by publication or otherwise, to anyone other than the County.

22. **Amendment.** This Agreement shall be irrevocable and may not be amended, without the consent of all the owners of the Refunded Bonds then unpaid; provided, however, that this Agreement may be amended, without the consent of the owners of unpaid Refunded Bonds, for the following purposes:

(a) the insertion of unintentionally omitted material or the correction of mistakes or clarification of ambiguities;

(b) the pledging of additional security to the Refunded Bonds;

(c) the deposit of additional cash or securities to the Escrow Fund; or

(d) any other amendment that a rating agency then rating the Refunded Bonds has confirmed in writing will not result in a reduction in its respective ratings on the Refunded Bonds.

23. **Termination**. This Agreement shall terminate on the date upon which the Escrow Agent makes the final payment to DTC in an amount sufficient to pay the balance of the principal of and interest coming due on the Refunded Bonds. Upon the final payment of all of the Refunded Bonds and except as otherwise requested in writing by the County, the Escrow Agent shall sell or redeem any Escrow Securities remaining in the Escrow Fund and shall remit to the County the proceeds thereof, together with all other money, if any, then remaining in the Escrow Fund.

24. **Identifying Information**. To help the government fight the funding of terrorism and money laundering activities, federal law requires all financial institutions to obtain, verify and record information that identifies each person who opens an account. For a non-individual person such as a business entity, a charity, a Trust or other legal entity the Escrow Agent will ask for documentation to verify its formation and existence as a legal entity. The Escrow Agent may also ask to see financial statements, licenses, and identification and authorization documents from individuals claiming authority to represent the entity or other relevant documentation.

25. **Shareholder Communications Act.** The Shareholder Communications Act of 1985 and its regulations require that banks and trust companies make an effort to facilitate communication between issuers of U.S. securities and the parties who have the authority to vote or direct the voting of those securities regarding proxy dissemination and other corporate communications. Unless objected to in writing, the Escrow Agent will provide the obligatory information to the registrant upon request. If objected to by any party hereto, such objection will apply to all securities held for the parties hereto in the accounts described herein now and in the future unless such objection is withdrawn in writing.

26. **Severability**. If any one or more of the covenants or agreements provided in this Agreement on the part of the County or the Escrow Agent to be performed are determined by a court of competent jurisdiction to be contrary to law, such covenant or agreement shall be deemed and construed to be severable from the remaining covenants and agreements herein contained and shall in no way affect the validity of the remaining provisions of this Agreement.

27. **Counterparts**. This Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

28. **Governing Law**. This Agreement shall be governed by the domestic law of the Commonwealth of Virginia.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties hereto have each caused this Agreement to be executed by their duly authorized officers as of the date first above written.

Fairfax County, Virginia

By: _____
Name: Susan W. Datta
Title: Chief Financial Officer

U.S. Bank National Association

By: _____
Name: Stephanie E. Haysley
Title: Vice President

Attachment 5

APPENDIX A

ESCROW SECURITIES: SLGS AND OPEN MARKETS

Type	Maturity Date	Par Amount	Coupon	Price	Accrued Interest	Total Cost
SLG Certificate						$
SLG Certificate						
Treasury Note						
Treasury Note						
Treasury Note						
Treasury Note						
Treasury Note						
Treasury Note						
Treasury Note						
Treasury Note						
Treasury Note						
Treasury Note						
Treasury Note						
Treasury Note						
Total						

Attachment 5

APPENDIX B-1

Fairfax County, Virginia
Sewer Revenue Bonds,
Series 2009

Pay to the registered owner of the Refunded Bonds, the amounts shown in the Total Debt Service column on the corresponding dates.

Schedule of Debt Service

Period Ending	Principal	Interest	Total Debt Service
07/15/2015		$	$0
01/15/2016			
07/15/2016			
01/15/2017			
07/15/2017			
01/15/2018			
07/15/2018			
01/15/2019			
07/15/2019	$0	0	0
Total	$0	$0	$0

Attachment 5

APPENDIX B-2

Fairfax County, Virginia
Sewer Revenue Bonds,
Series 2012

Pay to the registered owner of the Refunded Bonds, the amounts shown in the Total Debt Service column on the corresponding dates.

Schedule of Debt Service

Period Ending	Principal	Interest	Total Debt Service
07/15/2015		$	$0
01/15/2016			
07/15/2016			
01/15/2017			
07/15/2017			
01/15/2018			
07/15/2018			
01/15/2019			
07/15/2019			
01/15/2020			
07/15/2020			
01/15/2021			
07/15/2021	$0	0	0
Total	$0	$0	$0

APPENDIX C-1

NOTICE OF DEFEASANCE
AND ESTABLISHMENT OF ESCROW FUND

NOTICE TO OWNERS OF
Fairfax County, Virginia Sewer Revenue Bonds Series 2009, Dated June 17, 2009, and Maturing July 15 of each of the years 2010 through 2039, inclusive

NOTICE IS HEREBY GIVEN to the owners of the Fairfax County, Virginia Sewer Revenue Bonds, Series 2009 described below (the "Refunded Bonds") that there has been deposited, in trust, with U.S. Bank National Association, Richmond, Virginia, as escrow agent (the "Escrow Agent"), United States Treasury obligations and cash in an amount that, together with interest thereon, will provide for the payment in full of the interest on the Refunded Bonds to their earliest redemption date, as set forth below, and the principal amount and applicable redemption premium on the Refunded Bonds on their redemption date.

REFUNDED BONDS
Redemption Date: July 15, 2019

Maturity Date	Principal Amount	Redemption Price	CUSIP Numbers[1]
July 15, 20__	$	100%	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867

This is not a notice of redemption. The Escrow Agent for the Refunded Bonds has been given irrevocable instructions to call the applicable Refunded Bonds, and has been directed to give notice of the redemption not more than sixty (60), and at least thirty (30), days before the

[1]The County shall not be responsible for the accuracy of the CUSIP numbers provided above. The CUSIP numbers are provided solely for the convenience of bondholders. This column indicates the CUSIP numbers that were assigned upon the original issuance of the Refunded Bonds and does not reflect subsequent changes, if any.

respective redemption dates of the Refunded Bonds. The principal on all the Refunded Bonds will be payable at the office of U.S. Bank National Association, Richmond, Virginia, as the Refunded Bonds Paying Agent.

U.S. Bank National Association

Dated: _____, 2015

APPENDIX C-2

NOTICE OF DEFEASANCE
AND ESTABLISHMENT OF ESCROW FUND

NOTICE TO OWNERS OF
Fairfax County, Virginia Sewer Revenue Bonds Series 2012, Dated August 8, 2012, and Maturing July 15 of each of the years 2013 through 2042, inclusive

NOTICE IS HEREBY GIVEN to the owners of the Fairfax County, Virginia Sewer Revenue Bonds, Series 2012 described below (the "Refunded Bonds") that there has been deposited, in trust, with U.S. Bank National Association, Richmond, Virginia, as escrow agent (the "Escrow Agent"), United States Treasury obligations and cash in an amount that, together with interest thereon, will provide for the payment in full of the interest on the Refunded Bonds to their earliest redemption date, as set forth below, and the principal amount and applicable redemption premium on the Refunded Bonds on their redemption date.

REFUNDED BONDS
Redemption Date: July 15, 2021

Maturity Date	Principal Amount	Redemption Price	CUSIP Numbers[1]
July 15, 20__	$	100%	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867

This is not a notice of redemption. The Escrow Agent for the Refunded Bonds has been given irrevocable instructions to call the applicable Refunded Bonds, and has been directed to give notice of the redemption not more than sixty (60), and at least thirty (30), days before the

[1]The County shall not be responsible for the accuracy of the CUSIP numbers provided above. The CUSIP numbers are provided solely for the convenience of bondholders. This column indicates the CUSIP numbers that were assigned upon the original issuance of the Refunded Bonds and does not reflect subsequent changes, if any.

respective redemption dates of the Refunded Bonds. The principal on all the Refunded Bonds will be payable at the office of U.S. Bank National Association, Richmond, Virginia, as the Refunded Bonds Paying Agent.

U.S. Bank National Association

Dated: _____, 2015

Attachment 5

APPENDIX D-1

NOTICE OF REDEMPTION

Fairfax County, Virginia

SEWER REVENUE BONDS, SERIES 2009, Dated June 17, 2009, and Maturing July 15 of each of the years 2010 through 2039 inclusive

NOTICE IS HEREBY GIVEN to the owners of the following outstanding Fairfax County, Virginia Sewer Revenue Bonds, Series 2009 (the "Refunded Bonds") that such Bonds shall be redeemed on the date at the redemption price (expressed as a percentage of the principal amount of such Bonds) referred to below together with the interest accrued thereon to the redemption date:

REFUNDED BONDS
Redemption Date: July 15, 2019

Maturity Date	Principal Amount	Redemption Price	CUSIP Numbers[1]
July 15, 20__	$0	100%	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867

On their Redemption Date, the Refunded Bonds shall become due and payable at their Redemption Price (together with the interest accrued thereon to the Redemption Date), interest on the Refunded Bonds shall cease to accrue, and from and after the Redemption Date the

[1]The County shall not be responsible for the accuracy of the CUSIP numbers provided above. The CUSIP numbers are provided solely for the convenience of bondholders. This column indicates the CUSIP numbers that were assigned upon the original issuance of the Refunded Bonds and does not reflect subsequent changes, if any.

owners shall have no rights in respect thereof except to receive payment of the Redemption Price plus accrued interest to the Redemption Date.

Payment of the Redemption Price will be made upon presentation and surrender of the Refunded Bonds, on or after July 15, 2019, at the office of the Director, as provided below.

The Refunded Bonds should be presented for payment as follows:

If mailed:

U.S. Bank
Corporate Trust Services
PO Box 64111
St. Paul, MN 55164-0111

If hand delivered:

U.S. Bank
Corporate Trust Services
60 Livingston Ave.
1st Fl – Bond Drop Window
St. Paul, MN 55107

If bonds are presented by mail, the manner of shipment of bonds is at the bondholder's discretion; however, transmittal by insured, registered mail is suggested.

Under current federal law, a paying agent making payments of principal and interest on municipal securities may be obligated to withhold tax from the remittances to registered owners who are not "exempt recipients" and who fail to furnish the paying agent with a valid Taxpayer Identification Number. Generally, individuals are not exempt recipients, whereas corporations and certain other entities generally are exempt recipients. Registered owners of the Refunded Bonds who wish to avoid the imposition of this tax should submit certified Taxpayer Identification Numbers when presenting their Refunded Bonds for collection.

U.S. Bank National Association

Dated: _____, 2019

Attachment 5

APPENDIX D-2

NOTICE OF REDEMPTION

Fairfax County, Virginia

SEWER REVENUE BONDS, SERIES 2012, Dated August 8, 2012, and Maturing July 15 of each of the years 2013 through 2042 inclusive

NOTICE IS HEREBY GIVEN to the owners of the following outstanding Fairfax County, Virginia Sewer Revenue Bonds, Series 2012 (the "Refunded Bonds") that such Bonds shall be redeemed on the date at the redemption price (expressed as a percentage of the principal amount of such Bonds) referred to below together with the interest accrued thereon to the redemption date:

REFUNDED BONDS
Redemption Date: July 15, 2021

Maturity Date	Principal Amount	Redemption Price	CUSIP Numbers[1]
July 15, 20__	$0	100%	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867
July 15, 20__		100	303867

On their Redemption Date, the Refunded Bonds shall become due and payable at their Redemption Price (together with the interest accrued thereon to the Redemption Date), interest on the Refunded Bonds shall cease to accrue, and from and after the Redemption Date the

[1]The County shall not be responsible for the accuracy of the CUSIP numbers provided above. The CUSIP numbers are provided solely for the convenience of bondholders. This column indicates the CUSIP numbers that were assigned upon the original issuance of the Refunded Bonds and does not reflect subsequent changes, if any.

owners shall have no rights in respect thereof except to receive payment of the Redemption Price plus accrued interest to the Redemption Date.

Payment of the Redemption Price will be made upon presentation and surrender of the Refunded Bonds, on or after July 15, 2021, at the office of the Director, as provided below.

The Refunded Bonds should be presented for payment as follows:

If mailed:

U.S. Bank
Corporate Trust Services
PO Box 64111
St. Paul, MN 55164-0111

If hand delivered:

U.S. Bank
Corporate Trust Services
60 Livingston Ave.
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Under current federal law, a paying agent making payments of principal and interest on municipal securities may be obligated to withhold tax from the remittances to registered owners who are not "exempt recipients" and who fail to furnish the paying agent with a valid Taxpayer Identification Number. Generally, individuals are not exempt recipients, whereas corporations and certain other entities generally are exempt recipients. Registered owners of the Refunded Bonds who wish to avoid the imposition of this tax should submit certified Taxpayer Identification Numbers when presenting their Refunded Bonds for collection.

U.S. Bank National Association

Dated: _____, 2021

Attachment 5

Appendix E

VERIFICATION REPORT

Board Agenda Item
June 2, 2015

ACTION - 3

Approval of Comments on I-66 Draft NEPA Environmental Assessment (Braddock, Hunter Mill, Providence, Springfield and Sully Districts)

ISSUE:
The Federal Highway Administration (FHWA), the Virginia Department of Transportation (VDOT) and the Virginia Department of Rail and Public Transportation (DRPT) have prepared a Tier 2 Draft Environmental Assessment (Tier 2 EA) for proposed Interstate 66 (I-66) corridor improvements from US 15 in Prince William County to I-495 in Fairfax County. This is a joint effort prepared in accordance with requirements of the National Environmental Policy Act of 1969 (NEPA). The Federal Transit Administration, the US Army Corps of Engineers, and the US Environmental Protection Agency have served as cooperating agencies. A series of public hearings on the Tier 2 EA are scheduled in Fairfax County on May 27, May 28 and June 3 and in Prince William County on June 2, 2015.

RECOMMENDATION:
The County Executive recommends that the Board approve the letter, included in Attachment 2, containing Fairfax County's review comments on the I-66 Draft Tier 2 EA.

TIMING:
Board approval is requested on June 2, 2015. Comments on the Tier 2 EA are due by June 18, 2015.

BACKGROUND:
In May 2011, VDOT, in cooperation with DRPT, 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. The 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 in November 2013. It specified ten potential improvement concepts to advance to a Tier 2 EIS:

- General Purpose Lanes;

- Express 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.

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.

A Tier 2 EA process was initiated by VDOT 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.

In February 2015, the Board sent a compilation of County comments to Virginia's Secretary of Transportation subsequent to a series of VDOT Public Information Meetings on the proposed I-66 transportation improvements (Attachment 1). The letter identified key county concerns and stated the project should:

1. Minimize right-of-way impacts.
2. Preserve the ability to extend Metrorail.
3. Implement bike/ped projects identified in County Comprehensive Plan, including a regional trail roughly paralleling I-66 (portions of facility could be on parallel roadways) in I-66 project plans and cost.
4. Include funding for enhanced bus transit.
5. Address traffic impact areas within quarter-mile of corridor.
6. Ensure that Public Private Partnership allows flexibility for extension of rail services.

7. Address other implementation issues –
    a. Installing sound walls as the project develops
    b. Addressing park impacts
    c. Maintenance of traffic
    d. Minimization of night construction
    e. Maintenance of equipment and facilities
    f. Landscaping and tree replacement plan
    g. Minimization of disruption during construction
    h. Maintenance of pedestrian access to Metrorail stations
    i. Address environmental issues, including air and noise, historic properties, parks, recreation and open space and other natural resources

VDOT and the County have been working on many of these issues, and some have been addressed in the draft Tier 2 EA released on May 12, 2015. The attached comment letter dated June 3, 2015, highlights the previous issues that have not been fully addressed and includes additional issues relevant to the review of the draft documents.

Additional comments include:

8. Need for adequate time for the County to coordinate with VDOT on Revised EA for the Preferred Alternative, based on input from the public hearings in May and June.
9. Development of a strategy to coordinate implementation of improvements Inside and Outside the Beltway (e.g., conversion from HOV-2 to HOV-3, multimodal applications and continuity of both segments, directional signage).
10. Minimize height of elevated ramps
11. Allow flexibility in design

In addition, comments from the Fairfax County Park Authority (FCPA) and the Department of Planning and Zoning (DPZ) have been included, as Attachments IIA and IIB to the letter.

The letter dated June 3, 2015 represents a summary of County-wide issues related to the Tier 2 EA. Technical comments on the numerous reports and plan sheets presented in the Draft Environmental Assessment and its supporting documents will also be sent to VDOT by Fairfax County staff before the end of the comment period.

After the submission of comments by June 18, 2015, the joint effort will be following upcoming key milestones for the I-66 Transportation Improvement Project:

Late 2015	Final Environmental Document

2016	Design Public Hearing
Late 2016	Final Contract and Funding
2017	Construction Start
2021	Open to Traffic

Prior to the preparation of the Final Environmental Document, procurement options will be examined by the Commonwealth as described by the Virginia Secretary of Transportation on May 19, 2015:

> *Procurement options would either be a design-build contract managed by the Virginia Department of Transportation (VDOT) or a public-private partnership (P3) procurement. With both options, construction, operations and maintenance risks can be transferred to the private sector. Under the P3 procurement the financing risk and upside would also be transferred to the private sector, while under the design-build procurement the Commonwealth would retain that risk and any future excess revenues.*

A Transportation Public-Private Partnership Advisory Committee, established by the Public-Private Transportation Act reform legislation (HB1886), adopted by the General Assembly in 2015, will hold a meeting to review and consider procurement options within 45 days of the Secretary's pronouncement. The decision as to whether to use a design-build option or a public-private partnership to implement the project could impact the financing of enhanced transit services and the ability to extend Metrorail in the future.

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: February 2015 Comment Letter
Attachment 2: Draft Comment Letter, including Attachments, to the Virginia Secretary of Transportation on the NEPA Environmental Assessment of the Tier 2 I-66 Corridor Improvement Project, dated June 3, 2015

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

ATTACHMENT I

COMMONWEALTH OF VIRGINIA
County of Fairfax
BOARD OF SUPERVISORS

12000 GOVERNMENT CENTER PKWY
SUITE 530
FAIRFAX, VIRGINIA 22035-0071

TELEPHONE: 703/324-2321
FAX: 703/324-3955
TTY: 711

chairman@fairfaxcounty.gov

SHARON BULOVA
CHAIRMAN

February 26, 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 multimodal mobility in this corridor to focus on moving the most people as efficiently as possible 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 such as underground detention 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. The existing mature trees along the corridor provide a buffer for homes as well as help to reduce stormwater run-off and should be preserved to the extent possible. 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 will 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 walls are removed.
    - Minimizing park impacts.
    - Developing an aggressive maintenance of traffic plan for roadway and existing Metrorail service.
    - Minimizing night construction in areas adjacent to residential neighborhoods; where night construction is necessary, take steps necessary to minimize noise impacts such as considering the use of flagmen to avoid the need for audible back-up warning devices.
    - Maintaining proper erosion, siltation and stormwater management equipment and facilities during construction.

- Developing an effective landscaping and tree replacement plan recognizing that many mature trees will be affected by the project.
- Ensuring maintenance of traffic and minimizing disruption to residential neighborhoods and businesses during construction.
- Maintaining pedestrian access across I-66 to the Dunn Loring and Vienna Metrorail Stations during construction.

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 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

COMMONWEALTH OF VIRGINIA
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SHARON BULOVA
CHAIRMAN

June 3, 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 Draft Environmental Assessment

Dear Secretary Layne:

On June 2, 2015, the Fairfax County Board of Supervisors approved the following comments regarding the Tier 2 I-66 Draft Environmental Assessment. As indicated in the Board's February 2015 letter, I-66 is critically important to Fairfax County. The County continues to support the Commonwealth's efforts to address multimodal mobility in the I-66 Corridor and to move the most people as efficiently as possible.

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. Since the County transmitted comments to you in February the Virginia Department of Transportation (VDOT) and the Virginia Department of Rail and Transportation (DRPT) have been working extensively towards addressing our concerns. Our compliments are extended for the extensive public outreach that has been provided, and the Board appreciates the additional design work that has reduced the right-of-way impacts that were initially presented at Public Information Meetings in January and February of this year.

With the release of the I-66 Tier 2 Draft Environmental Assessment on May 12, 2015, the County offers the following additional comments covering our earlier February comments as well as additional issues regarding the Tier 2 EA. More technical comments on the numerous reports and plan sheets will also be sent to VDOT by County staff before the end of the comment period.

- <u>Right-of-Way</u>
  - The Board appreciates the additional considerations given to minimizing right-of-way impacts to our residences, businesses, parks and natural resources. Some of these reductions are based upon new designs and applications of stormwater management regulations. The County continues to be interested in reducing the right-of-way impacts. The County encourages additional efforts to minimize, if not eliminate residential relocations. The County also requests that possible right-of-way reductions be considered at all crossings, as is being done with the phased reconstruction for the Cedar Lane crossing, and that reasonable design waivers be considered.

- <u>Not to Preclude Extension of Rail Service</u>
  - The Board supports the use of Typical Section 2A between the interchanges for the I-66 Transportation Improvement project. This will provide a wider median to accommodate a possible extension of Metrorail. The County understands that reconstructed interchanges will be designed and built to accommodate the future extension of Metrorail. However, in some

cases, most notably at the Monument Drive and Stringfellow Road crossings, a significant up-front cost savings can be achieved by using the existing structures and their HOV ramp connections until such time as a Metrorail extension is implemented. Alternative concept designs have been developed for building the more expensive configurations which would accommodate an extension of Metrorail service as part of this project. The more extensive designs would relocate the ramps to the north, and in Monument Drive's concept, shift the crossing to the west. Option 2A at Monument Drive will need to be redesigned to eliminate the encroachment on the County's property where the Public Safety Building is currently under construction. The County requests that the additional right-of-way needed, if any, for these ramp relocations and bridge relocations be acquired as part of this project, so as to not preclude the future extension of Metrorail through these locations or make them cost prohibitive in the future.

- Key Network Assumptions
  - As noted previously, 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' project on I-66; however, it is important to preserve the opportunity and not preclude the ability to build the following in the future. We are pleased that the Project Team has examined several options for the High Occupancy Vehicle (HOV) connection between I-66 and the Fairfax County Parkway, in particular, and that future HOV connection is not being precluded. The County continues to encourage the consideration of 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,
    - Interconnections with I-66, and
    - Additional southbound lane along Beltway from Route 7 in Tysons to I-66.

- 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. Refinements to the transit service plans are likely needed and comments will be detailed in the separate document from County staff. It is recommended that existing transit operators in the corridor operate the enhanced transit service and that no new operator be created to provide the new transit services. Branding of corridor service could still be an option.

- Bike/Pedestrian Facilities
  - Since transmitting our earlier comments in February, the I-66 Transportation Improvement Project Team has been working with the County regarding to elements of Bike/Pedestrian Facilities:

    - Crossings of I-66 –

      We are pleased that VDOT is including bike and pedestrian facilities on the bridges it is rebuilding with this project. Although the Blake Lane Bridge is not expected to be rebuilt, the County continues to recommend that enhancements regarding bike/pedestrian applications for Blake Lane be included within this I-66 Corridor Improvement Project. It is also recommended

that the enhancements at the crossings be connected with the existing bike/pedestrian networks adjacent to the crossings. The proposed shared use path at the Route 123 interchange redesign dead-ends north of the interchange and does not connect with any existing bike/pedestrian network. The shared use path should be extended to connect to a logical terminus on the north side of I-66, either adjacent to Route 123, or connecting to the I-66 Parallel Trail System along Rosehaven Street.

- Parallel I-66 Regional Trail -

  This project presents a unique opportunity to provide county residents with a major regional trail paralleling I-66, which would be a tremendous community amenity, serving both commuting and recreational bicyclists, as well as pedestrians. The Project Team has spent a significant amount of time on this issue; however, the identification and supporting documentation of a regional trail alongside of I-66 is very preliminary and needs additional input before the revised EA and Preferred Alternative are finalized. The regional trail should be part of this Project fulfilling a key element of the multimodal character of the facility. The construction costs of the regional trail, including on-street sections (signage, striping, etc.) should also be included in the total Project costs. The County staff will continue to meet with the Project Team to finalize the alignment of the trail, especially as it connects the W&OD Trail near the Beltway with the Corridor west of Nutley Street.. Additional review comments on the regional trail also include:
  - It is missing a direct trail connection on structure from W&OD Bridge at I-495 directly west to connect at Gallows Road
  - Between Gallows Road and Nutley Street, Option 2 is preferred
  - Between Route 123 and Route 50, Option 2 is preferred versus Option 1's On-Road Jermantown Road and On-Road Route 50 routing.

- <u>Traffic Impact Area Analyses</u>
  - As part of the implementation of the Capital Beltway Express Lanes, a limited analysis of adjacent congested intersections was conducted. However, these efforts only minimally considered the nearby impacts of the new facilities on intersections near 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.

- <u>Implementation Issues</u>
  - Since the transmittal of the Board's February letter the TMP process has begun and considers four categories and working groups: Transit/TDM, Traffic Operations; Communications and Outreach; and Traffic Engineering. These efforts are expected to provide substantial opportunity for input and consideration for the implementation of the I-66 project. We emphasize that these efforts continue and the following considerations be included:

    - 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
    - Minimizing night construction in areas adjacent to residential neighborhoods
    - Maintaining proper erosion, siltation and stormwater management equipment and facilities during construction

- Developing an effective landscaping and tree replacement plan – see attachment
- Minimizing disruption during construction
- Minimizing construction that impacts bus services especially at peak times
- Maintaining pedestrian access to Metrorail stations

- Environmental Issues
  - There are a number of environmental issues that have been reviewed in the Draft Tier 2 EA but limited information related to the issues necessitates continuing coordination on these issues leading up to the Design Public Hearings. Additional information that is desired by the County will be summarized and sent by County staff in more detailed technical comments by the June 18, 2015 deadline. As the Project Team proceeds to the design phase of the project, the County considers the following of significant concern:
    - stormwater management strategies heights of noise barriers,
    - tree cover
    - impacts to Resource Protection Areas,
    - Environmental Quality Corridors,
    - Watershed Management Plans,
    - impacts to Parks, and
    - impacts to Historic Properties and wildlife habitat.

    Comments from the Fairfax County Park Authority (FCPA) and the Department of Planning and Zoning (DPZ) containing more detailed comments regarding some of these issues are included, as Attachments A and B to this letter.

Additional Review Comments Regarding the Draft Environmental Assessment, Tier 2 EA

- Need for adequate time for County to coordinate with VDOT on Revised EA of Preferred Alternative
  The 'mix and match' features of the Tier 2 EA which include alternate typical sections, interchange concepts and access points to/from the proposed managed lanes, the considerations and responses to review comments received by FHWA, VDOT and DRPT, and the incomplete documentation of bike/pedestrian elements, necessitate continued coordination between VDOT and the County in the preparation of the Revised EA of the Preferred Alternative. Fairfax County requests that adequate time be made available to work together in developing the Final Environmental Document.

- Development of a strategy to coordinate implementation of improvements Inside and Outside the Beltway
  The County is participating in both the I-66 Inside the Beltway and I-66 Outside the Beltway projects. They are following different schedules but have very important continuity and connectivity issues. There are major efforts underway for each project and they both come under the heading of 'Transform66'. However, an overall strategic plan for blending the implementation of elements from each has not been developed. The County requests that a Transform66 Strategic Plan be developed to assist with issues such as the conversion from HOV-2 to HOV-3, managed lane and tolling coordination, multimodal applications and directional signage for the larger Corridor providing implementation continuity between both project segments.

- Heights of Elevated Ramps
  - Some flyover and interchange ramps along the project have been designed in this Tier 2 EA with high elevations to allow for adequate clearances and connections between travel lanes. Alternative concepts to the high elevation ramps should be evaluated and considered for minimizing noise, visual and right-of-way impacts upon nearby residential communities. This is a special concern regarding the ramp from the northbound I-495 general purpose lanes to westbound I-66.

- Flexibility in Final Design
  - The Board recognizes that the design concepts presented in the EA represent preliminary designs. Regardless of whether the selected procurement process is a public-private partnership or a design-build process, the need exists to allow creativity in the final design to reduce costs, simplify maneuverability of systems, and further reduce impacts on the community.

Project Funding Considerations

The subject of the NEPA public hearings and the purpose of these comments is to address the design options presented, including all the supporting analytical material. Selecting a financing mechanism for the project is not directly related to the design options presented in the public hearings. However, to obtain a Record of Decision, funding must be in place for the next phase of the project. Moreover, in the Citizen Information Meetings held in January 2015, VDOT presented that this project would be constructed as a Public-Private Partnership, similar to the I-495 Capital Beltway and I-95 Express Lanes. Project officials stated that approximately $1 billion of the total capital investment could be expected to come from the private sector partner. On May 19, 2015, Secretary Layne presented initial results of the Commonwealth's analysis of procurement options tor the I-66 project to the Commonwealth Transportation Board (CTB). According to the analysis, a design-build option, rather than a P3 procurement, could result in additional $500 million to $1.1 billion in savings and toll revenues, which could be reinvested in the transportation system.

Using a design-build procurement option could address a number of County concerns, several of which were noted in the county's February 2015 letter. Concerns that might be addressed by the design-build option are noted below:

One of the County concerns is that this project not place any impediments, physical or financial, in the way of a future extension of Metrorail. In the February letter, the county requested that flexibility be provided in the private partner agreement to allow the extension of Metrorail before the concession term expired, and to draft any "non-compete" language in the agreement carefully. Under a design-build option, this would likely not be an issue.

Enhanced transit on the managed lanes is an important aspect of this project. In the February letter, the Board noted the importance of a funding plan for the transit service being promoted as part of the project. The letter stated: "We would encourage the Commonwealth to incorporate mechanisms that allow project revenues to help fund the enhanced transit services for the corridor." Based on the Commonwealth's assessment that a design-build option could generate $200 million to $500 million in excess revenues, it would appear that a design-build option could be a promising mechanism for funding enhanced transit in the corridor, including costs of transit capital purchases and operations and maintenance.

Fairfax County appreciates the work that has been undertaken to date in this study and the opportunity to provide comments. 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 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
Fred R. Selden, Director, Department of Planning & Zoning
Kirk W. Kincannon, Director, Fairfax County Park Authority

FAIRFAX COUNTY PARK AUTHORITY

MEMORANDUM

TO: Leonard Wolfenstein, Chief
Transportation Planning Division
Fairfax County Department of Transportation

FROM: Sandy Stallman, Manager
Park Planning Branch, PDD
Fairfax County Park Authority

DATE: May 20, 2015

SUBJECT: Route I-66 Tier 2 Draft EA – May 2015
Tax Map(s): All adjacent parcels to Route 66 Corridor

Thank you for including the Park Authority in the review of the Tier 2 Draft Environmental Assessment for I-66. This document states that the proposed construction would consist of building an additional (HOV) lane with additional entrance lanes and park and ride lots (page 3-1). The Draft Environmental Assessment identifies three Fairfax County Park Authority parks adjacent to Interstate 66 that would be impacted by one or more of the proposed concepts: Cub Run Stream Valley, Ellanor C Lawrence, and Random Hills, Congressman Gerry Connolly Cross County Trail (GCCCT), as well as Northern Virginia Regional Park Authority's (NVRPA) Washington & Old Dominion (WO&D) Trail. The plan sets for the three concepts shows the project limits extending to the ROW / Property lines adjacent to Bull Run Regional Park, Briarwood Park, Random Hills Park, Cub Run Stream Valley Park, and Rocky Run Stream Valley Park. Additional parks within the study area that could potentially be impacted if the project area were expanded to accommodate engineering, grading, staging, stormwater, or expanded construction requirements, include Arrowhead, East Blake Lane, Lane's Mill, Center Ridge North, Idylwood, Heartland Green, and Long Branch Stream Valley Park all of which contain sensitive environmental and cultural features.

The Fairfax County Park Authority staff has reviewed the above referenced plan and provides the following comments:

1. Any or all of these parks could experience direct impacts of lost parkland, recreation facilities, vegetation, and habitat, increased storm water discharge, invasive species, as well as wildlife impacts. Therefore, we would like to review all future documents and plans as the project progresses.

2. The I-66 corridor was subjected to cultural resources review which indicates that the corridor contains numerous Native American, historical, and Civil War sites, with a high potential to contain additional sites. Since this project requires Federal permitting and funding it triggers Section 106, requiring VDOT to consult with VDHR by Federal Regulation. Since VDOT has already performed a Phase I archaeological survey, staff

recommends a Phase II study followed by avoidance or Phase III data recovery on all significant sites found during Phase I surveying or that previously exist in the study corridor or areas of impact.

3. The Park Authority has reviewed the Phase I report entitled, "*Phase I Archaeological Survey of the Interstate 66 Corridor Improvements for the Tier 2 Environmental Assessment From US 15 in Prince William County to Interstate 495 in Fairfax County, Virginia*." Staff concurs with most of the report's findings, including the two sites found eligible for inclusion onto the National Register of Historic Places.

   However, this report by Dove Tail neglected to describe site 44FX1556, and neglected to record a civil war earth work located just north of Braddock Road and west of Route 28, directly adjacent to the current right of way. Thus was not listed or considered in the Tier 2 Draft Environmental Assessment for I-66. This earthwork is significant, being roughly 300 feet (north to south) by approximately 475 feet (east to west) and was likely part of Joseph Johnson's 1861 fortification of Centreville. Little remains of these fortifications, so it should be avoided by construction, its preservation would be an important cultural resource for Fairfax County. Staff requests that this oversight be corrected in the *Phase I Archaeological Survey of the Interstate 66 Corridor Improvements for the Tier 2 Environmental Assessment From US 15 in Prince William County to Interstate 495 in Fairfax County, Virginia* as well as the *Tier 2 Draft Environmental Assessment for I-66*.

4. Under section 4.8 Historic Properties on page 4-45, the Draft Environmental Assessment states "Finally, a survey to locate and document the boundaries and any previously undocumented battlefield features of all Civil War battlefields defined by the American Battlefield Protection Program (ABPP) was conducted within the APE for the project. The APE for potential visual effects to battlefields is 500 feet on either side of the VDOT right of way. Each battlefield in the APE was assessed based on the Potential National Register (PotNR) boundaries as defined by the ABPP." However, the known and documented major Civil War earthwork mentioned in comment #3 above, was not listed. Staff requests that it be added to this section.

5. The Draft Environmental Assessment states that right-of-way expansion with takings will be necessary from Ellanor C. Lawrence Park in Figure 4-1 on page 4-17, and page 4-18. Page 4-42 of the Draft Environmental Assessment lists Ellanor C. Lawrence Park as a 4f site that will have permanent takings and impacts, while pages 4-43 to 4-44 also lists the park under section 6f Land and Water Conservation Fund lands, for which "Alternative 2A and Alternative 2B would both require direct and permanent use of land from one Section 6(f) resource, Ellanor C. Lawrence Park. If the Section 6(f) resource is impacted … suitable land replacement will be identified, acquired, and conveyed in coordination with the park owner(s), the Virginia Department of Conservation (VDCR), and DOI." Additionally, page 20 of the Draft Section 4(f) Evaluation describes the impacts to Ellanor C. Lawrence Park from Alternative 2A would be approximately 2.7 acres of land. This section then states that Alternative 2B would require approximately 3.6 acres of land from Ellanor C. Lawrence Park. This same section then states that Alternative 2C (which is only another variation for the I-66/28 interchange that can be used with 2A or 2B) would provide "a more compact three-level interchange" that "would not use land from

Ellanor C. Lawrence Park". Page 32 of the Draft Section 4(f) Evaluation also states that "Alternative 2C would avoid use of land from Ellanor C. Lawrence Park." However, the plan sets clearly shows that for all three alternatives, including 2C, the project limits extending onto Ellanor C. Lawrence Park along Route 28, with ROW / property takings to make room for this interchange. Staff requests that pages 4-44 of the Draft Environmental Assessment and pages 20 and 32 of the Draft Section 4(f) Evaluation be corrected to include the impacts and parkland necessary for "Alternative 2C" be shown on the plan set.

6. As stated on page 20 of Draft Section 4(f) Evaluation, mitigation for use of parkland would include conveyance to the Fairfax County Park Authority of excess right of way (up to approximately 3.8 acres) in the vicinity of Braddock Road west of the current at-grade intersection of Braddock Road and VA 28. Additionally, reforestation of the existing entrance location could be undertaken. Because Land and Water Conservation Funds were used for this park, Section 6(f) of the Land and Water Conservation Act also would apply. Coordination would need to be carried out with the Fairfax County Park Authority, the Virginia Department of Conservation and Recreation, and DOI to approve any conversions and the suitability of substitute lands that would be necessary to offset the conversion." This "excess right of way in the vicinity of Braddock Road west of the current at-grade intersection of Braddock Road and VA 28" should include the entirety of the Civil War earthworks located in this section, described above in comment #3.

7. Pages 26-28 of the Draft Section 4(f) Evaluation, Figure 16, does not reflect the concurrently proposed design for a new entrance to the Ellanor C. Lawrence Park ballfields from the north, which is shown in Figure 17. However, it is not clear whether the new park entrance road (shown in white in Figure 17) will be a park road or a VDOT road. It is being constructed to accommodate this project on Rt. 28 and I-66, but is also being described as a park road to reduce legal conflicts. If VDOT is going to maintain the new entrance road, should right-of-way be officially granted? Please clarify on all documents the intended ownership and maintenance of the replacement park entrance road.

8. While Figure 4-1, on page 4-21 of the Draft Environmental Assessment shows a potential impact to Random Hills Park, page 4-43 lists Random Hills Park as a 4(f) site that will have permanent takings and impacts, as do pages 15 & 20 of the Draft Section 4(f) Evaluation, stating that Alternative 2A would use approximately 0.03 acres of land from Random Hills Park. This plan set also shows this proposed ROW taking. Please update page 4-21 to be consistent with the conditions shown on page 4-43, the Draft Section 4(f) Evaluation, and plan set.

9. Page 4-43 of the Draft Environmental Assessment lists the Congressman Gerry Connolly Cross County Trail (GCCCT) as being impacted under Section 4(f) review. Potential impacts to Northern Virginia Regional Park Authority's Washington and Old Dominion Trail (W & OD) are listed in Figure 4-1 on page 4-25. Page 4-43 states that the trail will be impacted under 4(f), while pages 4-45 to 4-46 list it as a Determined Eligible Architectural Resources. The plan sets for both Concept 2A and 2B show the project

limits extending onto W &OD with ROW / property takings. More information provided at time of engineering will be needed to effectively evaluate these impacts.

10. While pages 3-12 to 3-14 discuss pedestrian and bicycle enhancements related to the I-66 project being planned by the end of 2015, comprehensive data on the extent of these enhancements is not provided. Other pedestrian and park trails will also be impacted and should be strategically reviewed as an alternative transportation mode in consideration of future improvements since they provide important connectivity for commuting and recreation. Pedestrian crossings, over, under, or along the Route 66 corridor should be consistent with the adopted Countywide Trail Plan (CWTP) and Bicyle Master Plan. The W & OD Trail is a major regional trail that supports non-vehicle commuters and is located just beyond the project limits inside the Beltway. However, connections to this major trail system within the project area should be evaluated. Other planned and existing trail networks to be evaluated for potential connectivity include the Sully Woodlands Trail Plan (SWTP) and Gerry Connolly Cross County Trail (GCCCT). Pedestrian connections and I-66 overpasses to be considered that will support connectivity to these major trail systems include the following:
    - Route 123- The Route 123 overpass for Route 66 needs to accommodate pedestrians (CWTP, CCT upgrade route).
    - The Jermantown Road overpass for I-66 needs to accommodate pedestrians as shown on the CWTP, as well as providing connection to the CCT route.
    - The Route 28 and Braddock Road overpasses needs to accommodate pedestrians, as shown on both the CWTP and SWTP.
    - The highway bridge over Route 29 needs to accommodate pedestrians crossing underneath the highway along Route 29 as specified on the CWTP and SWTP.
    - The highway bridge over Compton Road needs to accommodate pedestrians crossing underneath the highway along Compton Road as per the CWTP and SWTP.
    - At Cub Run the Park Authority would like to continue the Cub Run Stream Valley trail underneath Route 66 to connect to Bull Run Regional Park as recommended by the SWTP.

11. Page 4-63 of the Draft Environmental Assessment states: "The proposed project would result in removal of wildlife habitat, including forest areas. As noted in Table 4-2, the potential impacts to forests within proposed right of way for Alternative 2A and Alternative 2B are 74.47 acres and 55.23 acres, respectively. In addition, there are 76.61 acres of forest within the existing VDOT right of way, which may potentially be impacted by either Build Alternative. A more detailed analysis of impacts based on proposed limits of grading for the preferred alternative will be conducted during project design. The effects of the proposed project on wildlife habitat would not be substantial regardless of the alternative selected. Habitat loss would generally occur within small isolated habitat patches or along edges of habitats that are already considerably fragmented. No potential movement corridors would be substantially disrupted because impacts would take place along the existing I-66 roadway." The actual total forested habitat loss for this project ranges from 131-150 acres within the existing and proposed rights of way, by staffs calculations. This loss should not be categorized as insubstantial, as the ongoing, cumulative loss of canopy and habitat fragments impacts regional wildlife populations.

12. Section 4.10.2 of the Draft Environmental Assessment discusses several existing wetlands, without locational information. At which parks do these wetlands occur or are they mainly in the existing ROW? Please provide a map of the WOUS, cross-referenced with public lands.

13. Section 4.10.3 of the Draft Environmental Assessment, states that stormwater management facilities will be an important component of this project to address expected increases in sedimentation and pollution from the widening of I-66. This is particularly important in regards to existing impaired waterways such as Accotink Creek, where I-66 traverses the headwaters.

14. Page 4-63 of the Draft Environmental Assessment, Section 4.14 Natural Heritage Resources lists potential impacts to Cub Run Slopes Conservation Site, Ellanor C. Lawrence Conservation Site, Big Rocky Run above Rt. 28 Stream Conservation Unit (SCU), and Long Branch SCU." While the Ellanor C Lawrence Conservation Site should not be affected by this project, efforts should be made to reduce potential impacts to Cub Run Slopes Natural Heritage Area, as well as the Natural Heritage Stream Conservation Units at Big Rocky Run above Rt. 28 and Long Branch, at site design. Most stream impacts from this project will occur in the existing ROW.

15. The plan set for Concept 2A shows the proposed roadbed realignment of Monument Drive being shifted onto the new Public Safety Building currently under construction at the corner of Random Hills Road (where the consultant's ortho photo is showing a diamond field). Even if this alignment did not hit the building, it is certainly within the 50' security standoff for the new building. Staff recommends shifting the intersection to the east using more of the existing parking lot to accommodate the proposed ramps.

16. The plan set for both Concept 2A and 2B shows the project limits extending to the ROW / property lines adjacent to Bull Run Regional Park, Briarwood Park, Random Hills Park, Cub Run Stream Valley Park, and Rocky Run Stream Valley Park. These parks could potentially be impacted by the project if the required area were expanded to accommodate engineering, grading, staging, stormwater, or expanded construction requirements. Provisions to deal with such circumstances should be made within this Draft Environmental Assessment in case they are needed.

17. As noted previously in the Park Authority's comments on the Tier 1 EIS, more detailed study is needed once engineering plans have been created, including pedestrian and park trails. The Park Authority would be pleased to assist with planning efforts in this regard. Of particular concern are the W & OD Trail, Sully Woodlands Trail System, Gerry Connolly Cross County Trail (GCCCT), Cub Run Stream Valley Trail, as well as the overpasses at Route 123, Jermantown Road, Route 28, Route 29, and Compton Road.

18. Though land acquisition would occur later in the improvement process, we want to place in the comment record, that requests for land rights on Park Authority owned property are necessary in order to perform any surveying, clearing, or grading, even within an easement of any sort. Before performing, any activity on parkland, a Right of Entry

License, Easement, and / or Construction Permit is required and can be requested from the Easement Coordinator, Fairfax County Park Authority, Planning and Development Division, 12055 Government Center Parkway, Suite 406, Fairfax, Virginia 22035. The main telephone number is (703) 324-8741. This includes surveying, test boring, wetland flagging, utility relocations, construction, or any other related activities. Please advise any contractors and subcontractors of this requirement.

Thank you for the opportunity to comment on this Tier 2 EA. We look forward to participating in this project as it moves forward. Our point of contact for this project is Andy Galusha, Landscape Architect / Park Planner who can be reached at 703-324-8755 or Andrew.Galusha@fairfaxcounty.gov.

Copy: Sandy Stallman, Manager, Park Planning Branch, PDD
Robert Kuhns, Transportation Planning Division, FCDOT
Cindy Walsh, Director, Resource Management Division
Liz Crowell, Manager, Cultural Resource Management & Protection Section
Brian Williams, Manager, Land Acquisition & Management Branch
Chron Binder
File Copy

Tier 2 Draft Environmental Assessment, I-66 Corridor Improvements
General comments—DPZ-Environment and Development Review in coordination with DPWES-Stormwater
May 2015

Tree Cover

- The EA does not provide information about the loss of tree cover beyond an overall identification of a potential loss of tree cover of 74.47 acres for Alternative 2A and 55.23 acres for Alternative 2B. There are no maps identifying where tree canopy will be lost and nothing to indicate how the project designers and construction crews will attempt to minimize clearing. Nor is there anything that addresses the visual impacts of tree loss (i.e., how many existing residences along the corridor will be adversely affected from a visual perspective due to tree loss) or replacement through landscaping. The draft EA does not allow us to fully understand the implications of the potential impacts to tree cover.

- The project team should be encouraged to look closely at design details to identify opportunities that may be available in places to reduce the extent of tree clearing that will be needed through a reduced project footprint.

- The EA does not indicate the extent to which landscaping will be pursued to mitigate the loss of tree cover and associated visual impacts to neighboring residences. To what extent will landscaping be pursued? We recommend that landscaping efforts incorporate only noninvasive species that are native to the area.

Stormwater Management

- It is our view that the EA does not provide information sufficient to allow us to offer substantive comments on potential water quality and quantity impacts beyond the general comments we are offering here. The draft Environmental Assessment states: "Stormwater management measures, such as detention basins, vegetative controls, and other measures, will be implemented in accordance with Federal, state, and local regulations to minimize on-site and downstream water quality impacts. These measures will reduce or detain discharge volumes and remove sediments and other pollutants, thus avoiding substantial further degradation of impaired water bodies in the project vicinity." However, no information is provided, either in the EA or the Natural Resources technical report, to allow us to understand how this will be done. Proposed stormwater management facility locations are identified on the conceptual plans, but additional information is lacking. Further, while it is our understanding that that the project has been grandfathered from the new state stormwater management regulations, the EA does not note what specific requirements will be followed. Clarification is needed.

- In comparing the two sets of conceptual plans available from the project website (the May/June public hearing exhibits and the Preliminary Alternatives Maps from earlier in 2015), it is clear that the extent of the proposed system of stormwater management facilities has been reduced considerably, both in terms of numbers and sizes of facilities proposed. It is our understanding that this is a result of the state's determination that the project will be grandfathered from the new state stormwater management regulations. The effect has been to reduce the overall stormwater management facility footprint, resulting in a reduction in the number of residences that would need to be taken in support of this project. While we commend the project team for reducing the extent of residential relocations that would be needed, and while we do not suggest that the number of such relocations should be increased

in order to support strengthened stormwater management efforts, we are concerned about implications of this reduced stormwater management effort to aquatic resources along and downstream of the project area.

We feel that an emphasis is needed at this time on the identification of opportunities to maximize stormwater management efforts. Consideration should be given to both VDOT's and Fairfax County's MS4 permit requirements, including mitigating water quality impacts of prior developed lands. This includes addressing any present (and future local) TMDLs (Total Maximum Daily Loads) through enhanced stormwater measures as a part of this project's construction. Simply designing a stormwater management system to previous standards would not adequately address any shortcomings in the existing stormwater management system resulting from design and construction efforts that occurred before more stringent requirements for stormwater management were established. The recently adopted state stormwater management regulations, which were adopted in Fairfax County, now seek to address stormwater management deficiencies of the previous requirements, which are being perpetuated by an adherence to the old design standard for this project. In addition, such an approach would not be supportive of the county's watershed management plans, which have served to document the overall conditions of watersheds and provide a framework to improve the ecological conditions in the county's streams. Nor would it be consistent with the level of stormwater management enhancements achieved on the completed I-495 Express Lane project. It is also not clear from the information provided that there would not be additional degradation of streams resulting from the additional impervious surfaces that would result from this project.

We understand that the project is in the earliest stages of design and therefore feel that there may be opportunities to explore whether stormwater management measures above and beyond the required minimums could be incorporated into the project design without necessitating additional residential relocations. We recommend that the project team explore stormwater management strategies and outfall treatments that would minimize the potential for stream erosion downstream of the project and correct any existing deficiencies while minimizing clearing that would be needed. The Stormwater Planning Division of the Department of Public Works and Environmental Services played an integral role previously during the implementation of the I-495 Express Lanes and is again available to partner with this project team in order to identify such opportunities within the Fairfax County portion of the project. Efforts that should be considered should include retrofits of existing stormwater management facilities within and near the project area, underground stormwater management within the proposed project right-of-way and/or implementation of projects from applicable watershed management plans.

- There are a number of proposed stormwater management facilities shown on the conceptual plans that may be problematic as they relate to past zoning approvals, the county's Environmental Quality Corridor policy, and/or conservation easements. Specifics are provided in our detailed comments.
- There will need to be considerable clearing of tree cover for construction of a number of the proposed stormwater management facilities. While we commend the project team for focusing the locations of stormwater facilities within highway interchanges, there would be some cases where clearing would have adverse visual impacts on nearby residences. Stormwater management strategies should be developed in a manner that will achieve water quality and quantity control goals while minimizing clearing. Might alternative approaches to stormwater management be available that would have more limited impacts on clearing/land disturbance?

- The legends for the conceptual plans have a symbol for "Potential Manufactured BMP," but we see no potential sites identified on the plans, at least within the Fairfax County portion of the project area. Where might these facilities be provided? What will they be designed to control?

Stream and wetland impacts and mitigation

- The draft EA indicates that the use of credits from approved stream and wetlands mitigation banks or payments to the Virginia Aquatic Resources Trust Fund would be the anticipated form of stream/wetlands mitigation for the project. While consistent with the wetland and stream compensation hierarchy set forth by the state, as described in the Waters of the U.S. Technical Report, it would probably result in mitigation efforts far from the areas experiencing the wetland impacts. We encourage the project team to seek opportunities to pursue compensation efforts close to the areas of impact. Incorporation of wetland features within the designs of stormwater management facilities should be considered, as should be the pursuit of projects identified in the county's approved watershed management plans.

- In the discussion of stream impacts on page 4-54, the EA (referencing Table 4-16) notes that estimated stream impacts "are based on an assumption that each stream crossing would be a permanent impact rather than spanned by a bridge. A more detailed assessment of stream impacts and avoidance and minimization efforts will be performed during the design phase." Further, in the discussion of indirect effects on page 4-76, the EA states: ". . . while it is reasonable to predict that direct impacts to water quality may occur at stream crossings of I-66, there is not enough information to determine how far downstream such impacts would actually occur." We feel that these impacts should be assessed as soon as possible and, consistent with our earlier comments addressing stormwater management, we recommend that stormwater management measures above and beyond minimum requirements should be pursued where necessary to ensure that there will not be adverse downstream impacts resulting from stormwater runoff from the highway. BMP selection for linear projects presents unique challenges, and as the I-66 corridor approaches build-out conditions, stormwater management for the expanded I-66 corridor should involve careful planning and the use of innovative as well as traditional stormwater management strategies and technologies. We again note that the Stormwater Planning Division is available to partner with VDOT's project team in order to identify and maximize opportunities for enhanced stormwater treatments and alternative measures within the Fairfax County portion of the project.

- In the county's review of the Tier 1 Environmental Impact Statement, we requested clarification as to whether or not the estimates of stream impacts were only considering streams crossed by the corridor, or if impacts to streams paralleling the corridor but not crossed (i.e., Big Rocky Run and Cub Run west of the Lee Highway interchange) were also considered. The EA does not address this question.

- The last paragraph on page 4-56 of the EA states that no TMDLs have been approved for the impaired stream segments within one mile of the project corridor. Additionally, Table 4-19 on page 4-57 identifies impaired water bodies located within one mile of the project corridor—specifically, impairments for *E. coli* in Cub Run and Holmes Run, PCBs in Bull Run, and benthic macroinvertebrate impairments in Big Rocky Run, Little Rocky Run, Accotink Creek and Holmes Run are noted. It is not

clear why the discussion is limited to the area within one mile of the project corridor, as any construction and post-construction requirements that may be triggered by TMDLs addressing impairments further downstream would apply to the portions of the affected watersheds within the project area.

- The EA notes that TMDLs have been approved for impaired waters that are more than one mile from the project corridor but that are downstream of the corridor. There is no specific mention, though, of the existing TMDLs for sediment in Bull Run and Difficult Run. Additionally, the EA does not discuss the pending pollutant-based TMDL for upper and lower Accotink Creek (and we note that the upper portion of the impaired stream crosses through the project area).

Resource Protection Areas and Environmental Quality Corridors

- The Environmental Assessment does not identify impacts to Resource Protection Areas that would be associated with the alternatives that have been identified. Both Prince William County and Fairfax County have designated Resource Protection Areas pursuant to Virginia's Chesapeake Bay Preservation Act, yet these areas are not addressed in the draft EA. They should be.

- Similarly, the EA provides a brief mention of Fairfax County's Environmental Quality Corridor policy (on page 4-81) but does not identify impacts to areas that would likely meet the EQC designation criteria as established in the county's Comprehensive Plan. While some EQC and RPA impacts cannot be avoided given the nature of the project, some impacts could perhaps be avoided or reduced (e.g., disturbance of stream valley areas for stormwater management facilities). Efforts should be pursued to minimize adverse impacts to areas that would qualify for EQC designation.

Watershed management plans

- Page 4-58 of the EA references the Accotink Creek Watershed Management Plan but does not identify the other watershed management plans that have been approved for watersheds within the project area. Specifically, the following watershed management plans also apply to the project area: Cub Run/Bull Run; Little Rocky Run/Johnny Moore Creek; Difficult Run; and Cameron Run. The Lower Occoquan Watershed Management Plans referenced on page 4-59 do not address watershed areas within the project area, but they do identify projects that would serve to improve the quality of streams upstream of the Occoquan Reservoir, which is, as noted in the EA, also located downstream of a considerable portion of the project area. Opportunities for implementation of watershed management plan projects should be considered in conjunction with the development of stormwater management plans for the highway project.

Noise

- The draft EA states: "Final decisions at that time on whether to provide noise abatement measures will take into account design feasibility, cost, and the opinions of property owners impacted by the noise." With respect to opinions of residences, we note that page 40 of the Preliminary Noise Analysis document, as well as Section 7.3.10.1 of VDOT's Highway Traffic Noise Impact Analyses Guidance Manual, specify that fifty percent or more of the respondents to surveys of benefited receptors (e.g., a

resident who would benefit from the proposed noise barrier construction) must favor the construction of the barrier for the barrier construction to be considered reasonable (with some weighting of the votes as set forth in the manual). While we do not anticipate that there would be an impacted community within which more than half of the affected residents would object to a barrier, we are concerned that, if such a scenario was to develop and if a noise barrier was not constructed as a result, future residents of the community might not share the objections of current residents. If such a scenario was to develop, we recommend that provisions should be made for the eventual construction of a noise barrier if/when the affected community would support it.

- VDOT's Highway Traffic Noise Impact Analysis Guidance Manual indicates that the heights of noise barriers that will be considered for construction for highway projects will not exceed 30 feet. This is consistent with the Preliminary Noise Analysis, which does not model barriers higher than 30 feet. The manual also states: "When an existing noise barrier is physically impacted and/or relocated as part of a Type I project, the same level of protection must be provided." There is at least one noise barrier in the project corridor that is higher than 30 feet (in Common Noise Environment area AC), and we feel that VDOT should ensure, consistent with the excerpt from the manual, that, if such barriers need to be relocated as a result of the highway project, the replacement barriers will not reduce the extent of noise mitigation provided by the existing barriers. This should include a consideration of impacts to upper levels of residences (even where balconies are absent)—in the case of CNE AC, the existing barrier was constructed in part to reduce noise exposures at upper level building facades.

- We have a few questions regarding locations of possible noise barriers that will be considered further during the design process (and whether there may be gaps in some of the barrier systems)—please see our detailed comments.

Board Agenda Item
June 2, 2015

INFORMATION – 1

Project Closeout Expenses for and Status Update on Jeff Todd Way and Telegraph Road (Mount Vernon and Lee Districts)

On August 18, 2014, Jeff Todd Way (formerly Mulligan Road) opened to traffic, replacing Woodlawn Road and Beulah Street that were closed through Fort Belvoir after September 11, 2001. This new road was years in the making, requiring congressional level support with Fort Belvoir and National Trust for Historic Preservation (Woodlawn). The Federal Highway Administration (FHWA), Eastern Federal Lands Highway Division (EFL), was given responsibility for design and construction. Through several multi-party agreements with FHWA, the Virginia Department of Transportation (VDOT), and the Department of the Army, Fairfax County expanded the scope of the project from a two-lane replacement road to a four-lane improved urban collector road. Per the agreements, the county's contribution was roughly 50 percent of the road costs for Jeff Todd Way, and roughly one-third of the cost for the associated concurrent widening done along Telegraph Road.

EFL awarded the Jeff Todd Way construction in two phases; Phase 1 being portions of the two land road entirely on Fort Belvoir property, and Phase 2 encompassing the remainder of the improvements. Utility work was extensive, and in an effort to expedite the project, EFL gained VDOT's and Fairfax County's concurrence to award the second phase prior to utility work being substantially complete. This yielded major delays for which the contractor, per the contract terms, argued compensation for the delay costs. Additionally, several months of delay were added to the contract, due to a bid protest filed during the Phase 2 award.

VDOT ultimately will be accepting Jeff Todd Way into the secondary road system for maintenance. The state has prepared a list of deficiencies and other construction related punch list items that require attention. Some of these are warranty claims, but others due to contractual limitations or expired terms must be paid for by EFL, VDOT, and Fairfax County per the multi-party agreement. These include removal of storm sediment from culverts, and repair of a bridge approach slab that has settled, and the completion of other punch list items identified during the acceptance process. EFL has given Fairfax County a written explanation for the incurred expenses, which is attached to this Board agenda item (Attachment I). Prior correspondence is included as Attachment II.

Staff is working with EFL and VDOT on a regular basis to resolve the necessary project closeout items. Financial resolution should be reached within the next 90 days pending

agreement amendments and funding transfers. Construction is expected to commence shortly thereafter, with completion hopeful by the end of the year; weather permitting. Acceptance of the road by VDOT for maintenance could occur in 2016, if all right-of-way transfers from the Federal government are completed, storm water pond maintenance issues are resolved and all remaining construction punch list items are satisfactorily completed.

FISCAL IMPACT:
Consistent with the project agreement, Fairfax County's share of the additional costs to cover closeout expenses for this project is $2,000,000. The funding was previously approved within the project budget in Fund 40010 (County and Regional Transportation Projects). VDOT and EFL have also identified funding to address each agency's share these outstanding issues. There is no additional funding required for this project, and no impact to the General Fund.

ENCLOSED DOCUMENTS:
Attachment I: Email with attached explanation from EFL dated April 22, 2015
Attachment II: FHWA letter to Supervisor McKay on project delays dated May 8, 2014

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Dept. of Transportation (FCDOT)
Eric M. Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Karyn L. Moreland, Chief, Capital Projects Section, FCDOT
Bill Harrell, Transportation Planner IV, Capital Projects Section, FCDOT
Jane Rosenbaum, Transportation Planner III, Capital Projects Section, FCDOT

Attachment I

Explanation From Eastern Federal Lands
Federal Highway Administration
Mulligan Road
April 22, 2015

In the initial design phase of the Milligan Road project it was contemplated that the project would be constructed under a single construction contract. As the design phase progressed it became apparent that certain design aspects (such as right of way, utility relocation design and coordination) were falling behind schedule and would delay the start of construction. Due to the high public interest and need that the project not be delayed a decision was made to construct the project in two separate phases with separate construction contracts. Phase 1 consisted primarily of the earthwork, drainage, storm water management, and roadway aggregate base on the portion of Mulligan Road located between Pole Road and Telegraph Road. Being that this portion of the overall project was located on Fort Belvoir property it was relatively free of ROW and utility relocation issues such that construction could proceed. Upon completion of Phase 1 we elected to proceed with Phase 2 knowing there were pending issues with right of way and utility relocation had not begun creating a high potential that delays could occur during the project. VDOT suggested delaying the start of the project until after utility relocations were completed, however, this was not acceptable. The project proceeded with us taking the risk that utilities would not delay the project extensively.

Division of Mulligan Road into two phases has created issues requiring addition cost that are associated with VDOT's acceptance of Mulligan Road at the completion of the Phase 2 project. All storm sewer and underdrain installed during Phase 1 has to be video inspected and any damage found will have to be repaired as an additional cost. In addition, VDOT is requiring the video inspection of the storm sewer on underdrain installed during phase 2, however, any deficiencies that are found will be repaired at the contractor's expense. Storm water management facilities constructed during Phase 1 and acted more as a soil erosion and sediment control facility for the year period between the completion of Phase 1 and start of Phase 2 have to be cleaned and restored to SWM standards for VDOT acceptance.

Other issues encountered during Phase 2 that require additional funds to closeout the project include:

1) Compensating the contractor for additional work to resolve unknown utility conflicts with the installation of storm drainage that require either redesign of the storm drainage or relocation of the utility.
2) Quantity overruns of subexcavation, embankment, and disposal of unsuitable material due to discovery of unsuitable materials and differing site conditions found throughout the project.
3) Repair of the approach slab settlement at the Mulligan Road Bridge over Piney Run.
4) Contractor's Request for Equitable Adjustment for delay cost consisting of: Extended Home Office Overhead, Extended Field Office Overhead, Extended Jobsite Maintenance (E&S Control, MOT, Equipment Moves), Labor Price Escalation, Material Price Escalation, and Work Production Inefficiencies.

Attachment II

U.S. Department of Transportation
Federal Highway Administration

Eastern Federal Lands Highway Division

21400 Ridgetop Circle
Sterling, VA 20166-6511

May 8, 2014

Mr. Jeffrey C. McKay
Lee District Supervisor
Commonwealth of Virginia, County of Fairfax
6121 Franconia Road
Alexandria, VA 22310
(submitted via email)

Subject: Time Delay
Project VA A-AD-48(1), Mulligan Road

Dear Supervisor McKay:

Thank you for your letter dated May 6, 2014. It is true that the Mulligan Road Project has been delayed and will not open on June 16. On April 24, we briefed Fairfax County Department of Transportation on the delay, knowing that this road is such a critical link in the Fairfax County Transportation system. We are currently working with the contractor on the schedule to determine the completion date.

Weather conditions and utility conflicts have been the main reasons for the delay. We had a very rough winter hampering the re-starting of earthmoving operations at the Route 1 intersection and the Old Mill Road section of the project. With the wet weather along with the poor soils, additional soil stabilization was required adding duration to the project. In addition, we have had many underground utility conflicts. As of May 7, all the utility conflicts are complete and the contractor is no longer impeded. Your office as well as others assisted in contacting utility companies and encouraging them to be more responsive. The remaining utility work will be when the traffic signals are activated. There is other utility work going on for streetlights which is not part of our contract but had been impacted by our earthwork operations; however this has been resolved.

We have worked with the contractor to mitigate much of the delay caused by these issues by moving his operations and performing out of sequence work. Even with these efforts, a delay to the completion date is unavoidable. At this time we are planning to open the roadway before all the work is complete, performing the last items under traffic control. With the last of the utility conflicts removed on May 7, the contractor is developing a revised schedule; therefore shortly we will have a date for getting Mulligan Road open to traffic. The roadway will be open to traffic this summer.

We look forward in continuing the strong partnership relationship with Fairfax County in delivering projects benefiting the communities and its people.

Sincerely yours,

Melisa L. Ridenour, P.E.
Division Engineer

Board Agenda Item
June 2, 2015

11:05 a.m.

Matters Presented by Board Members

Board Agenda Item
June 2, 2015

12:00 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. *Victoria Monroe v. Earit Powell, Tonny Kim, John Doe Police Officers Nos. 1-4, and Fairfax County*, Case No.1:14-cv-1703 (E.D. Va.)

2. *Antjuan Proctor v. Fairfax County, Virginia*, Case No. 1:13cv1427 CMH/JFA (E.D. Va.)

3. *David T. Clenney v. Officer V.R. Swartz*, Case No. 1:14cv1702 (E.D. Va.)

4. *Ross A. Fiorani v. Fairfax County Police, Navy Federal Credit Union, Robert Berger, Karen Compher, SIA, and Thema Scott*, Case No. CL-2015-0005586, (Fx. Co. Cir. Ct.)

5. *Gary P. Poon and Matthew A. Stevenson v. Fairfax County, Board of Supervisors of Fairfax County, Virginia, and Zoning Administrator of Fairfax County, Virginia*, Case No. CL-2015-0004729 (Fx. Co. Cir. Ct.) (Providence District)

6. *Lenir Richardson v. Officer O.J. Faulk, Officer D.N. Custer, Officer Rizza, Commonwealth of Attorney, Sergeant Mario Torres*, Case No. CL-2015-0002992 (Fx. Co. Cir. Ct.)

7. *Harrison Neal v. Fairfax County Police Department and Colonel Edwin C. Roessler, Jr.*, Case No. CL-2015-0005902 (Fx. Co. Cir. Ct.)

8. *Gregory Shawn Mercer v. Fairfax County Department of Code Compliance*, Case No. CL-2015-0005623 (Fx. Co. Cir. Ct.) (Providence District)

9. *Gregory Shawn Mercer v. Fairfax County Child Protective Services, Alicia Wasklewics, Tanya E. Powers, Fairfax County Department of Code Compliance, Elizabeth Perry, Jack Blair, LaTycia Tanks, Kerry S. Allander, Kenneth S. Houtz, Kathleen H. MacKay, Walter S. Felton, Jr., Larry G. Elder, Elizabeth A. McClanahan, Leroy R. Hassell, Sr., Barbara M. Keenan, Lawrence L. Koontz, Donald W. Lemons, Leroy F. Millette, S. Bernard Goodwyn, and Cynthia D. Kinser*; Case No. 1:15-CV-302 (E.D. Va.) (Providence District)

10. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Joyce P. Borden*, Case No. CL-2014-0008508 (Fx. Co. Cir. Ct.) (Mount Vernon District)

11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Janak R. Sachdev and Neelam Sachdev*, Case No. CL-2014-0010732 (Fx. Co. Cir. Ct.) (Mount Vernon District)

12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lubna F. Ahmed*, Case No. CL-2012-0015342 (Fx. Co. Cir. Ct.) (Dranesville District)

13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ngoc Bich Thi Phung*, Case No. CL-2012-0005499 (Fx. Co. Cir. Ct.) (Lee District)

14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Steven C. Bryant*, Case No. CL-2009-0005546 (Fx. Co. Cir. Ct.) (Sully District)

15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James G. Miller, Trustee of the James G. Miller Living Trust, and Atlantic Construction Fabrics, Inc.*, Case No. CL-2009-0002430 (Fx. Co. Cir. Ct.) (Sully District)

16. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Brian N. Walsh*, Case No. CL-2014-0001509 (Fx. Co. Cir. Ct.) (Mount Vernon District)

17. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Karl A. Eickmeyer*, Case No. CL-2014-0014976 (Fx. Co. Cir. Ct.) (Braddock District)

18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ghassem Sharifi and Souren Hakopian*, Case No. CL-2011-0005857 (Fx. Co. Cir. Ct.) (Providence District)

19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Judy V. Marshall*, Case No. CL-2014-0000688 (Fx. Co. Cir. Ct.) (Providence District)

20. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jerry A. Demoney and Vicki L. Demoney*, Case No. CL-2014-0014975 (Fx. Co. Cir. Ct.) (Springfield District)

21. *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)

22. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. George Daamash and Zabia J. Daamash*, Case No. CL-2015-0002423 (Fx. Co. Cir. Ct.) (Mount Vernon District)

23. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Rebecca Mills***,** Case No. CL-2015-0005909 (Fx. Co. Cir. Ct.) (Mount Vernon District)

24. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Laura M. MacQueen*, Case No. GV15-005739 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Daniel Minchew*, Case Nos. GV15-005741, GV15-006057, and GV15-006072 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

26. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Daniel Minchew*, Case Nos. GV15-006056, GV15-006058, and GV15-006073 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

27. *Leslie B. Johnson, Fairfax County Zoning Administrator, v. Retta H. Hall*, Case Nos. GV14-026144 and GV14-026145 (Fx. Co. Gen. Dist. Ct.) (Mason District)

28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. A. Brian Bartlett*, Case No. GV15-005834 (Fx. Co. Gen. Dist. Ct.) (Providence District)

29. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. A. Brian Bartlett*, Case No. GV15-005833 (Fx. Co. Gen. Dist. Ct.) (Providence District)

30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ashley Yuan*, Case No. GV15-005835 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

31. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Wells Fargo N.A.*, Case No. GV15-009038 (Fx. Co. Gen. Dist. Ct.) (Providence District)

Board Agenda Item
June 2, 2015

3:00 p.m.

Decision Only on RZ 2013-MV-015 (Vulcan Construction Materials, LP) to Rezone from R-1, R-C and I-6 to R-1, R-C, I-6 and NR to Permit a Proposed Expansion to the Previously Approved Natural Resource Overlay District, Located on Approximately 148.27 Acres of Land (Mount Vernon District)

The Board of Supervisors will also Consider the Applicant's Resource Protection Area (RPA) Encroachment Exception Request # 7589-WRPA-001-1 to Permit Encroachment into an RPA for the Purpose of Reconfiguring an Existing Stone Quarry to Facilitate the Creation of a Water Storage, Control, and Pumping Facility (Mount Vernon District)

This property is located on properties on the West Side of Ox Road located approximately ¾ mile North of the Prince William County line, Tax Map 106-4 ((1)) 20B pt. and 56A pt.; 112-2 ((1)) 8 pt., 14, and Peniwill Drive Public Right-of-Way to be Vacated and/or Abandoned.

(Concurrent with PCA 1998-MV-032, PCA 1998-MV-033 and SEA 81-V-017-02)

This public hearing was held on April 28, 2015 and decision only was deferred to May 12, 2015, at 3:30 p.m.; and then deferred again from the May 12, 2015 meeting to June 2, 2015 at 3:00 p.m.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, February 25, 2015, the Planning Commission voted 11-0 (Commissioner Sargeant was absent from the meeting) to recommend the following action to the Board of Supervisors:

- Approval of RZ 2013-MV-015; and
- Approval of Resource Protection Area exception 7589-WRPA-01-1, subject to the Development Conditions dated October 23, 2014.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4469462.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Nicholas Rogers, Planner, DPZ

RZ 2013-MV-015 – VULCAN CONSTRUCTION MATERIALS, LP
PCA 1998-MV-032/PCA 1998-MV-033/SEA 81-V-017-02 – FAIRFAX COUNTY WATER AUTHORITY

Decision Only During Commission Matters
(Public Hearing held on February 12, 2015)

Commissioner Flanagan: Yes, thank you, Mr. Chairman.

Chairman Murphy: Before you make your presentation – Mr. Flanagan is going to move on a couple items. I was not present for the public hearing. But for the record, I watched every word of it at home on television so I intend to vote. I wouldn't have missed it for the world.

Commissioner Flanagan: Very good. On February 12, we held a public hearing on applications RZ 2013-MV-015 and SEA 81-V-017-02, PCA 1998-MV-032, and PCA 1998-MV-033. They would – they asked to permit the Vulcan Quarry to be enlarged in order to provide the Fairfax County Water Authority with a water reservoir in two stages. Testimony was given, primarily about two Special Exception issues – the quarry blasting limitations and the Occoquan Overlook trail. Tonight I am ready to recommend approval of the rezoning application 2013-MV-015, which will expand the National Resource Overlay District to include the proposed quarry. There was no opposition testimony from the public or from the Commissioners to the rezoning. Our recommendation is needed before the BZA can renew Vulcan's Special Permit, 82-V-091-06, to operate a quarry for the next five years following their public hearing on March 4. Tonight I am also moving the deferral of – the Special Exception 81-V-017-02 to March 18 for two reasons. First, the Occoquan Trail – Overlook Trail issue is still being negotiated and not ready for decision. As of now, it appears a proposed alternate trail will neither be an Occoquan Overlook trail that overlooks the Occoquan River, nor be more than a trail to nowhere based on land owners' upstream testimony that they are not willing to provide the easements needed unless the trail is built as in the Comprehensive Plan. Second, the Comprehensive Plan includes explicit guidance about mitigation of blasting in order to protect nearby residential buildings from noise and vibration. During the public hearing, testimony from two seismic blasting expert firms recommended changes to blasting limitations and studies of blasting techniques and monitoring that could better address land use conditions that have occurred over the past 40 years. The testimony asserted that the current power measure of a blast isn't the only criterion for effects and in certain circumstances should be accompanied by criteria related to wave energy impacts on structures, as well as the power and pulse. The expert seemed to say that although increasing distance diminishes effects, there are factors that can result in effects being transmitted over long distances. The BZA online minutes indicate there were no prescriptive blasting limitations for the Vulcan Quarry between 1941 and 1959. But in 1959, conditions based upon testimony of blasting experts were added to the Special Permit by the BZA for the first time – that limited any blast to 10,000 pounds of explosives with an average of 6,000 pounds. In 1977, again based on expert testimony, the prescriptive limit on Vulcan blasts was changed by BZA – by the BZA from a limitation of pounds of explosive to seismic monitor readings of 0.4 of peak particle velocity and 130 decibels of air pressure. The expert noted that the limitation was ideal as there were no residential buildings within 1900 feet of the Vulcan quarry – located in 1977. It's been almost 40

years since 1977 and the 0.4 performance prescriptive blast limitation, even though many more – and the imposition of the 0.4 performance prescriptive blast limitation – even though many more existing and planned homes are now less than 1900 feet from the quarry and some are as little as 700 feet. We are told that the BZA will deal with the question of blasting on March 4 and any conditions about mitigation. I'm completely confident they'll do so. That – they have done so in the past when they extended a prior Special Permit while studies recommended by the experts were confirmed and implemented. Since the Comprehensive Plan text allows for blasting, but requires that such blasting protect nearby residential buildings from noise and vibration, I believe the Commission can't proceed until the BZA has completed its review. Then we will know that the application is in harmony with the plan, but not before. Therefore Mr. Chairman, I first move – do I need to have the rezoning – the reaffirm – the conditions reaffirmed?

Chairman Murphy: No. Just on the –

Commissioner Flanagan: Therefore, well okay. Then –

Chairman Murphy: But you're not going to go with the SE.

Commissioner Flanagan: Very good. Then, Mr. Chairman, I FIRST MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THAT THE BOARD OF SUPERVISORS APPROVE RZ 2013-MV-015 FOR VULCAN CONSTRUCTION MATERIALS, LP TO PERMIT AN EXPANSION OF THE NATURAL RESOURCE OVERLAY DISTRICT.

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 RZ 2013-MV-015, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: And secondly, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY FOR SEA 81-V-017-02 AND PCA 1998-MV-032 AND PCA 1998-MV-033 FOR THE FAIRFAX COUNTY WATER AUTHORITY TO A DATE CERTAIN OF MARCH 19, 2015, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. And that's the 19th of March?

Commissioner Flanagan: 19th, yes.

Chairman Murphy: Okay. All those in favor –

Commissioner Flanagan: My understanding is that there's no meeting on the 18th.

Chairman Murphy: Okay, I just want to make sure. All those in favor of the –

Commissioner Lawrence: Discussion?

Chairman Murphy: You have a discussion? I'm sorry, Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. I share Commissioner Flanagan's confidence that the BZA will, in fact, review the criterion for noise and effects. I'm also assured by information that each time in the future this thing is extended, another review will take place. So if the state-of-the-art of judging the effects of blasting changes, as the years go by, it will get caught. It may take a couple of years for it to get caught, but it will get caught – which means that, since this hole is going to be a public facility for us – for all of us – then Fairfax County has a dog in the fight. And I think our dog is well-looked after under the present circumstances. Thank you, Mr. Chairman.

Chairman Murphy: Okay. Further discussion of the motion?

Commissioner de la Fe: No – nope.

Chairman Murphy: Okay. All those in favor of the motion to defer decision only on SEA 81-V-017-02, PCA 1998-MV-032, and PCA 1998-MV-033 to a date certain of March 19th, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman?

Chairman Murphy: Yes, Mr. de la Fe.

Commissioner de la Fe: Mr. Flanagan, there is a Resource Protection Area Exception related to the RZ. Did you mean to approve that – recommend approval of that, as well as the rezoning? Or – how do you want to handle that?

Commissioner Flanagan: Staff didn't – didn't ask me to do that.

Commissioner de la Fe: According to what we have here, it says, "Staff recommends approval of Resource Protection Area Exception 7589-WRPA-01-1, subject to the proposed-"

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning: Yes, you're correct in that. We would – that's related to the Vulcan Construction Materials – related to the Special Permit application ultimately. So we would want it – a recommendation, ultimately – it would be the Board's decision. Typically, when we have a case with an RPA exception, we go to the Planning Commission for their recommendation. And then we would also – the Board –

have the final decision on that. That would be the time that the Board would do the – the natural resource rezoning so if you could make that recommendation, that'd be great.

Chairman Murphy: Mr. Flanagan.

Commissioner de la Fe: Mr. Flanagan-

Commissioner Flanagan: I would like to make a recommendation that he just quoted.

Commissioner de la Fe: Mr. Flanagan, DO YOU RECOMMEND APPROVAL OF RESOURCE PROTECTION AREA EXCEPTION 7589-WRPA-01-1, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 23, 2014 AND CONTAINED IN APPENDIX 8?

Commissioner Flanagan: YES.

Chairman Murphy: Say, "so moved."

Commissioner de la Fe: SO MOVED. Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries – carried.

Commissioner de la Fe: Thank you.

//

(Each motion carried by a vote of 10-0. Commissioners Hurley and Sargeant were absent from the meeting.)

JLC

Board Agenda Item
June 2, 2015

3:00 p.m.

Decision Only on PCA 1998-MV-032 (Fairfax County Water Authority) to Amend the Proffers for RZ 1998-MV-032 Previously Approved for a Water Purification Facility to Permit Associated Modifications to Proffers and Site Design with an Overall Maximum Floor Area Ratio of 0.026 Based on the Total Land Area of Concurrent SEA 81-V-017-02, Located on Approximately 129.01 Acres of Land Zoned R-1 and NR (Mount Vernon District)

The Board of Supervisors will also Consider the Applicant's Resource Protection Area (RPA) Encroachment Exception Request # 7589-WRPA-001-1 to Permit Encroachment into an RPA for the Purpose of Reconfiguring an Existing Stone Quarry to Facilitate the Creation of a Water Storage, Control, and Pumping Facility (Mount Vernon District)

This property is located on the West side of Ox Road at the terminus of Lorton Road. Tax Map 106-4 ((1)) 56 A pt.

(Concurrent with RZ 2013-MV-015, PCA 1998-MV-033 and SEA 81-V-017-02).

and

Decision Only on PCA 1998-MV-033 (Fairfax County Water Authority) to Amend the Proffers for RZ 1998-MV-033 Previously Approved for a Water Purification Facility to Permit Associated Modifications to Proffers and Site Design with an Overall Maximum Floor Area Ratio of 0.026 Based on the Total Land Area of Concurrent SEA 81-V-017-02, Located on Approximately 5.54 Acres of Land Zoned R-1 and NR (Mount Vernon District)

The Board of Supervisors will also consider the Applicant's Resource Protection Area (RPA) Encroachment Exception Request # 7589-WRPA-001-1 to Permit Encroachment into an RPA for the Purpose of Reconfiguring an Existing Stone Quarry to Facilitate the Creation of a Water Storage, Control, and Pumping Facility (Mount Vernon District)

This property is located North of the Occoquan River immediately East of the high dam. Tax Map 106-4 ((1)) 56A pt.

(Concurrent with RZ 2013-MV-015, PCA 1998-MV-032 and SEA 81-V-017-02)

and

Board Agenda Item
June 2, 2015

Decision Only on SEA 81-V-017-02 (Fairfax County Water Authority) to Amend SEA 81-V-017 Previously Approved for a Water Purification Facility to also Permit Water Storage, Control and Pumping Facility, an Increase in Land Area and Associated Modifications to Site Design and Development Conditions, Located on Approximately 526.86 Acres of Land Zoned R-C, I-6, R-1 and NR (Mount Vernon District)

The Board of Supervisors will also Consider the Applicant's Resource Protection Area (RPA) Encroachment Exception Request # 7589-WRPA-001-1 to Permit Encroachment into an RPA for the Purpose of Reconfiguring an Existing Stone Quarry to Facilitate the Creation of a Water Storage, Control, and Pumping Facility (Mount Vernon District)

This property is located at 9600 and 10000 Ox Road, Lorton, 22079. Tax Map 106-3 ((1)) 4B and 9; 106-4 ((1)) 20B pt. and 56A; 112-2 ((1)) 8, 9, 11, 12 and 14 and Peniwill Drive public right-of-way to be vacated and/or abandoned.

(Concurrent with RZ 2013-MV-015, PCA 1998-MV-032 and PCA 1998-MV-033).

These public hearings were held on April 28, 2015, and decisions only were deferred to May 12, 2015, at 3:30 p.m.; and then deferred again from the May 12, 2015 meeting to June 2, 2015 at 3:00 p.m.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, March 26, 2015, the Planning Commission voted 10-0 (Commissioners Litzenberger and Sargeant were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 81-V-017-02 subject to the Development Conditions dated March 10, 2015;

- Approval of PCA 1998-MV-032 subject to the execution of proffers dated November 4, 2014;

- Approval of PCA 1998-MV-033, subject to the execution of proffers dated November 4, 2014;

- Approval of a modification of Section 13-303 and Section 13-304 of the Zoning Ordinance in favor of the transitional screening and barriers, as shown on the SEA Plat; and

- Approval of a modification of Section 17-201, requiring trails along the Occoquan River and along Ox Road as depicted on the Countywide Trails Plan in favor of the trail shown on the SEA Plat and described in the development conditions.

In a related motion the Planning Commission voted 10-0 (Commissioners Litzenberger and Sargeant were absent from the meeting) to recommend that the Board of Supervisors consider that the Planning Commission motions regarding SEA 81-V-017-02 are based on testimony regarding blasting limitations provided to the Planning Commission on February 12, 2015 and to the Board of Zoning Appeals on March 4, 2015.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4469145.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Nicholas Rogers, Planner, DPZ

PCA 1998-MV-032/PCA 1998-MV-033/SEA 81-V-017-02 – FAIRFAX COUNTY WATER AUTHORITY

Decision Only During Commission Matters
(Public Hearing held on February 12, 2015)

Commissioner Flanagan: Yes, Mr. Chairman. I request that the representative for the Fairfax County Water Authority confirm, on the record, their agreement to the proposed Special Exception Amendment development conditions dated March 10, 2015.

John McGranahan, Jr., Esquire, Applicant's Agent, Hunton & Williams, LLP: Thank you, Mr. Flanagan. For the record, my name is John McGranahan with the law firm of Hunton & Williams and I do confirm the applicant's agreement with the conditions dated March 10.

Commissioner Flanagan: Thank you.

Chairman Murphy: Thank you very much.

Commissioner Hurley: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hurley: I was not here for the public hearing, but I did read all the letters that were sent to me and I did watch the video of the public hearing and I do intend to vote on this matter.

Chairman Murphy: Okay thank you.

Mr. McGranahan: Thank you.

Chairman Murphy: Thank you, Mr. McGranahan. Mr. Flanagan, please.

Commissioner Flanagan: Thank you, Mr. Chairman. On March 19, we deferred the decisions on applications SEA 81-V-017-02, PCA 1998-MV-032, and PCA 1998-MV-033 to tonight in order to facilitate a closed session discussion of security issues. Public hearing testimony was previously given on February 12th, primarily about two issues:

- One, the quarry blasting limitations needed to, "Protect nearby residential buildings from noise and vibration," and required in the Comprehensive Plan – as required in the Comprehensive Plan; and

- Two, a proposed alternative to the Overlook – Occoquan Overlook Trail, a long standing recommendation in the Comprehensive Plan.

It is my intention tonight to recommend approval of the Water Authority Special Exception and Proffered Condition applications with a follow-on motion about blasting. As to the blasting issue,

the Comprehensive Plan text allows for blasting, but requires the Planning Commission to be satisfied that such blasting will "Protect nearby residential buildings from noise and vibration." Blasting limits, however, are now set by the Board of Zoning Appeals. Last week, you received testimony I presented to the Board of Zoning Appeals on March 4th, which I believe adequately addresses February 12 testimony we heard about updating current blasting limits. The BZA, however, has deferred a decision on blasting limits until May 4. My follow-on motion responds to the BZA's March – May 4 deferral decision since the General Requirement 3 for approving a Special Exception by the Board of Supervisors requires that the quarry use for creating the future Water Authority Reservoir, "Shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan." As to the trail issue, no doubt you have been inundated (pardon the pun) with visits, phone calls, and emails that prefer the Occoquan Overlook Trail location in the Comprehensive Plan that would require a southern easement along the Occoquan River from the Water Authority. Staff in the staff report and Park and Transportation appendices also prefers the planned location. In addition, testimony by the public overwhelmingly not only prefers the Occoquan Overlook Trail location, but provides assurances that the entire missing link between the Sandy Run and Occoquan Regional Parks could be constructed immediately upon approval of the pending Special Exception. The Water Authority has instead voluntarily proposed an alternate to the planned southern easement with a Northern Trail easement across Water Authority property, but defers assurance of a connection to the Sandy Run Regional Park upstream to an indefinite future and thereby creates a trail to nowhere and possible trespass across private property by trail users at the dead end. The Water Authority has generally indicated that the southern alignment of the trail raises security concerns and they more specifically detailed those concerns in a closed session discussion that we had on March 19, as permitted by *Virginia Code* Section 2.2-3711(19). I would like to thank Mr. McGranahan, the applicant's agent, for proposing an additional Condition 19 since March 19 to assure that the trail proposed by the Water Authority is not a trail to nowhere, but constructed when easements are available that will assure connection to Sandy Run Regional Park upstream. I would have supported such a condition, but staff prefers not to support for enforcement reasons. I THEREFORE MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 81-V-017-02 FOR THE FAIRFAX COUNTY WATER AUTHORITY, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED MARCH 10, 2015 AND APPROVE PCA 1998-MV-032 AND PCA 1998-MV-033, SUBJECT TO THE EXECUTION OF PROFFERS DATED NOVEMBER 4, 2014.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion? I think we should each application individually. All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 81-V-017-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Chairman Murphy: All those who – in favor of the motion to recommend to the Board of Supervisors that it approve PCA 1998-MV-032, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: I further move that the –

Chairman Murphy: Wait a minute – one more.

Commissioner Flanagan: Oh you got one more?

Chairman Murphy: Yes – move that the Planning Commission recommend to the Board of Supervisors to approve PCA 1988 – 1998-MV-033, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: I FURTHER MOVE, Mr. Chairman, THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE:

- A MODIFICATION OF SECTION 13-303 AND SECTION 13-304 OF THE ZONING ORDINANCE IN FAVOR OF THE TRANSITIONAL SCREENING AND BARRIERS, AS SHOWN ON THE SEA PLAT; AND

- A MODIFICATION OF SECT. 17-201, REQUIRING TRAILS ALONG THE OCCOQUAN RIVER AND ALONG OX ROAD ARE GENERALLY – AS GENERALLY DEPICTED ON THE COUNTYWIDE TRAILS PLAN IN FAVOR OF THE TRAIL SHOWN ON THE SEA PLAT AND DESCRIBED IN THE DEVELOPMENT CONDITIONS.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Thank you. Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS CONSIDER THAT THE PLANNING COMMISSION MOTIONS REGARDING SEA 81-V-017-02 ARE BASED ON TESTIMONY REGARDING BLASTING LIMITATIONS PROVIDED TO THE PLANNING COMMISSION ON FEBRUARY 12 AND THE BOARD OF ZONING APPEALS ON MARCH 4.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Thank you. That's all, Mr. Chairman. But I would like to say one thing about this.

Chairman Murphy: Please do.

Commissioner Flanagan: As you can imagine, this has been going on for two or three years. And I would like to compliment Nick Rogers, in particular, for the outstanding work that he's done.

Chairman Murphy: Yes. Here here.

Commissioner Flanagan: You know – giving me all the – hearing all – taking all my calls every – almost every day, I think – also, Bill Mayland, who has been most helpful in that regard. So I really do appreciate the – your guidance, you know, in coming to this conclusion tonight.

Chairman Murphy: Thank you. And thank Mr. Flanagan for doing a great job. He told me that after this application, all he wants to do is Agricultural and Forestal District so – I mean, that just shows you where we're going. And I don't blame him. I think he needs a little vacation. Great job, Earl. Yes, Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. I just wanted to add that at the public hearing I had raised concerns about being faced with making a decision with – based on the information that was available at that time in the public forum. And I very much appreciate the fact that we were able to have the – the security briefing and executive session in order to go over the concerns. And I just wanted to add that this approach is permitted as an exception to the open meetings law – I want people to understand that – under Code Section 2.2-3711(19). And it allows us as members of a public body to hear and consider in a confidential setting plans to protect public safety, as it relates to terrorist activities or a related threat to public safety – as well as detailed discussions or reports or plans, relating to the security of governmental facilities, buildings, or structures. And in enacting the exemption, the General Assembly implicitly found that individuals like us who are appointed to public bodies occupy a position of trust and should be permitted to factor what is heard in this confidential setting into their decisions. I think, in this case, the applicant meticulously described in the closed session the specific threats that are posed by a publicly accessible southern alignment of the trial, as recommend in the Comprehensive Plan. But I believe that, in accordance with that statute, that I have a duty – as do the other members of the Planning Commission – as part of the public trust invested in us to consider this information in casting our votes and that's what I did in this case.

Chairman Murphy: A good statement. Thank you very much. I think as we travel down this uncertain road, we're going to see a lot more applications that come in that we have to take security – security issues into consideration as we look at the infrastructure of facilities in our County. The phrase, "It'll never happen here," does not apply anymore anywhere.

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: I'd just like to observe that a fundamental function of government is public safety. Public safety can take on many dimension in these days. Thank you, Mr. Chairman.

Chairman Murphy: Okay. Thank you very much.

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(Each motion carried by a vote of 10-0. Commissioners Litzenberger and Sargeant were absent from the meeting.)

JLC

Board Agenda Item
June 2, 2015

3:00 p.m.

Public Hearing on SE 2014-DR-052 (Trinity Land LLC) to Permit Residential Cluster Subdivision, Located on Approximately 28.94 Acres of Land Zoned R-1 and HD (Dranesville District)

This property is located at 11801 Leesburg Pike, Herndon, 20170. Tax Map 6-3 ((1)) 33 and 33A.

The Board of Supervisors deferred this public hearing from the April 7, 2015, to May 12, 2015; and, then again, from the May 12, 2015 meeting to June 2, 2015, at 3:00 p.m.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, March 12, 2015, the Planning Commission voted 10-0-1 (Commissioner Hurley abstained from the voted and Commissioner Sargeant was absent from the meeting) to recommend that the Board of Supervisors approve SE 2014-DR-052, subject to the Development Conditions dated March 12, 2015.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4478297.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Mike Van Atta, Planner, DPZ

Planning Commission Meeting Attachment 1
March 12, 2015
Verbatim Excerpt

SE 2014-DR-052 – TRINITY LAND, LLC

Decision Only During Commission Matters
(Public Hearing held on March 4, 2015)

Commissioner Ulfelder: Thank you, Mr. Chairman. On March 4th, we had a hearing on an application, SE 2014-DR-052, Trinity Land, LLC, and since then - - we deferred the decision until tonight. Since then, we have developed a revised set of proposed development conditions I think addressing most of the issues that the Planning Commission recommended - - concern – or commented on. There are a couple of issues: one involving the offset of the fair share of the Park Authority fund fee and that is still under discussion but I think that will be resolved fully before the board of supervisors' hearing, which I think is now scheduled for April 7th, and taken care of, I think, and in a way that will be acceptable to everyone; and the other issue that was – that was raised were some safety concerns about Sugarland Road, particularly about the intersection with Route 7. And the concern about adding traffic from this proposed 30 lot subdivision. And there were questions raised about some of the testimony that was given at the public hearing. I think the bottom line is that VDOT and the Fairfax County Department of Transportation are satisfied with and happy with the option that being used here, which is accessed to and from the site from Sugarland Road. One, it will save a considerable amount of the RPA that rests between Route 7 and the site; it will eliminate a current cut along Route 7 which is in the process of being widened in anticipation of even more traffic over the next 10 to 20 years; and that – that it will be a better option overall. In the meantime, the Dranesville Supervisor's office is working on taking a close look at the safety issues and concerns that were raised at the public hearing by the residents and going to be trying to work with Fairfax County DOT and eventually VDOT to address some of those issues for the residents to give them some assurances. So, with that, I think we're ready to proceed. Can we have a representative of the applicant –

Stuart Mendelsohn, Esquire, Holland & Knight LLP: Good evening, Mr. Chairman and members of the Commission. My name is Stuart Mendelsohn with the law firm of Holland and Knight, here on behalf of the applicant.

Commissioner Ulfelder: Mr. Mendelsohn, is the applicant – does the applicant agree to the revised development conditions - - or the proposed development conditions that are now dated March 12th, 2015?

Mr. Mendelsohn: We do.

Commissioner Ulfelder: Okay, thank you. With that being done, Mr. Chairman, I'm prepared to MOVE TO THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVAL OF SE 2014-DR-052, SUBJECT TO DEVELOPMENT CONDITIONS DATED MARCH 12TH, 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 SE 2014-DR-052, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: Abstain.

Chairman Murphy: Hurley abstains.

Commissioner Ulfelder: I move that the planning commission recommend to the board of supervisors approval of a waiver of the service drive requirement along Leesburg pike per Paragraph 3(a) of Section 17-201 of the Zoning Ordinance.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; same abstention.

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(The motion carried by a vote of 10-0-1. Commissioner Hurley abstained; Commissioner Sargeant was absent from the meeting.)

JN

Board Agenda Item
June 2, 2015

3:00 p.m.

Public Hearing on SE 2014-MV-071 (Barry Maglauglin / Catherine Powell) for Uses in a Floodplain, to Permit an Addition to a Single Family Dwelling, Located on Approximately 8,750 Square Feet of Land Zoned R-3 (Mount Vernon District)

This property is located at 6415 15th Street, Alexandria, 22307. Tax Map 93-2 ((8)) (10) 12.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, April 16, 2015, the Planning Commission voted 8-0 (Commissioners Lawrence, Litzenberger, Sargeant, and Strandlie were absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-MV-071, subject to Development Conditions dated March 31, 2015.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4482554.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Carmen Bishop, DPZ

SE 2014-MV-071 – BARRY MAGLAUGHIN/CATHERINE POWELL

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed – Mr. Flanagan.

Commissioner Flanagan: First of all, I'd like to – the public hearing is closed, but I would like to note that the – both the New Alexandria Homeowners Association – unanimously support this application – as does the Planning and Zoning Committee of the Mount Vernon Council and the Board of Directors of the council. The council doesn't meet, itself, until later – until after this hearing. So consequently, I'm going to – I think you all received in an email with the resolution that was – is pending before the council. And I think that's enough for us to go ahead and support this application. Let's see – do I need to have him once again come forward and –

Chairman Murphy: Yes, please come forward.

Commissioner Flanagan: -confirm that they're in agreement with the proposed conditions?

Chairman Murphy: Now do I understand correctly what we were talking about before – are you going to come up with a development condition before Board time? But that's not part of the application now so can you reaffirm your support or affirm your support for the development conditions that are going to be in the staff report and that you understand them? And part of that – those development conditions will be one you haven't even seen yet? I don't know whether we can do this or not, quite frankly.

David Vogt, Applicant's Agent, Case Design Remodeling Inc.: I think – with the discussion that Mr. Flanagan and I had had that we are on the right direction – that I could affirm that that would be acceptable as – if the front door can remain as a weather stripping issue.

Chairman Murphy: The right direction doesn't mean you understand and then you agree with it.

Mr. Vogt: Well again, if we don't have the solution, it's hard to agree to that. I can understand it. But with Mr. Flanagan's and I's conversation prior to the meeting, we were headed in the right direction to an agreement.

Chairman Murphy: Okay. I'm not trying to be difficult, just legally correct. This is a new rule for us.

Mr. Vogt: I know. Yes, and it's something that I – you know, I don't how to answer if I don't know what the solution is. So it's – it's investigate the solution that we, kind of, previously discussed.

Chairman Murphy: Okay.
Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: Yes, thank you. Mr. Vogt, just – forgetting the weather stripping of the door for a minute – the other conditions – have you – has your client read the other development conditions?

Mr. Vogt: Yes, we've discussed-

Commissioner Hart: Are they in agreement with those?

Mr. Vogt: -the fence and the trees and – yes.

Chairman Murphy: Okay.

Commissioner Hart: That – that's good.

Commissioner Flanagan: That's actually – and I appreciate your pointing that out.

Chairman Murphy: Just to make sure, yeah.

Commissioner Flanagan: Yes, I appreciate you pointing that out. And based upon that, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2014-MV-071, SUBJECT TO CONDITIONS DATED MARCH 31, 2015.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-MV-071, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Thank you.

Chairman Murphy: That it?

Commissioner Flanagan: That's it.

Chairman Murphy: Thank you very much.

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(The motion carried by a vote of 8-0. Commissioners Lawrence, Litzenberger, Sargeant, and Strandlie were absent from the meeting.)

JLC

Board Agenda Item
June 2, 2015

3:00 p.m.

Public Hearing on PCA 82-P-015 (Yue Wang also known as Mike Wang) to Amend the Proffers and Conceptual Plans for RZ 82-P-015 Previously Approved for Residential Development at 9.73 du/ac, to Permit Residential Development and Associated Modifications to Proffers and Site Design at a Density of 11.64 Dwelling Units per Acre (du/ac), Located on Approximately 2.49 Acres of Land Zoned PDH-12 and HC, Comp. Plan Rec: 8-12 du/ac (Providence District)

This property is located on the West side of Hollywood Road, East of Morris Street and South of Lee Landing. Tax Map 50-1 ((22)) A, and 50-1 ((22)) 1-22.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, April 16, 2015, the Planning Commission voted 8-0 (Commissioners Lawrence, Litzenberger, Sargeant, and Strandlie were absent from the meeting) to recommend to the Board of Supervisors approval of PCA 82-P-015, subject to the proffers dated April 13, 2015.

In a related action, the Planning Commission voted 8-0 (Commissioners Lawrence, Litzenberger, Sargeant, and Strandlie were absent from the meeting) to approve FDPA 82-P-015, subject the Board's approval of PCA 82-P-015 and the Conceptual Development Plan Amendment.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4482544.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Mike Van Atta, DPZ

PCA/FDPA 82-P-015/CDPA 82-P-015 – YUE WANG (a/k/a MIKE WANG)

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed – Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. This was a relatively straight-forward case. And I thought, actually – this is a good example of the type of infill that we probably ought to be doing. And when I went out there, the house – believe me – is not being used for a child care. You don't want the kids going there. It – it's not going to survive the next thunderstorm. I mean, it just – it's something – it's dangerous. I think it should've been torn down a long time ago. I think if children were going in there, there could be a real hazard.

Chairman Murphy: They don't have any of that tape either, I presume.

Commissioner Hart: They got nothing. It's a – it's a disaster. I mean, I don't know if we have pictures of it, but it's bad. Anyway, the application has staff's favorable recommendation and I would concur with the rationale in the staff report. And this approval is actually very consistent with what was approved years ago anyway and this is certainly a better package than we had. I think it's – I think it's ready to go. And with the – with the revised proffers, I think we've addressed the concern about stormwater. The objective will be to get the new houses to be part of the existing HOA so that they're not stuck with all the financial burdens for everything. But there will be contributions if it works out and hopefully it will – and it sounds like the HOA is on board and we're on the right on track on that – that everything can be folded in and everyone will be happy. But we have Plan B just in case that doesn't work out. Therefore, Mr. Chairman, I MOVE THAT, FIRST, THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF the –

Chairman Murphy: PCA.

Commissioner Hart: PCA 82-P-015, SUBJECT TO THE PROFFERS DATED APRIL 13, 2015.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 82-P-015, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. I move that the Planning Commission recommend to the Board of Supervisors approval of FDPA 82-P-015.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of that motion? I guess we approve that, don't we? A Final Development Plan?

Commissioner Hart: Well, I'm reading here on my script, but we do approve it, don't we?

Commissioner de la Fe: Yes.

Commissioner Hart: So let me start over. I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 82-P-015.

Commissioner de la Fe: Subject to the approval-

Chairman Murphy: Second – subject to the-

Commissioner Migliaccio: Well it's subject to-

Commissioner de la Fe: Yes, subject to approval of-

Commissioner Hart: SUBJECT TO APPROVAL OF THE PCA.

Chairman Murphy: CDPA too. Seconded by Mr. Ulfelder –

Commissioner Hart: What happened to the CDPA? Uh oh.

Catherine Lewis, Zoning Evaluation Division, Department of Planning and Zoning: You don't – I mean, it – the CDPA is – well, we've had confusions about this. But the PCA refers to that CDPA. You don't actually need to make a separate motion.

Commissioner Hart: Okay. I'm just following orders here.

Ms. Lewis: Yes.

Commissioner Hart: Okay.

Chairman Murphy: Seconded by-

Ms. Lewis: You're okay.

Chairman Murphy: Seconded by Mr. Ulfelder. All those in favor of the motion to approve FDPA 82-P-015, subject to the PCA and the CDPA – right? Say aye.

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

Commissioner Hart: Mr. Chairman, before they go, let me thank Mr. Van Atta and Ms. Lewis for their help – their fine help on very short notice – on getting me up to speed and getting this ready.

Chairman Murphy: Thank you very much.

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(Each motion carried by a vote of 8-0. Commissioners Lawrence, Litzenberger, Sargeant, and Strandlie were absent from the meeting.)

JLC

Board Agenda Item
June 2, 2015

3:30 p.m.

Public Hearing on RZ 2011-PR-009 (Cityline Partners LLC) to Rezone from C-3, HC to PTC, HC to Permit Mixed Use with an Overall Floor Area Ratio of 2.96 and a Waiver #6835-WPFM-007-1 to Permit the Location of Underground Storm Water Management Facilities in a Residential Area, Located on Approximately 9.88 Acres of Land (Providence District) (Concurrent with PCA 92-P-001-11)(Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Scotts Crossing to proceed under Section 15.2-2272 (2) of the Code of Virginia).

This property is located on the N.E. quadrant of the intersection of Dolley Madison Boulevard and Scotts Crossing Road. Tax Map 29-4 ((5)) 9, 9A and 10A and Scotts Crossing Rd. public right-of-way to be vacated and/or abandoned.

And

Public Hearing on PCA 92-P-001-11 (Cityline Partners LLC) to Amend the Proffers for RZ 92-P-001 Previously Approved for Office and Accessory Uses to Permit Deletion of Land Area and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio, Located on Approximately 9.41 Acres of Land Zoned C-3 (Providence District) (Concurrent with RZ 2011-PR-009).

This property is located on the N.E. quadrant of the intersection of Dolley Madison Boulevard and Scotts Crossing Road. Tax Map 29-4 ((5)) 9, 9A and 10A.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, May 6, 2015, the Planning Commission voted 10-0 (Commissioners Lawrence and Sargeant were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 92-P-001-11;
- Approval of RZ 2011-PR-009, subject to the execution of proffers consistent with those dated April 10, 2015;
- Approval of a waiver of Section 2-505 of the Zoning Ordinance to permit structures and vegetation on a corner lot as shown on the CDP and FDP;

- Approval of a waiver of Paragraph 2 of Section 2-506 of the Zoning Ordinance to allow a parapet wall, cornice or similar projection to extend more than three feet above the roof as proffered;

- Approval of a waiver of Paragraph 7 of Section 6-505 of the Zoning Ordinance requiring designation of specific outdoor dining areas on the CDP as limited by the proffers;

- Approval of a waiver of Paragraph 1 of Section 6-506 to permit a minimum district size of less than ten (10) acres for a PTC zoned parcel;

- Approval of a modification of Section 7-0800 of the PFM to allow the use of tandem parking spaces with valet service to be counted as required parking as limited by the proffers;

- Approval of a modification of the requirement of a minimum distance of forty feet of a loading space in proximity to drive aisles, to that as demonstrated on a CDP or FDP;

- Approval of a modification of interior and peripheral parking lot landscape requirements for interim surface lots on private streets to that shown on the CDP and FDP;

- Approval of a modification of peripheral parking lot landscaping requirements for above grade parking structures to that shown on the CDP;

- Approval of a waiver of Section 16-403 of the Zoning Ordinance requiring a FDP as a prerequisite to a site plan for public improvement plans associated with parks and public streets;

- Approval of a modification of Paragraph 2 of Section 17-201 of the Zoning Ordinance of all trails and bike trails in favor of the streetscape and on-road bike lane system shown on the CDP;

- Approval of a waiver of Paragraph 3 of Section 17-201 of the Zoning Ordinance requirement of a service drive on Route 123;

- Approval of a waiver of Paragraph 3(B) of Section 17-201 of the Zoning Ordinance to provide any additional interparcel connections to adjacent parcels beyond that shown on the Plans and as proffered;

- Approval of a waiver of the Section 17-201(4) of the Zoning Ordinance requiring any further dedication and construction for widening of existing roads to address

Comprehensive Plan requirements beyond that which is indicated in the Plans and proffers;

- Approval of a modification of Section 17-201 of the Zoning Ordinance to allow establishment of parking control, signs and parking meters along private streets within the development;

- Approval of Waiver #6835-WPFM-00701 to permit underground stormwater vaults in a residential development subject to the conditions contained in Appendix 9;

- Approval of a waiver of Section 12-0508 of the PFM for waiver of the tree preservation target;

- Approval of a modification of Section 12-0511-4 of the PFM for the 10 year tree canopy requirements in favor of that shown on the Plans and as proffered; and

- Approval of a modification of Paragraph 6b of Section 12-0515 of the PFM to allow trees located above any proposed percolation trench or bio-retention areas to count towards county tree cover requirements as depicted on CDP and FDP.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4484815.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Suzanne Wright, DPZ

RZ 2011-PR-009/PCA 92-P-001-11 – CITYLINE PARTNERS, LLC

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Hart.

Commissioner Hart: Thank you, Mr. Chairman. I came into this at the 11th hour and – and my first reaction was this was a very oddly shaped site and this was – – one of the things we had struggled with in the Tysons Committee was how were we going to come up with a grid of streets and urban design and everything on these strangely shaped pieces with angles and triangles. But I think this application demonstrates that can be successfully done. I think this is – this is ready to go. I think that they've done everything that staff has requested. We have a solid proffer – proffer package. We have a favorable staff recommendation and we're going to see the details, again, at the appropriate time. And I think we're ready to go on this and, therefore, I would first MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 92-P-001-11.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 92-P-001-1 [*sic*], say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Hart.

Commissioner Hart: Secondly, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2011-PR-009, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED APRIL 10, 2015, AND NOTING THAT MS. STROBEL HAS MADE THE COMMITMENT ON THE RECORD TO MAKE SOME FURTHER EDITS.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors to approve RZ 2011-PR-009, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Third, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS, AS LISTED IN THE HANDOUT DATED APRIL 24, 2015.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. And now we will be get out at about 9:30, if we did have to go through all of that.

Commissioner Hart: I'm not going to read all those.

Chairman Murphy All those in favor of the motion –

Commissioner Hart: There must be 18 of them.

Chairman Murphy: I know it. All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(Each motion carried by a vote of 10-0. Commissioners Lawrence and Sargeant were absent from the meeting.)

JN

Board Agenda Item
June 2, 2015

3:30 p.m.

Public Hearing on SE 2014-BR-039 (Rati KC DBA Mrs. Rati's Family Home Daycare) to Permit a Home Child Care Facility and an Increase in Fence Height, Located on Approximately 11,397 Square Feet of Land Zoned PDH-3 (Braddock District)

This property is located at 10639 John Ayres Drive, Fairfax, 22032. Tax Map 77-1 ((12)) 182.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, May 6, 2015, the Planning Commission voted 10-0 (Commissioners Lawrence and Sargeant were absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-BR-039, subject to the Development Conditions dated May 6, 2015.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4484813.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Joe Gorney, DPZ

SE 2014-BR-039 – RATI KC d/b/a MRS. RATI'S FAMILY HOME DAYCARE

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. If the applicant could, come to the podium again, please.

Chairman Murphy: Please come up, sir.

Commissioner Hurley: And could you please reaffirm your agreement with the proposed development conditions dated March – I'm sorry, May 6th, 2015. Do you understand them?

KC Shree, Owner, Mrs. Rati's Family Home Daycare: Yes, I do.

Commissioner Hurley: Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-BR-039, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 6TH, 2015.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-BR-039, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 10-0. Commissioners Lawrence and Sargeant were absent from the meeting.)

JN

Board Agenda Item
June 2, 2015

3:30 p.m.

Public Hearing on PCA 76-M-007-02 (Fairfax County School Board) to Amend the Proffers for RZ 76-M-007 Previously Approved for Office Uses to Permit an Addition to the School (Gymnasium), an Outdoor Play Area, Bus Drop-Off and Pick-Up Area, and Associated Modifications to Proffers, Site Design, and Building Setbacks in the CRD District, with an Overall Floor Area Ratio of 0.71, The Public School Use in the Existing Building was Approved with Application 2232-M13-14, Located on Approximately 3.41 Acres of Land Zoned C-3, CRD, SC and HC (Mason District)

This property is located on the S.W. side of Leesburg Pike, approximately 1,200 feet S.E. of its intersection with Arlington Boulevard. Tax Map 51-3 ((1)) 30 and 31; 51-3 ((11)) 188 A; 51-3 ((13)) 5, 10, and 11.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, May 21, 2015, the Planning Commission voted 9-0 (Commissioners Lawrence, and Murphy, and Sargeant were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 76-M-007-02 subject to the execution of proffers dated May 21, 2015 as amended which adds the following language to Proffer 12, line 3 of Paragrah 2:
    - Add "*by the applicant*" following the wording "shall be constructed";
- Approval of a modification of the front yard setback from 20 feet to 11 feet, pursuant to Paragraph 1A of Section 9-622 of the Zoning Ordinance, in favor of the alternatives as shown on the proposed GDP and as conditioned;
- Approval of a modification of the transitional screening requirement along a portion of the western property line adjacent to Lot 12A, pursuant to Paragraph 14 of Section 13-305 of the Zoning Ordinance, in favor of the alternatives as shown on the proposed GDP and as conditioned; and
- Approval of a modification of the location of the barrier, pursuant to Paragraph 14 of Section 13-305 of the Zoning Ordinance, in favor of the location as shown on the proposed GDP and as conditioned.

Board Agenda Item
June 2, 2015

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Attachment 2: Handout dated May 21, 2015
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4486540.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Joe Gorney, DPZ

Planning Commission Meeting Attachment 1
May 21, 2015
Verbatim Excerpt

PCA 76-M-007-02 – FAIRFAX COUNTY SCHOOL BOARD

Decision Only During Commission Matters
(Public Hearing held on May 20, 2015)

Commissioner Strandlie: Thank you, Mr. Chairman. We have the decision in the Bailey's upper playground case. That is PCA 76-M-007-02, and I'd like to call the representatives of the School Board up to the podium. And since last evening, we have been working to simplify Proffer Number 12. It's always more difficult to write less is – less than more, so we have been diligently working on that today, and we have circulated to everyone the revised proffers, and you will see that Proffer Number 12 has lots of red lining in it. We have also circulated another document that is the actual language without all the red lining in it, and with one minor omission on the second paragraph, line 3. It should say the interparcel connection on the property shall be constructed by the applicant – the words "by the applicant" are missing -- at the same time. So, Mr. McGranahan, would you summarize our conversation and confirm that – that we have agreed to this language and we will revise these proffers?

John McGranahan, Jr., Esquire, Hunton & Williams LLP: Yes, yes. And Commissioner Strandlie described what you have in front of you. The revised proffers do have this language in it, but it's – it's so substantially revised, we thought it was better for you, and easier and quicker for you to read the clean version. But we did – we worked with Commissioner Strandlie and with staff throughout the day. We had a couple – I had a couple of meetings and was out of the office and I know Ms. Abrahamson had a couple of meetings and she was tied up. So, it was kind of tight as we were wrapping things up and your meeting was approaching but, essentially, it memorializes what we discussed last night and I think what you see here in front of you is that the interparcel access is provided for and there's the commitment that when it happens, either with the redevelopment of the next door neighbor's property or with a VDOT project for Leesburg Pike/Route 7, that the School Board would make sure that that connection on their property is constructed to tie into that so that you get it. And then the following paragraphs talk about what happens to that existing entrance once that alternative is in place, if you will. So with that, I think we have addressed the staff's issues to the School Board's satisfaction and are in good shape.

Vice Chairman de la Fe: Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. I have a – I asked last night if the direct access to Route 7 would be closed off to all except school buses that would staff, as well as the parents, as well service clerks, etcetera, use the interparcel road. And last night, I thought we – the answer was yes, staff would use the interparcel access. This proffer says the driveway entrance onto Route 7 service shall be restricted to bus and staff use. So, will staff continue to go directly onto Route 7? I don't particularly care either way. I'm just looking for – seeking clarification.

Mr. McGranahan: Yes, I mean, really, it is both. That's essentially what happens now. I mean, right now, there are two entrances onto Route 7. One of them is for student drop off, kiss-and-ride, as it's known; and then the other is for the buses and the – and the staff. And they're segregated that way. The concept is that the new interparcel connection in the back, or to the south, would replace the – the current parent/student drop off.

Commissioner Hurley: So I's basically –

Mr. McGranahan: – and so that function moves but the other function remains in place, and that's why it says –

Commissioner Hurley: It's only for the kiss-and-ride function and the service trucks delivering food, books, whatever, will use the Route 7 access as well, then. Everybody except the kiss-and-ride?

Mr. McGranahan: No, I mean, I think the way the proffer's written, it's buses and staff –

Commissioner Hurley: I'm trying to find –

Mr. McGranahan: – and staff

Commissioner Hurley: Only staff.

Mr. McGranahan: Yes.

Commissioner Hurley: But that doesn't mean the service truck staff. It only means teaching staff. I'm thinking about the trucks.

Mr. McGranahan: Correct. Staff means school staff.

Commissioner Hurley: Okay, you might clarify that a little bit before it gets to the Board of Supervisors, because the trucks are a different kind of traffic.

Commissioner Strandlie: We can do that.

Commissioner Hurley: I don't have any problems with it, but I just want it clarified.

Commissioner Hart: Mr. Chairman?

Vice Chairman de la Fe: Yes, Mr. Hart.

Commissioner Hart: Let me – let me just suggest – I – I – I read 12 and 13 several times before the public hearing yesterday and I couldn't quite get it, but what I was going to suggest… I think everyone knows what we mean. And this is, I think, very close to that, and we just – since we've got, sort of complicated changes at the last minute – I know there's a Board date and we have to vote tonight. Mr. McGranahan, if there's some slight word-smithing to capture what everyone's agreed to in concept between now and the Board, you – you don't have a problem with that, do you?
Mr. McGranahan: No problem whatsoever, and I think, quite frankly, the three of us who were working on it right up until 7:30 – we might see something that needs to be tweaked to get to the intent. I – I don't anticipate that, but we have no problem with what you just said, Commissioner Hart.

Commissioner Hart: Thank you.

Vice Chairman de la Fe: Okay.

Commissioner Strandlie: Thank you.

Vice Chairman de la Fe: Okay, Ms. Strandlie.

Commissioner Strandlie: And heretofore, it's student drop- – drop off and pickup, as opposed to kiss-and-ride or parent drop off, because obviously other people than parents, guardians, grandparents and after-school programs do drop-offs, and they don't kiss. So – so that – we'll – we'll clarify – that has been clarified in this. So if anyone has any other questions, we'll go forward with a motion.

Mr. McGranahan: Thank you.

Commissioner Strandlie: And we'll continue to fine-tune this as – as needed. I therefore MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF PCA 76-M-00-202 [*sic*] – let me try that again – PCA 76-M-77-02 [*sic*], SUBJECT TO THE EXECUTION OF PROFFERS DATED MAY 21ST, 2015, AS AMENDED BY THE APPLICANT THIS EVENING, AND DISTRIBUTED THIS EVENING WHICH ADDS THE WORDS TO PROFFER NUMBER 12 BY THE APPLICANT AFTER THE WORDS CONSTRUCTION IN paragraph – LINE 3 OF PARAGRAPH 2 AND AS FINE-TUNED AS SUGGESTED BY COMMISSIONER HART. I therefore move that the planning Commission recommend approval of the following: modification –

Vice Chairman de la Fe: Could – could we vote on each –

Commissioner Strandlie: Sure.

Vice Chairman de la Fe: – separately? Is there a second for the first one?

Commissioner Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Commissioner Hedetniemi. Any discussion?

Commissioner Hart: Mr. Chairman?

Vice Chairman de la Fe: Yes.

Commissioner Hart: I think what Ms. Strandlie meant to say was after the word "CONSTRUCTED," rather than "construction."

Commissioner Strandlie: Okay.

Vice Chairman de la Fe: Okay.

Commissioner Strandlie: Right, after – after "shall be constructed."

Commissioner Hart: Yes.

Vice Chairman de la Fe: Okay, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Commissioner Strandlie.

Commissioner Strandlie: Okay, thank you. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE FOLLOWING:

- MODIFICATION OF THE FRONT YARD SETBACK FROM 20 FEET TO 11 FEET, PURSUANT TO PARAGRAPH 1A OF SECTION 9-622 OF THE ZONING ORDINANCE, IN FAVOR OF THE ALTERNATIVES AS SHOWN ON THE PROPOSED GDP AND AS CONDITIONED;

- MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG A PORTION OF THE WESTERN PROPERTY LINE adjacent – ADJACENT TO LOT 12A, PURSUANT TO PARAGRAPH 14 OF SECTION 13-305 OF THE ZONING ORDINANCE, IN FAVOR OF THE ALTERNATIVES AS SHOWN ON THE PROPOSED GDP AND AS CONDITIONED; AND

- MODIFICATION OF THE LOCATION OF THE BARRIER, PURSUANT TO PARAGRAPH 14 OF SECTION 13-305 OF THE ZONING ORDINANCE, IN FAVOR OF THE LOCATION AS SHOWN ON THE PROPOSED GDP AND AS CONDITIONED.

Commissioner Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Commissioner Hedetniemi. Any discussion? Hearing and seeing none all those in favor, please signify by saying aye.
Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

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(Each motion carried by a vote of 9-0. Commissioners Lawrence, and Murphy, and Sargeant were absent from the meeting.)

JN

FAIRFAX COUNTY SCHOOL BOARD
(BAILEY'S UPPER ELEMENTARY SCHOOL)
PCA 76-M-007-02
PROFFER STATEMENT
MARCH 26, 2015
APRIL 20, 2015
APRIL 30, 2015
May 7, 2015
May 20, 2015
May 21, 2015

Pursuant to Section 15.2-2303(A) of the Code of Virginia, as amended, and subject to the Fairfax County Board of Supervisors' (the "Board") approval of this application PCA 76-M-007-02, the Fairfax County School Board (the "Applicant") for itself and its successors and assigns, hereby proffers that development of the property identified as Fairfax County Tax Map Parcels 51-3-((1))-30, -31; 51-3-((11))-188A; 51-3-((13))-5, -10 and -11 (the "Property"), containing approximately 3.41 acres, shall be in accordance with the following proffered conditions (the "Proffers"), which, if approved, shall replace and supersede all previous proffers approved for the Property. In the event this application is denied, these Proffers shall immediately be null and void and the previous proffers shall remain in full force and effect.

1. **Permitted Uses**. Use of the Property shall be limited to public uses up to a maximum floor area ratio of 0.71.

2. **Substantial Conformity**. The proposed gymnasium, outdoor play area and sport court shall be developed in substantial conformance with the Generalized Development Plan ("GDP") dated December 3, 2014, and revised through May 6, 2015, prepared by ADTEK, consisting of ten (10) sheets. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the approved GDP may be permitted as determined by the Zoning Administrator.

3. **Phasing**. The proposed gymnasium, outdoor play area, sport court and bus lane and other related site improvements are subject to Minor Site Plan 6494-MSP-002-2-1 (the "Minor Site Plan") which is pending review and approval by the Department of Public Works and Environmental Services ("DPWES"). The Applicant shall submit a separate site plan, minor site plan or public improvement plan (collectively, "Future Site Plan") to DPWES for the proposed pedestrian improvements referenced in Proffer 11 below before the first non-RUP is issued for the Minor Site Plan. The Applicant shall diligently pursue approval of the Future Site Plan after its initial submission.

4. **Gymnasium**. The architecture for the proposed gymnasium shall be in substantial conformance with the elevations shown on Sheet 9 of the GDP.

5. **Landscaping**. A landscaping plan shall be submitted in conjunction with the Minor Site Plan pursuant to Article 13 of the Zoning Ordinance for review and approval by the Urban Forest Management Division ("UFMD") of DPWES (the "Landscaping Plan"). The Landscaping Plan shall address the following:

A. Leesburg Pike Streetscape. In addition to the landscaping shown on the GDP, the Applicant shall provide ornamental groupings of shrubs and perennials on the Property within the streetscape area along Leesburg Pike adjacent to the proposed gymnasium.

B. Native Species Landscaping. All landscaping provided shall be native to the middle Atlantic region to the extent feasible and non-invasive as determined by UFMD.

C. Invasive Species Management Plan. An invasive species management plan shall be submitted as part of the Minor Site Plan detailing how invasive and undesirable vegetation will be removed and managed. The invasive species management plan shall include the following information:

- The targeted undesirable and invasive plant species to be removed, suppressed and managed.
- The targeted area of undesirable and invasive plants to be removed, suppressed and managed, which shall be clearly identified on the Landscaping Plan or the Tree Preservation Plan (as defined below).
- The recommended government and industry methods of management, e.g. hand removal, mechanical equipment and chemical control, with the potential impacts of recommended methods on surrounding trees and vegetation not targeted for removal/suppression/management and how these trees and vegetation will be protected (for example, if mechanical equipment is proposed in a tree save area, what will be the impacts to trees identified for preservation and how will these impacts be reduced).
- How targeted species will be disposed.
- If chemical control is recommended, treatments shall be performed by or under direct supervision of a Virginia Certified Pesticide Applicator or Registered Technician and under the general supervision of the Project Arborist (as defined below).
- Information regarding timing of treatments (hand removal, mechanical equipment or chemical treatments), when treatments will begin and end during a season and proposed frequency of treatments per season.

- Potential areas of replanting.

- Semi-annual monitoring reports provided to UFMD and Site Development and Inspection Division ("SDID") staff.

- That the management program and semi-annual monitoring reports will continue until the earlier to occur of: (i) bond release, (ii) release of the Conservation Deposit, or (iii) when targeted plants appear to be eliminated based on documentation provided by the Project Arborist (as defined below) and an inspection by UFMD staff.

D. Transitional Screening. Transitional screening shall be provided along the northern and western property lines as required by Article 13 of the Zoning Ordinance, with the exception of a minor portion of the Property located along the western property line between the proposed bus lane and the adjacent single family lot identified as Tax Map Parcel 51-3-((13))-12A ("Parcel 12A"). The Applicant shall provide landscaping adjacent to Parcel 12A as shown on the GDP subject to the review and approval of UFMD.

E. Existing Vegetation. Existing trees that are dead and/or diseased and in poor condition shall be removed and replaced with Category II and/or III evergreens in order to meet the intent of the transitional screening and peripheral parking lot landscape requirements subject to the review and approval of UFMD.

6. **Landscape Pre-Inspection Meeting**. Prior to installation of plants to meet requirements of the approved Landscaping Plan, the Applicant shall coordinate a pre-installation meeting on site with the landscape contractor and a representative of UFMD. Any proposed changes to the location of planting, size of trees/shrubs, and any proposed plant substitutions for species identified on the approved Landscaping Plan shall be reviewed and approved prior to planting. The installation of plants not specified on the approved Landscaping Plan, and not previously approved by UFMD, may require submission of a revision to the Landscaping Plan or removal and replacement with approved material.

Field location of planting material, when required by the approved Landscaping Plan, shall be reviewed at the pre-installation meeting. The landscape contractor shall stake proposed individual planting locations in consultation with the Applicant prior to the pre-installation meeting, for review by UFMD staff. Stakes shall be adjusted, as needed, during the course of the meeting as determined by UFMD staff based on discussion with the Applicant and the landscape contractor.

7. **Tree Preservation**. The Applicant shall submit a Tree Preservation Plan and Narrative (the "Tree Preservation Plan") as part of the Minor Site Plan, which shall be prepared by a Certified Arborist or a Registered Consulting Arborist (the "Project Arborist"), and shall be subject to the review and approval of UFMD.

The Tree Preservation Plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees located outside of the limits of disturbance, living or dead, with trunks 10 inches in diameter and greater (measured at 4 ½ feet from the base of the trunk or as otherwise allowed in the latest edition of the *Guide for Plant Appraisal* published by the International Society of Arboriculture). All trees inventoried shall be tagged in the field so they can be easily identified. If permission is not allowed from the offsite property owner to tag trees located along the Property line, it shall be noted on the Tree Preservation Plan by providing written documentation that the Applicant requested permission from the offsite property owner. The Tree Preservation Plan shall provide for the preservation of those areas shown on the GDP outside of the limits of disturbance and those additional areas in which trees can be preserved as a result of final engineering. The Tree Preservation Plan shall include all items required by the Public Facilities Manual ("PFM") Sections 12-0507 and 12-0509, as amended or replaced. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as crown pruning, root pruning, mulching, fertilization, compost tea, Cambistat, radial mulching, notes and details for asphalt removal around trees, and others as necessary, shall be included in the Tree Preservation Plan.

A. Tree Preservation Walk-Through. The Applicant shall retain the services of the Project Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree preservation walk-through meeting, the Project Arborist shall walk the limits of clearing and grading with a UFMD representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

B. Tree Preservation Fencing. All trees shown to be preserved on the Tree Preservation Plan shall be protected by tree protection fencing. Tree

protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence, to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" condition below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. Three (3) days prior to commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection fencing, UFMD shall be notified and given the opportunity to inspect the site to ensure that all tree protection fencing has been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFMD.

C. Root Pruning. The Applicant shall root prune as needed to comply with the tree preservation requirements. All root pruning shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the Minor Site Plan submission. The details of the root pruning shall be reviewed and approved by UFMD, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to, the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 - 24 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of the Project Arborist.
- A UFMD representative shall be informed when all root pruning and tree protection fence installation is complete.

D. Site Monitoring. During any clearing on the Property, a representative of the Applicant shall be present to monitor the clearing and ensure that the activities are conducted in substantial conformance with these Proffers and as approved by UFMD. The Applicant shall retain the Project Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree

preservation commitments and UFMD approvals. The monitoring schedule shall be described and detailed in the Tree Preservation Plan, and reviewed and approved by UFMD.

8. **Stormwater Management and Best Management Practices (BMPs)**. Stormwater management and BMPs shall be provided as generally depicted on the GDP which include an existing underground detention facility and two (2) proposed Low Impact Development ("LID") facilities such as, but not limited to, a tree box filterra system as may be approved by DPWES. Adequate outfall shall be demonstrated in accordance with the Public Facilities Manual ("PFM") as determined by DPWES.

9. **Green Building Design**. The Applicant shall incorporate the following green building technology and strategies during the final building design for the gymnasium.

   A. The Applicant shall provide an area for separation, collection and storage of glass, paper, metal, plastic and cardboard generated from the students and employees. There shall be a dedicated area on the Property for the storage of such recycled materials.

   B. The Applicant shall incorporate, environmentally sustainable attributes into the proposed gymnasium which shall include, but are not necessarily limited to, elements such as high efficiency mechanical systems and LED lighting, lighting occupancy sensors, hands free/low consumption plumbing fixtures, bottle filling station, low emissivity glazing (windows), and low volatile organic compounds ("VOC") emitting materials.

10. **Outdoor Educational Areas**. The Applicant reserves the right to provide outdoor educational areas which may include, but not be limited to, gardens, mulch pads, rain gardens, benches, shade structures, natural surface trails or other similar educational facilities in the areas identified as "possible future outdoor learning area" on the GDP. However, such outdoor educational facilities shall not result in any material adverse impacts to the transitional screening areas shown on the GDP.

11. **Pedestrian Improvements**. The Applicant shall provide standard curb ramps and crosswalks at the two (2) existing entrances to the school from the existing service drive along Leesburg Pike, subject to the approval of VDOT. These improvements shall be the subject of a Future Site Plan. Such Future Site Plan shall be filed before the first non-RUP is issued for the Minor Site Plan. The Applicant shall diligently pursue approval of such Future Site Plan after its initial submission to DPWES. The standard curb ramps and crosswalks shall be constructed within 18 months of approval of such Future Site Plan by DPWES. Notwithstanding the above, upon demonstration that, despite diligent efforts or due to factors beyond the Applicant's control, the pedestrian

improvements have been delayed beyond the timeframe specified, the Zoning Administrator may agree to a later date for completion of such improvements.

12. **~~Possible~~ Future Interparcel ~~Access by Others. In the event~~Connection and Future Improvements to Leesburg Pike. At the time of site plan approval, the Applicant shall identify a location in the southeastern portion of the Property for** an interparcel vehicular **~~access (the "Interparcel Access") is proposed to be constructed by others on adjacent~~connection to** Tax Map Parcel 51-3-((11))-189A ("Parcel 189A")**~~along the southeastern portion of the Property which provides~~, and shall record the appropriate easements to permit the future construction of the interparcel connection and public** access to **~~Leesburg Pike,~~the Property.**

~~12.~~ Minor adjustments to the location of the interparcel connection may be permitted upon agreement of both the Applicant **~~shall coordinate with~~and** the owner of Parcel 189A**~~, or its successors and assigns, to identify a location mutually agreeable to each parcel owner. The Applicant shall, in conjunction with the construction of the Interparcel Access on~~ with the approval of FCDOT, without the need for a PCA. The interparcel connection on the Property shall be constructed at the same time as i) the redevelopment of** Parcel 189A**~~by others, construct its portion of the Interparcel Access on the Property, including~~, or ii) the removal of the service drive along Leesburg Pike, whichever occurs first, and shall include** a painted crosswalk to facilitate pedestrian connectivity to the **~~uses on the~~** Property.**~~In the event Parcel 189A is approved for rezoning, special exception, special permit or site plan, which provide for construction of the portion of the Interparcel Access located on the Property, the Applicant shall not be required to construct such improvements but shall provide at no cost, appropriate easements on the Property to allow such construction by others.~~**

~~At such time as the Interparcel Access has been constructed, the Applicant shall utilize the Interparcel Access as the entrance for parent drop-off/pick-up.~~
Prior to the opening of the interparcel connection to traffic, the owner of Tax Map Parcel 51-3-((11))-188B shall be notified. At such time as the interparcel connection has been fully constructed and is operational to provide access to the Property from Route 7, the Applicant shall utilize the interparcel connection for student pickup and drop off. At such time, the northern driveway entrance on the Route 7 service drive shall be restricted to bus and staff use only, and the southern driveway entrance on the

service drive shall be closed and a fence or other barrier erected to restrict the use of this access point.

~~**Future Improvements to Leesburg Pike. At such time as the existing service drive fronting on Leesburg Pike is removed, and upon request by Fairfax County and/or the Virginia Department of Transportation ("VDOT"), the Applicant shall agree, without compensation to the Applicant, to close the existing southern-most entrance to the Property and provide a fence or other barrier to restrict vehicles from entering and exiting the Property.**~~ The Applicant shall grant temporary construction easements to Fairfax County and/or VDOT for future improvements to Leesburg Pike as long as such easements do not impact the improvements on the Property.

[SIGNATURE ON FOLLOWING PAGE]

FAIRFAX COUNTY SCHOOL BOARD
Applicant and Title Owner of
Tax Map Parcels 51-3-((1))-30, -31;
51-3-((11))-188A; 51-3-((13))-5, -10 and -11

By:_____

Name:_____

Title:_____

Revised Language:

12. **Future Interparcel Connection and Future Improvements to Leesburg Pike.** At the time of site plan approval, the Applicant shall identify a location in the southeastern portion of the Property for an interparcel vehicular connection to Tax Map Parcel 51-3-((11))-189A ("Parcel 189A"), and shall record the appropriate easements to permit the future construction of the interparcel connection and public access to the Property.

by the applicant

Minor adjustments to the location of the interparcel connection may be permitted upon agreement of both the Applicant and the owner of Parcel 189A with the approval of FCDOT, without the need for a PCA. The interparcel connection on the Property shall be constructed at the same time as i) the redevelopment of Parcel 189A, or ii) the removal of the service drive along Leesburg Pike, whichever occurs first, and shall include a painted crosswalk to facilitate pedestrian connectivity to the Property.

Prior to the opening of the interparcel connection to traffic, the owner of Tax Map Parcel 51-3-((11))-188B shall be notified. At such time as the interparcel connection has been fully constructed and is operational to provide access to the Property from Route 7, the Applicant shall utilize the interparcel connection for student pickup and drop off. At such time, the northern driveway entrance on the Route 7 service drive shall be restricted to bus and staff use only, and the southern driveway entrance on the service drive shall be closed and a fence or other barrier erected to restrict the use of this access point.

The Applicant shall grant temporary construction easements to Fairfax County and/or VDOT for future improvements to Leesburg Pike as long as such easements do not impact the improvements on the Property.

Board Agenda Item
June 2, 2015

4:00 p.m.

Public Hearing on Proposed Plan Amendment 2014-III-DS1, Located North of the Intersection of Stonecroft and Westfields Boulevards, West of Route 28/Sully Road (Sully District)

ISSUE:
Plan Amendment (PA) 2014-III-DS1 proposes to amend the Comprehensive Plan guidance for approximately 50 acres of land located in Land Unit J of the Dulles Suburban Center, north of the intersection of Stonecroft and Westfields Boulevards. The property is currently planned for a mix of uses including office, conference center/hotel, industrial/flex and industrial uses at an average intensity of .50 FAR. The Plan also includes two higher intensity options if a portion of the development potential is permanently transferred from elsewhere. Option A is for a mixed-use focal point with office, retail, hotel and limited residential uses up to 1.0 FAR. Option B is for the area within a quarter mile of a transit stop or station and allows consideration of intensities up to 1.5 FAR and with additional residential uses up to 2.25 FAR. The amendment considers adding a new option for residential use up to .50 FAR that could include office and supporting retail uses, with conditions that support the creation of a high quality living environment.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, May 20, 2015, the Planning Commission voted 7-0-3 (Commissioners Hart, Murphy, and Ulfelder abstained and Commissioners Lawrence and Sargeant were absent from the meeting) to recommend to the Board of Supervisors the adoption of Plan Amendment 2014-III-DS1, as shown on the handout dated May 18, 2015, revised May 20, 2015 to include the removal of the first bullet under Paragraph 3.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors (Board) adopt the staff recommendation as found on pages 12-14 of the staff report.

TIMING:
Planning Commission public hearing – April 15, 2015
Planning Commission decision – scheduled for May 20, 2015
Board of Supervisors' public hearing – June 2, 2015

Board Agenda Item
June 2, 2015

BACKGROUND:
On May 13, 2014, the Board authorized PA 2014-III-DS1 for Tax Map parcel 44-3((1))15. The Board authorized staff to examine the appropriate amount and placement of planned residential use on the vacant 50-acre subject property. In addition, staff was directed to evaluate potential road improvements to alleviate congestion in the area. Further, the Board authorization indicates that the Plan amendment should consider the extent to which development on this property could be designed to be compatible with the location of transit stops under review in the Countywide Transit Network Study.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment I: Planning Commission Verbatim
Attachment II: Handout dated May 18, 2015, Revised May 20, 2015
Attachment III: Staff Report has been previously furnished and is available online at:
http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/2014-iii-ds1.pdf

STAFF:
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Marianne R. Gardner, Director, Planning Division (PD), DPZ
Leanna H. O'Donnell, Branch Chief, Planning Division (PD), DPZ
Clara Q. Johnson, Planner III, Policy and Plan Development Review Branch, PD, DPZ

PA 2014-III-DS1 – DULLES SUBURBAN CENTER, LAND UNIT J/AKRIDGE (Sully District)

Decision Only During Commission Matters
(Public Hearing held on April 15, 2015)

Commissioner Litzenberger: Thank you, Mr. Chairman. On April 15th, we had a hearing on a proposed Plan Amendment for the Dulles Suburban Center. Bear with me while I read the background prepared by our excellent staff. On May 13, 2014, the Board of Supervisors authorized staff to examine the appropriate amount and placement of planned residential uses on a vacant 50-acre property located in the Dulles Suburban Center in the Sully District. The property is located near the intersection of Route 28 and Westfields Boulevard. The resulting recommendation is to add an option for predominantly residential development at an intensity of 0.50 FAR, with conditions that encourage the creation of a high-quality living environment. The proposed Plan guidance includes flexibility to have a limited office or retail component that could encourage a mix of uses. On April 15, 2015 the Planning Commission held a public hearing on this Plan Amendment, at which time a motion was approved to defer the decision until today. This property has long been planned as a focal point with higher intensity mixed-use development in anticipation of planned transit. In my view this vision is better served with multifamily housing. Townhouses detract from that vision. In view of that and – although not reflected in the Comprehensive Plan – and due to my 43-year career in aviation – I am sensitive to concerns about aviation safety and I'll elaborate. For the past 13 years, I've analyzed plane crashes as one of my lines of work. There have been three plane crashes at that end of airport at Dulles Airport. In 1994, a Mexicana airliner crashed. Everyone on board was killed when it ran out of gas just north of the site in question. In addition, a small commuter airplane bellied in in Westfields on the east side of 28. Also, there was a hot air balloon that crashed in the same vicinity on the east side of 28. In 1978, the Congress passed legislation that was signed by the President mandating quieter jet engines on airliners. The purpose of this legislation was to give people who lived near airports at the time hope that the jet noise would get better over time. And it has significantly. It was not intended to allow homes to be built closer to runways. That was not the intent of that legislation. In 1985, while serving on the Centreville Course Study, I was working for the FAA and a Mr. Henry Long requested to meet with me concerning aviation safety. At the time, the noise line was out near the intersection of 28 and 29, but over the last 30 years has contracted to be just north of the present proposed site of the townhouses. Last year in Montgomery County, a small airplane took off from the airport, crashed into a single-family home, and – unfortunately, the young mother, her toddler, and an infant were all burned alive. The planning board in Montgomery County received great scrutiny for the lack of foresight in planning in letting houses be built so close to an airport. Because of all these factors, I cannot in good conscience support the idea of townhomes or single-family detached houses only three miles off the end of a busy runway. My revision to the staff recommendation limits the residential component to multifamily housing only. My formal recommendation is in the handout that I emailed to my fellow commissioners. The actual changes are listed below. In order to save time I will just focus on what changes occurred from April 15th to tonight. These changes are in the three boxes below. Therefore, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF PLANNING

COMMISSION ALTERNATIVE FOR PLAN AMENDMENT 2014-III-DS1, AS SHOWN ON MY HANDOUT DATED MAY 18TH, 2015.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion?

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Yes, Mr. Flanagan.

Commissioner Flanagan: I'd like – first of all, I'd like to thank Commissioner Litzenberger for mailing this motion out ahead of time so we did have a good chance to read it over thoroughly. And I ONLY HAVE ONE – sort of an EDITORIAL FRIENDLY AMENDMENT, I'D LIKE TO SUGGEST. AND THIS IS I'M – WOULD LIKE TO HAVE THE MAKER OF THE MOTION CONSIDER DROPPING THE FIRST BULLET UNDER PARAGRAPH THREE. It appears to be redundant. The – everything that's in that bullet – that first bullet – is – can be found in the paragraph immediately preceding that.

Chairman Murphy: Does staff have a comment on that before –

Clara Johnson, Planning Division, Department of Planning and Zoning: Striking – that's correct. The option describes this as a predominately multi-family residential development just before that. And if you're going to strike it partially, it – it's still consistent to strike it entirely. It doesn't change the meaning.

Commissioner Litzenberger: I'LL ACCEPT THE AMENDMENT.

Chairman Murphy: Okay, Mr. Litzenberger accepts. And since the seconder made the friendly amendment, I guess the seconder also accepts his own friendly amendment.

Commissioner Flanagan: Yes, I'll second the amendment.

Chairman Murphy: All those in favor of the motion to recommend to the Board of Supervisors that it – that it adopt PA 2014-III-DS1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Abstain.

Chairman Murphy: And the Chair abstains with a friendly abstention. Mister-

Commissioner Hart: I'm abstaining too.
Chairman Murphy: -Hart abstains. Mr. Ulfelder abstains.

Commissioner Litzenberger: Okay.

Chairman Murphy: Okay. Thank you very much.

Commissioner Litzenberger: Mr. Chairman, when you read it, did you say the alternative Plan Amendment? Or just the Plan Amendment? Because it is an alternative plan.

Chairman Murphy: Oh I'm sorry. The correct – the alternative Plan Amendment. Yes, thank you.

Commissioner Litzenberger: Thank you.

//

(The motion carried by a vote of 7-0-3. Commissioners Hart, Murphy, and Ulfelder abstained. Commissioners Lawrence and Sargeant were absent from the meeting.)

JLC

PLANNING COMMISSION

Planning Commissioner John Litzenberger, Sully District

PLAN AMENDMENT

Dulles Suburban Center, Land Unit J, Akridge (PA 2014-III-DS1)

May 18, 2015, Revised May 20, 2015

RECOMMENDATION

Modifications to the staff recommendation are shown below in text boxes. Text proposed to be added is shown as underlined and text proposed to be deleted is shown with a ~~strikethrough~~. Text shown to be replaced is noted as such.

ADD: Fairfax County Comprehensive Plan, 2013 Edition, Area III, Dulles Suburban Center, as amended through March 24, 2015, Land Unit J, Land Use, Recommendations, new recommendation #3, page 144:

"3. Parcel 44-3((1))15 is approximately 50 acres located north of the intersection of Stonecroft Boulevard and Westfields Boulevard. A prominent feature of the property is the Environmental Quality Corridor that traverses the center of the property covering approximately 40% of the site. Like other property in Land Unit J, the property is planned for office, conference center/hotel, industrial/flex and industrial use up to an intensity of .50 FAR.

As an option, a predominantly multi-family residential development may be appropriate up to an intensity of .50 FAR if it creates a high-quality living environment within the context of a larger area that is planned for nonresidential uses. Office and limited retail uses may be integrated into the development. The following conditions should be met to implement this option:

- ~~The majority of the development is residential and at least 80% of the units are in mid-rise multifamily structures with appropriate transitions provided between different uses and unit types.~~

- The south side of the EQC is developed with an urban character with ~~predominantly~~ mid-rise residential development, with limited retail and restaurant uses encouraged to serve both residents and visitors.

- Drive-through uses are discouraged.

- The north side of the EQC is appropriate for multifamily residential~~,~~ ~~townhouse~~ or office uses.

- Site layout and building design create a pedestrian friendly environment oriented towards Stonecroft Boulevard that enhances and connects to the existing pedestrian network.
- Phasing of the development should not lead to an interim condition where there is an isolated pocket of residential development on the north side of the EQC.
- Development is sequenced such that infrastructure and public amenities to support the project, such as roads and parks, is completed with the first phase.
- A buffer from Route 28 provides noise attenuation and visual screening with measures that include high quality landscaping that has a balanced mix of deciduous and evergreen trees and shrubs that are native species.
- The development mitigates negative transportation impacts to Stonecroft Boulevard and nearby intersections."

MODIFY: Fairfax County Comprehensive Plan, 2013 Edition, Area III, Dulles Suburban Center, as amended through March 24, 2015, Land Unit J, Land Use, Recommendations, pages 143-145:

Change land use recommendation numbering to reflect insertion of a new recommendation after number two.

"RECOMMENDATIONS

Land Use

1. Land Unit J is planned and approved for office, conference center/hotel, industrial/flex and industrial use at an average of .50 FAR except as noted in Land Use Recommendations ~~#5 and #6~~ #6 and #7 below. Future development should be consistent with the character of the existing development. High quality landscaping should be maintained throughout the land unit. …

2. Mixed-Use Focal Point

   Described below are two options under which higher intensity mixed-use development may be appropriate for portions of Land Unit J…

3. [Insert new recommendation #3]

"~~3~~ 4. A substantial undeveloped buffer of not less than 250 feet in width should be maintained between Braddock Road and Westfields. …"

"~~4~~ 5. Adjacent to Sully Station Shopping Center, are Parcels 44-3((6))21 and 21A. …"

"~~5~~ 6. Parcel 44-2((1))6A is planned for office, industrial/flex, and industrial use at a maximum intensity of .35 FAR, to be consistent with existing development …"

"~~6~~ 7. Re-use of the existing house on Parcel 44-1((1))6 as a restaurant or pub is desirable. Minor structural changes to the building would be appropriate as long as the integrity of the building is retained."

COMPREHENSIVE LAND USE PLAN MAP:

The Comprehensive Land Use Plan Map will not change.

TRANSPORTATION PLAN MAP:

The Countywide Transportation Plan Map will not change.

Board Agenda Item
June 2, 2015

4:00 p.m.

Public Hearing on Proposed Plan Amendment 2014-IV-MV1, Located at 4201 and 4203 Buckman Road (Lee District)

ISSUE:
Plan Amendment (PA) 2014-IV-MV1 considers amending the Comprehensive Plan (Plan) to support single-family attached residential use, or townhomes, and consolidation of Tax Map Parcels 101-3((1))15A (Parcel 15A) and 101-3((1))15B (Parcel 15B). The approximately 0.80-acre subject area is located within Woodlawn Community Planning Sector, Mount Vernon Planning District. Parcel 15A is planned for residential use at 2-3 dwelling units per acre (du/ac). Parcel 15B is planned for the existing development of five multifamily units and, if redeveloped, residential use at 2-3 du/ac.

PLANNING COMMISSION RECOMMENDATION:
On May 6, 2015, the Planning Commission voted 10-0 (Commissioners Lawrence and Sargeant were absent from the meeting) to recommend that the Board of Supervisors (Board) adopt PA 2014-IV-MV1 as shown on page 9 of the staff report for PA 2014-IV-MV1 dated April 16, 2015. The recommendation would amend the Plan to add an option for residential use at a density of 8-12 du/ac on Parcel 15B. The current Plan language would be retained for Parcel 15A.

RECOMMENDATION:
The County Executive recommends that the Board adopt the Planning Commission recommendation.

TIMING:
Planning Commission public hearing – April 30, 2015
Planning Commission decision – May 6, 2015
Board public hearing – June 2, 2015

BACKGROUND:
On October 29, 2014, the Board authorized PA 2014-IV-MV1 for Parcels 15A and 15B, located at 4201 and 4203 Buckman Road, Alexandria, VA 22309. The authorization directed staff to consider single-family attached residential use, or townhomes, on the

subject area and consolidation of the two parcels, as stated previously. The authorization further stated that if parcel consolidation is not achieved, development on Parcel 15B should be designed in a manner that complements the development of a compatible use and intensity on Parcel 15A.

The Board also directed staff to concurrently review the PA with any proposed zoning requests and allow concurrent processing of the site plan. Concurrent Proffer Condition Amendment (PCA) 1994-L-004 is presently under review, requesting to redevelop Parcel 15B with five townhomes and to remove a proffer that states redevelopment should be limited to one single-family detached residential unit, similar to the current Plan recommendation.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment I: Planning Commission Verbatim and Recommendation for PA 2014-IV-MV1

The staff report for 2014-IV-MV1 has been previously furnished and is available online at: http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/2014-iv-mv1.pdf

STAFF:
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Marianne R. Gardner, Director, Planning Division (PD), DPZ
Meghan D. Van Dam, Chief, Policy & Plan Development Branch, PD, DPZ
Jennifer L. Garcia, Planner III, Policy & Plan Development Branch, PD, DPZ

Planning Commission Meeting
May 6, 2015
Verbatim Excerpt ATTACHMENT I

PA 2014-IV-MV1 – 4201 AND 4203 BUCKMAN ROAD

Decision Only During Commission Matters

Commissioner Migliaccio: I have one decision only tonight on a Comprehensive Plan amendment. It is to allow for the possible redevelopment of two – two homes on 4201 and 4203 Buckman Road. The Lee District Land Use Committee met on Monday night and they voted in favor of this. Our professional planning staff also is in favor of the motion I'm going to make. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN AS SHOWN ON PAGE 9 OF THE STAFF REPORT FOR PA 2014-IV-MV1, DATED APRIL 16TH, 2015. THE RECOMMENDATION WOULD AMEND THE PLAN TO ADD AN OPTION FOR RESIDENTIAL USE AT A DENSITY OF 8 TO 12 DWELLING UNITS PER ACRE ON PARCEL 15B. THE CURRENT PLAN LANGUAGE WOULD BE RETAINED FOR PARCEL 15A.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt PA 2014-IV-MV1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 10-0. Commissioners Lawrence and Sargeant were absent from the meeting.)

JN

Board Agenda Item
June 2, 2015

4:00 p.m.

Public Hearing on Proposed Reston Master Plan Special Study (Phase II) Plan Amendment Item ST09-III-UP1(B), Reston's Residential Neighborhoods, Village Centers and Other Commercial Areas (Hunter Mill District)

ISSUE:
Plan Amendment ST09-III-UP1(B) proposes revisions to the Comprehensive Plan for Reston's residential neighborhoods, Village Centers and other commercial areas. In addition, the proposed amendment integrates the Plan guidance for Reston that will be under a new tab section of the Area III Plan. The proposed revision focuses growth in the Reston Transit Station Areas (TSAs) and Village Centers, while generally preserving existing residential neighborhoods and other commercial areas. Previously adopted guidance for Reston's TSAs, including Reston's Vision and Principles, and recommendations for Lake Anne Village Center are carried forward and integrated within the Reston Plan under this proposal.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, May 13, 2015, the Planning Commission voted 9-0-1 (Commissioner Migliaccio abstained from the vote; Commissioners Lawrence and Sargeant were absent from the meeting) to recommend to the Board of Supervisors the adoption of Plan Amendment ST09-III-UP1B as recommended in the Staff Report dated April 1, 2015, and as modified by the Planning Commission mark-up and its attachments dated May 7, 2015.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:
Planning Commission public hearing – April 22, 2015
Planning Commission decision – May 13, 2015
Board of Supervisors' public hearing – June 2, 2015

Board Agenda Item
June 2, 2015

BACKGROUND:
The Board of Supervisors authorized the Reston Master Plan Special Study on May 18, 2009 and directed staff to conduct the study in two phases. The first phase of the study focused on the areas around the future Metro stations and was completed in February 2014 when the Board of Supervisors adopted the Reston Transit Station Areas Plan. Since June of 2014 the community and County Staff have worked on the second phase of the study that involves updating the Comprehensive Plan's guidance for Reston's residential neighborhoods, Village Centers and other commercial areas. The Phase II effort also updates the Reston Land Use Plan Map and makes changes and edits necessary to consolidate the Plan text for Reston into a new tab section of the Area III Plan.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment I: Planning Commission Recommendation and Verbatim
Attachment II: Staff Report and Recommended Plan text dated April 1, 2015 previously provided and available online at:
http://www.fairfaxcounty.gov/dpz/reston/staff_documents/pc_packet/complete_pc_packet.pdf
Attachment III: Planning Commission Recommended changes

STAFF:
Fred R. Selden, Director, Department of Planning and Zoning, DPZ
Marianne R. Gardner, Director, Planning Division, DPZ
Faheem Darab, Planner II, Planning Division, DPZ
Leonard Wolfenstein, Chief, Transportation Planning Section (TPS), FCDOT
Kristin Calkins, Transportation Planner, TPS, FCDOT
Andi Dorlester, Senior Park Planner, FCPA
Sonja Ewing, Revitalization Program Manager, Office of Community Revitalization

Planning Commission Meeting Attachment 1
May 13, 2015
Verbatim Excerpt

ST09-III-UP1 (B) – RESTON MASTER PLAN PHASE II

During Commission Matters

Commissioner de la Fe: Mr. Chairman, for the past year, following the adoption in February 2014 of the Reston Transit Station Area Plan, the community and county staff have been working diligently on updating the Comprehensive Plan's guidance for Reston as part of Phase II of the Reston Master Plan Special Study. Plan Amendment ST09-III-UP1 (B) addresses Reston's residential neighborhoods, village centers, and other commercial areas, which consist of approximately 6,300 acres north and south of the Dulles airport access and toll road. The proposed amendment integrates the plan guidance for Reston that will be under a new tab section of the Area III plan. Staff presented draft plan text at the Planning Commission public hearing on April 22nd. Subsequently, I reviewed the extensive public testimony and distributed to the Commission my proposed markup of the proposed plan text in the document entitled Markup of Proposed Reston Master Plan Special Study, Phase II, dated May 7th, 2015. For the Commission's benefit, I have also – I have shown my changes to the staff recommendations using underlines and strike-throughs. In addition, the markup document includes as attachments revised figures that are proposed for inclusion in the proposed plan text. This markup text supports the staff recommendations in most instances and responds to some of the specific comments for changes that came from the public and from the Commission at the public hearing. Many of the revisions are editorial in nature or are meant to help clarify the Plan text. The main substantive changes are:

- Removal of the requirement for village centers to undergo plan amendments in order to promote their redevelopment.
- Addition of language for Tall Oaks Village Center to recognize that the redevelopment may include a significantly reduced non-residential component and that any redevelopment should emphasize quality design and the creation of a neighborhood gathering place.
- Addition of language permitting the redevelopment of Saint John's Wood Apartments in line with the applicant's proposal that was submitted during the study's open comment period. This will allow for the development proposal currently under review to be considered.

There were several issues brought up in the testimony at the public hearing and subsequently, which were not included in my proposed markup. Regarding the Fairfax Hunt Club property cemetery, according to the Department of Planning and Zoning Heritage Resource staff and Park Authority Cultural Resource staff, no county staff archaeologists have been out to the property as of today and they have not even been contacted to visit the site. They would be glad to go out to go out to the property, but that would need to be arranged with the property owner. A buffer or preservation recommendation cannot be made without a study of the property. That is why the recommendation is to consult the archaeology group on what surveys or studies are needed. The buffer recommended by citizens is arbitrary, since there is no information to base the

recommendation on. No studies have been done. The cemetery will be treated and recognized like any other cemetery in the county. Buffer recommendations on cemeteries are typically addressed in the development review process. Putting specific language in the Comp Plan is overkill. Regarding the Herndon TSA concerns that were voiced by certain Polo Field owners, the concerns expressed by several Polo Fields residents regard the Herndon TSA text, which was considered during phase – Reston Phase I. Polo fields HOA representatives were involved in that effort. Staff's approach stated that - - repeated from the beginning of Reston Phase II - - has been that we would - - wouldn't revisit community-vetted recently adopted TSA guidance. That being said, one concern is already addressed in the plan: to add a new street grid paralleling Sunrise Valley Drive close to the DTR to access the Herndon station. Secondly, the issue of Sunrise Valley wetlands' proper maintenance and signage regarding public access is inappropriate for the plan to address. Finally, regarding the planned interchange of Fairfax County Parkway and Sunrise Valley Drive, FCDOT will reexamine its necessity and, if found necessary, examine in more detail. Polo Fields and other residents' participation is encouraged. The Reston Plan Green Building section is different from, or simply doesn't refer to, the Policy Plan's green building guidance. The Reston Plan's community-wide green buildings practices section is taken directly from the adopted Reston TSA Plan, with the addition of one bullet of information regarding EV charging stations at the end of the section. The green building practices section does refer to the Policy Plan guidance. It also lists explicitly as examples that may be followed several green building design approaches that are encouraged in Reston - in Reston. For nonresidential development in the TSAs, with the support of staff and the Task Force during Phase I, LEED Silver certification is recommended, given the recommended intensity. This is similar to the approach taken in Tysons and Innovation Center TSA, given their planned intensities. And the issue of arterial roads being inappropriate for urban areas with pedestrians, the issue was addressed during Phase I, where language was added regarding mitigating traffic congestion as a tiered approach to favor pedestrians, bicyclists, and transit. In addition, language was added to address road speeds - road speeds. With the upcoming FCDOT enhanced street grid study, which is a follow-on study from Phase I, there is an opportunity to address these issues in more detail. The staff recommendations, with my proposed edits, focus this growth in the TSAs and village centers, while preserving Reston's existing residential neighborhoods. This approach is in line with the Phase I Task Force recommendation – approach - - an approach embodied within the adopted Reston vision and planning principles to preserve the residential neighborhoods and focus growth and change in the areas near the Metro, within the Town Center, and in the village centers. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE RECOMMENDED PLAN TEXT FOR RESTON AS PRESENTED IN APPENDICES A THROUGH G OF THE STAFF REPORT FOR ST09-III-UP1 (B), DATED APRIL 1ST, 2015, AND AS MODIFIED BY MY MARKUP DATED MAY 7TH, 2015.

Commissioners Flanagan and Hart: Second.

Chairman Murphy: Seconded by Mr. Flanagan and Mr. Hart. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt PA 2013-CW-4CP [*sic*], which is the – which is the Reston – I'm sorry – ST09-III-UP1 (B), the Reston Master Plan Phase II, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Mr. Chairman, abstain; not here for the public hearing.

Chairman Murphy: Okay, Mr. Migliaccio abstains.

//

(The motion carried by a vote of 9-0-1. Commissioner Migliaccio abstained from the vote; Commissioners Lawrence and Sargeant were absent from the meeting.)

JN

ATTACHMENT 3

Mark-up of Proposed Reston Master Plan Special Study Phase II
ST09-III-UP1(B)
Planning Commissioner Frank de la Fe
May 07, 2015

Note: The following is a list of proposed changes and edits to the proposed Reston Plan. Proposed changes to the text shown in the Staff Report's Appendices A through G, dated April 01, 2015, are indicated with ~~strikethrough (deletion)~~ and underline (addition)[redacted]

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SUBSTANTIVE CHANGES

ISSUE	PROPOSED CHANGE	STAFF REPORT PAGE	NOTES
St. Johns Wood land use recommendation, Figure 15 **(DPZ)**	The Reston Land Use Recommendations Map (Fig 15) would be revised to add a new land use recommendation #5 based on the proposed St. Johns Wood redevelopment option proposed directly below. All subsequent land use recommendations would be renumbered accordingly. See attachment 1.	Appendix A p. 52	N/A
St. Johns Wood redevelopment option **(DPZ)**	"5. The St. Johns Wood apartment property [Tax Map 11-4 ((1)) 12] is planned and developed with Low-density Multi-family residential use. As an option, the property may be redeveloped with Medium-density Multi-family residential use under the following conditions: • Redevelopment should embody an organic, natural design to achieve a built environment that is compatible with the property's wooded setting. This objective should be accomplished by preserving the existing mature tree canopy and natural areas around the perimeter of the property that provide a buffer with the adjacent communities. In addition, redevelopment should maintain, through a combination of tree preservation and tree planting, the same overall amount of natural areas as the existing condition of the property. • The architecture and massing of development should feature context-sensitive design that fits into the natural and architectural character of the surrounding area. • Pedestrian and bicycle connections to existing trails should be provided to enhance safety and connectivity among the property, immediately surrounding uses, the North Point Village Center, and the larger Reston trail network. o The streetscape along Reston Parkway should preserve, to the extent possible, the existing wooded buffer and should provide a 10 foot multi-use path rather than be redesigned as an urban sidewalk. The path should be buffered from vehicular traffic, with trees, grasses, and shrubs, to support pedestrian and bicycle users of all ages and experience levels.	Appendix A p. 54	This change is in line with the proposed plan submitted on behalf of the property owner.

	• Above-grade structured parking should be wrapped with residential units and/or related amenity spaces (such as a fitness center, business center, community room, or similar amenities) where possible and, where exposed, should be treated with architectural detailing and landscaping. • The development should include a community gathering space using both hardscape and landscape areas, with a preference for a greater proportion of landscaped open space than hardscape plaza area. To promote gathering, this space should provide plentiful seating, with a combination of stationary and/or movable seating. o The community gathering space should provide clear pedestrian connections to the North Point Village Center and surrounding areas."		
Village Center Redevelopment Process **(Frank de la Fe)**	Under "Guidelines for Village Center Redevelopment" "The focus of redevelopment should be in the non-residential mixed-use area~~, except Lake Anne~~. For Hunters Woods…." Under "Process" ~~"• If the Village Center lacks a redevelopment option in the Comprehensive Plan, a Plan Amendment is necessary.~~"	Appendix A p. 58	Promotes Village Center redevelopment. A redevelopment proposal involving a change to a Village Center boundary would require a Plan Amendment, due to the required change to the Reston Land Use Map.
Village Center Planning Objectives, Land Use -- Plazas	"• ~~P~~Public plazas ~~or other types of public gathering spaces~~ are a key element. These spaces should be programmable for community events."	Appendix A p. 59	Edit focuses objective on a public plaza, which is in accord with the proposed Reston Vision and Planning Principles.

ISSUE	PROPOSED CHANGE	STAFF REPORT PAGE	NOTES
Village Center Planning Objectives, Urban Design – Plazas	"In the future, the village centers should be encouraged to ~~transform to include a central gathering space, preferably a plaza,~~ be redesigned around a public plaza, framed by a horizontal and vertical mix of uses, anchored by civic uses and ground floor retail, and some traditional main street elements such as wide sidewalks and shade trees. Any transformation will have to provide for outstanding site design and architecture while reflecting the existing Reston character and responding to current market demands and site constraints. Village Center Urban Design Principles In addition to the Community-wide urban design principles, the following principles apply in the Village Centers. Focus on a Central Public ~~Gathering Space~~Plaza • Highlight the Village Centers as neighborhood scale gathering places, in contrast to the regional scale gathering places in the Town Center or the community scale gathering places in the other TSAs. • Organize active uses adjacent to and facing the ~~central space~~ public plaza, providing a strong frame for the plaza. • Create a space that is flexible and adaptable to different uses, during each season, for groups of varying sizes (e.g., farmers markets, concerts, other programmed events)."	Appendix A p. 59	N/A

ISSUE	EDIT	APPENDIX & PAGE	NOTES
Village Center Recommendations, redevelopment "plan" vs "option" **(Frank de la Fe)**	"Hunters Woods Village Center's baseline plan recommendation is for neighborhood serving retail and service uses up to .25 FAR, integrated with accessory office, institutional uses, and residential development. Currently there is no redevelopment ~~option~~ plan for this Village Center. … North Point Village Center's baseline plan recommendation is for neighborhood serving retail and service uses up to .25 FAR, integrated with accessory office, institutional uses, and residential development. Currently there is no redevelopment ~~option~~ plan for this Village Center. … South Lakes Village Center's baseline plan recommendation is for neighborhood serving retail and service uses up to .25 FAR, integrated with accessory office, institutional uses, and residential development. Currently, there is no redevelopment ~~option~~ plan for this Village Center. … Tall Oaks Village Center's baseline plan recommendation is for neighborhood serving retail and service uses up to .25 FAR, integrated with accessory office, institutional uses, and residential development. Currently, there is no redevelopment ~~option~~ plan for this Village Center."	Appendix A p. 62-63	Edit is consistent with change to not link Village Center redevelopment with Plan Amendment.
Tall Oaks Village Center Recommendation **(Frank de la Fe)**	"The new property owners have developed a preliminary concept plan to redevelop this center and change the mix of uses to a mix of residential unit types and a much smaller non-residential component. Consideration of this proposal should follow the process and objectives outlined in the Guidelines for Village Center Redevelopment with an emphasis on quality design and creating a neighborhood gathering place."	Appendix A p. 63	N/A

EDITS & CLARIFICATIONS

ISSUE	PROPOSED CHANGE	STAFF REPORT PAGE	NOTES
Sunset Hills YMCA / BOS property's Fairfax County Comprehensive Land Use Plan designation **(DPZ)**	Designate the property as "Public Facilities, Governmental and Institutional." See Attachment 2.	County land use map	During Reston Phase I, it was an oversight on staff's part to not change the countywide Comprehensive Plan map to "Public Facilities, Governmental and Institutional" to match the text guidance for an existing and planned YMCA facility.
Introduction section should mention Reston's zoning and planned community deed covenants	"The development of Reston is guided by the Reston Master Plan, the use of the Planned Residential Community zoning district, and planned community deed covenants which ~~has~~ have served as the general blueprint for where various uses should be located within Reston."	Appendix A p. 1	N/A
Reston Geography map legibility, Figure 1	Reston Geography map (Figure 1) improves legibility. See Attachment 3.	Appendix A p. 4	Map revised to improve legibility.
Correct reference to cluster or condominium private open space	"These areas include public parks, private recreational uses and private open space. The Reston Land Use map identifies property owned by Reston Association, ~~cluster or condominium associations,~~ other private owners, Northern Virginia Regional Park Authority and Fairfax County. Cluster and condominium association open space is not included. The Parks, Recreation and Open Space land use category…"	Appendix A p. 19-20	This edit clarifies that the map does not include cluster and condo open space.

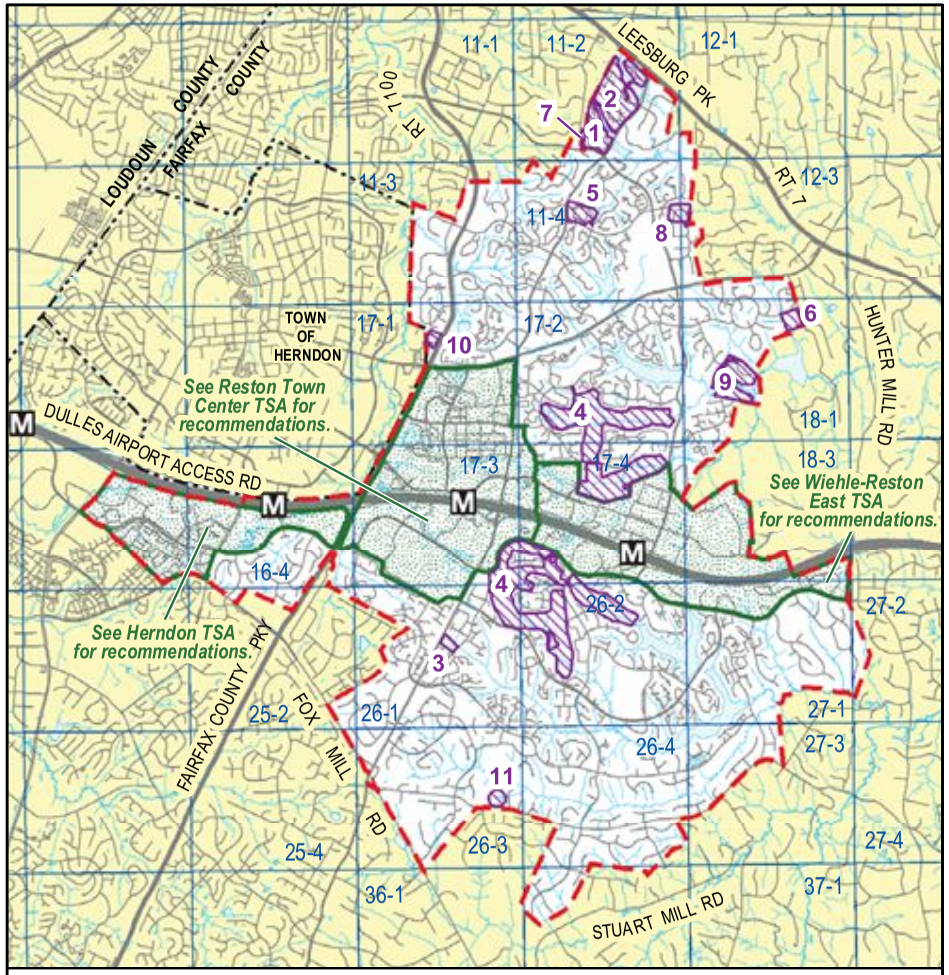
ISSUE	PROPOSED CHANGE	STAFF REPORT PAGE	NOTES
Reston Urban Design Principles	" • Incorporate innovative and environmentally sensitive stormwater design into all new development and redevelopment. • Restore and stabilize existing streams. • Encourage innovation and creativity, continuing to build the model sustainable community. "	Appendix A p. 22	N/A
Reston Transportation map, Figure 7	Symbol for Rt. 267 removed federal highway symbol/shield and replaced with state highway symbol/shield. See Attachment 4.	Appendix A p. 27	Staff recognizes that not all legend symbols are contained within the map. Transportation figures for Plan areas throughout the county contain standardized legends containing the standard symbols, regardless of the particular map composition.
Transportation / Bicycle Facilities **(Frank de la Fe)**	"Bicycling is an increasingly ~~popular~~ important form of transportation and provides additional mobility options for people beyond using their vehicles."	Appendix A p. 28	N/A
Transportation / Local Bus Service **(Frank de la Fe)**	"The RIBS (Reston Internal Bus System) serves an important role in transporting Reston residents and should continue to be evaluated to better serve Reston ~~when~~ as the Metro Stations open."	Appendix A p. 30	N/A
Trails	"…connectivity within or between neighborhoods, convenience centers, Village Centers, recreational facilities, open space and Transit Station Areas (TSAs)."	Appendix A p. 38	N/A
Reston Trails map, Figure 13	Reston Trails map's (Figure 13) resolution quality is being improved for legibility. In addition, staff proposes an additional map of Reston trails north of the DTR and an additional map of Reston trails south of the DTR for improved legibility. See attachments 5, 6 and 7.	Appendix A p. 39	N/A

ISSUE	PROPOSED CHANGE	STAFF REPORT PAGE	NOTES
Parks & Recreation section should include cultural facilities	"PARKS, ~~AND~~ RECREATION AND CULTURAL FACILITIES Several public, quasi-public, non-profit, and private organizations currently provide park, recreation and cultural facilities and amenities to the Reston area. These include Fairfax County Park Authority (FCPA), Reston Association (RA), Reston Community Center (RCC), Northern Virginia Regional Park Authority (NVRPA), Town of Herndon, YMCA Fairfax County Reston, as well as others. This variety of providers offers a broad range of public benefits but it also requires a continued commitment to collaborative planning and implementation. As growth occurs in Reston and park, ~~and~~ recreation and cultural facilities needs and trends evolve, additional publicly accessible parks, ~~and~~ recreation and cultural facilities will be required beyond park and open space areas established in the Reston Master Plan. As redevelopment occurs, these increased needs should be addressed collaboratively through contributions towards and/or provision of publicly accessible parkland and facilities."	Appendix A p. 40	N/A
Need consistent designation of "Garden of Remembrance and Reflection	"~~Memorial~~ Garden of Remembrance and Reflection (outdoor)" "The need for the ~~Memorial~~ Garden of Remembrance and Reflection is a long standing community goal." "…(e.g., ~~Memorial~~ Garden of Remembrance and Reflection)."	Appendix A p. 41 Appendix B p. 74 Appendix B p. 78	Staff renamed the gardens, but inadvertently missed some mentions that needed updating.
Remove reference to "all" open space	"Reston's Park, Recreation and Open Space map distinguishes between Reston Association's parks and open spaces, and ~~all~~ other parks, recreation and open spaces in Reston."	Appendix A p. 42	See note above regarding cluster and condo private open space.

ISSUE	PROPOSED CHANGE	STAFF REPORT PAGE	NOTES
Reston Parks, Recreation and Open Space map, Figure 14	Reston Parks, Recreation and Open Space map's (Figure 14) resolution quality is being improved for legibility. In addition, staff proposes an additional map of Reston Parks, Recreation and Open Spaces north of the DTR and south of the DTR for improved legibility. See attachments 8, 9, 10.	Appendix A p. 44	N/A
Sunrise Valley Wetlands	"Wetlands Wetlands filter water and provide important habitat for native plants and animals. One notable wetlands habitat is the Sunrise Valley Wetlands ~~Nature Park~~, which lies within ¼ mile of the Herndon Station. This privately owned land is a federally-mandated mitigation site"	Appendix A p. 46	Edit recognizes that the wetlands are not a park. They are not owned by the Park Authority, Reston Association or any other parks provider.
Reston National Golf Course & Hidden Creek Country Club, correct Tax Map numbers	"~~4. The Reston National (Tax Maps 17-4((11) 4A, 26-2 ((2)) 8, 26-2 ((5)) 4) and Hidden Creek Country Club (Tax Maps 17-2 ((24)) 1 and 17-4 ((10)) 2) golf courses are planned for private recreation use, more specifically to remain as golf courses. For further guidance, see the Parks and Recreation section.~~ 4. The Reston National [Tax Maps 17-4 ((11)) 4A, 26-1 ((6)) 96, 97, 26-2 ((2)) 8, 26-2 ((3)) 8B, and 26-2 ((5)) 4] and Hidden Creek Country Club [Tax Maps 17-2 ((1)) 19, 17-2 ((24)) 1, 17-4 ((1)) 11, 17-4 ((2))(37) 2, and 17-4 ((10)) 2] golf courses are planned for private recreation use, more specifically to remain as golf courses. For further guidance, see the Parks and Recreation section."	Appendix A p. 54	Edit adds several missing parcel numbers and corrects incorrect parcel number.
Lake Anne Village Center Schools Recommendation	"~~A projected capacity deficit may occur at Hughes Middle School and South Lakes High School by 2013-2014. In addition, there~~ There may be a need for additional school facilities in this part of the county because of the approval of residential development that has not yet been constructed in the Reston Town Center area. The impact of Lake Anne Village Center redevelopment on schools should be mitigated. ~~A possible boundary shift may be needed to ensure that the new residents in the Village Center would be assigned to the same schools.~~ "	Appendix A p. 82	Remove outdated reference and remove school boundary adjustment text. That is not appropriate for the Plan.

ISSUE	PROPOSED CHANGE	STAFF REPORT PAGE	NOTES
Sunrise Valley Wetlands	"Arboretum Building, a low intensity office building near Sunrise Valley Wetlands ~~Nature Park~~"	Appendix B p. 3	Edit photo caption to recognize wetlands are not a park.
Sunrise Valley Wetlands	"Major Open Space Amenities: These areas are planned for major, centrally located open spaces. These areas may include urban parks or spaces, such as plazas or greens with a variety of recreational and/or cultural uses, or may include natural habitat such as the Sunrise Valley Wetlands ~~Nature Park~~. In instances when intensity credit is…"	Appendix B p. 17	Edit to recognize the wetlands are not a park.
Misspelling	"Advance Reston as Fairfax County's ~~premiere~~ premier planned community."	Appendix B p. 29	N/A
Sunrise Valley Wetlands	"The existing Sunrise Valley Wetlands ~~Nature Park~~ provides a particular opportunity to link a ~~publicly accessible~~ natural habitat by trails and pedestrian facilities planned for the TSA to other small semi-urban scale parks along Sunrise Valley Drive in a connected park amenity. … The Sunrise Valley ~~Park Wildlife Habitat and Nature Preserve~~ wetland is an approximately 14 acre man-made ~~publicly accessible~~ wetland area in the district with a notable diversity of wildlife and a boardwalk facility that crosses the wetland. In addition, there is an approximately 21 acre vacant parcel in the northeastern corner of the Woodland Park mixed-use development along Monroe Street."	Appendix B p. 109, 111	Edit recognizes the wetlands are not a park, and currently are not publicly accessible.

ISSUE	PROPOSED CHANGE	STAFF REPORT PAGE	NOTES
Reston TSA public facilities recommendations should be more accurately reflected in Upper Potomac Planning District's Overview section	"17. Provide one new elementary school, potentially in the Town Center North District of the Reston Transit Station Areas (UP5). 18. Provide one new elementary school, potentially in the Central Sunrise Valley District of the Reston Transit Station Areas (UP5)…" "…21. Provide one new Fire and Rescue station, potentially in the Town Center North District of the Reston Transit Station Areas (UP5).	Appendix D p. 3	Edit aligns the recommendations with adopted Reston TSA public facilities recommendations.
UP5 Transportation map highway symbol, Figure 72	Symbol for Rt. 267 removed federal highway symbol/shield and replaced with state highway symbol/shield. See Attachment 11.	Appendix F p. 32	N/A



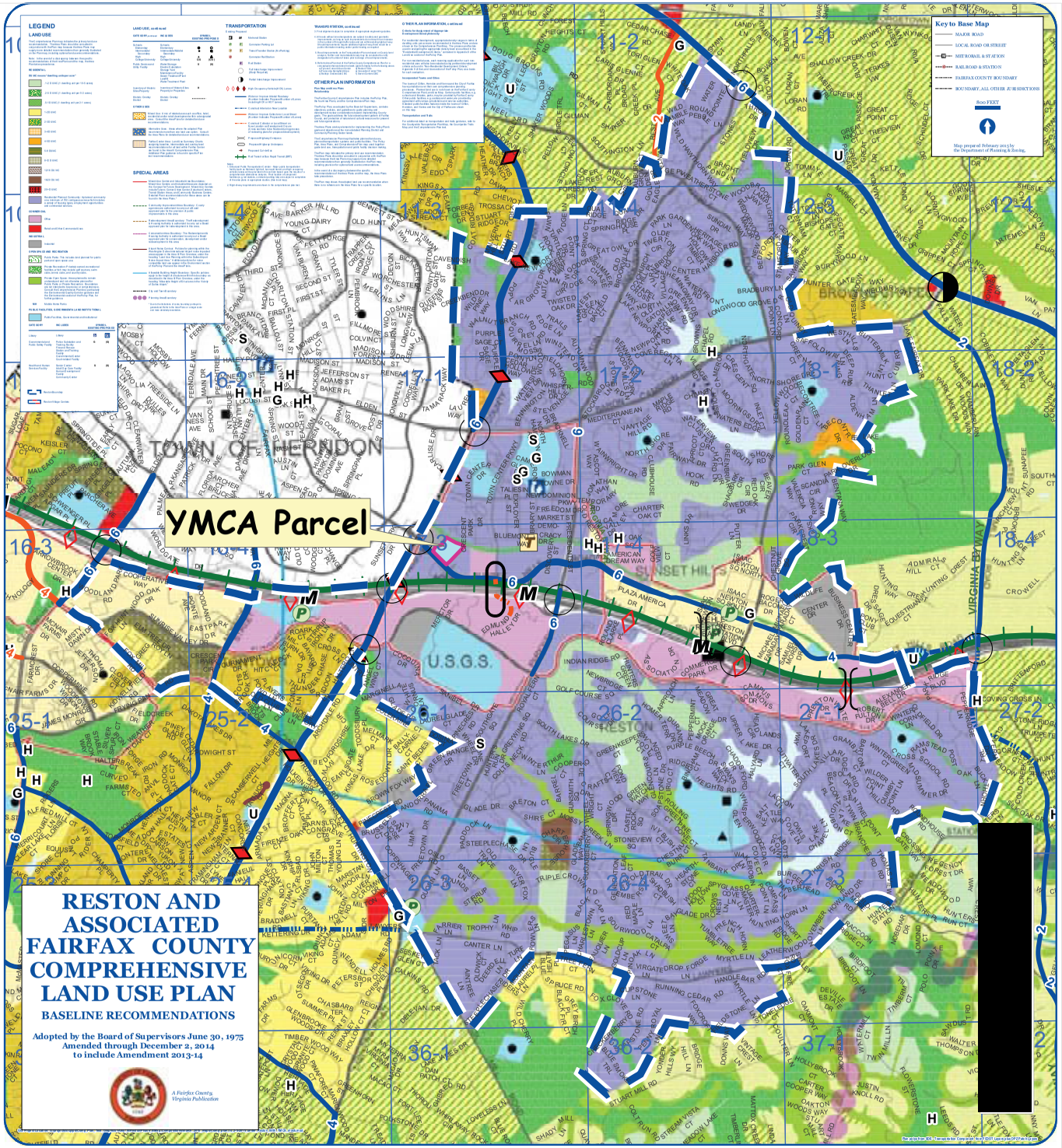
Reston Land Use Recommendations General Locator Map

Legend

- Metro Station Locations
- Reston Boundary
- Transit Station Areas
- Land Use Recommendation. Number corresponds to recommendation in text.

5000 FEET

MAP PREPARED BY DPZ


YMCA Parcel
RESTON AND ASSOCIATED FAIRFAX COUNTY COMPREHENSIVE LAND USE PLAN
BASELINE RECOMMENDATIONS
Adopted by the Board of Supervisors June 30, 1975
Amended through December 2, 2014
to include Amendment 2013-14
A Fairfax County, Virginia Publication
LEGEND
Key to Base Map
TOWN OF HERNDON
U.S.G.S.
VIRGINIA DOMINION
[redacted]

RESTON EXISTING TRAILS MAP DRAFT

This map does not include on-road bicycle trails. Please refer to the Department of Transportation Bicycle Trail Map for more information.

Map prepared by the Fairfax County Department of Planning & Zoning
March 10, 2015

LEGEND

- Hard Surface - Asphalt, Brick, Concrete
- Soft Surface - Natural Surface, Gravel, Stone Dust
- Creek, Stream, River
- Trail Overpass/Underpass Points
- Metro and VRE Stations
- Reston Boundary
- Reston Transit Station Areas
- Village Centers
- Convenience Centers
- Water Features in Reston
- Public Schools

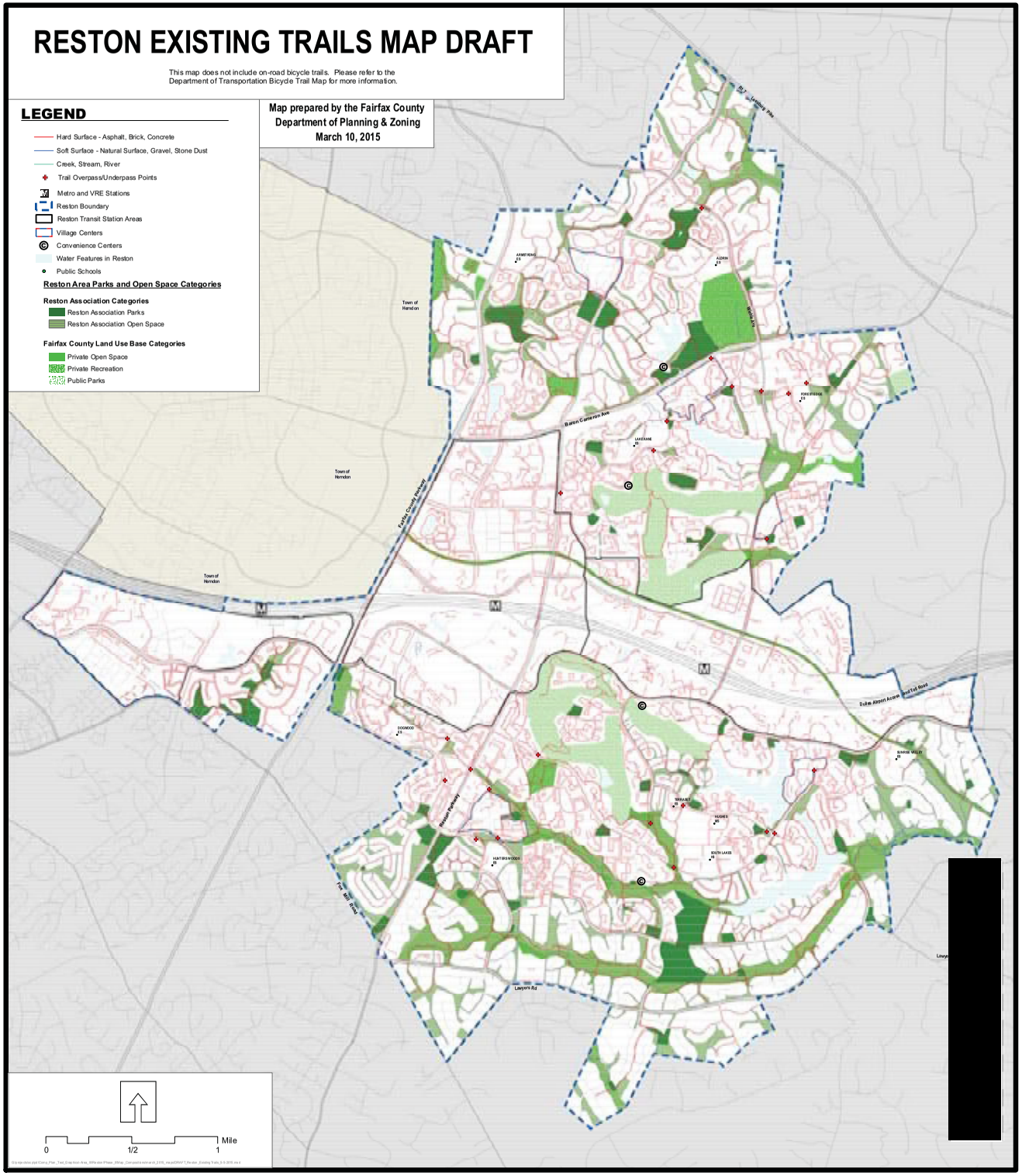
Reston Area Parks and Open Space Categories

Reston Association Categories

- Reston Association Parks
- Reston Association Open Space

Fairfax County Land Use Base Categories

- Private Open Space
- Private Recreation
- Public Parks



Board Agenda Item
June 2, 2015

4:00 p.m.

Public Hearing on a Proposal to Prohibit Through Truck Traffic on Ravensworth Road (Mason and Braddock Districts)

ISSUE:
Public hearing for the purpose of endorsing the following roads to be included in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction:

- Ravensworth Road between Little River Turnpike and Braddock Road.

RECOMMENDATION:
The County Executive recommends that the Board approve the attached resolution endorsing this road to be included in the RTAP for a through truck traffic restriction.

TIMING:
On May 12, 2015, the Board authorized advertisement of a public hearing scheduled for June 2, 2015, 4:00 p.m.

BACKGROUND:
In a memorandum dated September 18, 2014, Supervisor Gross requested staff to work with the Virginia Department of Transportation (VDOT) to implement a through truck traffic restriction on Ravensworth Road, due to continuing safety concerns of residents regarding through trucks utilizing this road as a shortcut between Little River Turnpike and Braddock Road. The increased truck traffic has exacerbated safety concerns for the neighborhood. A portion of the proposed restricted route is in the Braddock Supervisors District, therefore Mason District staff coordinated with Braddock District staff to ensure all community members are properly represented. A possible alternate route is via Little River Turnpike to Interstate 495 to Braddock Road (Attachment III).

Section 46.2-809, of the *Code of Virginia* requires a local jurisdiction to hold a duly advertised public hearing on any proposal to restrict through truck traffic on a primary or secondary road. Further, a resolution pertaining to prohibiting through truck traffic on these roads (Attachment I) has been prepared for adoption and transmittal to VDOT which will conduct the formal engineering study of the through truck restriction request.

FISCAL IMPACT:
None.

Board Agenda Item
June 2, 2015

ENCLOSED DOCUMENTS:
Attachment 1: Proposed Resolution to Restrict Through Truck Traffic on Ravensworth Road
Attachment 2: Area Map of Proposed Through Truck Traffic Restriction

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

ATTACHMENT I

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
THROUGH TRUCK TRAFFIC RESTRICTION
RAVENSWORTH ROAD
MASON AND BRADDOCK DISTRICTS

WHEREAS, the residents who live along Ravensworth Road have expressed concerns regarding the negative impacts associated with through truck traffic on this road; and

WHEREAS, a reasonable alternate route has been identified for Ravensworth Road starting at Ravensworth Road and Little River Turnpike to the intersection of Little River Turnpike and Interstate 495, and from the intersection of Little River Turnpike and Interstate 495 to the intersection of Interstate 495 and Braddock Road and then on to the intersection of Ravensworth Road and Braddock Road; and

WHEREAS, it is the intent of the Fairfax County Board of Supervisors to ensure that the proposed through truck restriction be enforced by the Fairfax County Police Department; and

WHEREAS, a public hearing was held pursuant to Section 46.2-809 of the *Code of Virginia*;

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, has determined that in order to promote the health, safety, and general welfare of the citizens of Fairfax County, it is beneficial to prohibit through truck traffic on Ravensworth Road, between Little River Turnpike and Braddock Road, as part of the County's Residential Traffic Administration Program (RTAP).

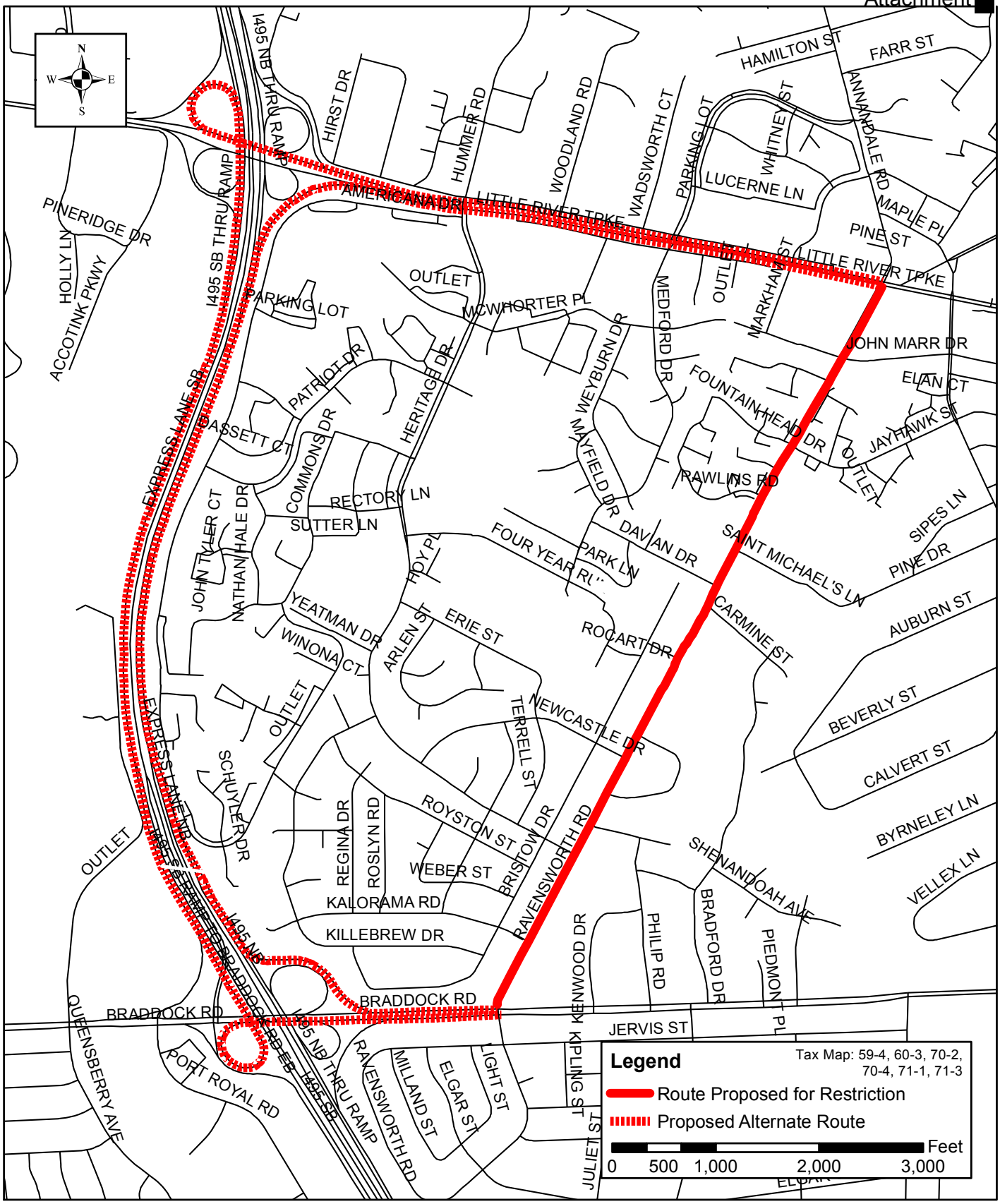
FURTHER BE IT RESOLVED, that the Commonwealth Transportation Board is hereby formally requested to take necessary steps to enact this prohibition.

ADOPTED this 2nd day of June, 2015.

A Copy Teste:

_____

Catherine A. Chianese
Clerk to the Board of Supervisors



Fairfax County Department of Transportation
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
PROPOSED THROUGH TRUCK RESTRICTION
RAVENSWORTH ROAD
Mason and Braddock Districts

A Fairfax County, Va., publication

December, 2014

Board Agenda Item
June 2, 2015

4:30 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the West Springfield Residential Permit Parking District, District 7 (Springfield 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 West Springfield Residential Permit Parking District (RPPD), District 7.

RECOMMENDATION:
The County Executive recommends that the Board adopt an amendment to Appendix G, of the Fairfax County Code, to expand the West Springfield RPPD, District 7.

TIMING:
On May 12, 2015, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of the Fairfax County Code, to take place on June 2, 2015, at 4:30 p.m.

BACKGROUND:
Section 82-5A-4(a) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish RPPD restrictions encompassing an area within 2,000 feet walking distance from the pedestrian entrances and/or 1,000 feet from the property boundaries of an existing or proposed high school, existing or proposed rail station, or existing Virginia college or university campus if: (1) the Board receives a petition requesting the establishment or expansion of such a District, (2) such petition contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block face of the proposed District, and (3) the Board determines that 75 percent of the land abutting each block within the proposed District is developed residential. In addition, an application fee of $10 per address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

Staff has verified that Garden Road from Tuttle Road to the southern property boundary of 6313 Garden Road; east side only, and from Tuttle Road to the southern property

boundary of 6312 Garden Road; west side only is within 1,000 feet of the property boundary of West Springfield High School, and 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 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

Attachment I

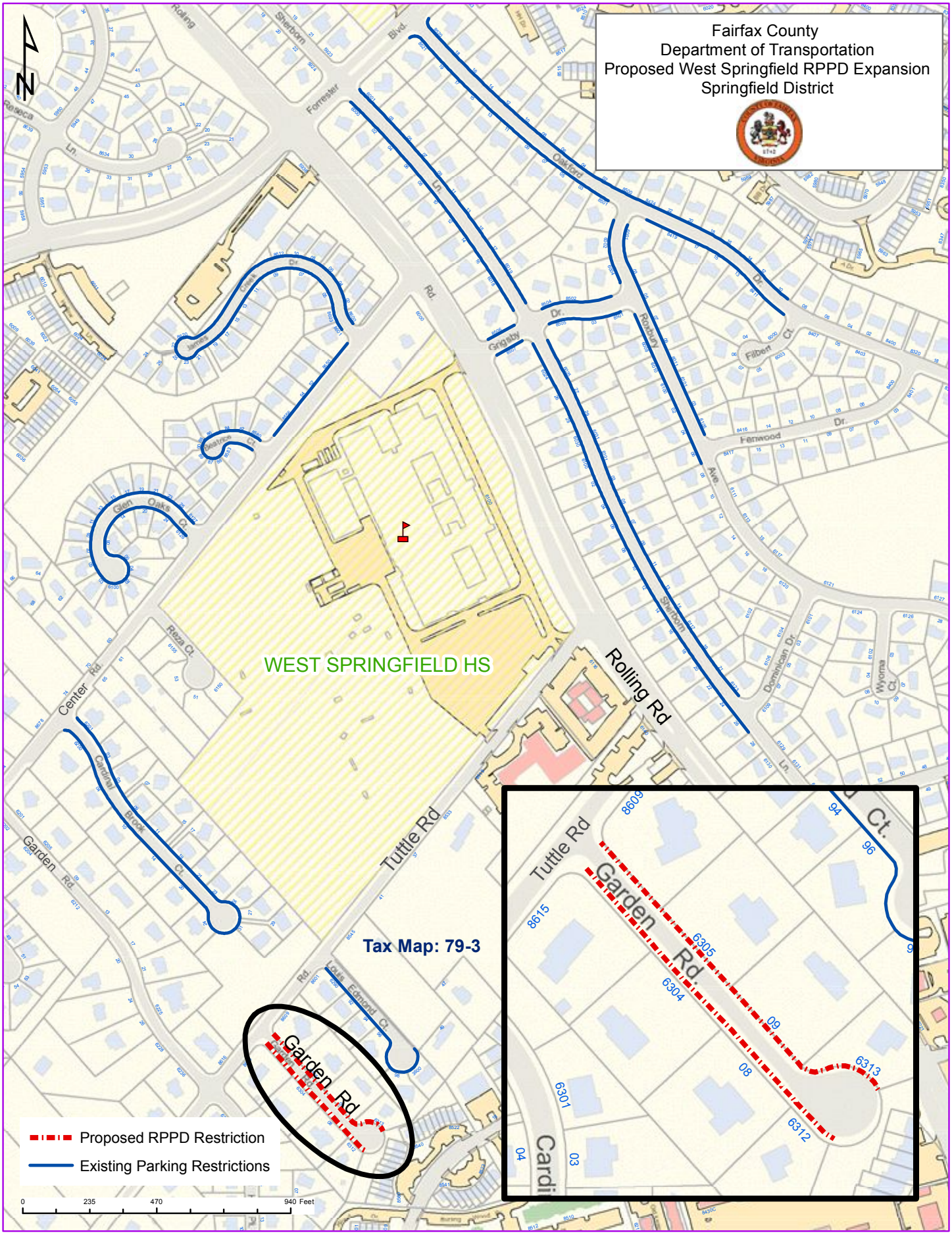
Proposed Amendment

Amend *The Code of the County of Fairfax*, *Virginia*, by amending the following streets in Appendix G-7, Section (b), (2), West Springfield Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Garden Road (Route 1194):

From Tuttle Road to the southern property boundary of 6313 Garden Road; east side only, and from Tuttle Road to the southern property boundary of 6312 Garden Road; west side only

Attachment II



Board Agenda Item
June 2, 2015

4:30 p.m.

Public Hearing on Adoption of Proposed Amendment to the Public Facilities Manual (PFM) Regarding the Use of Underground Stormwater Detention Facilities in Residential and Mixed-Use Developments

ISSUE:
Board of Supervisors' adoption of 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.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, April 22, 2015, the Planning Commission unanimously voted to recommend that the Board:

- Approve Option 2 of the proposed amendment, as set forth in the staff report dated February 17, 2015, with staff's recommended editorial change to PFM Section 6-0303.6C, dated April 9, 2015, with an effective date of 12:01 a.m. on June 3, 2015.

- Direct staff to review the issue of citizen stormwater complaints related to land development projects and make appropriate recommendations to the Planning Commission and Board as to how best to consider this information and incorporate it into the development application and plan review processes in Fairfax County.

RECOMMENDATION:
The County Executive recommends that the Board:

- Adopt Option 2 as recommended by the Planning Commission with an effective date of 12:01 a.m. on June 3, 2015.

- Authorize staff to review the issue of citizen stormwater complaints related to land development projects and make appropriate recommendations to the Planning Commission and Board as to how best to consider this information and incorporate it into the development application and plan review processes in Fairfax County.

A copy of proposed amendment Option 2 is included as Attachment C. The proposed amendment has been prepared by the Department of Public Works and Environmental Services (DPWES). DPWES has coordinated with the Office of Community Revitalization (OCR) and the Office of the County Attorney.

TIMING:
The Board action is requested on June 2, 2015. On February 17, 2015, the Board authorized the advertising of public hearings. The Planning Commission held a public hearing on March 25, 2015, with the decision deferred to April 15, 2015, and subsequently deferred to April 22, 2015, with a new Board public hearing date scheduled for June 2, 2015. If approved, the amendment will become effective at 12:01 a.m. on June 3, 2015.

BACKGROUND:
One of the vision elements for the Board's adopted *Strategic Plan to Facilitate the Economic Success of Fairfax County* (2015) is to provide a responsive and collaborative development review process. To achieve this vision, six goals have been identified for the County to focus on over the next decade. Although the proposed amendment addresses each of these goals indirectly, it most closely conforms to Goal #3, which is related to "improving the speed, consistency, and predictability of the development review process".

This proposed PFM amendment arises in light of the Board's approval of all underground detention waiver requests that have been submitted since Board approval became a condition in 2004. In total, the Board has approved 37 of these waivers. To streamline and add predictability to the current review process, proposed amendment Option 2 is being recommended to eliminate the need to process a Board waiver for the use of underground detention facilities in residential and mixed-use developments.

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. This process 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, these ponds are land intensive features that are not consistent with the character of development envisioned in the urbanizing areas of the County. 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 a project's increase in stormwater runoff from the 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 application. 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 who seeks a waiver must contribute to the funding for maintenance of the facility. Historically, the amount of required funding must be sufficient to cover a 20-year maintenance cycle and a 20-year portion of the facilities' replacement cost. The fund is provided to a homeowners' or condominiums' association in an escrow fund.

The proposed amendment implements one of the County's revitalization initiatives to support higher density mixed used development in the designated revitalization areas, as a way to attract new businesses and residential growth. 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. As revitalization incentives, DPWES suggested eliminating the waiver process to allow the use of underground detention in residential and mixed-use developments. In such instances, DPWES would administratively review the use of these underground detention facilities, which would include a review of the developer's associated escrow that is intended to help ease on prospective homeowners' maintenance costs.

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 is a refinement of these two options:

Under Option 1, for any residential and mixed-use development having less than 50 units, underground detention facilities would be prohibited. However, the Board would continue to process requests to waive this prohibition either in a separate application for a "by-right" development or in conjunction with the approval of a rezoning, special exception, proffer condition amendment, or special exception amendment (RZ/SE/PCA/SEA) application.

Under Option 2, the Director would approve the use of underground detention facilities in all residential and mixed-use developments. This option completely eliminates the need to process a waiver for underground detention facilities. The Planning

Commission recommended this option along with staff and the Engineering Standards Review Committee (ESRC). All options are set forth below.

Thereafter, at the Planning Commission's request on April 15, 2015, staff developed two additional options. The additional options 1A and 2A are based on Options 1 and 2 but also include a provision that only the Board may approve any such underground detention facility in residential and mixed-use developments that are in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment application. Options 1 and 2 were also revised to include minor editorial changes. A copy of Options 1, 1A, 2, and 2A that the Planning Commission considered are attached as Attachments A, B, C and D respectively. For reference, the previous Options 1 and 2 without the minor editorial changes are included as part of Attachment E. At the Planning Commission's request, staff presented all four options to the ESRC for a recommendation. The ESRC recommended approval of Option 2.

On April 22, 2015, the Planning Commission voted unanimously to recommend that the Board approve Option 2. The Planning Commission also recommended that the Board authorize staff to review the issue of citizen stormwater complaints related to land development projects and make appropriate recommendations to the Planning Commission and Board as to how best to consider this information and incorporate it into the development application and plan review processes in Fairfax County.

PROPOSED AMENDMENT:
The following four amendment options are presented for consideration by the Board, although staff recommends the adoption of Option 2:

Option #1 (Attachment A): Under Option 1, for any residential and mixed-use development having less than 50 units, underground detention facilities would be prohibited. However, the Board would continue to process requests to waive this prohibition either in a separate application for a "by-right" development or in conjunction with the approval of a rezoning, special exception, proffer condition amendment, or special exception amendment (RZ/SE/PCA/SEA) application.

For any residential and mixed-use development with 50 units or more, underground detention facilities would be allowed, subject to approval by the DPWES Director. 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 on a per unit basis as compared to the cost to home owners in residential developments with less than 50 units. Accordingly, in these larger developments, an escrow fund for such costs is unnecessary 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, the escrow fund is necessary to offset the significant financial burden to individual unit owners. A copy of proposed amendment Option 1 is included as Attachment A with staff's edits shown as double underlines for additions and double strikeouts for deletions.

Option #1A (Attachment B): Option 1A is based on Option 1. However, Option 1A requires Board approval for any underground detention facility in all residential and mixed-use developments that (i) are "by-right" and have less than 50 units or (ii) are of any size and are in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment application. A copy of proposed amendment Option 1A is included as Attachment B.

Option #2 (Attachment C): Under Option 2, the Director would approve the use of underground detention facilities in all residential and mixed-use developments. This option completely eliminates the need to process a waiver for underground detention facilities. The Planning Commission recommended this option along with staff and the ESRC. A copy of proposed amendment Option 2 is included as Attachment C with staff's edits shown as double underlines for additions and double strikeouts for deletions.

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

Option #2A (Attachment D): Option 2A is based on Option 2. However Option 2A requires Board approval for any underground detention facility in all residential and mixed-use developments only when the development is in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment application. A copy of proposed amendment Option 2A is included as Attachment D.

All 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. The recommended replacement cost equals 40 percent of the total facility replacement cost rather than relating the developer's replacement cost to a 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 options are a revitalization incentive that, if adopted, would streamline the review process and provide more predictability for 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 (Options 1 and 1A only) and Expand the Use to By-right Developments

   Option 1 and 1A retain the current process of Board approval when the use of underground detention in residential areas is in smaller projects of less than 50 units whether by-right or in conjunction with the approval of a RZ/SE/PCA/SEA application. Option 1 and 1A also revises the PFM to expand the allowable use of underground detention facilities to by-right developments of 50 units or more. Option 1A, however, would add a requirement for Board approval in all such developments of any size that are in conjunction with the approval of a RZ/SE/PCA/SEA application.

   Options 2 and 2A also expands the use of underground detention facilities to by-right development, but any such use would be subject to Director approval. Option 2A, however, would add a requirement for Board approval in all such developments of any size that are in conjunction with the approval of a RZ/SE/PCA/SEA application.

2. Revise the Process to Allow Designers to Propose Underground Facilities Directly on the Plan for the Director's Approval (Board Wavier Not Required)

   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 also applies to Option 1 and 1A, 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 a 40 percent replacement cost. The 40 percent replacement cost replaces the twenty-year portion of the replacement cost associated with concrete materials.

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 anticipates that developments of this size will have the financial resources to fund facility maintenance without placing a significant financial burden on each of 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 and mixed use developments, even those with 50 units or more.

5. Require Board Approval in Conjunction with a Rezoning, Proffered Condition Amendment, Special Exception, or Special Exception Amendment Application (Options 1A and 2A)

   Option 1A and 2A are based on Options 1 and 2, respectively, and add a requirement that only the Board may approve any such underground detention facility in residential and mixed-use developments in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment application.

A comparison table of the current provisions versus proposed amendment options (Options 1 and 2) is shown on Attachment C of the Staff Report and is included as part of Attachment E to this item.

Board Agenda Item
June 2, 2015

FISCAL IMPACT:
The proposed amendment has no anticipated fiscal impact to the County.

ENCLOSED DOCUMENTS:
Attachment A- Proposed Amendment Option 1 (Revised)
Attachment B- Proposed Amendment Option 1A (based on Option 1)
Attachment C- Proposed Amendment Option 2 (Revised)
Attachment D- Proposed Amendment Option 2A (based on Option 2)
Attachment E- Staff Report dated February 17, 2015 with attachments
Attachment F- Planning Commission Verbatim

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, DPWES
William D. Hicks, Director, LDS, DPWES
Barbara Byron, Director, Office of Community Revitalization

Staff's edited version with additions shown as double underlines and deletions as double strikeouts
Option 1

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.

Staff's edited version with additions shown as double underlines and deletions as double strikeouts
Option 1

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~~C) 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 or equal to 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.

Staff's edited version with additions shown as double underlines and deletions as double strikeouts

Option 1

Proposed Amendment to the Public Facilities Manual

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.

In residential or mixed use developments (i) with less than 50 residential units, or (ii) that are in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment application, only the Board of Supervisors may approve any such underground detention facility.

Any decision to permit the installation of underground detention facilities shall take into consideration possible impacts to the environment, the location of the facility, 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 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.

6-0303.6D 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(C) for a facility that will be maintained by future residential owners; or
(2) The 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 or equal to 50 units, 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.

Attachment C
April 9, 2015

Staff's edited version with additions shown as double underlines
and deletions as double strikeouts
Option 2

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.

Staff's edited version with additions shown as double underlines
and deletions as double strikeouts
Option 2

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 or equal to 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.

Proposed Amendment to the Public Facilities Manual

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.~~

6-0303.6A Underground detention facilities may be used in residential or mixed use developments, commercial developments, and industrial developments, except as follows:

For residential or mixed used development, if such development is in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment, only the Board of Supervisors may approve any such underground detention facility.

Any decision to permit the installation of underground detention facilities shall take into consideration possible impacts to the environment, the location of the facility, 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 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.

6-0303.6D 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(C) 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 or equal to 50 units, 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.

Attachment E

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

STAFF REPORT

- [ ] 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	February 17, 2015
Planning Commission Hearing	March 25, 2015
Board of Supervisors Hearing	April 28, 2015, 4 p.m.
Prepared by:	Thakur Dhakal, P.E. SCRD, LDS, DPWES (703) 324-2992 February, 17, 2015

Attachment E

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

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.

Attachment E

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

Attachment A

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
Current Requirements*	*Board approval via waiver during RZ/SE/PCA/SEA; *Not permitted in by-right developments *Escrow required		*Allowed by right *No escrow required
Proposed Option 1*	*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
Proposed Option 2* (recommended)	*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.

Attachment F
Planning Commission Meeting
April 22, 2015Verbatim
Excerpt

PFM AMENDMENT (UNDERGROUND DETENTION FACILITIES)

Decision Only During Commission Matters
(Public Hearing held on March 25, 2015)

Commissioner Hart: After transportation, stormwater management may be the issue most frequently raised by citizens on development applications. On March 25, we had a public hearing on a proposed Public Facilities Manual Amendment On Use of Underground Detention Facilities In Residential and Mixed Use Developments, and deferred decision, for additional information from staff, which you should have received, under cover of Mr. Shirey's memo of April 9th. I believe we are ready to move forward, and will have three motions. I wanted to thank the citizens who spoke and/or submitted comments on this topic. I also wanted to thank the Engineering Standards Review Committee and county staff, Jan Leavitt, Paul Shirey, Thakur Dhakal and John Matusik for their fine work and outreach efforts, including multiple presentations to the ESRC and a presentation to the Environment Committee. I also want to thank Chris Costa from the County Attorney's Office for his assistance. The Planning Commission has, with suggestions from Commissioner de la Fe, hoped to streamline some of the land use process, including elimination of the need for waivers and modifications which are routinely or always granted. It is a rare application on a big case that does not require multiple waivers. For example, the waiver for underground stormwater detention was granted the last 37 times. Staff and the ESRC are recommending approval of Option 2, with which I concur. We had another issue raised by Supervisor Smyth, which staff and the ESRC also have considered subsequent to the public hearing. While I tend to agree that the issue of citizen complaints is not directly germane to the question of underground detention waivers, I believe it may be time to review the overall problem of citizen complaints about stormwater management, and how they are best considered in the land use process. I will suggest a recommendation accordingly. Therefore, Mr. Chairman, I first MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY APPROVE OPTION TWO OF THE PROPOSED AMENDMENT, AS SET FORTH IN THE STAFF REPORT DATED FEBRUARY 17, 2015, WITH STAFF'S RECOMMENDED EDITORIAL CHANGE TO PFM SECTION 6-0303.6C, DATED APRIL 9, 2015.

Commissioners Litzenberger and Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Mr. Ulfelder. Is there a discussion of the motion? All those in favor of the motion on the Plan Amendment, Underground Detention Facilities, as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Secondly, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE AMENDMENT SHALL BECOME EFFECTIVE AT 12:01 A.M. ON JUNE 3, 2015.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT STAFF BE DIRECTED TO REVIEW THE ISSUE OF CITIZEN STORMWATER COMPLAINTS RELATED TO LAND DEVELOPMENT PROJECTS AND MAKE APPROPRIATE RECOMMENDATIONS TO THE PLANNING COMMISSION AND BOARD OF SUPERVISORS AS TO HOW BEST TO CONSIDER THIS INFORMATION AND INCORPORATE IT INTO THE DEVELOPMENT APPLICATION AND PLAN REVIEW PROCESSES IN FAIRFAX COUNTY.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman?

Chairman Murphy: Yes, Mr. de la Fe.

Commissioner de la Fe: Mr. Chairman, could I be shown as abstaining on all those three, because even though I followed everything, I was absent from that particular public hearing and I was not able to watch the tape.

Chairman Murphy: Okay.

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(The motion carried by a vote of 7-0-1. Commissioner de la Fe abstained from the vote. Commissioners Flanagan, Lawrence, Migliaccio, and Sargeant were absent from the meeting.)

JN