

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

AGENDA

9:30	Done	Presentations
10:30	Done	Presentation of the 2014 Transportation Advisory Commission Transportation Achievement Award
10:35	Done	Presentation of the Barbara Varon Award
10:40	Report Accepted, referred to staff, staff response requested	Presentation of the Environmental Quality Advisory Council (EQAC) Annual Report
10:50	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Authorization to Advertise Proposed Amendments to the Public Facilities Manual Re: National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Rainfall Data
2	Approved	Designation of Plans Examiner Status under the Expedited Land Development Review Program
3	Approved	Authorization to Advertise a Public Hearing for a Spot Blight Abatement Ordinance for 3506 Elmwood Drive, Alexandria, VA 22303 (Lee District)
4	Approved	Installation of a "Watch for Children" Sign as Part of the Residential Traffic Administration Program (Sully District)
5	Approved	Streets into the Secondary System (Dranesville and Providence Districts)
6	Approved	Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Hunter Mill @ Mystic Meadow Roundabout (Providence District)
7	Approved	Extension of Review Period for 2232 Application (Mount Vernon District)
8	Approved with amendment	Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Sections 7-2-5 and 7-2-13 Relating to Election Precincts and Polling Places (Hunter Mill, Dranesville and Springfield Districts)

**FAIRFAX COUNTY
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**ADMINISTRATIVE
ITEMS
(Continued)**

- 9 **Approved** Supplemental Appropriation Resolution AS 16115 for Various Fairfax County Agencies to Accept Department of Homeland Security Urban Areas Security Initiative Subgrant Awards from the Government of the District of Columbia Homeland Security and Emergency Management Agency
- 10 **Approved** Authorization for the Department of Neighborhood and Community Services to Apply for and Accept Grant Funding from the Metropolitan Washington Council of Governments, Enhanced Mobility of Seniors and Individuals with Disabilities Program, in Support of the Purchase of Wheelchair-Lift Equipped Vehicles
- 11 **Approved** Authorization for the Certification of Consistency with the Consolidated Plan as Required by U.S. Department of Housing and Urban Development In Order to Apply for Continuum of Care Program Funding

ACTION ITEMS

- 1 **Approved** Adoption of a Resolution Approving the Issuance by the Fairfax County Economic Development Authority of Revenue Bonds for the Benefit of the Oakcrest School
- 2 **Approved** Approval of State Litter Prevention and Recycling Grant Funding Transfer to Clean Fairfax Council, Incorporated
- 3 **Approved with
correction** Approval of a Resolution Endorsing Projects Being Submitted for Fiscal Year 2017 Regional Funding through the Northern Virginia Transportation Authority
- 4 **Approved** Approval of Project Agreement for Northern Virginia Transportation Authority Funding for the Innovation Center Metrorail Station Project (Dranesville District)
- 5 **Approved** Approval of a Process to Assign, Prioritize, Track, Review, and Consider for Approval or Implementation the Recommendations Contained in the Final Report of the Ad Hoc Police Practices Review Commission, Dated October 8, 2015
- 6 **Approved with
amendment** Endorsement of Principles and Interim Comments on the I-66 Inside the Beltway Multimodal Improvement Project Framework Agreement (Dranesville, Mason and Providence Districts)

**FAIRFAX COUNTY
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**INFORMATION
ITEMS**

1	Noted	Phase 2 - Consulting Support for NG9-1-1 Program Management and Technical Assistance for Regional Procurement Activities
2	Noted	Fairfax-Falls Church Community Services Board Fee Schedule
11:00	Done	Matters Presented by Board Members
11:50	Done	Closed Session

PUBLIC HEARINGS

3:00	Approved	Public Hearing to Receive Comment from Citizens on the Proposed Legislative Program to be Presented to the 2016 Virginia General Assembly
3:30	Approved	Decision Only on Amendments to the Fairfax County Code to: Adopt New Chapter 108.1 (Noise Ordinance), Repeal Chapter 108 (Noise Ordinance), and Repeal Article 6 (Excessive Sound Generation in Residential Areas and Dwellings Ordinance) to Chapter 5 (Offenses)
3:30	Approved	Public Hearing on Adoption of a Proposed Amendment to the 2011 Official County Soils Map, Chapter 107 (Problem Soils) of the Code of the County of Fairfax, Virginia Related to the Extent of Naturally Occurring Asbestos (NOA)
3:30	Approved	Public Hearing on a Proposed Amendment to the Zoning Ordinance Re: Donation Drop-Off Boxes
3:30	Approved with amendment	Public Hearing on a Proposed Amendment to Chapter 41.1 of the Fairfax County Code Regarding Cruelty to Animals, Including Dog Tethering
4:00	Approved	Public Hearing on Proposed Plan Amendment S13-CW-T1, Leland Road Extension, Located West of the Current Terminus at Pickwick Road (Sully District)
4:00	Public Hearing deferred to 12/8/2015 at 3:00 p.m.	Public Hearing on Proposed Plan Amendment 2015-IV-T1, Newington Road, Located East of Cinder Bed Road and West of Telegraph Road (Mount Vernon District)

**FAIRFAX COUNTY
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**PUBLIC HEARINGS
(Continued)**

4:00	Approved	Public Hearing to Establish the London Towne Community Parking District (Sully District)
4:00	Approved	Public Hearing on a Proposal to Prohibit Through Truck Traffic on Lewinsville Road – Eastern Portion (Dranesville District)
4:30	Approved	Public Hearing on a Proposal to Prohibit Through Truck Traffic on Lewinsville Road – Western Portion (Dranesville District)
4:30	Approved	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Alternative Lending Institutions
4:30	Approved	Public Hearing to Establish the Twinbrook Community Parking District (Braddock District)
4:30	Public Hearing deferred to 1/12/2016 at 4:30 p.m.	Public Hearing to Consider Parking Restrictions on Port Royal Road, Woodruff Court, Forbes Place (Braddock District)
4:30	Approved	Public Hearing to Consider Parking Restrictions on Sullyfield Circle and Parke Long Court (Sully District)

REVISED



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

Tuesday
November 17, 2015

9:30 a.m.

PRESENTATIONS

RECOGNITIONS

- CERTIFICATE – To recognize the Ad Hoc Police Practices Review Commission for its work. Requested by Chairman Bulova.
- RESOLUTION – To recognize Judith Beattie for 48 years of service as director and most recently owner of Hunter Mill Country Day School. Requested by Supervisor Hudgins.
- RESOLUTION – To recognize John Mason for his work as the CEO of the Workhouse Arts Foundation. Requested by Supervisor Hyland.
- RESOLUTION – To recognize Louise Cleveland for her service in the Mount Vernon District. Requested by Supervisor Hyland.

— more —

Board Agenda Item
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- CERTIFICATE – To recognize the International Association of Firefighters Local 2068 for its success during the 2015 Fill the Boot Campaign. Requested by Chairman Bulova.

RECOGNITIONS

- PROCLAMATION – To designate December 1, 2015, as HIV/AIDS Awareness Day in Fairfax County. Requested by Chairman Bulova.

STAFF:

Tony Castrilli, Director, Office of Public Affairs

Bill Miller, Office of Public Affairs

Board Agenda Item
November 17, 2015

10:30 a.m.

Presentation of the 2014 Transportation Advisory Commission Transportation
Achievement Award

ENCLOSED DOCUMENTS:

None

PRESENTED BY:

Jeffrey M. Parnes, Chairman of the Transportation Advisory Commission

Board Agenda Item
November 17, 2015

10:35 a.m.

Presentation of the Barbara Varon Award

ENCLOSED DOCUMENTS:

None.

PRESENTED BY:

The Honorable Emilie Miller, Barbara Varon Volunteer Award Selection Committee

Board Agenda Item
November 17, 2015

10:40 a.m.

Presentation of the Environmental Quality Advisory Council (EQAC) Annual Report

ENCLOSED DOCUMENTS:

None. The Environmental Quality Advisory Council Annual Report is available online at:
www.fairfaxcounty.gov/eqac/report

PRESENTED BY:

Stella Koch, Chairman, Environmental Quality Advisory Council

Board Agenda Item
November 17, 2015

10:50 a.m.

Items Presented by the County Executive

Board Agenda Item
November 17, 2015

ADMINISTRATIVE - 1

Authorization to Advertise Proposed Amendments to the Public Facilities Manual Re: National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Rainfall Data

ISSUE:

Board of Supervisors' authorization to advertise public hearings on proposed amendments to Chapter 6 (Storm Drainage) and Chapter 13 (PFM Structure, Interpretations, Definitions, Abbreviations, and Unit Conversion Tables) of the Public Facilities Manual (PFM) related to National Oceanic and Atmospheric Administration (NOAA) Atlas 14 rainfall data. The proposed amendments are necessary to utilize the latest and most comprehensive rainfall data available in the design of storm drainage facilities, floodplain determinations, and adequate outfall determinations.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendments as set forth in the Staff Report dated November 17, 2015.

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

TIMING:

Board action is requested on November 17, 2015, to provide sufficient time to advertise public hearings on December 9, 2015, before the Planning Commission and on February 2, 2016 at 4:00 p.m., before the Board.

BACKGROUND:

Rainfall intensity, duration, amount, and frequency data is used in the design of storm sewers, ditches, channels, inlets, and stormwater management systems including detention and water quality control facilities. Rainfall data is also used to determine flows in streams to calculate floodplain limits and the adequacy of stormwater outfalls. The data in NOAA Atlas 14 *Precipitation-Frequency Atlas of the United States* (NOAA Atlas 14) supersedes the data in Weather Bureau Technical Paper No. 40 *Rainfall Frequency Atlas of the United States* (TP-40) and National Weather Service (NWS) NOAA Technical Memorandum NWS Hydro-35 *Five- to 60-Minute Precipitation*

Board Agenda Item
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Frequency for the Eastern and Central United States (Hydro-35) rainfall atlases that were published in 1961 and 1977, respectively. NOAA Atlas 14 is based on more recent and extended data sets, currently accepted statistical approaches, and improved mapping techniques. The rainfall data in the PFM, which is based on TP-40 and Hydro-35 rainfall atlases, needs to be updated to reflect the best available data. Additionally, use of NOAA Atlas 14 rainfall data is required under the County's Stormwater Management Ordinance for the 24-hour duration design storms specified in the ordinance. Pursuant to a May 6, 2014, Technical Bulletin from the Department of Public Works and Environmental Services (DPWES) the industry was advised of the requirement to use NOAA Atlas 14 rainfall data and, since that date, has been using the NOAA Atlas 14 data to design stormwater management facilities.

NOAA Atlas 14 rainfall data is available for three weather stations in or near the County. While it is true that rainfall intensities and amounts can vary significantly at different locations for a given storm event, statistically, rainfall intensities and amounts for the design storms used for engineering analysis in the PFM are similar at all three stations. Therefore, for consistency and ease of application, DPWES staff determined that data from only the Vienna Tysons Corner station should be used in the PFM. The Vienna Tysons Corner station was selected because it is the most centrally located and therefore most representative of long term statistics for the County as a whole. It is also the most conservative (i.e. has the highest value) of the three stations for 100-year 24-hour rainfall amounts.

Most computer software that performs hydrologic computations available from both federal government and private sector sources has been updated to incorporate NOAA Atlas 14 rainfall data. NOAA Atlas 14 rainfall data is distributed online through NOAA's Precipitation Frequency Data Server.

PROPOSED AMENDMENTS:

Using NOAA Atlas 14 rainfall data from the Vienna Tysons Corner Station, the proposed amendments update tables, plates, and example problems in the PFM. This update also includes several new plates, the deletion of several existing plates, and some additional explanatory material for the acceptable hydrologic methods included in the PFM. Portions of the new rainfall intensity-duration-frequency curves in PFM plates 3A-6 and 3B-6 were generated using regression equations, based on NOAA Atlas 14 data, from the Virginia Department of Transportation (VDOT) Drainage Manual.

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REGULATORY IMPACT:

No new regulatory requirements are proposed. A small number of existing floodplain studies must be reviewed prior to using flood elevations and boundaries from those studies for design and regulatory purposes to determine if revisions to the studies are needed. This will occur during the normal development review process as plans are submitted for approval. The floodplain studies that were performed to determine the floodplain limits and elevations of Special Flood Hazard areas depicted on Federal Emergency Management Agency (FEMA) maps are not impacted by the NOAA Atlas 14 data.

FISCAL IMPACT:

There is no fiscal impact to the County. Due to greater 100-year storm rainfall amounts, new stormwater management ponds will need to be slightly larger (height or footprint) resulting in increased construction costs.

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report Dated November 17, 2015

STAFF:

Robert A. Stalzer, Deputy County Executive

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

William D. Hicks, P.E., Director, Land Development Services, DPWES

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

STAFF REPORT

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

Proposed Amendments to the Public Facilities Manual Re: National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Rainfall Data

Authorization to Advertise	November 17, 2015
Planning Commission Hearing	December 9, 2015
Board of Supervisors Hearing	February 2, 2016
Prepared by:	Code Development and Compliance Division JAF (703) 324-1780 November 17, 2015

STAFF REPORT

A. Issues:

Proposed amendments to Chapter 6 (Storm Drainage) and Chapter 13 (PFM Structure, Interpretations, Definitions, Abbreviations, and Unit Conversion Tables) of the Public Facilities Manual (PFM) related to National Oceanic and Atmospheric Administration (NOAA) Atlas 14 rainfall data. The proposed amendments are necessary to utilize the latest and most comprehensive rainfall data available in the design of storm drainage facilities, floodplain determinations, and adequate outfall determinations.

B. Recommended Action:

Staff recommends that the Board of Supervisors (the Board) adopt the proposed amendments to Chapter 6 (Storm Drainage) and Chapter 13 (PFM Structure, Interpretations, Definitions, Abbreviations, and Unit Conversion Tables) of the PFM.

C. Timing:

Board of Supervisors authorization to advertise – November 17, 2015

Planning Commission Public Hearing – December 9, 2015

Board of Supervisors Public Hearing – February 2, 2016

Effective Date – February 3, 2016 at 12:01 a.m.

D. Source:

Department of Public Works and Environmental Services (DPWES)

E. Coordination:

The proposed amendments to the PFM have been prepared by the Department of Public Works and Environmental Services and coordinated with the Office of the County Attorney. The proposed amendments have been recommended for approval by the Engineering Standards Review Committee.

F. Background:

Rainfall intensity, duration, amount, and frequency data is used in the design of storm sewers, ditches, channels, inlets, and stormwater management systems including detention and water quality control facilities. Rainfall data is also used to determine flows in streams to calculate floodplain limits and the adequacy of

stormwater outfalls. The data in NOAA Atlas 14 *Precipitation-Frequency Atlas of the United States* (NOAA Atlas 14) supersedes the data in Weather Bureau Technical Paper No. 40 *Rainfall Frequency Atlas of the United States* (TP-40) and National Weather Service (NWS) NOAA Technical Memorandum NWS Hydro-35 *Five- to 60-Minute Precipitation Frequency for the Eastern and Central United States* (Hydro-35) rainfall atlases that were published in 1961 and 1977, respectively. NOAA Atlas 14 is based on more recent and extended data sets, currently accepted statistical approaches, and improved mapping techniques. The rainfall data in the PFM, which is based on TP-40 and Hydro-35 rainfall atlases, needs to be updated to reflect the best available data. Additionally, use of NOAA Atlas 14 rainfall data is required under the County's Stormwater Management Ordinance for the 24-hour duration design storms specified in the ordinance. Pursuant to a May 6, 2014, Technical Bulletin from DPWES the industry was advised of the requirement to use NOAA Atlas 14 rainfall data and, since that date, has been using the NOAA Atlas 14 data to design stormwater management facilities.

NOAA Atlas 14 rainfall data is available for three weather stations in or near the County. While it is true that rainfall intensities and amounts can vary significantly at different locations for a given storm event, statistically, rainfall intensities and amounts for the design storms used for engineering analysis in the PFM are similar at all three stations. Therefore, for consistency and ease of application, DPWES staff determined that data from only the Vienna Tysons Corner station should be used in the PFM. The Vienna Tysons Corner station was selected because it is the most centrally located and therefore most representative of long term statistics for the County as a whole. It is also the most conservative (i.e. has the highest value) of the three stations for 100-year 24-hour rainfall amounts.

Most computer software that performs hydrologic computations available from both federal government and private sector sources has been updated to incorporate NOAA Atlas 14 rainfall data. NOAA Atlas 14 rainfall data is distributed online through NOAA's Precipitation Frequency Data Server.

G. Proposed Amendments

Using NOAA Atlas 14 rainfall data from the Vienna Tysons Corner Station, the proposed amendments update tables, plates, and example problems in the PFM. This update also includes several new plates, the deletion of several existing plates, and some additional explanatory material for the acceptable hydrologic methods included in the PFM. Portions of the new rainfall intensity-duration-frequency curves in PFM Plates 3A-6 and 3B-6 were generated using regression equations, based on NOAA Atlas 14 data, from the Virginia Department of Transportation (VDOT) Drainage Manual.

H. Regulatory Impact:

No new regulatory requirements are proposed. A small number of existing floodplain studies must be reviewed prior to using flood elevations and boundaries from those studies for design and regulatory purposes to determine if revisions to the studies are needed. This will occur during the normal development review process as plans are submitted for approval. The floodplain studies that were performed to determine the floodplain limits and elevations of Special Flood Hazard areas depicted on Federal Emergency Management Agency (FEMA) maps are not impacted by the NOAA Atlas 14 data.

I. Fiscal Impact:

There is no fiscal impact to the County. Due to greater 100-year storm rainfall amounts, new stormwater management ponds will need to be slightly larger (height or footprint) resulting in increased construction costs.

J. Attached Documents:

Attachment A – Amendments to Chapter 6 (Storm Drainage)
Attachment B – Amendments to Chapter 13 (PFM Structure, Interpretations, Definitions, Abbreviations, and Unit Conversion Tables)

**Proposed Amendments to Chapter 6 (Storm Drainage)
of
The Fairfax County Public Facilities Manual**

Amend §6-0800 (Hydrologic Design), subsection 6-0802 (NRCS Hydrology) by revising it to read as follows:

NRCS Hydrology consists of Technical Release Number 20 (TR-20), ~~and~~ Technical Release Number 55 (TR-55), NRCS National Engineering Handbook (NEH) Part 630, and associated software applications including the COE HEC-1 and HEC-HMS software, NRCS applications. This hydrology is preferred and acceptable for all applications except where prior floodplain studies for adopted floodplains used the Anderson Formula. Supplemental Curve Number (CN) values developed for certain runoff reduction practices are provided herein. The NOAA_C 24-hour rainfall distribution shall be used with NRCS Hydrology (Plates 47A-6, 47B-6, & 48-6).

Amend §6-0800 (Hydrologic Design), subsection 6-0803 (Rational Formula) by revising the introductory paragraph to read as follows:

The Rational Formula, $Q = C_f CIA$, is acceptable for the determination of peak flows for drainage areas of 200 acres and under, except it is not authorized for designing detention/retention facilities with drainage areas greater than 20 acres. The Rational Formula (i.e. Modified Rational Method) may be used for the design of detention/retention facilities of 20 acres and less provided that the “C” factor for unimproved areas does not exceed 0.15 on storm frequencies of 2 years or less and the facility is in full compliance with all other requirements of § 6-1600 et seq. The product of $C_f \times C$ should not exceed 1.0.

Q = Rate of runoff (cfs)

C_f = Correction Factor for ground saturation

C = Runoff Coefficient (ratio of runoff to rainfall)

I = Rainfall Intensity (in./hr.)

A = Area of drainage basin (acres)

C_f Values

1.0 - 10-year or less

1.1 - 25-year

1.2 - 50-year

1.25 - 100-year

Amend §6-0800 (Hydrologic Design), subsection 6-0803 (Rational Formula) by revising paragraph 6-0803.2 to read as follows:

6-0803.2 Rainfall Intensity (I) shall be determined from the rainfall frequency curves shown in Plate 3A-6 or the table in Plate 3B-6 Table 6.6 (for incremental unit hydrograph). The 2-hour unit hydrographs in Table 6.6 and the 2-hour rainfall distributions in Table 6.18 shall be used for the design of detention facilities unless other unit hydrographs or rainfall distributions are

1 approved by the Director as appropriate for specific applications. When using the Modified
 2 Rational Method in determining the required storage volume for detention facilities, an iterative
 3 process is normally used to determine the critical storm duration and hydrograph that results in
 4 the maximum storage volume to be detained. For ease of application and uniformity in design of
 5 detention facilities, use of the unit hydrographs in Table 6.6 replaces that iterative process. The
 6 10-year storm frequency shall be used to design the storm drains (minor drainage systems); the
 7 100-year storm frequency shall be used to design the drainageways of the major drainage system.

8
 9 **Amend §6-0800 (Hydrologic Design), subsection 6-0805 (Other Hydrologies) by revising it**
 10 **to read as follows:**

11
 12 **6-0805 Other Hydrologies.**

13
 14 It is recognized that there are many hydrologies available, especially in the form of computer
 15 software. Other hydrologies may be approved by the Director for specific applications provided
 16 it is demonstrated that the alternatives are appropriate for the purpose intended.

17
 18 **6-0806 Runoff Coefficients and Inlet Times (Table 6.5)**

19
 20 6-08056.1 The lowest range of runoff coefficients may be used for flat areas (areas where the
 21 majority of the grades are 2 percent and less).

22
 23 6-08056.2 The average range of runoff coefficients should be used for intermediate areas (areas
 24 where the majority of the grades are from 2 percent to 5 percent).

25
 26 6-08056.3 The highest range of runoff coefficients shall be used for steep areas (areas where the
 27 majority of the grades are greater than 5 percent), for cluster areas, and for development in clay soils
 28 areas.

29
 30 **6-08067 Incremental Unit Hydrograph – 1 ~~Impervious Acre~~ Inch of Runoff per Acre**

31
 32 Two-hour unit hydrographs for use with rational formula hydrology are presented in Table 6.6.
 33 To use the unit hydrographs, multiply the total rainfall amount (inches) in Table 6.19 for the 2-
 34 hour design storm by the rational formula runoff coefficient, including the correction factor for
 35 ground saturation, and drainage area (acres) to obtain the runoff volume in inches per acre.
 36 Multiply the runoff volume by the unit hydrograph values in Table 6.6 to generate the
 37 hydrograph values (cfs) for the design storm.

38
 39 **Amend §6-0800 (Hydrologic Design), Table 6.6 (Incremental Unit Hydrograph Intensities-**
 40 **Inches/Hour) by revising it to read as follows:**

1

Table 6.6 Incremental Unit Hydrograph Intensities Inches/Hour

TIME (Minute)	$t_c=5$ Minute				$t_c=10$ Minute				$t_c=15$ Minute			
	2-YR	10-YR	25-YR	100-YR	2-YR	10-YR	25-YR	100-YR	2-YR	10-YR	25-YR	100-YR
-5	5.45	7.27	8.27	9.84	2.57	3.25	3.42	3.68	1.65	2.20	2.44	2.81
-10	3.51	4.68	5.34	6.37	4.60	5.92	6.77	8.10	3.18	4.24	5.92	5.99
-15	2.60	3.46	3.95	4.73	3.40	4.53	5.29	6.47	3.90	5.10	5.86	7.05
-20	2.08	2.77	3.15	3.74	2.36	3.14	3.65	4.44	3.27	4.36	4.88	5.69
-25	1.72	2.29	2.62	3.13	1.82	2.43	2.85	3.50	2.34	3.08	3.40	3.89
-30	1.46	1.94	2.23	2.65	1.49	1.99	2.33	2.86	1.76	2.34	2.66	3.17
-35	1.28	1.68	1.93	2.33	1.25	1.67	2.97	2.43	1.42	1.89	2.22	2.73
-40	1.10	1.47	1.70	2.07	1.06	1.41	1.71	2.17	1.17	1.56	1.89	2.40
-45	1.00	1.31	1.53	1.88	0.91	1.21	1.49	1.93	0.97	1.29	1.63	2.16
-50	0.89	1.18	1.38	1.69	0.78	1.04	1.33	1.78	0.80	1.07	1.42	1.98
-55	0.82	1.08	1.26	1.55	0.69	0.92	1.21	1.67	0.67	0.89	1.26	1.83
-60	0.74	0.99	1.16	1.42	0.60	0.80	1.10	1.58	0.55	0.73	1.10	1.68
-65	0.68	0.91	1.06	1.30	0.55	0.73	1.01	1.45	0.50	0.67	1.01	1.54
-70	0.62	0.83	0.97	1.18	0.50	0.67	0.92	1.32	0.46	0.61	0.92	1.40
-75	0.56	0.74	0.87	1.07	0.45	0.60	0.83	1.19	0.41	0.55	0.83	1.26
-80	0.49	0.66	0.77	0.95	0.40	0.53	0.73	1.05	0.37	0.49	0.73	1.12
-85	0.43	0.58	0.68	0.83	0.35	0.47	0.64	0.92	0.32	0.43	0.64	0.98
-90	0.37	0.50	0.58	0.71	0.30	0.40	0.55	0.79	0.28	0.37	0.55	0.84
-95	0.34	0.44	0.48	0.59	0.25	0.33	0.46	0.66	0.23	0.30	0.46	0.70
100	0.25	0.33	0.39	0.47	0.20	0.27	0.37	0.53	0.18	0.24	0.37	0.56
105	0.19	0.25	0.29	0.36	0.15	0.20	0.28	0.40	0.14	0.18	0.28	0.42
110	0.12	0.17	0.19	0.24	0.10	0.13	0.18	0.26	0.09	0.12	0.18	0.28
115	0.06	0.08	0.10	0.12	0.05	0.07	0.09	0.13	0.05	0.06	0.09	0.14
120	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

2

1

TIME (Minute)	$t_c=20$ Minute				$t_c=25$ Minute				$t_c=30$ Minute			
	2-YR	10-YR	25-YR	100-YR	2-YR	10-YR	25-YR	100-YR	2-YR	10-YR	25-YR	100-YR
-5	1.49	1.98	1.77	1.43	0.96	1.28	1.16	0.98	0.60	0.80	0.87	0.97
-10	2.53	3.37	3.37	3.36	1.80	2.40	2.35	2.26	1.18	1.57	1.69	1.88
-15	3.15	4.20	4.64	5.33	2.44	3.25	3.46	3.79	1.74	2.32	2.51	2.80
-20	3.42	4.56	5.25	6.32	2.87	3.83	4.31	5.05	2.25	3.00	3.34	3.79
-25	3.12	4.16	4.55	5.15	3.02	4.03	4.70	5.75	2.64	3.52	3.99	4.73
-30	2.27	3.02	3.32	3.78	2.92	3.89	4.39	5.17	2.76	3.71	4.30	5.22
-35	1.67	2.22	2.54	3.03	2.51	3.35	3.60	3.99	2.61	3.48	3.99	4.78
-40	1.37	1.83	2.11	2.55	2.01	2.68	2.77	2.90	2.27	3.03	3.38	3.92
-45	1.19	1.58	1.83	2.23	1.54	2.05	2.14	2.28	1.87	2.49	2.70	3.04
-50	1.06	1.41	1.64	2.00	1.19	1.58	1.73	1.96	1.48	1.97	2.18	2.52
-55	0.95	1.27	1.50	1.87	0.97	1.29	1.48	1.77	1.19	1.58	1.82	2.20
-60	0.88	1.17	1.40	1.75	0.84	1.12	1.33	1.65	0.99	1.32	1.57	1.97
-65	0.81	1.07	1.28	1.60	0.77	1.03	1.22	1.51	0.91	1.21	1.44	1.81
-70	0.73	0.98	1.17	1.46	0.70	0.93	1.11	1.38	0.83	1.10	1.31	1.64
-75	0.66	0.88	1.05	1.31	0.63	0.84	1.00	1.24	0.74	0.99	1.18	1.48
-80	0.59	0.78	0.93	1.17	0.56	0.75	0.89	1.10	0.66	0.88	1.05	1.31
-85	0.51	0.68	0.82	1.02	0.49	0.65	0.78	0.96	0.58	0.77	0.92	1.15
-90	0.44	0.59	0.70	0.88	0.42	0.56	0.67	0.83	0.50	0.66	0.79	0.99
-95	0.37	0.49	0.58	0.73	0.35	0.47	0.55	0.69	0.41	0.55	0.65	0.82
100	0.29	0.39	0.47	0.58	0.28	0.37	0.44	0.55	0.33	0.44	0.52	0.66
105	0.22	0.29	0.35	0.44	0.21	0.28	0.33	0.41	0.25	0.33	0.39	0.49
110	0.15	0.20	0.23	0.29	0.14	0.19	0.22	0.28	0.17	0.22	0.26	0.33
115	0.07	0.10	0.12	0.15	0.07	0.09	0.11	0.14	0.08	0.11	0.13	0.16
120	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

2

1

Table 6.6 Incremental Unit Hydrograph CFS

TIME (Minute)	<u>t_c=5 Minute</u>	<u>t_c=10 Minute</u>	<u>t_c=15 Minute</u>	<u>t_c=20 Minute</u>	<u>t_c=25 Minute</u>	<u>t_c=30 Minute</u>
5	<u>2.451</u>	<u>1.103</u>	<u>0.754</u>	<u>0.540</u>	<u>0.359</u>	<u>0.259</u>
10	<u>1.582</u>	<u>2.127</u>	<u>1.579</u>	<u>1.003</u>	<u>0.714</u>	<u>0.505</u>
15	<u>1.171</u>	<u>1.638</u>	<u>1.805</u>	<u>1.353</u>	<u>1.036</u>	<u>0.749</u>
20	<u>0.934</u>	<u>1.132</u>	<u>1.506</u>	<u>1.517</u>	<u>1.275</u>	<u>0.984</u>
25	<u>0.775</u>	<u>0.881</u>	<u>1.052</u>	<u>1.328</u>	<u>1.382</u>	<u>1.179</u>
30	<u>0.658</u>	<u>0.721</u>	<u>0.819</u>	<u>0.969</u>	<u>1.299</u>	<u>1.262</u>
35	<u>0.574</u>	<u>0.608</u>	<u>0.676</u>	<u>0.735</u>	<u>1.075</u>	<u>1.176</u>
40	<u>0.502</u>	<u>0.525</u>	<u>0.571</u>	<u>0.610</u>	<u>0.833</u>	<u>1.002</u>
45	<u>0.453</u>	<u>0.456</u>	<u>0.488</u>	<u>0.530</u>	<u>0.643</u>	<u>0.807</u>
50	<u>0.407</u>	<u>0.403</u>	<u>0.421</u>	<u>0.473</u>	<u>0.515</u>	<u>0.649</u>
55	<u>0.373</u>	<u>0.365</u>	<u>0.367</u>	<u>0.432</u>	<u>0.436</u>	<u>0.537</u>
60	<u>0.341</u>	<u>0.329</u>	<u>0.317</u>	<u>0.401</u>	<u>0.389</u>	<u>0.460</u>
65	<u>0.313</u>	<u>0.301</u>	<u>0.290</u>	<u>0.368</u>	<u>0.357</u>	<u>0.422</u>
70	<u>0.285</u>	<u>0.275</u>	<u>0.265</u>	<u>0.335</u>	<u>0.325</u>	<u>0.384</u>
75	<u>0.256</u>	<u>0.247</u>	<u>0.238</u>	<u>0.301</u>	<u>0.292</u>	<u>0.345</u>
80	<u>0.227</u>	<u>0.219</u>	<u>0.212</u>	<u>0.268</u>	<u>0.260</u>	<u>0.307</u>
85	<u>0.199</u>	<u>0.192</u>	<u>0.185</u>	<u>0.234</u>	<u>0.227</u>	<u>0.269</u>
90	<u>0.171</u>	<u>0.164</u>	<u>0.160</u>	<u>0.201</u>	<u>0.195</u>	<u>0.231</u>
95	<u>0.142</u>	<u>0.137</u>	<u>0.132</u>	<u>0.168</u>	<u>0.162</u>	<u>0.191</u>
100	<u>0.114</u>	<u>0.110</u>	<u>0.105</u>	<u>0.133</u>	<u>0.129</u>	<u>0.153</u>
105	<u>0.086</u>	<u>0.083</u>	<u>0.080</u>	<u>0.100</u>	<u>0.097</u>	<u>0.115</u>
110	<u>0.057</u>	<u>0.054</u>	<u>0.052</u>	<u>0.067</u>	<u>0.065</u>	<u>0.077</u>
115	<u>0.028</u>	<u>0.027</u>	<u>0.027</u>	<u>0.034</u>	<u>0.032</u>	<u>0.038</u>
120	<u>0.000</u>	<u>0.000</u>	<u>0.000</u>	<u>0.000</u>	<u>0.000</u>	<u>0.000</u>

2

1 **Amend §6-1000 (Open Channels), subsections 6-1009 (Example – Paved Ditch**
 2 **Computations), 6-1010 (Example – Paved Ditch Computations), and 6-1011 (Example –**
 3 **Paved Ditch Computations) by revising them to read as follows:**

4
 5 **6-1009 Example – Paved Roadside Ditch Computations.**

6
 7 Example based on the VDOT method for design of roadside ditches (See VDOT Drainage
 8 Manual). The Rational Formula is used to determine the flow in each ditch segment beginning
 9 with the most upstream segment and proceeding downstream. To calculate the flow in each
 10 successive downstream segment, the Rational Formula CA values from all the upstream
 11 segments are added to the CA value for the segment being analyzed. The rainfall intensity for
 12 the segment being analyzed is the lesser of the rainfall intensity for that segment or the rainfall
 13 intensity of the previous segment minus 0.1 in/hr. This is a simplifying assumption or
 14 approximation of the actual rainfall intensity that is used for computational efficiency. If the
 15 computed flow in any segment decreases from the previous segment, the flow is held at the
 16 higher value until the flow for the next segment increases. After computing the flows, determine
 17 the velocities, depth of flow, and the need for channel linings in accordance with § 6-1002.
 18 Given or assumed (values below vary with projects):

19
 20 6-1009.1 $Q=CIA$

21
 22 Where:

23 C=0.9 for paved area

24 C=0.5 for unpaved drainage area within normal rights-of-way

25 C=0.3 for drainage area outside normal rights-of-way (ROW)

26
 27 “I” is based on the 2-year rainfall curve with time of concentration dependent upon average
 28 width, grade and type of cover, (5 percent and average grass in this case).

29
 30 $A = \frac{100 \times \text{Width Strip}}{43,560}$

31
 32 Where:

33 A = area (acres)

34 Width Strip = width (ft.)

35 Length of ditch segment = 100 feet

36
 37 6-1009.2 Typical Section: 24-foot pavement, road is crowned and 12 feet of pavement drains to
 38 ditch, ditch having 3:1 front slope and 2:1 back slope.

39
 40 6-1009.3 (91-06-PFM) From “Virginia Erosion and Sediment Control Handbook,” Chapter 5,
 41 mostly silt loam with a short section of ordinary firm loam.

42
 43 6-1009.4 (91-06-PFM) Allowable Velocity: From Table 5-22 in the “Virginia Erosion and Sediment
 44 Control” use 3 fps as permissible velocity for silt loam and 3.5 fps for ordinary firm loam.

45
 46 6-1009.5 Normal right-of-way width = ~~44~~ 50 feet.

1
2 6-1009.6 Width Strip Drained: To be determined from cross-sections, aerial photographs,
3 topographical sheets or field observation (to be measured from outside edge of pavement of the
4 ROW to the nearest multiple of 10 feet).

5
6 6-1009.7 (61-98-PFM) Where vegetative linings are used, n=0.050 should be used and a
7 velocity of 4 fps should be the upper permitted maximum.

8
9 **6-1010 Example – Paved Roadside Ditch Computations (continued).**

10
11 “C” “A” “CA” Values for 100 feet of ditch, using various widths and roughness factors.
12

	Col. 1 No Pavement	Col. 1 + 0.025* 12 ft. Pavement	Col. 1 + 0.050** 24 ft. Pavement	
$\frac{30 \times 100 \times 0.5}{43,560} =$	0.035	0.060	0.085	*12 ft. Pavement Computations
$\frac{40 \times 100 \times 0.5}{43,560} =$	0.046	0.071	0.096	$\frac{12 \times 100 \times 0.9}{43,560} = 0.025$
$\frac{60 \times 100 \times 0.48}{43,560} =$	0.066	0.091	0.116	
$\frac{100 \times 100 \times 0.41}{43,560} =$	0.094	0.119	0.144	**24 ft. Pavement Computations
$\frac{150 \times 100 \times 0.37}{43,560} =$	0.128	0.153	0.178	$\frac{24 \times 100 \times 0.9}{43,560} = 0.050$
$\frac{200 \times 100 \times 0.35}{43,560} =$	0.161	0.186	0.211	

Note: See § 6-1002 and VDOT Drainage Manual.

Width of strip outside ROW	CA unpaved area outside ROW		CA unpaved area in ROW		CA pavement in ROW	CA Total
<u>W</u>	$\frac{W \times 100 \times 0.3}{43,560}$		$\frac{13 \times 100 \times 0.5}{43,560}$		$\frac{12 \times 100 \times 0.9}{43,560}$	
<u>30</u>	<u>0.021</u>	+	<u>0.015</u>	+	<u>0.025</u>	= <u>0.061</u>
<u>40</u>	<u>0.028</u>	+	<u>0.015</u>	+	<u>0.025</u>	= <u>0.068</u>
<u>60</u>	<u>0.041</u>	+	<u>0.015</u>	+	<u>0.025</u>	= <u>0.081</u>
<u>100</u>	<u>0.069</u>	+	<u>0.015</u>	+	<u>0.025</u>	= <u>0.109</u>
<u>150</u>	<u>0.103</u>	+	<u>0.015</u>	+	<u>0.025</u>	= <u>0.143</u>
<u>200</u>	<u>0.138</u>	+	<u>0.015</u>	+	<u>0.025</u>	= <u>0.178</u>

From 2-year Curve – RAINFALL										
Duration (minutes)	6	7	8	9	10	11	12	13	14	15
Intensity	4.8	4.6	4.4	4.3	4.1	4.0	3.9	3.7	3.6	3.5
	<u>5.0</u>	<u>4.7</u>	<u>4.5</u>	<u>4.4</u>	<u>4.2</u>			<u>3.8</u>		

1

Table 6.17 Time of Concentration to Use – Paved Ditch

30 ft.	Width Strip	t_c	6 minutes,	I 4.8 in./hr.
40 ft.	Width Strip	t_c	7 minutes,	I 4.6 in./hr.
60 ft.	Width Strip	t_c	9 minutes,	I 4.3 in./hr.
100 ft.	Width Strip	t_c	10 minutes,	I 4.1 in./hr.
150 ft.	Width Strip	t_c	12 minutes,	I 3.9 in./hr.
200 ft.	Width Strip	t_c	14 minutes,	I 3.6 in./hr.

2

Table 6.17 Time of Concentration to Use* – Roadside Ditch

<u>Width of strip outside ROW</u>	<u>Time of concentration (t_c)</u>	<u>Rainfall intensity (I)</u>
<u>feet</u>	<u>minutes</u>	<u>in./hr.</u>
<u>30</u>	<u>6</u>	<u>5.0</u>
<u>40</u>	<u>7</u>	<u>4.7</u>
<u>60</u>	<u>9</u>	<u>4.4</u>
<u>100</u>	<u>10</u>	<u>4.2</u>
<u>150</u>	<u>12</u>	<u>3.9</u>
<u>200</u>	<u>14</u>	<u>3.6</u>

* Time of Concentration is based on Plate 4-6.

3

6-1011 Example – Paved Roadside Ditch Computations (continued). Decrease “I” value 0.1 in./hr. for each additional 100 feet that water flows in the ditch.

5

Time of Concentration is based on Plate 4-6.

6

COMPUTATIONS

9

Sta. 136 + 00 to 142 + 00 (Ditch #1) and Sta. 149 + 50 to 157 + 50 (Ditch #2)

10

<u>Check Point</u>	<u>Width of strip Outside ROW</u>	<u>CA segment</u>	<u>CA total</u>	<u>I</u>	<u>(CA) x I = Q</u>
<u>Ditch #1</u>					
<u>Sta. 136+00</u>	<u>30 feet</u>	<u>0.061</u>	<u>0.061</u>	<u>5.0 in/hr</u>	<u>0.061 x 5.0 = 0.3050 cfs</u>
<u>Sta. 137+00</u>	<u>40 feet</u>	<u>0.060</u>			<u>0.060 x 4.8 = 0.2880 cfs</u>
	<u>40 feet</u>	<u>0.068</u>	<u>0.129</u>	<u>4.7 in/hr</u>	<u>0.129 x 4.7 = 0.6063 cfs</u>

21

1	Sta. 138+00		0.071/0.131			0.131 x 4.6 = 0.6026 cfs
2		<u>100 feet</u>	<u>0.109</u>	<u>0.238</u>	<u>4.2 in/hr</u>	<u>0.238 x 4.2 = 0.9996 cfs</u>
3	Sta. 139+00		0.119/0.250			0.250 x 4.1 = 1.0250 cfs
4		<u>100 feet</u>	<u>0.109</u>	<u>0.347</u>	<u>4.1 in/hr</u>	<u>0.347 x 4.1 = 1.4227 cfs</u>
5	Sta. 140+00		0.119/0.369			0.369 x 4.0 = 1.4760 cfs
6		<u>40 feet</u>	<u>0.068</u>	<u>0.413</u>	<u>4.0 in/hr</u>	<u>0.413 x 4.0 = 1.6520 cfs</u>
7	Sta. 141+00		0.071/0.440			0.440 x 3.9 = 1.7160 cfs
8		<u>40 feet</u>	<u>0.068</u>	<u>0.481</u>	<u>3.9 in/hr</u>	<u>0.481 x 3.9 = 1.8759 cfs</u>
9	Sta. 142+00		0.071/0.511			0.511 x 3.8 = 1.9418 cfs
10						
11	<u>Ditch #2</u>					
12						
13	<u>Sta. 157+ 50</u>					
14		<u>40 feet</u>	<u>0.068</u>	<u>0.068</u>	<u>4.7 in/hr</u>	<u>0.068 x 4.7 = 0.3196 cfs</u>
15	Sta. 156+50		0.096			0.096 x 4.6 = 0.6228 cfs
16		<u>60 feet</u>	<u>0.081</u>	<u>0.149</u>	<u>4.4 in/hr</u>	<u>0.149 x 4.4 = 0.6556 cfs</u>
17	Sta. 155+50		0.116/0.212			0.212 x 4.3 = 0.9116 cfs
18		<u>100 feet</u>	<u>0.109</u>	<u>0.258</u>	<u>4.2 in/hr</u>	<u>0.258 x 4.2 = 1.0836 cfs</u>
19	Sta. 154+50		0.144/0.356			0.356 x 4.1 = 1.4596 cfs
20		<u>200 feet</u>	<u>0.178</u>	<u>0.436</u>	<u>3.6 in/hr</u>	<u>0.436 x 3.6 = 1.5696 cfs</u>
21	Sta. 153+50		0.211/0.567			0.567 x 3.6 = 2.0412 cfs
22		<u>200 feet</u>	<u>0.178</u>	<u>0.614</u>	<u>3.5 in/hr</u>	<u>0.614 x 3.5 = 2.1490 cfs</u>
23	Sta. 152+50		0.211/0.778			0.778 x 3.5 = 2.7230 cfs
24		<u>150 feet</u>	<u>0.143</u>	<u>0.757</u>	<u>3.4 in/hr</u>	<u>0.757 x 3.4 = 2.5738 cfs</u>
25	Sta. 151+50		0.178/0.956			0.956 x 3.4 = 3.2504 cfs
26		<u>100 feet</u>	<u>0.109</u>	<u>0.866</u>	<u>3.3 in/hr</u>	<u>0.866 x 3.3 = 2.8578 cfs</u>
27	Sta. 150+50		0.119/1.075			1.075 x 3.3 = 3.5475 cfs
28		<u>60 feet</u>	<u>0.081</u>	<u>0.947</u>	<u>3.2 in/hr</u>	<u>0.947 x 3.2 = 3.0304 cfs</u>
29	Sta. 149+50		0.091/1.166			1.166 x 3.2 = 3.7312 cfs

Amend §6-1300 (Retention, Detention, and Low Impact Development Facilities), subsection 6-1302 (Rooftop Storage) by revising it to read as follows:

6-1302 Rooftop Storage

6-1302.1 Rooftop storage shall be designed to meet the water quantity control requirements of the Storm Water Management Ordinance ~~retain the 10-year, 2-hour storm, and emergency overflow provisions must be adequate to discharge the 100-year, 30-minute storm (See § 6-1302.5 and Tables 6.18 and 6.19).~~

6-1302.2 ~~(116-14 PFM)~~ The roof drainage system shall be designed in accordance with the Uniform Statewide Building Code, including emergency overflow requirements ~~If a proper design is submitted for the 10-year storm, sufficient storage will normally be provided for the 2-year storm and the 1-year storm, and separate calculations need not be made.~~

6-1302.3 ~~Rainfall from this design storm results in an accumulated storage depth of 3 inches.—~~The roof shall be designed to address the live load requirements of the Uniform Statewide Building Code taking into consideration the maximum water surface elevation produced by the design storm for emergency overflow.

1 ~~6-1302.3A~~ Because roof design in the County is currently based on a snow load of 30 PSF or
 2 5.8 inches of water, properly designed roofs are structurally capable of holding 3 inches of
 3 detained stormwater with a reasonable factor of safety.

4
 5 ~~6-1302.3B~~ Roofs calculated to store depths greater than 3 inches shall be required to show
 6 structural adequacy of the roof design.

7
 8 ~~6-1302.4~~ No less than two roof drains shall be installed in roof areas of 10,000 square feet or
 9 less, and at least four drains in roof areas over 10,000 square feet in area. Roof areas exceeding
 10 40,000 square feet shall have one drain for each 10,000 square feet area.

11
 12 ~~6-1302.5~~ Emergency overflow measures adequate to discharge the 100-year, 30-minute storm
 13 must be provided.

14
 15 ~~6-1302.5A~~ If parapet walls exceed 3 inches in height, the designer shall provide openings
 16 (scuppers) in the parapet wall sufficient to discharge the design storm flow at a water level not
 17 exceeding 5 inches.

18
 19 ~~6-1302.5B~~ One scupper shall be provided for every 20,000 square feet of roof area, and the
 20 invert of the scupper shall not be more than 3½ inches above the roof level. If such openings are
 21 not practical, then detention rings shall be sized accordingly.

22
 23 ~~6-1302.64~~ Detention rings shall be placed around all roof drains that do not have controlled flow.

24
 25 ~~6-1302.64A~~ The number of holes or size of openings in the rings shall be computed based on the
 26 area of roof drained and runoff criteria.

27
 28 ~~6-1302.64B~~ The minimum spacing of sets of holes is 2 inches center-to-center.

29
 30 ~~6-1302.64C~~ The height of the ring is determined by the roof slope and shall be ~~3~~ 2.56 inches
 31 maximum.

32
 33 ~~6-1302.64D~~ The diameter of the rings shall be sized to accommodate the required openings and, if
 34 scuppers are not provided, to allow the ~~100-year~~ emergency overflow design storm to overtop the
 35 ring (overflow design is based on weir computations with the weir length equal to the circumference
 36 of the detention ring).

37
 38 ~~6-1302.6E~~ Conductors and leaders shall also be sized to pass the expected flow from the 100-
 39 year design storm.

40
 41 ~~6-1302.7~~ The maximum time of drawdown on the roof shall not exceed ~~47~~ 24 hours for the 10-
 42 year design storm.

43
 44 ~~6-1302.8~~ Josam Manufacturing Company and Zurn Industries, Inc. market “controlled-flow”
 45 roof drains. These products, or their equivalent, are accepted by the County.

46

- 1 6-1302.9 Computations required on plans:
 2
 3 6-1302.9A Roof area in square feet
 4
 5 6-1302.9B Storage provided at ≥ 2.56 inches depth
 6
 7 6-1302.9C Maximum allowable discharge rate
 8
 9 6-1302.9D Inflow-outflow hydrograph analysis or acceptable charts. (For Josam Manufacturing
 10 Company and Zurn Industries, Inc. standard drains, the peak discharge rates as given in their
 11 charts are acceptable for drainage calculation purposes without requiring full inflow-outflow
 12 hydrograph analysis.)
 13
 14 6-1302.9E Number of drains required
 15
 16 6-1302.9F Sizing of openings required in detention rings
 17
 18 6-1302.9G Sizing of ring to accept openings and to pass ~~100-year~~ the emergency overflow
 19 design storm
 20
 21 6-1302.10 Example:
 22
 23 Given:
 24
 25 Building with flat roof 200 feet x 50 feet;
 26 Pre-development coefficient of runoff, $C = 0.40$;
 27 Post-development coefficient of runoff, $C = 0.9$;
 28 Pre-development time of concentration, $t_c = 10$ minutes;
 29 Post-development time of concentration, $t_c = 5$ minutes;
 30 Pre-development rainfall intensity for a 10-year storm with a $t_c = 10$ minutes, $I = 5.45$ in/hr;
 31 Post-development rainfall intensity for a 100-year storm with a $t_c = 5$ minutes, $I = 9.1$ in/hr;
 32 Total rainfall for a 2-hour 10-year storm is 2.56 inches.
 33
 34 Computations:
 35
 36 6-1302.10A Roof Area = 200 ft. x 50 ft. = 10,000 ft²
 37
 38 6-1302.10B Storage provided at ≥ 2.56 inches of depth: Vol. = (10,000 ft²)(≥ 2.56 in.)(1/12) =
 39 ~~2,500~~ 2133.33 ft³
 40
 41 6-1302.10C Maximum allowable discharge (pre-development rate of runoff) for the 10-year
 42 storm
 43
 44 $Q = CIA = (0.4)(5.92 \text{ } \underline{5.45})(927.2 \text{ } \underline{0.93})(10,000/43,560)$
 45 $Q = 0.54 \text{ } \underline{0.50}$ cfs
 46

1 6-1302.10D From Plate 37-6, One set of holes with ~~3~~ 2.56 inches of water will ~~produce runoff~~
 2 ~~or have a discharge of 6~~ 5.12 gpm or ~~0.0134~~ 0.0113 cfs. See Plate 38-6 for a diagram of a typical
 3 ponding ring.

4
 5 6-1302.10E Number of drains required for 10,000 square feet roof area ~~equals~~ under the
 6 Uniform Statewide Building Code is two.

7
 8 6-1302.10F Sizing of openings:

9
 10 Allowable discharge per drain = 0.50 cfs/2 = 0.25 cfs

11 Number of hole sets = allowable discharge divided by ~~0.0134~~ 0.0113 cfs/one set of holes

12 Number of holes = 0.54 cfs/two drains

13 0.0134 cfs/one set of holes

14 20.1 sets of holes per drain (use 20 sets of holes)

15 Number of hole sets = 0.25 cfs / 0.0113 cfs = 22.1 sets of holes per drain (use 22 sets of holes)

16
 17 6-1302.10G Size of ring:

18
 19 Hole sets spaced 2 inches on center

20 Circumference = ~~B~~ π x diameter

21 (~~20~~ 22 sets) (2 inches/set) = ~~B~~ π x diameter

22 D = ~~12.73~~ 14.01 inches, use 15 inches (see below if separate emergency overflow is not
 23 provided).

24
 25 6-1302.11 If detention rings are to act as emergency overflow measures and assuming a 100-
 26 year design storm:

27
 28 Q₁₀₀=CIA; t_c = 5 minutes; C = 1.0 (including correction factor for 100-year frequency storm);

29 A = 10,000 ft²/43,560 = 0.23 ac.

30 Q₁₀₀ = (1.0)(~~9.84~~ 9.10)(0.23 ac.) = ~~2.26~~ 2.09 cfs (use 1.045 cfs per drain)

31
 32 Weir formula: Q = CLH^{3/2}

33 C = 3.33

34 L = ~~B~~ π D (circumference)

35 H = ~~2 in. or 0.17 ft.~~ 2.56 in. or 0.21 ft.

36
 37 Assume all hole sets are clogged and the maximum allowable water depth on the roof is 5 inches,
 38 or 2.44 inches above the ~~3~~ 2.56-inch high ring.

39
 40 Q = CLH^{3/2}

41 Q (per drain) = ~~2.26~~ 1.045 cfs = 3.33 ~~B~~ π D(~~0.17~~ 0.21)^{3/2}

42
 43 D = ~~3.08 ft. or 36.98 in.~~ 1.04 ft. or 12.46 in.

44 Use diameter of ~~37~~ 15 inches

45

1 **Amend §6-1300 (Retention, Detention, and Low Impact Development Facilities), subsection**
 2 **6-1305 (Retention and Detention Ponds), paragraph 1305.9 by revising it to read as follows:**

3
 4 6-1305.9 Table 6.6 and Plate 40-6 shows inflow hydrographs for various 10-year, 2-hour storms
 5 with times of concentration from 5 minutes to 30 minutes.

6
 7 **Amend §6-1300 (Retention, Detention, and Low Impact Development Facilities), Table 6.18**
 8 **(Rainfall Distribution) and Table 6.19 (Storm Volume in Inches of Rainfall), by revising**
 9 **them to read as follows:**

Table 6.18 Rainfall Distribution				
Time minutes	Total Precip in.	Total Precip ft.	Increm Precip in.	Increm Precip ft.
<u>1-Year, 2-Hour Storm</u>				
5	.36	.030	.36	.03
10	.57	.047	.21	.018
15	.71	.059	.14	.012
20	.81	.067	.10	.008
30	.97	.081	.16	.014
40	1.06	.089	.09	.008
50	1.14	.095	.08	.007
60	1.21	.101	.07	.006
70	1.25	.105	.04	.004
80	1.29	.108	.04	.003
90	1.33	.111	.04	.003
100	1.36	.113	.03	.003
110	1.39	.116	.03	.003
120	1.42	.119	.03	.002
<u>2-Year, 2-Hour Storm</u>				
5	.44	.036	.44	.036
10	.70	.058	.26	.022
15	.88	.073	.18	.015
20	1.01	.084	.13	.011
30	1.20	.100	.19	.016
40	1.34	.112	.14	.011
50	1.44	.120	.10	.009
60	1.53	.127	.08	.007
70	1.57	.131	.04	.004
80	1.61	.134	.04	.003
90	1.65	.137	.04	.003
100	1.68	.140	.03	.003
110	1.71	.142	.03	.003
120	1.74	.145	.03	.002
<u>10-Year, 2-Hour Storm</u>				
5	.60 .56	.05 .047	.60 .56	.05 .047
10	.99 .91	.083 .076	.39 .34	.032 .029
15	1.28 1.15	.107 .096	.29 .25	.024 .020
20	1.52 1.34	.127 .112	.24 .19	.020 .016
30	1.85 1.63	.154 .136	.33 .29	.027 .024
40	2.11 1.84	.176 .154	.26 .21	.022 .018
50	2.33 2.01	.194 .168	.22 .17	.018 .014
60	2.50 2.16	.208 .180	.17 .14	.014 .012
70	2.62 2.24	.218 .187	.12 .08	.010 .007
80	2.72 2.32	.226 .193	.10 .08	.008 .006

90	<u>2.82</u> <u>2.38</u>	<u>.235</u> <u>.199</u>	<u>-.10</u> <u>.07</u>	<u>-.008</u> <u>.006</u>
100	<u>2.89</u> <u>2.45</u>	<u>.241</u> <u>.204</u>	<u>-.07</u> <u>.06</u>	<u>-.006</u> <u>.005</u>
110	<u>2.95</u> <u>2.51</u>	<u>.246</u> <u>.209</u>	<u>-.06</u> <u>.06</u>	<u>-.005</u> <u>.005</u>
120	<u>3.00</u> <u>2.56</u>	<u>.250</u> <u>.213</u>	<u>-.05</u> <u>.05</u>	<u>-.004</u> <u>.005</u>
100-Year, 30 Minute 2-Hour Storm				
5	<u>1.11</u> <u>0.76</u>	<u>-.093</u> <u>.063</u>	<u>1.11</u> <u>.76</u>	<u>-.093</u> <u>.063</u>
10	<u>1.71</u> <u>1.21</u>	<u>-.143</u> <u>.101</u>	<u>-.60</u> <u>.46</u>	<u>-.050</u> <u>.038</u>
15	<u>2.16</u> <u>1.55</u>	<u>-.179</u> <u>.129</u>	<u>-.45</u> <u>.34</u>	<u>-.036</u> <u>.028</u>
20	<u>2.46</u> <u>1.83</u>	<u>-.204</u> <u>.153</u>	<u>-.30</u> <u>.28</u>	<u>-.025</u> <u>.023</u>
30	<u>3.00</u> <u>2.28</u>	<u>-.250</u> <u>.190</u>	<u>-.54</u> <u>.45</u>	<u>-.046</u> <u>.038</u>
40	<u>2.65</u>	<u>.221</u>	<u>.37</u>	<u>.031</u>
50	<u>2.97</u>	<u>.247</u>	<u>.32</u>	<u>.026</u>
60	<u>3.25</u>	<u>.271</u>	<u>.28</u>	<u>.023</u>
70	<u>3.39</u>	<u>.283</u>	<u>.14</u>	<u>.012</u>
80	<u>3.52</u>	<u>.293</u>	<u>.13</u>	<u>.011</u>
90	<u>3.64</u>	<u>.303</u>	<u>.12</u>	<u>.010</u>
100	<u>3.75</u>	<u>.312</u>	<u>.11</u>	<u>.009</u>
110	<u>3.85</u>	<u>.321</u>	<u>.10</u>	<u>.008</u>
120	<u>3.94</u>	<u>.328</u>	<u>.09</u>	<u>.008</u>

1

Table 6.19 Storm Volume in Inches of Rainfall*

Duration of Storm

Frequency	<u>5 Min</u>	<u>10 Min</u>	<u>15 Min</u>	<u>30 Minute</u>	<u>1 Hr</u>	<u>2 Hr</u>	<u>3 Hr</u>	<u>6 Hr</u>	<u>12 Hr</u>	<u>24 Hr</u>
1 Yr	<u>0.355</u>	<u>0.567</u>	<u>0.708</u>	<u>1.0</u> <u>0.971</u>	<u>1.4</u> <u>1.21</u>	<u>1.7</u> <u>1.42</u>	<u>1.8</u> <u>1.52</u>	<u>2.1</u> <u>1.87</u>	<u>2.5</u> <u>2.28</u>	<u>2.7</u> <u>2.62</u>
2 Yr	<u>0.426</u>	<u>0.681</u>	<u>0.856</u>	<u>1.3</u> <u>1.18</u>	<u>1.8</u> <u>1.48</u>	<u>2.0</u> <u>1.74</u>	<u>2.1</u> <u>1.85</u>	<u>2.6</u> <u>2.27</u>	<u>3.0</u> <u>2.75</u>	<u>3.2</u> <u>3.17</u>
5 Yr	<u>0.506</u>	<u>0.810</u>	<u>1.02</u>	<u>1.7</u> <u>1.46</u>	<u>2.2</u> <u>1.87</u>	<u>2.6</u> <u>2.20</u>	<u>2.7</u> <u>2.35</u>	<u>3.2</u> <u>2.87</u>	<u>3.7</u> <u>3.49</u>	<u>4.5</u> <u>4.07</u>
10 Yr	<u>0.565</u>	<u>0.904</u>	<u>1.14</u>	<u>2.0</u> <u>1.66</u>	<u>2.6</u> <u>2.16</u>	<u>3.0</u> <u>2.56</u>	<u>3.2</u> <u>2.75</u>	<u>3.7</u> <u>3.36</u>	<u>4.6</u> <u>4.12</u>	<u>5.2</u> <u>4.87</u>
25 Yr	<u>0.641</u>	<u>1.02</u>	<u>1.30</u>	<u>2.3</u> <u>1.92</u>	<u>3.0</u> <u>2.56</u>	<u>3.5</u> <u>3.08</u>	<u>3.8</u> <u>3.32</u>	<u>4.2</u> <u>4.08</u>	<u>5.1</u> <u>5.08</u>	<u>6.0</u> <u>6.09</u>
50 Yr	<u>0.698</u>	<u>1.11</u>	<u>1.41</u>	<u>2.6</u> <u>2.12</u>	<u>3.4</u> <u>2.87</u>	<u>4.0</u> <u>3.50</u>	<u>4.4</u> <u>3.79</u>	<u>5.1</u> <u>4.70</u>	<u>6.0</u> <u>5.92</u>	<u>7.0</u> <u>7.18</u>
100 Yr	<u>0.754</u>	<u>1.20</u>	<u>1.52</u>	<u>3.0</u> <u>2.32</u>	<u>4.0</u> <u>3.20</u>	<u>4.5</u> <u>3.95</u>	<u>4.9</u> <u>4.29</u>	<u>5.4</u> <u>5.37</u>	<u>6.3</u> <u>6.85</u>	<u>7.3</u> <u>8.41</u>
Max Prob								<u>27.0</u>		

* Storm Volumes from NOAA Atlas 14 for the Vienna Tysons Corner Station (Station ID:44-8737) except for the maximum probable storm which is from NWS Hydrometeorological Report No. 51.

Average Relationship — 30 Minute Storm

5 Minutes — .37 of 30 Minutes

10 Minutes — .57 of 30 Minutes

15 Minutes — .72 of 30 Minutes

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Amend §6-1600 (Design and Construction of Dams and Impoundments), subsection 6-1603 (Hydrologic Design Criteria for Dams Regulated by the County), by revising paragraph 6-1603.1A to read as follows:

6-1603.1A The SDF shall be determined based on a spillway design storm determined from Plates 46-6, ~~and 47A-6, and 47B-6.~~ The spillway design storm total rainfall amount shall also be determined from Plate 46-6. The minimum storm duration shall be 24-hour. A storm hyetograph shall be constructed using the NRSC NOAA_C, 24-hour duration, Type II rainfall distribution shown in Plates 47A-6, 47B6, and 48-6. Once the spillway design storm hyetograph is constructed, the SDF hydrograph shall be determined using standard NRCS unit hydrograph techniques.

1 **Amend §6-1600 (Design and Construction of Dams and Impoundments), subsection 6-1603**
2 **(Hydrologic Design Criteria for Dams Regulated by the County), by revising paragraph 6-**
3 **1603.2E to read as follows:**

4
5 6-1603.2E The 10-, 25-, and 50-year recurrence interval floods mentioned in § 6-1603.2A thru §
6 6-1603.2D shall be developed as hydrographs using a minimum 24-hour storm duration, rainfall
7 amounts from Table 6.19, storm distribution from Plates 47A-6 and 47B-6, and standard NRCS
8 unit hydrograph techniques for converting the rainfall hyetograph to a runoff hydrograph.

9
10 **Amend Chapter 6 (Storm Drainage) by deleting existing Plate No. 3-6 (Intensity Duration**
11 **Frequency Curves) and replacing it with new Plate No. 3A-6 (Intensity Duration**
12 **Frequency Curves) and Plate 3B-6 (Intensity Duration Frequency Values):**

13
14 **Amend Chapter 6 (Storm Drainage) by revising Plate No. 38-6 (Typical Rainfall Ponding**
15 **Ring Section) as noted:**

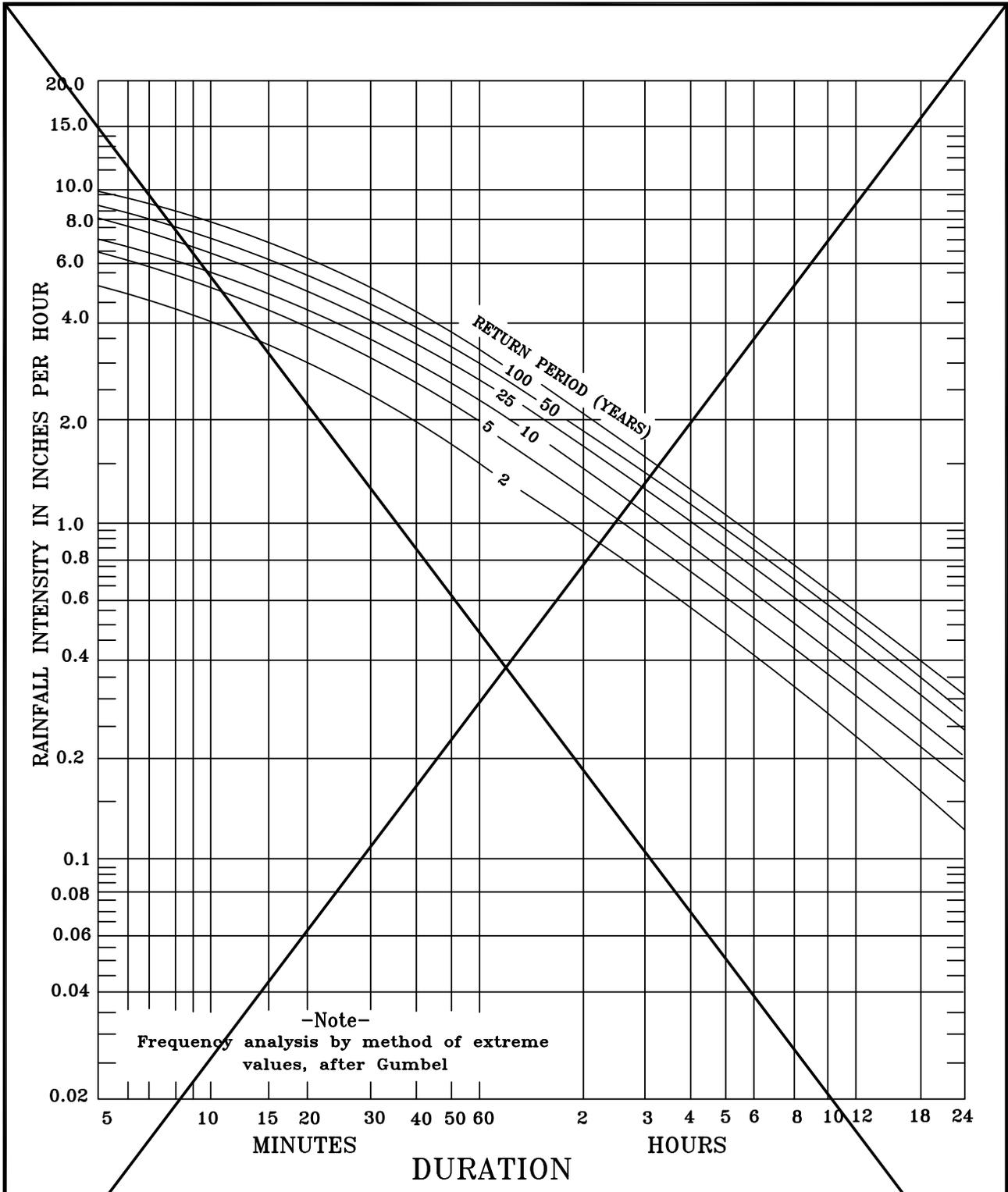
16
17 **Amend Chapter 6 (Storm Drainage) by deleting plates 39-6 (Mass Diagram), 40-6 (Unit**
18 **Inflow Hydrograph – 10-Year – 2-Hour Storm – 1 Impervious Acre), and 41-6 (Unit**
19 **Hydrograph per Impervious Acre 100-Year Frequency Storm):**

20
21 **Amend Chapter 6 (Storm Drainage) by revising Plate No. 46-6 (24 Hour Design Storm**
22 **Chart for Spillway Design Flood (SDF)) as noted:**

23
24 **Amend Chapter 6 (Storm Drainage) by deleting existing Plate No. 47-6 (County 100 Year,**
25 **24 Hour Rainfall Distribution) and replacing it with new Plate No. 47A-6 (24 Hour Rainfall**
26 **Distribution) and Plate 47B-6 (24 Hour Rainfall Distribution):**

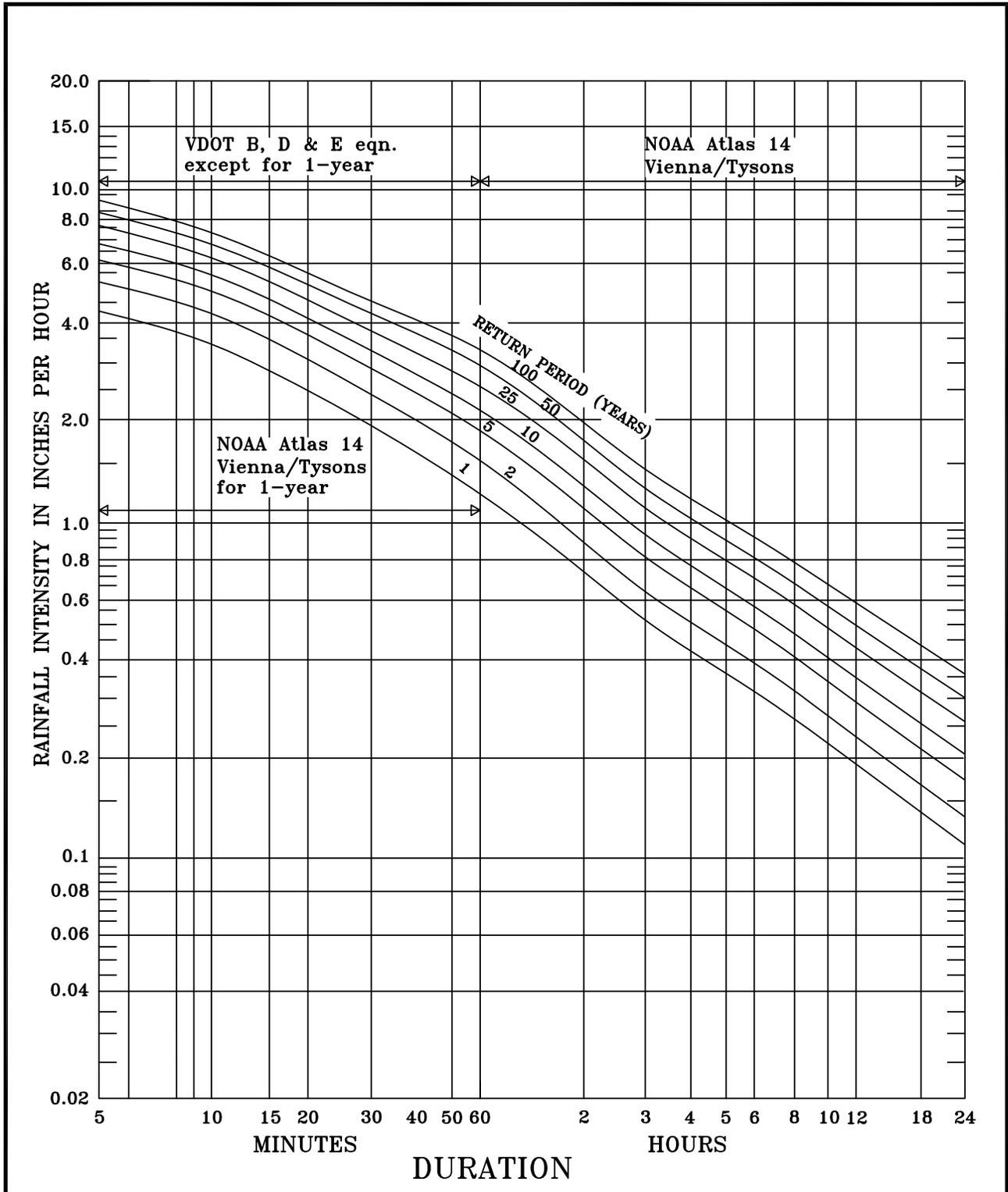
27
28 **Amend Chapter 6 (Storm Drainage) by deleting existing Plate No. 48-6 (100 Year, 24 Hour**
29 **Rain Distribution (Hyetograph)) and replacing it with new Plate No. 48-6 (24 Hour Rainfall**
30 **Distribution (Hyetograph)):**

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL



Ref. Sec. 6-0803.2, 6-1305.10A(1), 6-1305.8B	INTENSITY DURATION FREQUENCY CURVES	PLATE NO. 3-6	STD. NO.
Rev. 1-00, 2011 Reprint			

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL



Ref. Sec. 6-0803.2	INTENSITY DURATION FREQUENCY CURVES	PLATE NO. 3A-6	STD. NO.
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FAIRFAX COUNTY PUBLIC FACILITIES MANUAL

Rainfall Intensity (in/hr)

Frequency	1-year	2-year	5-year	10-year	25-year	50-year	100-year
Duration							
5 minutes	4.26	5.23	6.06	6.77	7.69	8.39	9.10
10 minutes	3.40	4.19	4.89	5.45	6.15	6.76	7.28
15 minutes	2.83	3.51	4.13	4.62	5.22	5.77	6.22
30 minutes	1.94	2.41	2.88	3.26	3.73	4.20	4.57
1 hour	1.21	1.53	1.87	2.16	2.54	2.93	3.25
2 hours	0.711	0.868	1.10	1.28	1.54	1.75	1.97
3 hours	0.507	0.617	0.783	0.915	1.10	1.26	1.43
6 hours	0.312	0.379	0.479	0.560	0.682	0.785	0.897
12 hours	0.189	0.228	0.289	0.342	0.421	0.491	0.569
24 hours	0.109	0.132	0.170	0.203	0.254	0.299	0.351

NOTES:

1. VDOT equations (Fairfax County B, D & E values) were used to generate rainfall intensities for storm durations from 5 minutes to 1 hour for the 2, 5, 10, 25, 50 & 100-year storms.
2. NOAA Atlas 14 data for the Vienna/Tysons station was used for storm durations greater than 1 hour.
3. NOAA Atlas 14 data for the Vienna/Tysons station was used for the 1-yr storm. VDOT never performed a regression analysis of the NOAA Atlas 14 data for the 1-year storm.
4. The VDOT equations although developed from a regression analysis of NOAA Atlas 14 data will not yield exactly the same values as the published NOAA Atlas 14 data for the 5, 10, 15, 30 & 60-minute durations because of the curve fitting process.

Ref. Sec. 6-0803.2

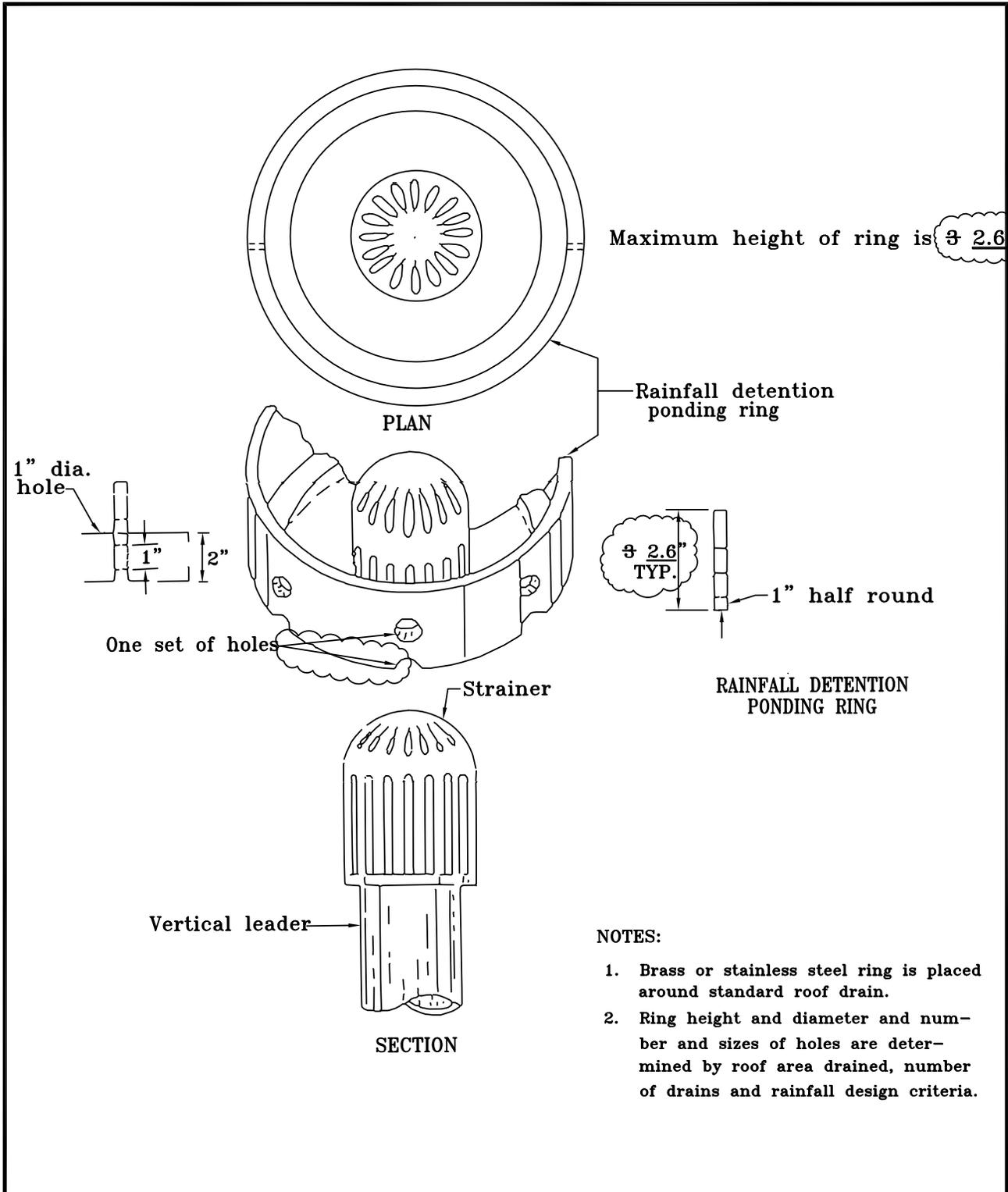
**INTENSITY DURATION FREQUENCY
VALUES**

PLATE NO.

3B-6

STD. NO.

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL

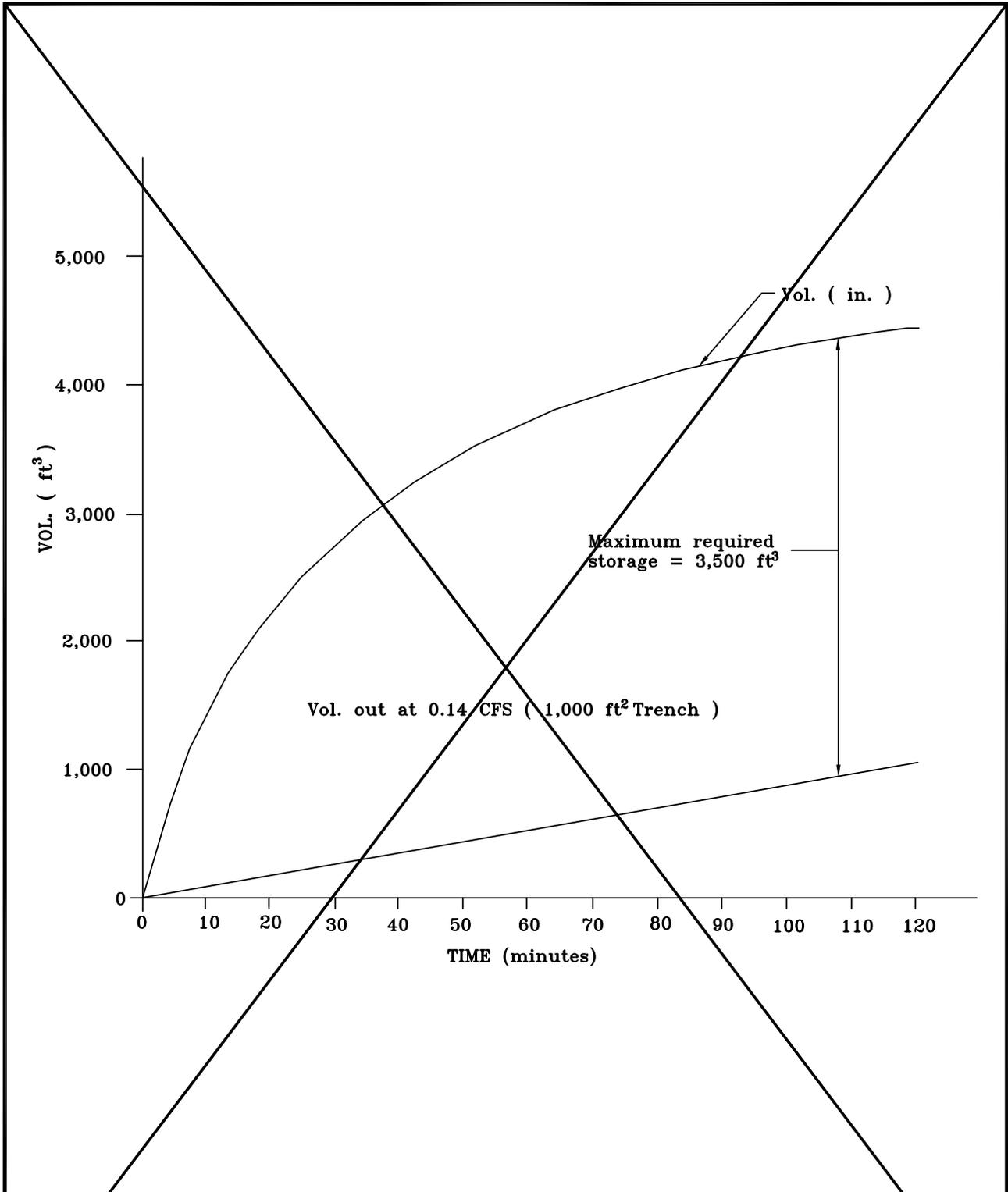


NOTES:

1. Brass or stainless steel ring is placed around standard roof drain.
2. Ring height and diameter and number and sizes of holes are determined by roof area drained, number of drains and rainfall design criteria.

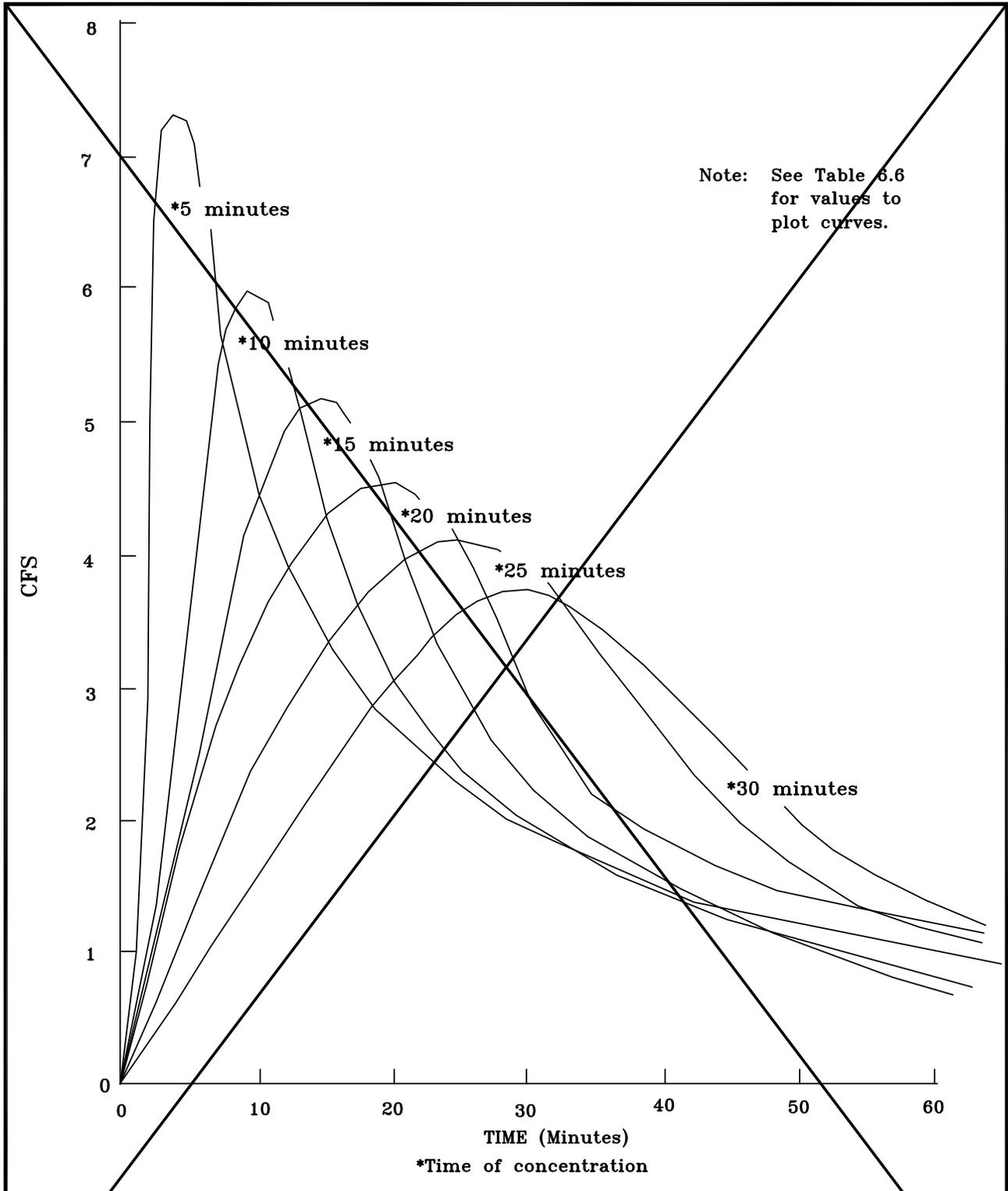
Ref. Sec. 6-1302.10D	TYPICAL RAINFALL PONDING RING SECTIONS	PLATE NO.	STD. NO.
Rev. 1-00, 2011 Reprint		38-6	

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Ref. Sec. 6-1303.6A(3)	<h2 style="margin: 0;">MASS DIAGRAM</h2>	PLATE NO.	STD. NO.
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Ref. Sec. 6-1303.7B,
6-1305.103, Table 6.6

**UNIT INFLOW HYDROGRAPH
10 YEAR - 2 HOUR STORM
1 IMPERVIOUS ACRE**

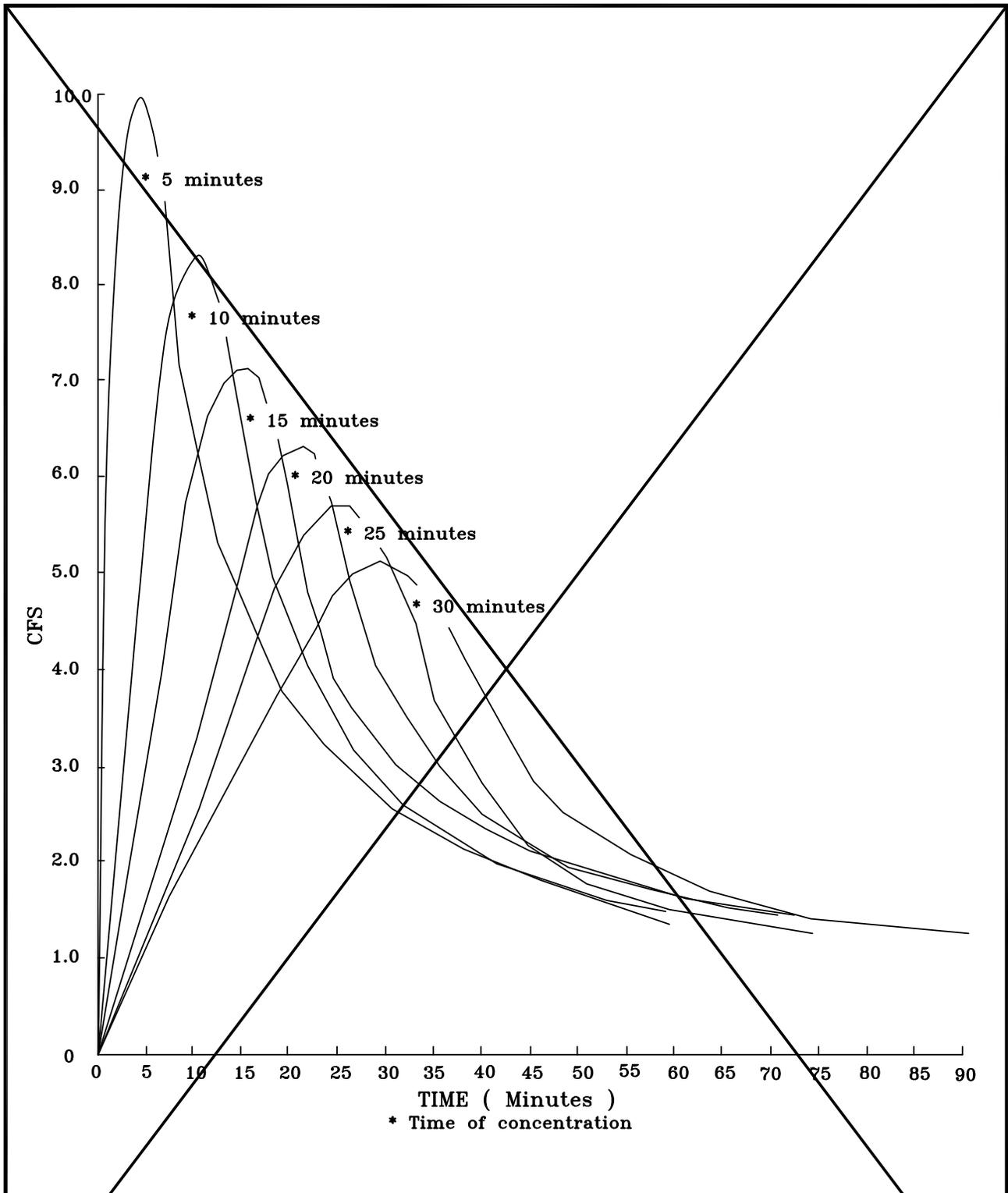
PLATE NO.

STD. NO.

40-6

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Ref. Sec. 6-1303.7B,
Table 6.6

Rev. 1-00, 2011 Reprint

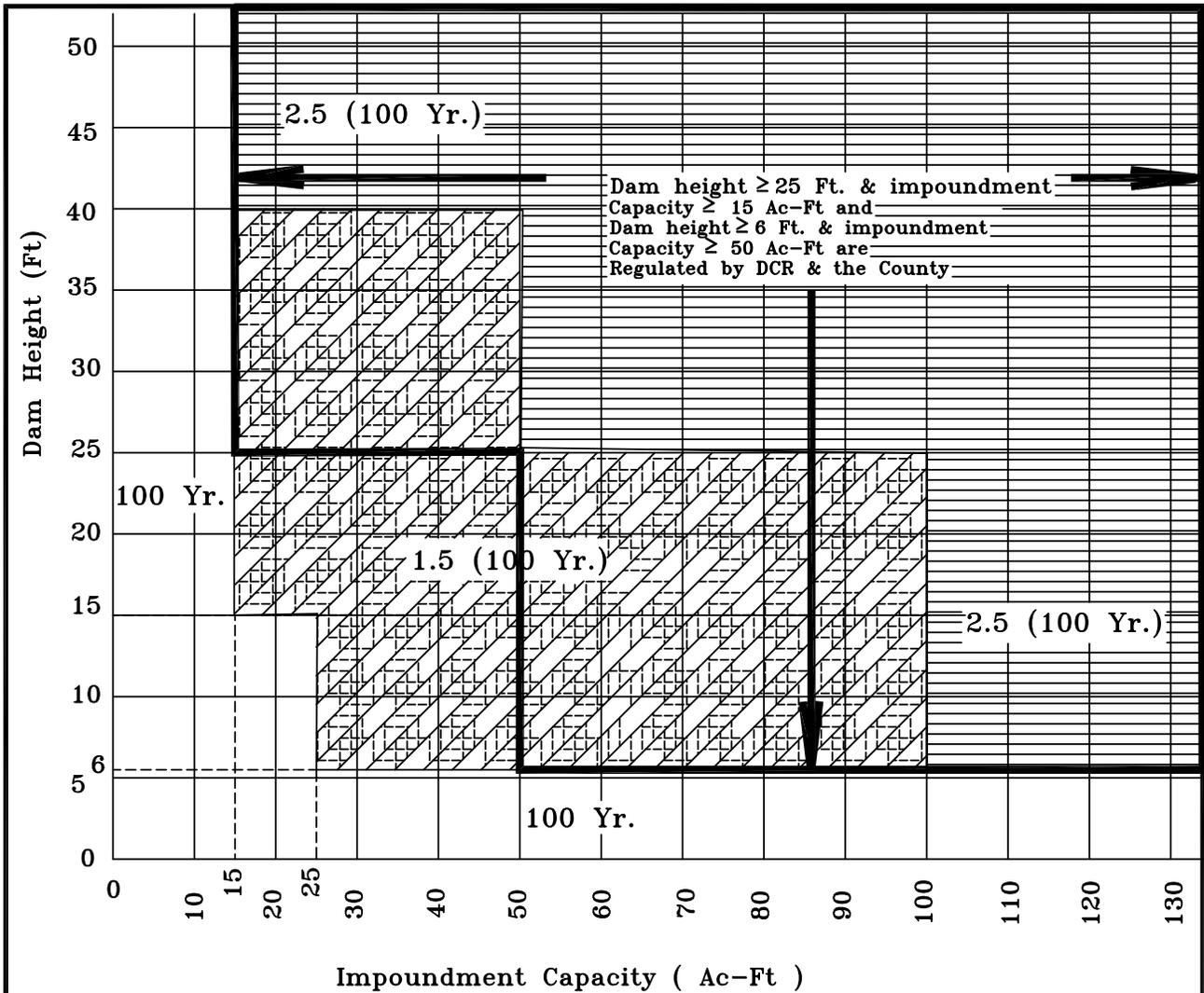
**UNIT HYDROGRAPH
PER IMPERVIOUS ACRE
100 YR FREQUENCY STORM**

PLATE NO.

41-6

STD. NO.

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100 Yr., 24 Hr. = 7.3 8.41" (Ref: NWS TP-40 NOAA Atlas 14)
 PMP, 24 Hr. = 35.5" (Ref: NWS HMR-51)

Design Storm Ranking*

- 100 Yr. \cong 0.2 PMP
- 1.5 X (100 Yr.) \cong 0.3 PMP
- 2.5 X (100 Yr.) \cong 0.5 PMP
- 3.5 X (100 Yr.) \cong 0.7 PMP
- 5.0 X (100 Yr.) \cong 1.0 PMP

*The above ranking shall be used when selecting
 'Next Highest Storm' for freeboard hydrograph

Ref. Sec. 6-1603.1A,
 6-1603.1B, 6-1603.4B,
 6-1603.4E, 6-1601.1

Rev. 1-00, 1-04, 2011
 Reprint

24 HOUR DESIGN STORM CHART FOR SPILLWAY DESIGN FLOOD (SDF)

PLATE NO.

STD. NO.

46-6

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Time (Hr.:Min.)	Incre. Precip. (In.)	Cum. Precip. (In.)	Cum. Precip. (%)	Time (Hr.:Min.)	Incre. Precip. (In.)	Cum. Precip. (In.)	Cum. Precip. (%)	Time (Hr.:Min.)	Incre. Precip. (In.)	Cum. Precip. (In.)	Cum. Precip. (%)
0:00	0.00	0.00	0.0	8:00	0.04	0.88	12.0	16:00	0.04	6.43	88.1
0:15	0.01	0.01	0.2	8:15	0.04	0.92	12.6	16:15	0.05	6.48	88.7
0:30	0.03	0.04	0.5	8:30	0.05	0.97	13.3	16:30	0.04	6.52	89.3
0:45	0.02	0.06	0.8	8:45	0.05	1.02	14.0	16:45	0.04	6.56	89.8
1:00	0.02	0.08	1.1	9:00	0.05	1.07	14.7	17:00	0.03	6.59	90.3
1:15	0.02	0.10	1.4	9:15	0.06	1.13	15.5	17:15	0.04	6.63	90.8
1:30	0.02	0.12	1.7	9:30	0.06	1.19	16.3	17:30	0.03	6.66	91.3
1:45	0.03	0.15	2.0	9:45	0.07	1.26	17.2	17:45	0.04	6.70	91.8
2:00	0.02	0.17	2.3	10:00	0.06	1.32	18.1	18:00	0.03	6.73	92.2
2:15	0.02	0.19	2.6	10:15	0.07	1.39	19.1	18:15	0.03	6.76	92.6
2:30	0.02	0.21	2.9	10:30	0.09	1.48	20.3	18:30	0.03	6.79	93.0
2:45	0.02	0.23	3.2	10:45	0.11	1.59	21.8	18:45	0.03	6.82	93.4
3:00	0.03	0.26	3.5	11:00	0.13	1.72	23.6	19:00	0.03	6.85	93.8
3:15	0.02	0.28	3.8	11:15	0.16	1.88	25.7	19:15	0.03	6.88	94.2
3:30	0.02	0.30	4.1	11:30	0.19	2.07	28.3	19:30	0.03	6.91	94.6
3:45	0.02	0.32	4.4	11:45	0.26	2.53	38.7	19:45	0.03	6.94	95.0
4:00	0.03	0.35	4.8	12:00	2.01	4.84	66.3	20:00	0.02	6.96	95.3
4:15	0.03	0.38	5.2	12:15	0.32	5.16	70.7	20:15	0.02	6.98	95.6
4:30	0.03	0.41	5.6	12:30	0.21	5.37	73.5	20:30	0.02	7.00	95.9
4:45	0.03	0.44	6.0	12:45	0.16	5.53	75.8	20:45	0.02	7.02	96.2
5:00	0.03	0.47	6.4	13:00	0.13	5.66	77.6	21:00	0.02	7.04	96.5
5:15	0.03	0.50	6.8	13:15	0.11	5.77	79.1	21:15	0.03	7.07	96.8
5:30	0.03	0.53	7.2	13:30	0.10	5.87	80.4	21:30	0.02	7.09	97.1
5:45	0.02	0.55	7.6	13:45	0.08	5.95	81.5	21:45	0.02	7.11	97.4
6:00	0.03	0.58	8.0	14:00	0.07	6.02	82.5	22:00	0.02	7.13	97.7
6:15	0.04	0.62	8.5	14:15	0.07	6.09	83.4	22:15	0.02	7.15	98.0
6:30	0.04	0.66	9.0	14:30	0.06	6.15	84.2	22:30	0.03	7.18	98.3
6:45	0.03	0.69	9.5	14:45	0.05	6.20	84.9	22:45	0.02	7.20	98.6
7:00	0.04	0.73	10.0	15:00	0.05	6.25	85.6	23:00	0.02	7.22	98.9
7:15	0.04	0.77	10.5	15:15	0.05	6.30	86.3	23:15	0.02	7.24	99.2
7:30	0.03	0.80	11.0	15:30	0.04	6.34	86.9	23:30	0.02	7.26	99.5
7:45	0.04	0.84	11.5	15:45	0.05	6.39	87.5	23:45	0.03	7.29	99.8
								24:00	0.01	7.30	100.0

Source: NRCS 24 Hr., Type II Rainfall Distribution

Ref. Sec. 6-1603.1A,
6-1603.2E

Rev. 1-00, 2011
Reprint

COUNTY 100 YEAR, 24 HOUR RAINFALL DISTRIBUTION

PLATE NO.

STD. NO.

47-6

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL

Time (hour)	Incre. Precip. (%)	Cum. Precip. (%)	Time (hour)	Incre. Precip. (%)	Cum. Precip. (%)	Time (hour)	Incre. Precip. (%)	Cum. Precip. (%)	Time (hour)	Incre. Precip. (%)	Cum. Precip. (%)
0.0	0.000	0.000	3.0	0.131	3.528	6.0	0.161	7.925	9.0	0.281	14.605
0.1	0.128	0.128	3.1	0.132	3.660	6.1	0.165	8.090	9.1	0.295	14.900
0.2	0.103	0.231	3.2	0.133	3.793	6.2	0.169	8.259	9.2	0.310	15.210
0.3	0.104	0.335	3.3	0.134	3.927	6.3	0.173	8.432	9.3	0.326	15.536
0.4	0.106	0.441	3.4	0.135	4.062	6.4	0.177	8.609	9.4	0.340	15.876
0.5	0.106	0.547	3.5	0.137	4.199	6.5	0.181	8.790	9.5	0.355	16.231
0.6	0.107	0.654	3.6	0.137	4.336	6.6	0.185	8.975	9.6	0.371	16.602
0.7	0.109	0.763	3.7	0.138	4.474	6.7	0.189	9.164	9.7	0.385	16.987
0.8	0.109	0.872	3.8	0.139	4.613	6.8	0.192	9.356	9.8	0.400	17.387
0.9	0.110	0.982	3.9	0.140	4.753	6.9	0.197	9.553	9.9	0.416	17.803
1.0	0.111	1.093	4.0	0.141	4.894	7.0	0.201	9.754	10.0	0.430	18.233
1.1	0.113	1.206	4.1	0.142	5.036	7.1	0.205	9.959	10.1	0.445	18.678
1.2	0.113	1.319	4.2	0.143	5.179	7.2	0.209	10.168	10.2	0.461	19.139
1.3	0.114	1.433	4.3	0.145	5.324	7.3	0.212	10.380	10.3	0.475	19.614
1.4	0.115	1.548	4.4	0.145	5.469	7.4	0.217	10.597	10.4	0.490	20.104
1.5	0.117	1.665	4.5	0.146	5.615	7.5	0.221	10.818	10.5	0.506	20.610
1.6	0.117	1.782	4.6	0.147	5.762	7.6	0.224	11.042	10.6	0.563	21.173
1.7	0.118	1.900	4.7	0.148	5.910	7.7	0.229	11.271	10.7	0.620	21.793
1.8	0.119	2.019	4.8	0.149	6.059	7.8	0.232	11.503	10.8	0.678	22.472
1.9	0.121	2.140	4.9	0.150	6.209	7.9	0.237	11.740	10.9	0.735	23.206
2.0	0.121	2.261	5.0	0.151	6.360	8.0	0.241	11.981	11.0	0.793	23.999
2.1	0.122	2.383	5.1	0.152	6.512	8.1	0.244	12.225	11.1	0.900	24.899
2.2	0.123	2.506	5.2	0.153	6.665	8.2	0.249	12.474	11.2	1.008	25.907
2.3	0.125	2.631	5.3	0.154	6.819	8.3	0.252	12.726	11.3	1.115	27.022
2.4	0.125	2.756	5.4	0.155	6.974	8.4	0.256	12.982	11.4	1.223	28.245
2.5	0.126	2.882	5.5	0.156	7.130	8.5	0.261	13.243	11.5	1.305	29.550
2.6	0.127	3.009	5.6	0.157	7.287	8.6	0.264	13.507	11.6	2.022	31.572
2.7	0.128	3.137	5.7	0.158	7.445	8.7	0.269	13.776	11.7	2.128	33.700
2.8	0.130	3.267	5.8	0.159	7.604	8.8	0.272	14.048	11.8	2.918	36.618
2.9	0.130	3.397	5.9	0.160	7.764	8.9	0.276	14.324	11.9	4.051	40.669

Source: NOAA_C Rainfall Distribution

Ref. Sec. 6-1603.1A,
6-1603.2E

24 HOUR RAINFALL DISTRIBUTION

PLATE NO.

47A-6

STD. NO.

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL

Time (hour)	Incre. Precip. (%)	Cum. Precip. (%)	Time (hour)	Incre. Precip. (%)	Cum. Precip. (%)	Time (hour)	Incre. Precip. (%)	Cum. Precip. (%)	Time (hour)	Incre. Precip. (%)	Cum. Precip. (%)
12.0	6.991	47.660	15.0	0.295	85.395	18.0	0.165	92.075	21.0	0.132	96.472
12.1	11.671	59.331	15.1	0.281	85.676	18.1	0.161	92.236	21.1	0.131	96.603
12.2	4.051	63.382	15.2	0.276	85.952	18.2	0.160	92.396	21.2	0.130	96.733
12.3	2.918	66.300	15.3	0.272	86.224	18.3	0.159	92.555	21.3	0.130	96.863
12.4	2.128	68.428	15.4	0.269	86.493	18.4	0.158	92.713	21.4	0.128	96.991
12.5	2.022	70.450	15.5	0.264	86.757	18.5	0.157	92.870	21.5	0.127	97.118
12.6	1.305	71.755	15.6	0.261	87.018	18.6	0.156	93.026	21.6	0.126	97.244
12.7	1.223	72.978	15.7	0.256	87.274	18.7	0.155	93.181	21.7	0.125	97.369
12.8	1.115	74.093	15.8	0.252	87.526	18.8	0.154	93.335	21.8	0.125	97.494
12.9	1.008	75.101	15.9	0.249	87.775	18.9	0.153	93.488	21.9	0.123	97.617
13.0	0.900	76.001	16.0	0.244	88.019	19.0	0.152	93.640	22.0	0.122	97.739
13.1	0.793	76.794	16.1	0.241	88.260	19.1	0.151	93.791	22.1	0.121	97.860
13.2	0.735	77.529	16.2	0.237	88.497	19.2	0.150	93.941	22.2	0.121	97.981
13.3	0.678	78.207	16.3	0.232	88.729	19.3	0.149	94.090	22.3	0.119	98.100
13.4	0.620	78.827	16.4	0.229	88.958	19.4	0.148	94.238	22.4	0.118	98.218
13.5	0.563	79.390	16.5	0.224	89.182	19.5	0.147	94.385	22.5	0.117	98.335
13.6	0.506	79.896	16.6	0.221	89.403	19.6	0.146	94.531	22.6	0.117	98.452
13.7	0.490	80.386	16.7	0.217	89.620	19.7	0.145	94.676	22.7	0.115	98.567
13.8	0.475	80.861	16.8	0.212	89.832	19.8	0.145	94.821	22.8	0.114	98.681
13.9	0.461	81.322	16.9	0.209	90.041	19.9	0.143	94.964	22.9	0.113	98.794
14.0	0.445	81.767	17.0	0.205	90.246	20.0	0.142	95.106	23.0	0.113	98.907
14.1	0.430	82.197	17.1	0.201	90.447	20.1	0.141	95.247	23.1	0.111	99.018
14.2	0.416	82.613	17.2	0.197	90.644	20.2	0.140	95.387	23.2	0.110	99.128
14.3	0.400	83.013	17.3	0.192	90.836	20.3	0.139	95.526	23.3	0.109	99.237
14.4	0.385	83.398	17.4	0.189	91.025	20.4	0.138	95.664	23.4	0.109	99.346
14.5	0.371	83.769	17.5	0.185	91.210	20.5	0.137	95.801	23.5	0.107	99.453
14.6	0.355	84.124	17.6	0.181	91.391	20.6	0.137	95.938	23.6	0.106	99.559
14.7	0.340	84.464	17.7	0.177	91.568	20.7	0.135	96.073	23.7	0.106	99.665
14.8	0.326	84.790	17.8	0.173	91.741	20.8	0.134	96.207	23.8	0.104	99.769
14.9	0.310	85.100	17.9	0.169	91.910	20.9	0.133	96.340	23.9	0.103	99.872
									24.0	0.128	100.000

Source: NOAA_C Rainfall Distribution

Ref. Sec. 6-1603.1A,
6-1603.2E

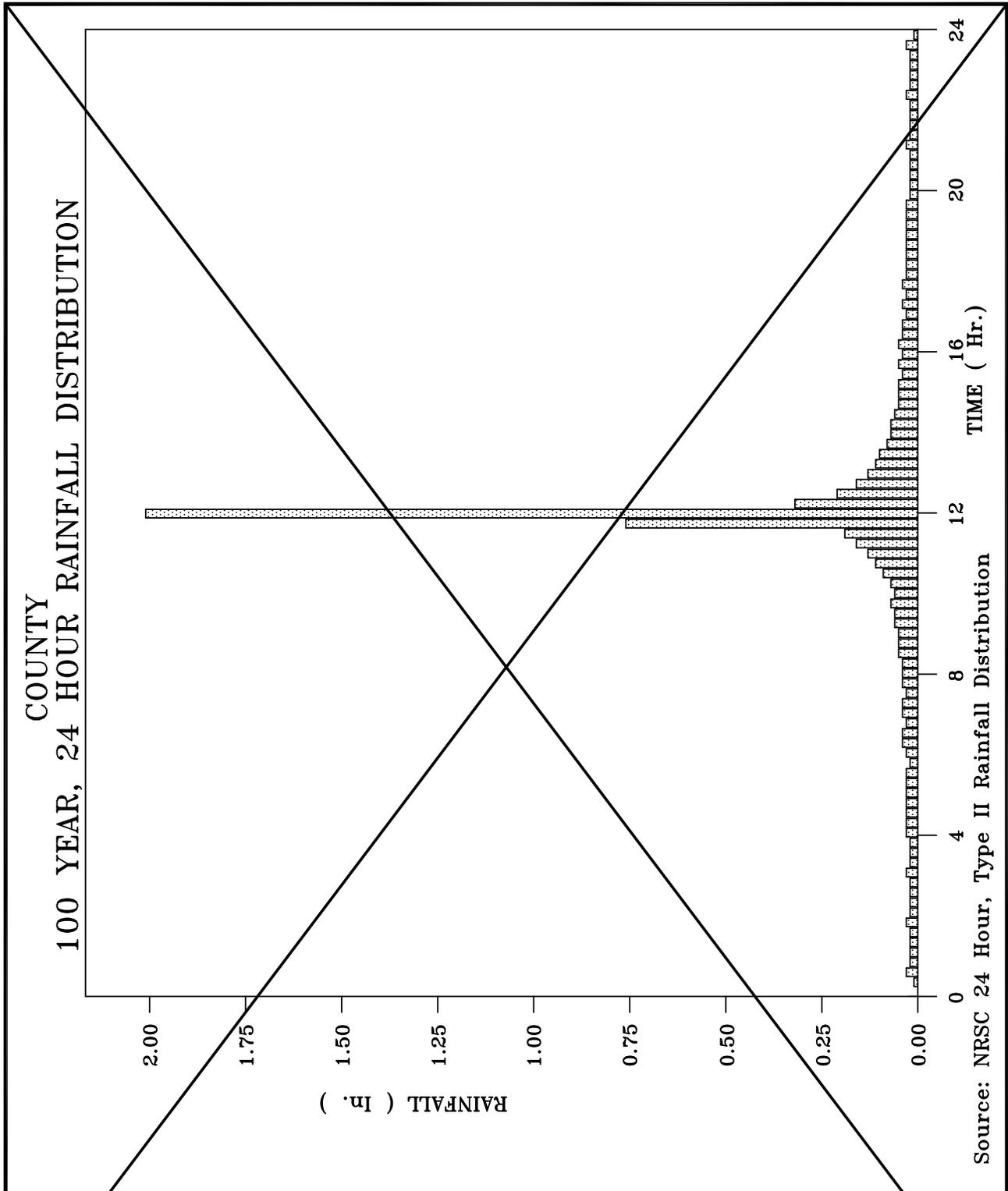
24 HOUR RAINFALL DISTRIBUTION

PLATE NO.

STD. NO.

47B-6

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL

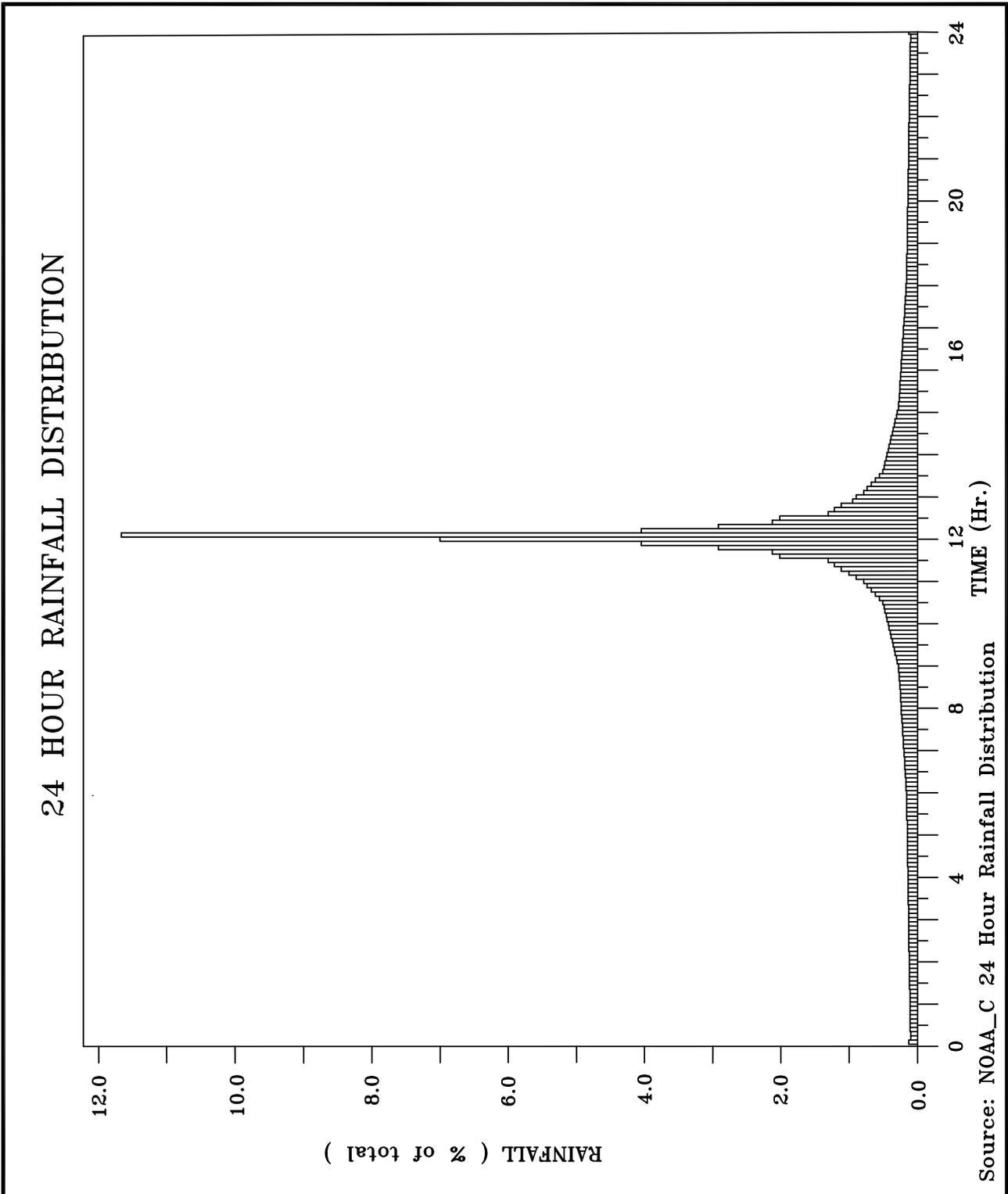


Ref Sec 6-1603.1A
Rev. 1-00, 2011 Reprint

**100 YEAR, 24 HOUR
RAIN DISTRIBUTION
(HYETOGRAPH)**

PLATE NO.	STD. NO.
48-6	

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL



Ref Sec 6-1603.1A	24 HOUR RAINFALL DISTRIBUTION (HYETOGRAPH)	PLATE NO.	STD. NO.
		48-6	

Board Agenda Item
November 17, 2015

ADMINISTRATIVE – 2

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

ISSUE:

Board of Supervisors' action to designate an individual as a Plans Examiner to participate in the Expedited Land Development Review Program.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (the Board) take the following action:

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

Alex Blake Holleman

312

TIMING:

Routine.

BACKGROUND:

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

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

Board Agenda Item
November 17, 2015

Plans Examiner Status: Candidates for status as Plans Examiners must meet the education and experience requirements contained in Chapter 117. After review of his application and credentials, the APEB has found that the candidate listed above satisfies these requirements. This finding was documented in a letter dated September 8, 2015, from the Chairman of the APEB, James H. Scanlon, P.E., L.S., to Chairman Bulova.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Letter dated September 8, 2015, from the Chairman of the APEB to the Chairman of the Board of Supervisors.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

William D. Hicks, P.E., Deputy Director, DPWES, Land Development Services



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A. Morton Thomas & Associates, Inc.
- William J. Strabak
City of Alexandria, T&ES
- Blake A. Smith, P.E.
Smith Engineering
- Anita M. Tierney
Loudoun County, B&D
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September 8, 2015

Received

SEP 29 2015

**Land Development Services
Division Office**

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

Dear Chairman Bulova:

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

Name	Reg. No.
Alex Blake Holleman	#312

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

Sincerely,

James H. Scanlon, P.E., L.S.
Chairman
Fairfax County Advisory Plans Examiner Board

Board Agenda Item
November 17, 2015

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing for a Spot Blight Abatement Ordinance for 3506 Elmwood Drive, Alexandria, VA 22303 (Lee District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 3506 Elmwood Drive, Alexandria, VA, 22303 (Tax Map No. 082-2 ((13)) 0073).

RECOMMENDATION:

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

TIMING:

Authorization to advertise on November 17, 2015, a public hearing to be held Tuesday, January 12, 2016, at 4:00 P.M.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2014) (Spot Blight Abatement Statute) allows the Board, by ordinance, to address a property as “spot blight.” Under Va. Code Ann. § 36-3 (2014), a property is considered “blighted” if any structure or improvement on that property endangers the public health, safety, or welfare because it is “dilapidated, deteriorated, or violates minimum health and safety standards.” If, after reasonable notice, the owner fails to abate or obviate the conditions that cause a property to be blighted, the Board may approve a spot blight abatement plan, and may recover the costs of implementing that plan against the property owner in the same manner as for the collection of local taxes. Va. Code Ann. § 36-49.1:1(D)—(E).

The structure on the subject property is a one-story wood-framed dwelling unit that was built in 1950 according to Fairfax County tax records. Based on a complaint of neglect and maintenance concerns, a property maintenance case was generated, and an exterior inspection conducted by the Department of Code Compliance (DCC) on October 25, 2011. The owner, Laura Daleski, did not comply with a written Notice of Violation dated October 31, 2011, and during a follow up inspection, the Property Maintenance Investigator observed unsafe conditions. The owner refused entry, and based on the observed conditions, the Investigator obtained an inspection warrant on

Board Agenda Item
November 17, 2015

August 29, 2012. Conditions documented by the fire inspection indicated falling ceilings due to roof leaks, excessive rubbish, and animal excrement on the floors throughout the dwelling. The Fire Marshal deemed the structure to be unsafe, and he posted an Evacuation Order. On September 5, 2012, the property maintenance investigator issued another Notice of Violation for interior issues. The owner vacated the premises and the dwelling has remained vacant since that time. The case was referred to the Office of the County Attorney for litigation for failure to comply with the Notice of Violation and a Final Order was entered on May 2, 2013, requiring the owner to abate the violations by July 1, 2013. Subsequent Rules to Show Cause against the owner could not be pursued because she could not be located. Due to the unresponsiveness by the owner to comply with the Notice and the Court Order, the case was referred to the Blight Abatement Program (BAP) in December 2013. Inspections since that time have revealed that the roof is showing significant collapse and the front wall is bowing from structural damage. On October 1, 2015, Elizabeth Perry, the Property Maintenance Code Official requested county staff to install a fence around the structure as an emergency measure to protect the public in the event of collapse.

On October 21, 2014, the Neighborhood Enhancement Task Force (NETF) reviewed the property, and concluded that the subject property met the blighted property criteria. BAP staff sent certified and regular notices to the owner advising her of this determination. To date, she has not responded or otherwise submitted a spot blight abatement plan acceptable to the County.

Due to the increasing deterioration of the structure, BAP staff has determined that the dwelling is not economically feasible to repair and recommends demolition. The NETF concurs in this recommendation.

Although the County will continue to seek cooperation from the owner to eliminate the blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, and to approve the spot blight abatement plan, which as noted above, will be to demolish the structure. State code further requires that the Board provide notice concerning proposed adoption of such an Ordinance.

If the owner fails to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition process for the structure, as approved by the Board. The County will incur the cost, expending funds that are available for such blight abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land records.

Board Agenda Item
November 17, 2015

FISCAL IMPACT:

If the blighted conditions are not eliminated by the owner, the County will fund the demolition from blight abatement funds already designated for this purpose. The demolition is estimated to cost approximately \$22,000.

It is anticipated that all of the costs to demolish the structure will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Robert A. Stalzer, Deputy County Executive

Jeffrey L. Blackford, Director, Department of Code Compliance

Karen McClellan, Operations Manager, Department of Code Compliance

Susan Epstein, Division Supervisor, Department of Code Compliance

Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance



Tarp covering holes →

3506 Elmwood Drive, Alexandria, VA 22303
Tax Map # 082-2 ((13)) 0073
Lee District
Attachment 1



3506 Elmwood Drive, Alexandria, VA 22303
Tax Map # 082-2 ((13)) 0073
Lee District
Attachment 1



3506 Elmwood Drive, Alexandria, VA 22303
Tax Map # 082-2 ((13)) 0073
Lee District
Attachment 1

Board Agenda Item
November 17, 2015

ADMINISTRATIVE - 4

Installation of a “Watch for Children” Sign as Part of the Residential Traffic Administration Program (Sully District)

ISSUE:

Board endorsement for the installation of a “Watch for Children” sign, as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse the installation of a “Watch for Children” sign on the following road:

- Ayreshire Road (Sully District)

TIMING:

Board action is requested on November 17, 2015.

BACKGROUND:

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 September 25, 2015 (Ayreshire Road) FCDOT received written verification from the appropriate local supervisor confirming community support for the referenced “Watch for Children” sign.

FISCAL IMPACT:

Funding in the amount of \$200 for the “Watch for Children” sign associated with the Ayreshire Road project is available in Fund100-C10001, General Fund, under Job Number 40TTCP.

Board Agenda Item
November 17, 2015

ENCLOSED DOCUMENTS:

None.

STAFF:

Robert A. Stalzer, Deputy County Executive

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Eric M. Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT

Board Agenda Item
November 17, 2015

ADMINISTRATIVE – 5

Streets into the Secondary System (Dranesville and Providence Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Dulles Station at Dulles Corner (Sayward Boulevard)	Dranesville	Sayward Boulevard
		Sunrise Valley Drive (Route 5320) (Supplemental Right-of-Way (ROW) Only)
Willow Oaks Corporate Center (Willow Oaks Corporate Drive)	Providence	Willow Oaks Corporate Drive
		Willow Oaks Corporate Drive (Route 8200) (Supplemental ROW Only)
		Williams Drive (Route 5162) (Supplemental 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
November 17, 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

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: 6848-SP-008 SUBDIVISION PLAT NAME: Dulles Station at Dulles Corner (Sayward Boulevard) COUNTY MAGISTERIAL DISTRICT: Dranesville
ENGINEERING MANAGER: Imad A. Salous, P.E. BY: <u>Nadia Alphonse</u>	FOR OFFICIAL USE ONLY DATE OF VDOT INSPECTION APPROVAL: <u>09/11/2015</u>

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Sayward Boulevard	CL Sunrise Valley Drive (Rout 5320) - 2,626' NE CL Coppermine Road (Route 665)	956' SE to CL Carta Way	0.18
Sunrise Valley Drive (Route 5320) (Supplemental Right-of-Way Only)	2,349' NE CL Coppermine Road (Route 665)	376' NE to End of Dedication	0.0

NOTES:	TOTALS:
Sayward Boulevard: 5' Concrete Sidewalk; North Side to be maintained by Fairfax County; South Side to be maintained by VDOT.	0.18
Sunrise Valley Drive: 8' Asphalt Trail on East Side to be maintained by Fairfax County.	

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</p> <p>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</p>	<p>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p>PLAN NUMBER: 5544-SP-011</p> <p>SUBDIVISION PLAT NAME: Willow Oaks Corporate Center (Willow Oaks Corporate Drive)</p> <p>COUNTY MAGISTERIAL DISTRICT: Providence</p>		
<p>ENGINEERING MANAGER: Imad A. Salous, P.E.</p> <p>BY: <u><i>Nadia Alphonse</i></u></p>	<p style="text-align: center;">FOR OFFICIAL USE ONLY</p> <p>DATE OF VDOT INSPECTION APPROVAL: <u>08/27/2015</u></p>		
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Willow Oaks Corporate Drive	CL Williams Drive (Route 5162) - 353' N CL Pennell Street (Route 6485)	722' E to Existing Willow Oaks Corporate Drive - 1,390' NW CL Gallows Road (Route 650)	0.14
Willow Oaks Corporate Drive (Route 8200) (Supplemental Right-of-Way Only)	1,290' NW CL Gallows Road (Route 650)	100' W to End of Dedication	0.0
Williams Drive (Route 5162) (Supplemental Right-of-Way Only)	431' S CL Arlington Boulevard (Route 50)	451' S to End of Dedication	0.0
NOTES:			TOTALS:
Willow Oaks Corporate Drive: 6' Concrete Sidewalk on South Side to be maintained by VDOT.			0.14
Williams Drive: 5' Concrete Sidewalk on East Side to be maintained by Fairfax County.			

ADMINISTRATIVE – 6

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Hunter Mill @ Mystic Meadow Roundabout (Providence District)

ISSUE:

Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project 2G40-028-006, Hunter Mill @ Mystic Meadow Roundabout, in Fund 40010, County and Regional Transportation Projects.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for December 8, 2015, commencing at 3:30 p.m.

TIMING:

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

BACKGROUND:

This project consists of the construction of a roundabout at the intersection of Hunter Mill Road at Mystic Meadow Way and the entrance to the Oakton Community Park. The project will include new pedestrian and bicycle improvements, storm drainage easements and utility relocations.

Land rights for these improvements are required on five (5) properties. The construction of this project requires the acquisition of a deed of dedication, an access easement, storm drainage easements, trail easements, grading agreement and temporary construction easements, and utility easements.

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

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FISCAL IMPACT:

Funding in the amount of \$3,610,429 is available in Project 2G40-028-000, Spot Improvements, in Fund 40010, County and Regional Transportation Projects. No additional funding is being requested from the Board and there is no impact to the General Fund.

ENCLOSED DOCUMENTS:

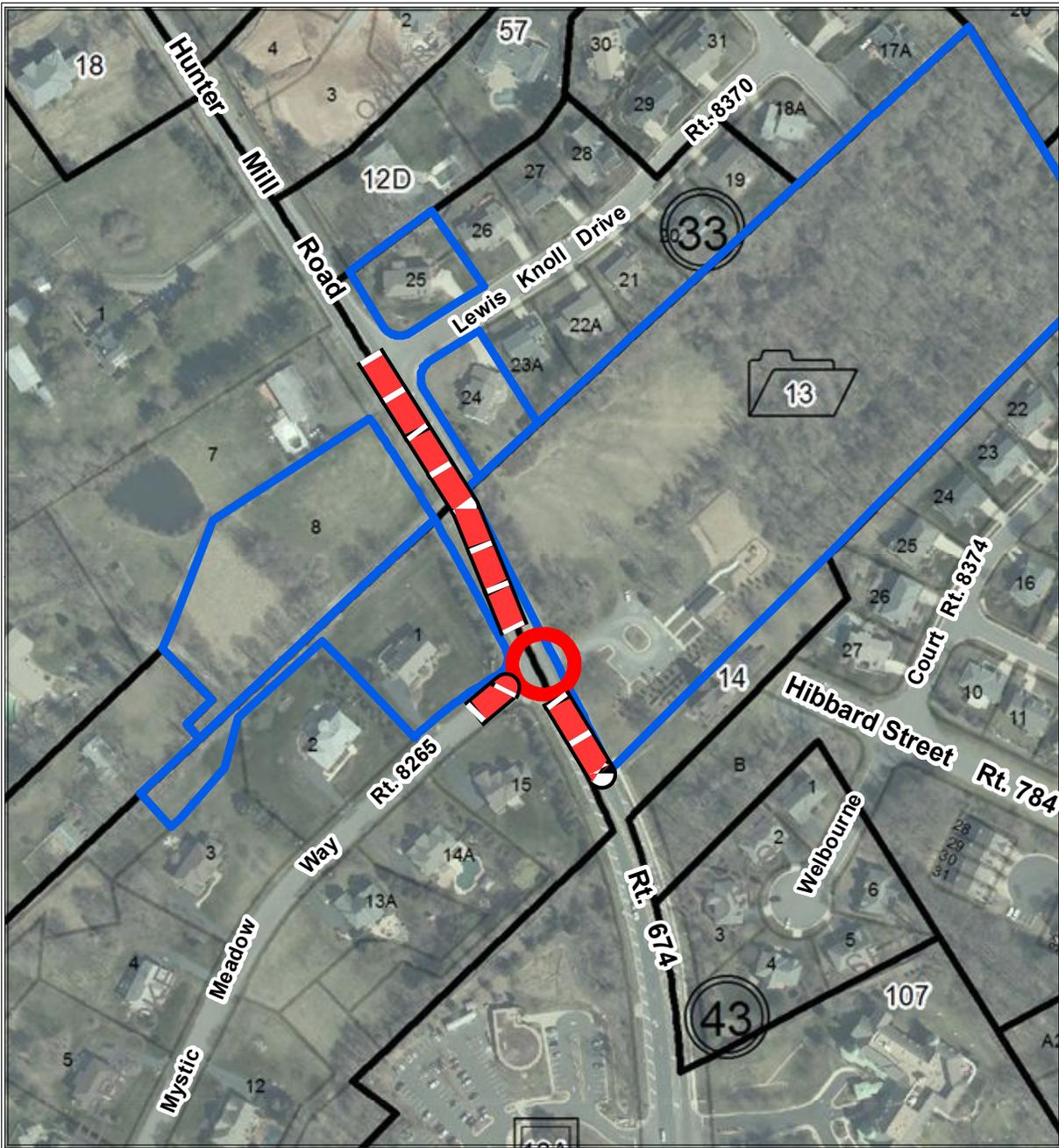
Attachment A - Project Location Map
Attachment B - Listing of Affected Properties

STAFF:

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

ATTACHMENT A

HUNTER MILL @ MYSTIC MEADOW ROUNDABOUT

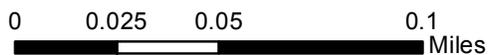


Tax Map: 47-2

**Project 2G40-028-006
Providence District**

Affected Properties: 

Proposed Improvements:  



LISTING OF AFFECTED PROPERTIES
Project 2G40-028-006
Hunter Mill @ Mystic Meadow Roundabout
(Providence District)

PROPERTY OWNER(S)

1. Fairfax County Park Authority
Address:
2841 Hunter Mill Road
Oakton, VA 22124
047-2-01-0013
(Interests already acquired)

2. Paula June Huffman
aka Paula Kenney
Address:
2828 Hunter Mill Road
Oakton, VA 22124
047-2-12-0008

3. Maria Laliotis
Address:
10313 Lewis Knolls Drive
Oakton, VA 22124
047-2-33-0024
(Interests already acquired)

4. Mercedes A. Serabian
Address:
10310 Lewis Knolls Drive
Oakton, VA 22124
047-2-33-0025
(Interests already acquired)

5. H. William McCurdy, Jr., Trustee
Nancy E. McCurdy, Trustee
Address:
10300 Mystic Meadow Way
Oakton, VA 22124
047-2-41-0001

Board Agenda Item
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ADMINISTRATIVE – 7

Extension of Review Period for 2232 Application (Mount Vernon District)

ISSUE:

Extension of review period for 2232 application 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 application: 2232-V15-1

TIMING:

Board action is required November 17, 2015, to extend the review period of the application noted above before its expiration date.

BACKGROUND:

Subsection B of *Section 15.2-2232* of the *Code of Virginia* states: “Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval.” 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 application should be extended:

2232-V15-1	Fairfax County Dept. of Public Works and Environmental Services 2219 Fairfax Terrace Alexandria, VA Mount Vernon District Accepted September 25, 2015 Extend to December 31, 2015
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FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

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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
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ADMINISTRATIVE – 8

Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Sections 7-2-5 and 7-2-13 Relating to Election Precincts and Polling Places (Hunter Mill, Dranesville and Springfield Districts)

ISSUE:

Authorization to advertise a public hearing to consider an ordinance that proposes to amend and readopt sections of Chapter 7 of the Fairfax County Code to (1) divide Aldrin and North Point precincts to create a new precinct and establish its polling place, (2) move the polling place for North Point precinct, (3) move polling places for McLean and Fountainhead precincts, and (4) correct the descriptions of McLean and Kirby precincts.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Tuesday, December 8, 2015, at 3:30 p.m. to consider this ordinance.

TIMING:

Board action is requested on November 17, 2015, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on December 8, 2015, at 3:30 p.m., and to provide sufficient time to notify voters of the changes in advance of the March 1, 2016, Presidential Primary Elections.

BACKGROUND:

Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to change 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 March 1, 2016 Presidential Primary Elections.

(1) In Hunter Mill District, staff recommends dividing Aldrin and North Point precincts to create a new precinct to redistribute the voters in this area. This proposal will create a new precinct from the southern portion of North Point to be named “Armstrong” and its polling place will be established at the Armstrong Elementary School located at 11900 Lake Newport Road, Reston. The northern portion of North Point combined with the northern portion of Aldrin will retain the name “North Point” and its polling place will be

Board Agenda Item
November 17, 2015

established at St. Thomas à Becket Catholic Church located at 1421 Wiehle Avenue, Reston. The southern portion of Aldrin will retain the name "Aldrin" and its polling place will remain at the Aldrin Elementary School located at 11375 Center Harbor Road, Reston.

(2) In Dranesville District, staff recommends moving the polling place for McLean precinct from the Lewinsville Center located at 1609 Great Falls Street, McLean, to the nearby Lewinsville Presbyterian Church located at 1724 Chain Bridge Road, McLean. The Lewinsville Presbyterian Church has kindly offered the use of their facility while the Lewinsville Senior Center is closed for renovation. The polling place is expected to return to the Lewinsville Senior Center when it reopens in 2017.

In addition, staff recommends readopting the "metes and bounds" descriptions of McLean and Kirby precincts to more accurately identify two incomplete street segments that define part of the boundary between the two precincts.

(3) In Springfield District, staff recommends moving the polling place for Fountainhead precinct which is currently co-located with Silverbrook precinct. The proposal will move Fountainhead from Silverbrook Elementary School located at 9350 Crosspointe Drive, Fairfax Station, to the newly opened Christ Church located at 7600 Ox Road, Fairfax Station. The polling place for Silverbrook precinct will remain at Silverbrook Elementary School located at 9350 Crosspointe Drive, Fairfax Station.

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 Sasnett, Director of Elections
Erin C. Ward, Senior Assistant County Attorney

Attachment 1: Virginia Code pertaining to Election Precincts and Polling Places

§ 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

2016 PROPOSED PRECINCT BOUNDARY and POLLING PLACE CHANGES									
SUPERVISOR DISTRICT	EXISTING PRECINCT(S)	ACTIVE REGISTERED VOTERS*	EXISTING POLLING PLACE(S)	PROPOSED PRECINCT(S)	PROJECTED REGISTERED VOTERS	PROPOSED POLLING PLACE(S)	NOTES ON CHANGES		
HUNTER MILL	ALDRIN NORTH POINT	4,602 4,664	Aldrin Elementary School Armstrong Elementary School	ALDRIN ARMSTRONG NORTHPOINT	2,892 3,376 2,998	Aldrin Elementary School Armstrong Elementary School St. Thomas à Becket Church	Divides 2 precincts to create a new precinct to reduce the number of voters in Aldrin and North Point.		
DRANESVILLE	MCLEAN	2,468	Lewinsville Center	MCLEAN	2,468	Lewinsville Presbyterian Church	Moves the polling place during renovations at the Lewinsville Senior Center and clarifies the precinct description along its boundary with Kirby precinct.		
DRANESVILLE	KIRBY	2,044	McLean High School	KIRBY	2,044	McLean High School	Clarifies the precinct description along its boundary with McLean precinct. Change does not affect voters.		
SPRINGFIELD	FOUNTAINHEAD	4,004	Silverbrook Elementary School	FOUNTAINHEAD	4,004	Christ Church	Moves a polling place to eliminate crowding due to co-located polling places at Silverbrook Elementary.		

* Registered voters as of October 14, 2015

Attachment 3: Proposed Descriptions and Maps

Commonwealth of Virginia
COUNTY OF FAIRFAX
Hunter Mill District

PRECINCT 234: ALDRIN

CONGRESSIONAL DISTRICT: ELEVENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-SECOND
HOUSE OF DELEGATES DISTRICT: THIRTY-SIXTH

DESCRIPTION:

Beginning at the intersection of Reston Parkway and ~~Leesburg Pike (Route 7)~~, ~~thence with Leesburg Pike~~ Wiehle Avenue, thence with Wiehle Avenue in a southeasterly direction to its intersection with Baron Cameron Avenue, thence with Baron Cameron Avenue in a southwesterly direction to its intersection with Reston Parkway, thence with Reston Parkway in a northeasterly direction to its intersection with Leesburg Pike, point of beginning.

POLLING PLACE: Aldrin Elementary School
11375 Center Harbor Road, Reston

MAP GRIDS: 11-4, 12-1, 17-2

NOTES: Established March 1996
Precinct description revised and readopted – March 2003
Congressional District changed from 8th to 11th – January 2012
Precinct divided – December 2015

Commonwealth of Virginia
COUNTY OF FAIRFAX
Hunter Mill District

PRECINCT 233: NORTH POINT

CONGRESSIONAL DISTRICT: ELEVENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-SECOND
HOUSE OF DELEGATES DISTRICT: THIRTY-SIXTH

DESCRIPTION:

Beginning at the intersection of Sugarland Road and Leesburg Pike (Route 7), thence with Leesburg Pike in a southeasterly direction to its intersection with ~~Reston Parkway~~, ~~thence with Reston Parkway in a southwesterly direction to its intersection with~~ Baron Cameron Avenue, thence with Baron Cameron Avenue in a westerly direction to its intersection with Wiehle Avenue, thence with Wiehle Avenue in a generally northwesterly direction to its intersection ~~the Fairfax County Parkway (Route 286)~~, thence with the Fairfax County Parkway in a northerly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a northerly direction to its intersection with ~~Stuart Road at the Virginia Power Substation~~, thence with ~~Stuart Road and a projection of Stuart Road crossing the Fairfax County Parkway in a northerly direction to its intersection~~ with Shaker Woods Road, thence with Shaker Woods Road in a generally northeasterly direction to its intersection with Sugarland Road, thence with Sugarland Road in a northeasterly direction to its intersection with Leesburg Pike, point of beginning.

POLLING PLACE: ~~Armstrong Elementary School~~
St. Thomas à Becket Catholic Church
~~11900 Lake Newport Road~~ 1421 Wiehle Avenue, Reston

MAP GRIDS: 11-1, 11-2, 11-4, 12-1, 12-3

NOTES: Established May 1988
Boundaries adjusted in 1993 and 1996
The southern portion of Stuart Road was consumed by construction of the Fairfax County Parkway and the northern portion of Stuart Road was renamed Shaker Woods Road in 2001. Stuart Road and Shaker Woods Road both dead-end on opposite sides of the Fairfax County Parkway.
Precinct description revised and readopted – March 2003
Congressional District changed from 8th to 11th – January 2012
Precinct divided – December 2015

Commonwealth of Virginia
COUNTY OF FAIRFAX
Hunter Mill District

PRECINCT 201: ARMSTRONG

CONGRESSIONAL DISTRICT: ELEVENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-SECOND
HOUSE OF DELEGATES DISTRICT: THIRTY-SIXTH

DESCRIPTION:

Beginning at the intersection of Shaker Woods Road and Wiehle Avenue, thence with Wiehle Avenue in a southeasterly direction to its intersection with Reston Parkway, thence with Reston Parkway in a southwesterly direction to its intersection with Baron Cameron Avenue, thence with Baron Cameron Avenue in a westerly direction to its intersection with the Fairfax County Parkway (Route 286), thence with the Fairfax County Parkway in a northerly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a northerly direction to its intersection with Stuart Road at the Virginia Power Substation, thence with Stuart Road and a projection of Stuart Road crossing the Fairfax County Parkway in a northerly direction to its intersection with Shaker Woods Road, thence with Shaker Woods Road in a northeasterly direction to its intersection with Wiehle Avenue, point of beginning.

POLLING PLACE: Armstrong Elementary School
 11900 Lake Newport Road, Reston

MAP GRIDS: 11-3, 11-4, 17-1, 17-2

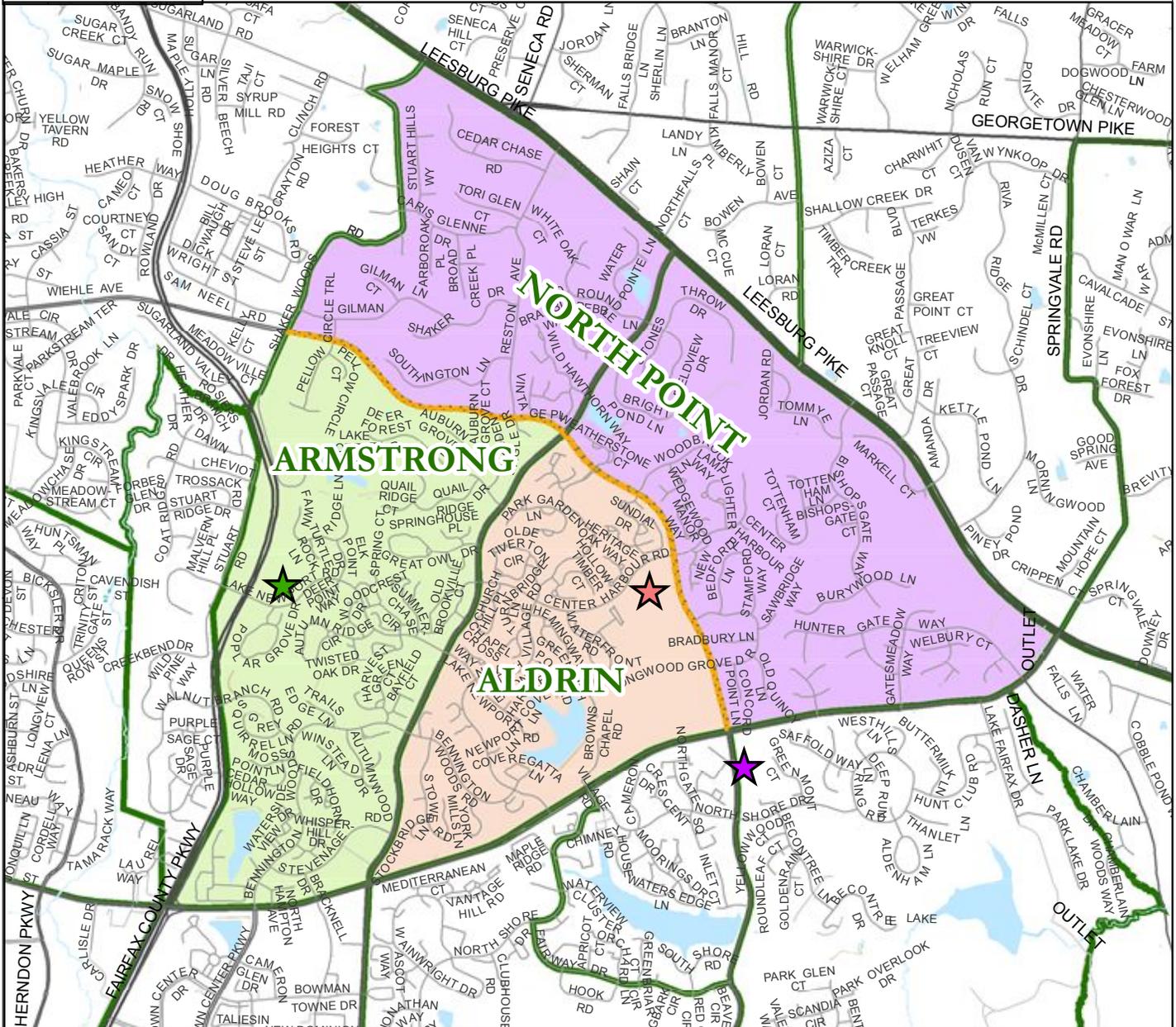
NOTES: Established December 2015



Commonwealth of Virginia

County of Fairfax

Proposed Precinct Change



New Proposed Precinct Boundary

New Proposed Precincts

 **Precinct: 201 ARMSTRONG**

 **Precinct: 234 ALDRIN**

 **Precinct: 233 NORTH POINT**

New Proposed Polling Places

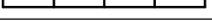
Armstrong Elementary 

Aldrin Elementary 

Saint Thomas a' Becket 



0 0.25 0.5 Miles



November 2015

Commonwealth of Virginia
COUNTY OF FAIRFAX
Dranesville District

PRECINCT 314: MCLEAN

CONGRESSIONAL DISTRICT: TENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-SECOND
HOUSE OF DELEGATES DISTRICT: FORTY-EIGHTH

DESCRIPTION:

Beginning at the intersection of the Capital Beltway (I-495) and Old Dominion Drive, thence with Old Dominion Drive in a southeasterly direction to its intersection with Chain Bridge Road, thence with Chain Bridge Road in a southwesterly, then westerly direction to its intersection with ~~a projection of Evers Drive~~, thence with ~~this projection and~~ Evers Drive (including an unpaved portion of Evers Drive) in a southeasterly direction to its intersection with an unimproved drainage area (behind the houses fronting on Davis Court, thence with the unimproved drainage area in a southwesterly direction to its intersection with Great Falls Street, thence with Great Falls Street in a southeasterly direction to its intersection with Magarity Road, thence with Magarity Road in a southwesterly direction to its intersection with the Washington Dulles Access and Toll Road, thence with the Washington Dulles Access and Toll Road in a northwesterly direction to its intersection with the Capital Beltway, thence with the Capital Beltway in a northeasterly direction to its intersection with Old Dominion Drive, point of beginning.

POLLING PLACE: ~~Lewinsville Center~~ Lewinsville Presbyterian Church
 ~~1609 Great Falls Street,~~ 1724 Chain Bridge Road, McLean

MAP GRIDS: 21-3, 29-2, 30-1, 30-2, 30-3, 30-4

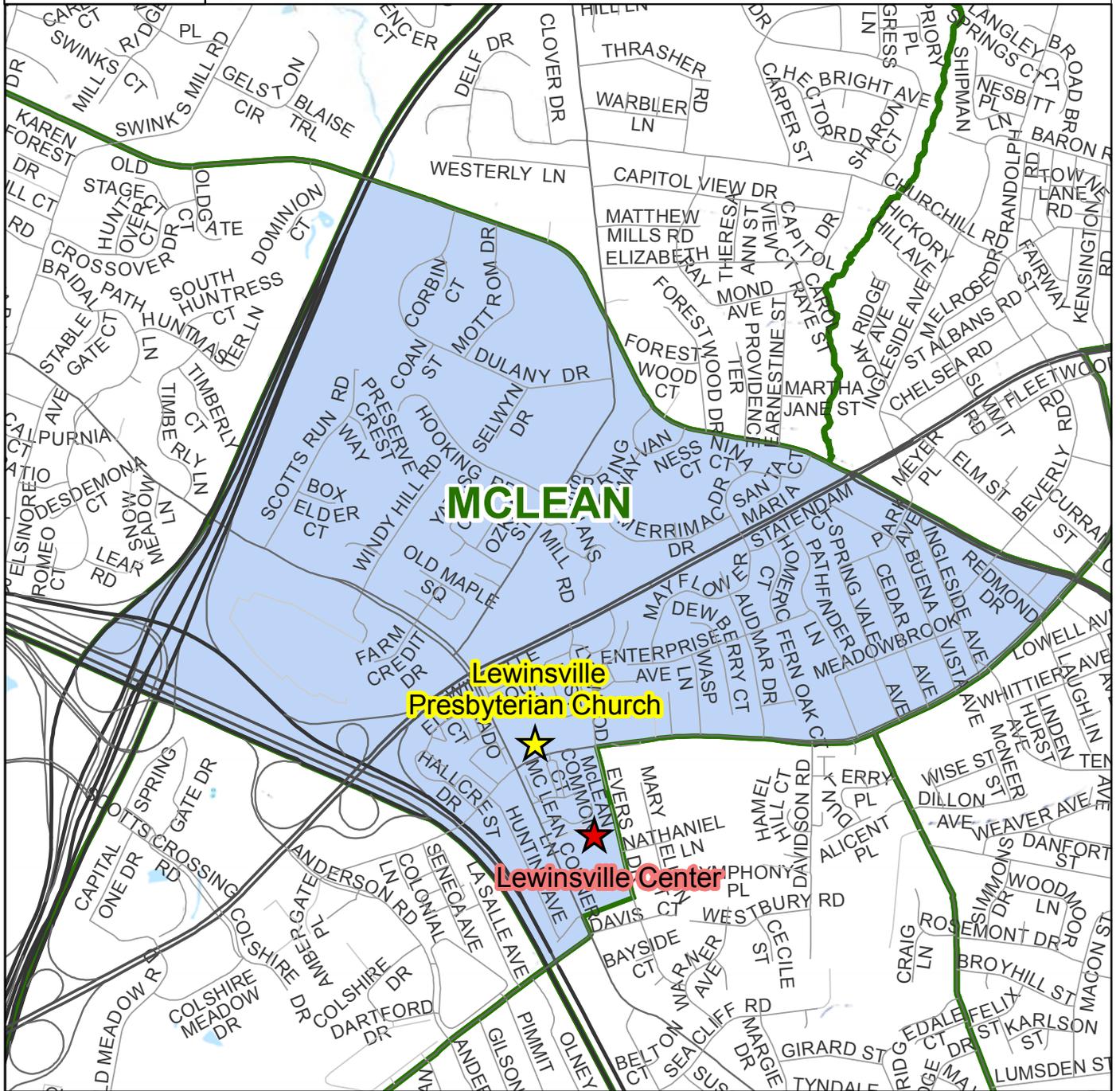
NOTES: Established June 1955
 Precinct description revised and readopted – March 2003
 Delegate District changed from 53rd to 48th - July 2011
 Polling Place moved temporarily – December 2015
 Precinct description corrected and readopted – December 2015



Commonwealth of Virginia County of Fairfax



McLean District



 **Precinct: 314 MCLEAN**

*Polling Place: ~~Lewinsville Center~~ **Lewinsville Presbyterian Church***

 Proposed Precinct Polling Place

 Current Precinct Polling Place



November 2015

Commonwealth of Virginia
COUNTY OF FAIRFAX
Dranesville District

PRECINCT 310: KIRBY

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

DESCRIPTION:

Beginning at the intersection of ~~the projection of~~ Evers Drive and Chain Bridge Road, thence with Chain Bridge Road in an easterly direction to its intersection with Westmoreland Street, thence with Westmoreland Street in a southeasterly direction to its intersection with Pimmit Run (stream), thence with the meanders of Pimmit Run in a southwesterly, then northwesterly direction to its intersection with the Washington Dulles Access and Toll Road, thence with the Washington Dulles Access and Toll Road in a northwesterly direction to its intersection with Magarity Road, thence with Magarity Road ~~and a projection of Magarity Road~~ in a northeasterly direction to its intersection with Great Falls Street, thence with Great Falls Street in a northwesterly direction to its intersection with an unimproved drainage area (behind the houses fronting on Davis Court), thence with the unimproved drainage area in a northeasterly direction to its intersection with Evers Drive, thence with Evers Drive (including an unpaved portion of Evers Drive) in a northwesterly direction to its intersection with Chain Bridge Road, point of beginning.

POLLING PLACE: McLean High School
1633 Davidson Road, McLean

MAP GRIDS: 30-3, 30-4, 40-1, 40-2

NOTES: Established June 1971
Precinct description revised and readopted – March 2003
Delegate District changed from 53rd to 48th - July 2011
Congressional District changed from 10th to 8th – January 2012
Precinct description corrected and readopted – December 2015

Commonwealth of Virginia
COUNTY OF FAIRFAX
Springfield District

PRECINCT 845: FOUNTAINHEAD

CONGRESSIONAL DISTRICT: TENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-NINTH
HOUSE OF DELEGATES DISTRICT: FORTY-SECOND

DESCRIPTION:

Beginning at the intersection of Wolf Run (stream) and Henderson Road, thence with Henderson Road in a northeasterly direction to its intersection with Ox Road (Route 123), thence with Ox Road in a southeasterly direction to its intersection with Silverbrook Road, thence with Silverbrook Road in an easterly, then southeasterly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a southwesterly direction to its intersection with the Prince William County/Fairfax County Line (Occoquan River), thence with the Prince William County/Fairfax County Line in a generally northwesterly direction to its intersection with Wolf Run, thence with the meanders of Wolf Run in a northerly direction to its intersection with Henderson Road, point of beginning.

POLLING PLACE: ~~Silverbrook Elementary School~~ Christ Church
~~9350 Crosspointe Drive,~~ 7600 Ox Road, Fairfax Station

MAP GRIDS: 87-3, 87-4, 95-2, 95-3, 95-4, 96-1, 96-2, 96-3, 96-4, 97-1, 97-3, 97-4, 104-2
105-1, 105-2, 105-3, 105-4, 106-1, 106-2, 106-3

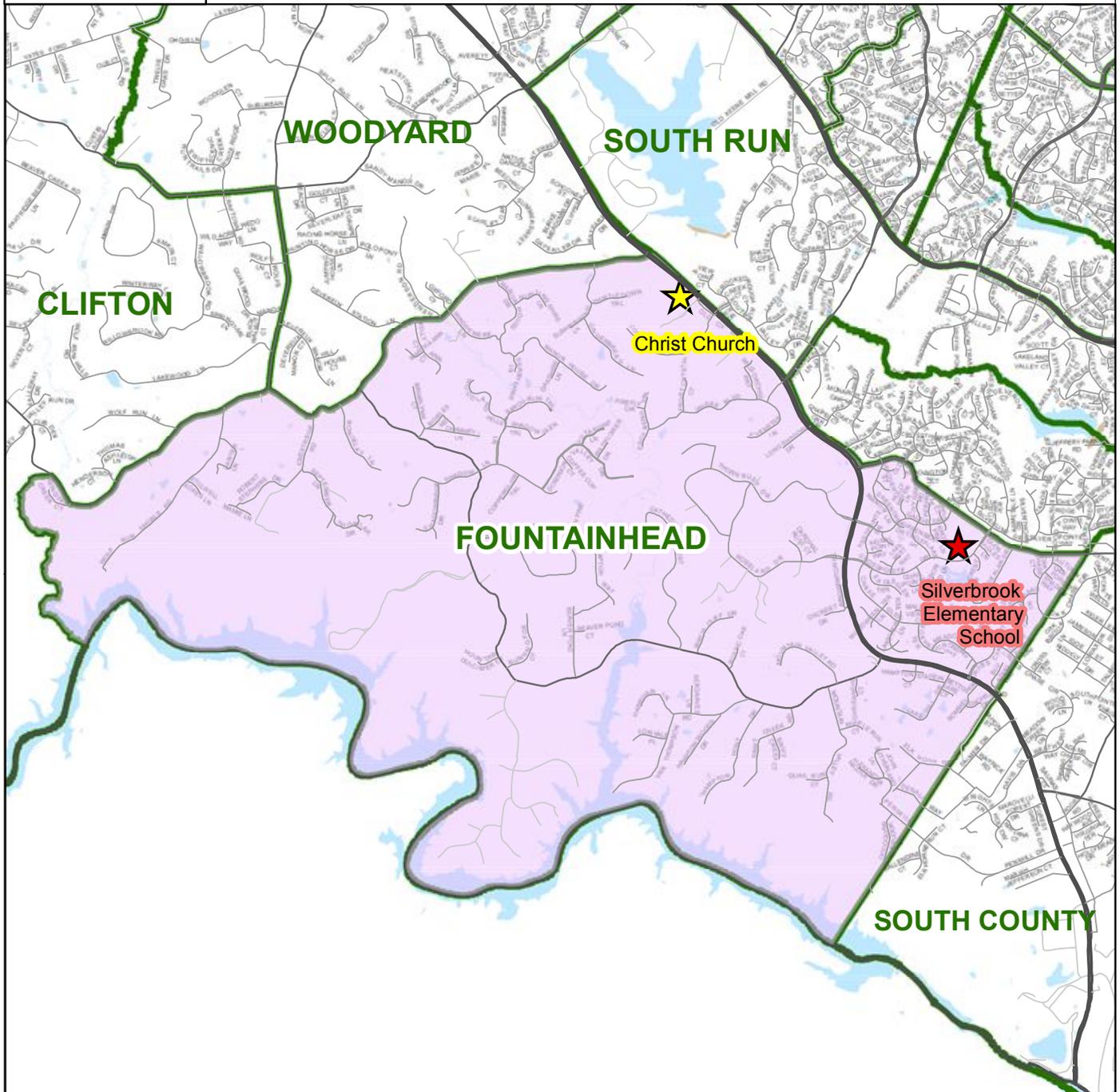
NOTES: Established August 2001
Precinct description revised and readopted March 2003
Congressional District changed from 11th to 10th – January 2012
Polling place moved – December 2015



Commonwealth of Virginia
County of Fairfax



Fountainhead District

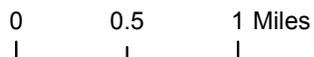


 **Precinct: 845 FOUNTAINHEAD**

*Polling Place: ~~Silverbrook Elementary School~~ **Christ Church***

 Proposed Precinct Polling Place

 Current Precinct Polling Place



November 2015

1
2 **PROPOSED ORDINANCE TO AMEND AND READOPT SECTIONS OF CHAPTER 7**
3 **OF THE FAIRFAX COUNTY CODE TO ESTABLISH A NEW PRECINCT AND**
4 **POLLING PLACE IN THE HUNTER MILL DISTRICT, ADJUST THE BOUNDARIES**
5 **OF TWO PRECINCTS IN THE HUNTER MILL DISTRICT AND MOVE A POLLING**
6 **PLACE FOR ONE OF THOSE PRECINCTS, RELOCATE POLLING PLACES IN THE**
7 **DRANESVILLE AND SPRINGFIELD DISTRICTS, AND AMEND THE DESCRIPTION**
8 **OF TWO PRECINCTS IN THE DRANESVILLE DISTRICT**

9
10 **Draft of October 19, 2015**

11
12 AN ORDINANCE to amend and readopt Sections 7-2-5 and 7-2-13 of the Fairfax
13 County Code to reflect an election precinct change and polling place changes in
14 the Hunter Mill, Dranesville, and Springfield Districts.

15
16 Be it ordained that the Board of Supervisors of Fairfax County:

17
18 **1. That Sections 7-2-5 and 7-2-13 of the Fairfax County Code are amended**
19 **and readopted:**

20
21 **Section 7-2-5. Hunter Mill District.**

22
23 The Hunter Mill District shall consist of these election precincts: Aldrin, Armstrong,
24 Cameron Glen, Colvin, Dogwood, Flint Hill, Floris, Fox Mill, Frying Pan, Glade, Hunters
25 Woods, Madison, McNair, North Point, Reston No. 1, Reston No. 2, Reston No. 3,
26 South Lakes, Stuart, Sunrise Valley, Terraset, Vienna No. 1, Vienna No. 2, Vienna No.
27 4, Vienna No. 6, Westbriar, and Wolftrap.

28
29 **Section 7-2-13. General provisions.**

30
31 All references to election precincts shall refer to those precincts, together with the
32 descriptions and maps of the boundaries and polling places for each of those precincts,
33 which were adopted by the Board of Supervisors on March 24, 2003, as amended on
34 March 8, 2004, March 21, 2005, March 27, 2006, March 26, 2007, September 10, 2007,
35 March 10, 2008, January 12, 2009, March 9, 2010, July 27, 2010, April 26, 2011, July
36 26, 2011, January 10, 2012, July 10, 2012, March 19, 2013, and July 9, 2013,
37 ~~September 9, 2014, November 18, 2014¹, and June 23, 2015, and December 8, 2015,²~~
38 and kept on file with the clerk to the Board of Supervisors. Whenever a road, a stream,
39 or other physical feature describes the boundary of a precinct, the center of such road,
40 stream, or physical feature shall be the dividing line between that precinct and any
41 adjoining precinct.

¹ Corrects date on which 2014 amendments were adopted.

² In addition to the establishment of a new precinct as shown in Section 7-2-5 and the establishment or relocation of polling places specifically shown in the second and third enactment clauses, this amendment captures the revised boundaries of the Aldrin and North Point precincts in the Hunter Mill District and the readoption of the descriptions of McLean and Kirby precincts in the Dranesville District to more accurately identify part of the boundary between those two precincts.

42 **2. That the polling place location for the newly-created precinct identified in**
 43 **the first clause of this ordinance is established at:**

44

45 Supervisor

46 District Precinct Polling Place

47

48 Hunter Mill Armstrong Armstrong Elementary School
 49 (new precinct) 11900 Lake Newport Road
 50 Reston, Virginia 20194

51

52

53 **3. That the polling place locations for the following existing precincts are**
 54 **established at:**

55

56 Supervisor

57 District Precinct Polling Place

58

59 Dranesville McLean From:
 60 (polling place relocated) Lewinsville Center
 61 1609 Great Falls Street
 62 McLean, Virginia 22101

63

64 To:
 65 Lewinsville Presbyterian Church
 66 1724 Chain Bridge Road
 67 McLean, Virginia 22101

68

69 Hunter Mill North Point From:
 70 (existing precinct;
 71 boundary adjusted and
 72 polling place relocated) Armstrong Elementary School
 73 11900 Lake Newport Road
 74 Reston, Virginia 20194

75 To:
 76 St. Thomas à Becket Catholic Church
 77 1421 Wiehle Avenue
 78 Reston, Virginia 20190

79 Springfield Fountainhead From:
 80 (polling place
 81 relocated) Silverbrook Elementary School
 82 9350 Crosspointe Drive
 83 Fairfax Station, Virginia 22039

84 To:
 85 Christ Church
 86 7600 Ox Road
 87 Fairfax Station, Virginia 22039

88

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4. That this ordinance shall become effective upon adoption.

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

Catherine A. Chianese
Clerk to the Board of Directors

\\s17prolawpgc01\documents\132094\ecw\738192.doc

Board Agenda Item
November 17, 2015

ADMINISTRATIVE – 9

Supplemental Appropriation Resolution AS 16115 for Various Fairfax County Agencies to Accept Department of Homeland Security Urban Areas Security Initiative Subgrant Awards from the Government of the District of Columbia Homeland Security and Emergency Management Agency

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 16115 in the amount of \$14,042,320 for Fairfax County to accept Department of Homeland Security (DHS) FY 2015 Urban Areas Security Initiative (UASI) subgrant awards from the State Administrative Agency (SAA). These funds are made available by DHS through the District of Columbia, which is serving as the State Administrative Agency. DHS provides financial assistance to address the unique planning, training, equipment, and exercise needs of high-threat, high-density urban areas to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from acts of terrorism. The grant period for the FY 2015 subgrant awards are retroactive from September 1, 2015 through December 31, 2016 or May 31, 2017, depending on the award. No Local Cash Match is required.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 16115 in the amount of \$14,042,320. These funds will be used by various County agencies to enhance security and overall preparedness by implementing the projects summarized in Attachment 1. All projects will be implemented in accordance with the program guidance documents. Funding will continue to support 5/5.0 FTE existing grant positions. The County is under no obligation to continue these positions when the grant funding expires. No Local Cash Match is required.

TIMING:

Board Approval is requested on November 17, 2015. It should be noted that final confirmation of all grant award notices from the grantor occurred on September 25, 2015. Therefore, this Board item is being presented at the earliest subsequent Board meeting scheduled for November 17, 2015.

BACKGROUND:

The Homeland Security Grant Program (HSGP) provides Urban Areas Security Initiative (UASI) funds from the Department of Homeland Security as financial assistance to high risk urban areas, as defined in legislation, in order to address the unique planning, equipment, training, and exercise needs of those areas. These funds can also be used to build or sustain an enhanced capacity to prevent, respond to, and recover from acts of terrorism. These funds, however, may not be used to supplant ongoing, routine public safety activities, the hiring of staff for operational activities, or the construction and/or renovation of facilities. Fairfax County is one of 12 jurisdictions that currently comprise the National Capital Region (NCR) as defined in the HSGP guidelines.

The UASI funding allocations are determined by a formula based on credible threat, presence of critical infrastructure, vulnerability, population, and other relevant criteria. Grant awards are made to the identified urban area authorities through State Administrative Agencies. The NCR process for allocation of the UASI funds included the development of concept papers that were vetted and endorsed by the Metropolitan Washington Council of Governments (MWCOC) Regional Emergency Support Function (RESF) committees, review of proposals by the Chief Administrative Officers (CAO) committee, preparation and submission of project proposals and application documents by the RESFs, prioritization of proposals by the CAOs, and ultimately the development of funding recommendations by the CAOs. The Senior Policy Group (SPG) then reviewed and recommended proposals and forwarded selected proposals to the SAA for awards.

Funded projects are typically regional in nature with benefits to multiple jurisdictions. In order to effectively implement these projects, a single jurisdiction is being identified to act as a recipient of a subgrant award to handle all of the financial management, audit, procurement, and payment provision of the subgrant award and grant program. Several Fairfax County agencies including the Office of Emergency Management, Police Department, Fire and Rescue Department, Health Department, Department of Information Technology and the Department of Public Safety Communications are expected to act as subgrantees for these funds. A listing of all the subgrant awards being requested for acceptance is attached along with a synopsis for each project. Individual awards are also attached to support requested acceptance.

FISCAL IMPACT:

Grant funding in the amount of \$14,042,320 is available in the DHS UASI grant funds through the District of Columbia. These funds will be used to enhance capabilities in the Office of Emergency Management, Police Department, Fire and Rescue Department, Health Department, Department of Information Technology and the Department of Public Safety Communications. This action does not increase the

Board Agenda Item
November 17, 2015

expenditure level in the Federal-State Grant Fund, as funds are held in reserve for Homeland Security grant awards received in FY 2016. Indirect costs are recoverable for some of these awards. No Local Cash Match is required.

CREATION OF NEW POSITIONS:

Grant funding will continue to support 5/5.0 FTE existing grant positions. The County is under no obligation to continue these positions when the grant funding expires.

ENCLOSED DOCUMENTS:

Attachment 1 – Grant Award Summary

Attachment 2 – Grant Award Documents

Attachment 3 – Supplemental Appropriation Resolution AS 16115

STAFF:

David Rohrer, Deputy County Executive

David McKernan, Coordinator, Office of Emergency Management

Richard Bowers, Chief, Fire and Rescue Department

Edwin C. Roessler Jr., Chief, Police Department

Wanda Gibson, Director, Department of Information Technology

Gloria Addo-Ayensu, Director, Health Department

Steve Souder, Director, Department of Public Safety Communication

Department of Homeland Security - FY 2015 Homeland Security Grant Program Applications and Awards
National Capital Region (NCR) Urban Areas Security Initiative (UASI) Funds
Projects to be Implemented by Fairfax County

Project Title	Program Year	Award Amount	Award Status	Award Type	Implementing County	Program Manager	Positions	Begin Date	End Date	Project Synopsis
FY 2015 UASI AWARDS AND APPLICATIONS										
1 Radio Cache (VA Maintenance)	FY2015	164,947.00	Received	Continuation	Fire and Rescue Department	Wes Rogers	0.0 FTE	9/1/2015	5/31/2017	Providing ongoing logistical support to the National Capital Region radio cache housed in Fairfax County and to support training and exercise initiatives, or cache deployment for emergency responses and personnel.
2 Incident Management Team	FY2015	268,000.00	Received	Continuation	Fire and Rescue Department	Daryl Louder	0.0 FTE	9/1/2015	5/31/2017	Continued funding to ensure the NCR- Incident Management Team (NCR-IMT) receives adequate training and exercises to develop and maintain capability, capacity, and proficiency in all functional areas. The NCR-IMT is composed of 115 members from fire, emergency medical services (EMS), law enforcement, emergency management and public health agencies from the participating Council of Governments (COG) jurisdictions.
3 Intelligence Analysis (Fire)-VA	FY2015	206,513.00	Received	Continuation	Fire and Rescue Department	Capt. Jared Goff	1.0 FTE	9/1/2015	5/31/2017	Continued funding for a subject matter expert in fire and emergency medical services (EMS), to provide intelligence to regional agencies while assigned to the Northern Virginia Regional Intelligence Center. The Fire-EMS intelligence officer conducts research, provides outreach and collaborates with all Northern Virginia Fire-EMS Departments, state and local Fusion Centers and Federal partners.
4 Capital Shield Exercise Support (Continuation)	FY2015	267,000.00	Received	Continuation	Fire and Rescue Department	BC Paul Ruwe	0.0 FTE	9/1/2015	5/31/2017	Continued funding for an exercise designed for both civilian and Department of Defense (DoD) resources' ability to respond to technical rescue operations, to include man-made and natural disasters. The Capital Shield Exercises will address response to terrorist acts, specifically building collapse and acts resulting in the need for technical rescue operations.
5 Technical Rescue PPE - Fairfax County (Continuation)	FY2015	111,300.00	Received	Continuation	Fire and Rescue Department	BC Paul Ruwe	0.0 FTE	9/1/2015	5/31/2017	Continue funding to provide enhanced response and protection for first responders against chemical, biological, radiological, and nuclear events. Sustainment of first responder personal protective equipment and replacement of equipment which has reached its full life span.
6 Bi-Directional Amplifier (BDA) Deployment	FY2015	325,000.00	Received	New	Fire and Rescue Department	BC Anthony Jackson	0.0 FTE	9/1/2015	5/31/2017	To provide training on the use of deployment of the technology for the recipient jurisdictions. Specifically, this is to address underground radio coverage in Metro controlled tunnel systems where the existing infrastructure is inadequate or is not operating as designed to provide this coverage. Tactical BDA systems and training for staff will be provided to Washington DC, Prince George's County, Montgomery County, Arlington County, Alexandria, and Fairfax County.
7 NIMS Compliance Officer	FY2015	119,215.00	Received	Continuation	Office of Emergency Management	Alfred Mullins	1.0 FTE	9/1/2015	5/31/2017	Continued funding for a position and supporting equipment/supplies within the Office of Emergency Management for a National Incident Management (NIMS) Compliance Coordinator whose purpose is to evaluate and implement the NIMS within all applicable County agencies and partners.
8 Exercise & Training Officer	FY2015	130,610.00	Received	Continuation	Office of Emergency Management	Laura Katzif	1.0 FTE	9/1/2015	5/31/2017	Continued funding for a position and supporting equipment/supplies within the Office of Emergency Management to support design, development and implementation of a county and regional Department of Homeland Security compliant training and exercise program.
9 Text Alert Notification System (Maintenance)	FY2015	875,000.00	Received	Continuation	Office of Emergency Management	Sulayman Brown	0.0 FTE	9/1/2015	5/31/2017	Payment of the yearly maintenance costs for the National Capital Region's emergency alerting system, which includes EAN and Fairfax Alerts.

Department of Homeland Security - FY 2015 Homeland Security Grant Program Applications and Awards
National Capital Region (NCR) Urban Areas Security Initiative (UASI) Funds
Projects to Implemented by Fairfax County

Attachment 1

Project Title	Program Year	Award Amount	Award Status	Award Type	Implementing County	Program Manager	Positions	Begin Date	End Date	Project Synopsis
10 Volunteer & Citizen Corps Programs	FY2015	282,000.00	Received	Continuation	Office of Emergency Management	Dean Sherick	0.0 FTE	9/1/2015	5/31/2017	Continuation of efforts to recruit and retain affiliated volunteers in Fairfax County and to expand and integrate the local regional coordination mechanism and capacity to mobilize large numbers of volunteers (spontaneous and affiliated) for response to a catastrophic natural or terrorism event.
11 NCR Regional Planner	FY2015	114,672.00	Received	Continuation	Office of Emergency Management	Greg Zebrowski	1.0 FTE	9/1/2015	5/31/2017	Continued funding for a position and supporting equipment/supplies within OEM. The planner will participate in development of NCR regional planning products to correct gaps that have been identified through assessments such as EMAP, event/exercise after action reports and jurisdictional self-assessments. Planners will be involved in both local and regional planning projects on a constant basis.
12 NCR Web EOC (Maintenance and License for the NCR)	FY2015	1,360,479.00	Received	Continuation	Office of Emergency Management	Paul Lupe	0.0 FTE	9/1/2015	5/31/2017	Continued funding to further enhance the WebEOC system within the NCR area and increase the interoperability with local and Federal Partners; as well as to expand the common operating picture within the National Capital Region.
13 Intelligence Analysis (PD)-VA	FY2015	1,091,584.00	Received	Continuation	Police Department	Lt. Jim Hardy	0.0 FTE	9/1/2015	5/31/2017	Continued funding for contracted intelligence analysts who support the National Capital Region. These analysts complete detailed reports in a timely manner any time something occurs in the world that may have an impact on the region. This information is provided to our first responders to increase their ability to detect, deter, and disrupt such planning activity to prevent attack.
14 Mobile Automated Fingerprint Identification System (Maintenance)	FY2015	2,000,000.00	Received	Continuation	Police Department	Dave Russell	0.0 FTE	9/1/2015	5/31/2017	Continued funding for the National Capital Region's (NCR) automated fingerprint identification systems. The standard warranty contract to be developed will allow for uniform maintenance and conformity through the NCR.
15 Public Health Planning and MRC Program Sustainment	FY2015	148,000.00	Received	Continuation	Health Department	Marc Barbieri	1.0 FTE	9/1/2015	5/31/2017	Funding for one emergency planner to continue development, revision, and operationalization of agency Emergency Operations Plan and various supporting documents that guide the agency's response to public health emergencies.
16 Interoperable Communications Infrastructure (ICI) (Sustainment)	FY2015	3,000,000.00	Received	Continuation	Department of Information Technology	Matt Dowd	0.0 FTE	9/1/2015	5/31/2017	Continued sustainment of the investments in the NCRNet, identity authentication services for regional applications, the regional colocation hosting facility, and the regional videoteleconferencing service. Services for technical, financial, and management functions supporting the NCR Interoperable Communications Infrastructure (ICI) for governance, operations, and other regional activities.
17 CAD to CAD Maintenance	FY2015	948,000.00	Received	Continuation	Department of Information Technology	Greg Scott	0.0 FTE	9/1/2015	5/31/2017	Provides sustainment funding for seamless, real-time data interoperability between disparate CAD Systems in daily use by first responders in NOVA and paves the way for expansion into Maryland. It will fund: (1) infrastructure hosting services, core software refresh and 24x7 maintenance/operations spt.; (2) maintenance of CAD System vendor enhancements; (3) vendor enhancements/testing/integration spt.; (4) data mapping to universal CAD2CAD data types; (5) dev/testing; and (6) technical and project management resources to support day-to-day operations.
18 GIS Data Exchange and CAD2GIS Tool project	FY2015	565,000.00	Received	Continuation	Department of Information Technology	Michael Liddle	0.0 FTE	9/1/2015	5/31/2017	Provides project maintenance and support and will fund the expansion of the NCR GDX into additional jurisdictions, continued integration with IAMS, CAD-extracted event exchange (CAD2GIS, formerly INDEX) and CCTV.

Department of Homeland Security - FY 2015 Homeland Security Grant Program Applications and Awards
 National Capital Region (NCR) Urban Areas Security Initiative (UASI) Funds
 Projects to Implemented by Fairfax County

Attachment 1

Project Title	Program Year	Award Amount	Award Status	Award Type	Implementing County	Program Manager	Positions	Begin Date	End Date	Project Synopsis
19 NCRnet Fiber Replacement for City of Alexandria	FY2015	340,000.00	Received	New	Department of Information Technology	Matt Dowd	0.0 FTE	9/1/2015	5/31/2017	To install a redundant fiber-optic NCRnet link from Arlington County to the City of Alexandria. Alexandria needs to decommission the existing redundant link because of the expiration of a cable-franchise agreement. This agreement governs part of the fiber. This redundant link will ensure critical business continuity for NCRnet connectivity to the City of Alexandria, and the regional applications it participates in, particularly CAD2CAD.
20 Next Generation 9-1-1 Call Processing Network (Continuation)	FY2015	1,725,000.00	Received	Continuation	Department of Public Safety Communications	Steve McMurrer	0.0 FTE	9/1/2015	5/31/2017	This grant award funding will be used to establish specific technical requirements for a National Capital Region (NCR) Next Generation 9-1-1 (NG9-1-1) Call Processing Network that will be sent out for procurement to replace the current Verizon based 9-1-1 network which is reaching obsolescence. This grant award is also focused on getting GIS data ready in the necessary NG9-1-1 format for use in the yet to be procured NG9-1-1 Call Processing Network. The grant also supports the activities associated with supporting a regional NG9-1-1 coordination and program management effort as well as evaluating vendor proposals received based on the technical specifications developed under this grant award.
Total:		14,042,320.00					5.0 FTE			

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



Muriel Bowser
Mayor

Chris T. Geldart
Director

Subaward

SUBPROGRAM FY 2015 Urban Areas Security Initiative	FEDERAL AWARD IDENTIFICATION NUMBER EMW-2015-SS-00019
SUBRECIPIENT Fairfax County Department of Information Technology	FEDERAL AWARD DATE 08/11/2015
SUBAWARD TITLE GIS Data Exchange and INDEX (Continuation)	FEDERAL AWARDCING AGENCY U.S. Department of Homeland Security Federal Emergency Management Agency
SUBAWARD ID 15UASI583-03	FEDERAL AWARD TOTAL AMOUNT \$58,141,500.00
SUBAWARD AMOUNT \$565,000.00	CFDA 97.067 Homeland Security Grant Program
SUBAWARD PERFORMANCE PERIOD 09/01/2015-05/31/2017	STATE ADMINISTRATIVE AGENT / PASS-THROUGH ENTITY District of Columbia Homeland Security and Emergency Management Agency
SUBRECIPIENT DUNS 074837626 Fairfax County Virginia	

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

- FY 2015 Homeland Security Grant Program Notice of Funding Opportunity
- FY 2015 District of Columbia Homeland Security and Emergency Management Agency Terms and Conditions
- FY 2015 DHS Homeland Security Grant Program Agreement Articles
- FY 2015 DHS Standard Terms and Conditions
- 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- Subrecipient Handbook

AWARDING OFFICIAL
Chris T. Geldart
Director

SUBRECIPIENT OFFICIAL
Edward L. Long
County Executive
Fairfax County Government


 _____ 09/22/2015
 Signature Date

 Signature Date

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

Muriel Bowser
Mayor



Chris T. Geldart
Director

Subaward

SUBPROGRAM FY 2015 Urban Areas Security Initiative	FEDERAL AWARD IDENTIFICATION NUMBER EMW-2015-SS-00019
SUBRECIPIENT Fairfax County Department of Information Technology	FEDERAL AWARD DATE 08/11/2015
SUBAWARD TITLE CAD to CAD Maintenance (Continuation)	FEDERAL AWARDCING AGENCY U.S. Department of Homeland Security Federal Emergency Management Agency
SUBAWARD ID 15UASI583-01	FEDERAL AWARD TOTAL AMOUNT \$58,141,500.00
SUBAWARD AMOUNT \$948,000.00	CFDA 97.067 Homeland Security Grant Program
SUBAWARD PERFORMANCE PERIOD 09/01/2015-05/31/2017	STATE ADMINISTRATIVE AGENT / PASS-THROUGH ENTITY District of Columbia Homeland Security and Emergency Management Agency
SUBRECIPIENT DUNS 074837626 Fairfax County Virginia	

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- FY 2015 DHS Homeland Security Grant Program Agreement Articles
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- Subrecipient Handbook

AWARDING OFFICIAL
Chris T. Geldart
Director

SUBRECIPIENT OFFICIAL
Edward L. Long
County Executive
Fairfax County Government


Signature _____ Date 09/22/2015

Signature _____ Date _____

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

Muriel Bowser
Mayor



Chris T. Geldart
Director

Subaward

SUBPROGRAM FY 2015 Urban Areas Security Initiative	FEDERAL AWARD IDENTIFICATION NUMBER EMW-2015-SS-00019
SUBRECIPIENT Fairfax County Fire and Rescue Department	FEDERAL AWARD DATE 08/11/2015
SUBAWARD TITLE Technical Rescue PPE - Fairfax County (Continuation)	FEDERAL AWARDDING AGENCY U.S. Department of Homeland Security Federal Emergency Management Agency
SUBAWARD ID 15UASI529-05	FEDERAL AWARD TOTAL AMOUNT \$58,141,500.00
SUBAWARD AMOUNT \$111,300.00	CFDA 97.067 Homeland Security Grant Program
SUBAWARD PERFORMANCE PERIOD 09/01/2015-05/31/2017	STATE ADMINISTRATIVE AGENT / PASS-THROUGH ENTITY District of Columbia Homeland Security and Emergency Management Agency
SUBRECIPIENT DUNS 074837626 Fairfax County Virginia	

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- FY 2015 DHS Homeland Security Grant Program Agreement Articles
- FY 2015 DHS Standard Terms and Conditions
- 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- Subrecipient Handbook

AWARDING OFFICIAL
Chris T. Geldart
Director

SUBRECIPIENT OFFICIAL
Edward L. Long
County Executive
Fairfax County Government


Signature _____ Date 09/22/2015

Signature _____ Date _____

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



Muriel Bowser
Mayor

Chris T. Geldart
Director

Subaward

SUBPROGRAM FY 2015 Urban Areas Security Initiative	FEDERAL AWARD IDENTIFICATION NUMBER EMW-2015-SS-00019
SUBRECIPIENT Fairfax County Fire and Rescue Department	FEDERAL AWARD DATE 08/11/2015
SUBAWARD TITLE Capital Shield Exercise Support (Continuation)	FEDERAL AWARDING AGENCY U.S. Department of Homeland Security Federal Emergency Management Agency
SUBAWARD ID 15UASI529-04	FEDERAL AWARD TOTAL AMOUNT \$58,141,500.00
SUBAWARD AMOUNT \$267,000.00	CFDA 97.067 Homeland Security Grant Program
SUBAWARD PERFORMANCE PERIOD 09/01/2015-05/31/2017	STATE ADMINISTRATIVE AGENT / PASS-THROUGH ENTITY District of Columbia Homeland Security and Emergency Management Agency
SUBRECIPIENT DUNS 074837626 Fairfax County Virginia	

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

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- FY 2015 DHS Homeland Security Grant Program Agreement Articles
- FY 2015 DHS Standard Terms and Conditions
- 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- Subrecipient Handbook

AWARDING OFFICIAL
Chris T. Geldart
Director

SUBRECIPIENT OFFICIAL
Edward L. Long
County Executive
Fairfax County Government


Signature _____ Date 09/22/2015

Signature _____ Date _____

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

Muriel Bowser
Mayor



Chris T. Geldart
Director

Subaward

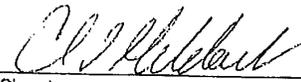
SUBPROGRAM FY 2015 Urban Areas Security Initiative	FEDERAL AWARD IDENTIFICATION NUMBER EMW-2015-SS-00019
SUBRECIPIENT Fairfax County Office of Emergency Management	FEDERAL AWARD DATE 08/11/2015
SUBAWARD TITLE Text Alert Notifications (Continuation)	FEDERAL AWARDDING AGENCY U.S. Department of Homeland Security Federal Emergency Management Agency
SUBAWARD ID 15UASI631-05	FEDERAL AWARD TOTAL AMOUNT \$58,141,500.00
SUBAWARD AMOUNT \$875,000.00	CFDA 97.067 Homeland Security Grant Program
SUBAWARD PERFORMANCE PERIOD 09/01/2015–05/31/2017	STATE ADMINISTRATIVE AGENT / PASS-THROUGH ENTITY District of Columbia Homeland Security and Emergency Management Agency
SUBRECIPIENT DUNS 074837626 Fairfax County Virginia	

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

- FY 2015 Homeland Security Grant Program Notice of Funding Opportunity
- FY 2015 District of Columbia Homeland Security and Emergency Management Agency Terms and Conditions
- FY 2015 DHS Homeland Security Grant Program Agreement Articles
- FY 2015 DHS Standard Terms and Conditions
- 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- Subrecipient Handbook

AWARDING OFFICIAL
Chris T. Geldart
Director

SUBRECIPIENT OFFICIAL
Edward L. Long
County Executive
Fairfax County Government


Signature _____ Date 09/22/2015

Signature _____ Date _____

2720 Martin Luther King Jr Ave SE • Washington, DC 20032

202.727.6161

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



Muriel Bowser
Mayor

Chris T. Geldart
Director

Subaward

SUBPROGRAM FY 2015 Urban Areas Security Initiative	FEDERAL AWARD IDENTIFICATION NUMBER EMW-2015-SS-00019
SUBRECIPIENT Fairfax County Office of Emergency Management	FEDERAL AWARD DATE 08/11/2015
SUBAWARD TITLE Regional Planning - Fairfax County (Continuation)	FEDERAL AWARDDING AGENCY U.S. Department of Homeland Security Federal Emergency Management Agency
SUBAWARD ID 15UASI531-04	FEDERAL AWARD TOTAL AMOUNT \$58,141,500.00
SUBAWARD AMOUNT \$114,672.00	CFDA 97.067 Homeland Security Grant Program
SUBAWARD PERFORMANCE PERIOD 09/01/2015-12/31/2016	STATE ADMINISTRATIVE AGENT / PASS-THROUGH ENTITY District of Columbia Homeland Security and Emergency Management Agency
SUBRECIPIENT DUNS 074837626 Fairfax County Virginia	

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- FY 2015 DHS Standard Terms and Conditions
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- Subrecipient Handbook

AWARDING OFFICIAL
Chris T. Geldart
Director

SUBRECIPIENT OFFICIAL
Edward L. Long
County Executive
Fairfax County Government



Signature Date 09/22/2015

Signature Date

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



Muriel Bowser
Mayor

Chris T. Geldart
Director

Subaward

SUBPROGRAM
FY 2015 Urban Areas Security Initiative

FEDERAL AWARD IDENTIFICATION NUMBER
EMW-2015-SS-00019

SUBRECIPIENT
Fairfax County Office of Emergency
Management

FEDERAL AWARD DATE
08/11/2015

SUBAWARD TITLE
WebEOC (Maintenance)

FEDERAL AWARDOING AGENCY
U.S. Department of Homeland Security
Federal Emergency Management Agency

SUBAWARD ID
15UASI531-06

FEDERAL AWARD TOTAL AMOUNT
\$58,141,500.00

SUBAWARD AMOUNT
\$1,360,479.00

CFDA
97.067 Homeland Security Grant Program

SUBAWARD PERFORMANCE PERIOD
09/01/2015-05/31/2017

STATE ADMINISTRATIVE AGENT /
PASS-THROUGH ENTITY
District of Columbia Homeland Security and
Emergency Management Agency

SUBRECIPIENT DUNS
074837626 Fairfax County Virginia

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AWARDING OFFICIAL
Chris T. Geldart
Director

SUBRECIPIENT OFFICIAL
Edward L. Long
County Executive
Fairfax County Government



Signature

09/22/2015

Date

Signature

Date

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

Muriel Bowser
Mayor



Chris T. Geldart
Director

Subaward

SUBPROGRAM
FY 2015 Urban Areas Security Initiative

FEDERAL AWARD IDENTIFICATION NUMBER
EMW-2015-SS-00019

SUBRECIPIENT
Fairfax County Office of Emergency
Management

FEDERAL AWARD DATE
08/11/2015

SUBAWARD TITLE
Exercise and Training Officer - Fairfax County
(Continuation)

FEDERAL AWARDDING AGENCY
U.S. Department of Homeland Security
Federal Emergency Management Agency

SUBAWARD ID
15UASI531-01

FEDERAL AWARD TOTAL AMOUNT
\$58,141,500.00

SUBAWARD AMOUNT
\$130,609.13

CFDA
97.067 Homeland Security Grant Program

SUBAWARD PERFORMANCE PERIOD
09/01/2015-12/31/2016

STATE ADMINISTRATIVE AGENT /
PASS-THROUGH ENTITY
District of Columbia Homeland Security and
Emergency Management Agency

SUBRECIPIENT DUNS
074837626 Fairfax County Virginia

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- FY 2015 DHS Standard Terms and Conditions
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- Subrecipient Handbook

AWARDING OFFICIAL
Chris T. Geldart
Director

SUBRECIPIENT OFFICIAL
Edward L. Long
County Executive
Fairfax County Government


Signature _____ Date 09/22/2015

Signature _____ Date _____

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



Muriel Bowser
Mayor

Chris T. Geldart
Director

Subaward

SUBPROGRAM FY 2015 Urban Areas Security Initiative	FEDERAL AWARD IDENTIFICATION NUMBER EMW-2015-SS-00019
SUBRECIPIENT Fairfax County Office of Emergency Management	FEDERAL AWARD DATE 08/11/2015
SUBAWARD TITLE NIMS Compliance Officer - Fairfax County (Continuation)	FEDERAL AWARDDING AGENCY U.S. Department of Homeland Security Federal Emergency Management Agency
SUBAWARD ID 15UASI531-02	FEDERAL AWARD TOTAL AMOUNT \$58,141,500.00
SUBAWARD AMOUNT \$119,214.91	CFDA 97.067 Homeland Security Grant Program
SUBAWARD PERFORMANCE PERIOD 09/01/2015-12/31/2016	STATE ADMINISTRATIVE AGENT / PASS-THROUGH ENTITY District of Columbia Homeland Security and Emergency Management Agency
SUBRECIPIENT DUNS 074837626 Fairfax County Virginia	

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- FY 2015 DHS Standard Terms and Conditions
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AWARDING OFFICIAL
Chris T. Geldart
Director

SUBRECIPIENT OFFICIAL
Edward L. Long
County Executive
Fairfax County Government



Signature

09/22/2015

Date

Signature

Date

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202.727.6161

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

Muriel Bowser
Mayor



Chris T. Geldart
Director

Subaward

SUBPROGRAM FY 2015 Urban Areas Security Initiative	FEDERAL AWARD IDENTIFICATION NUMBER EMW-2015-SS-00019
SUBRECIPIENT Fairfax County Fire and Rescue Department	FEDERAL AWARD DATE 08/11/2015
SUBAWARD TITLE Radlo Cache - Virginia (Maintenance)	FEDERAL AWARING AGENCY U.S. Department of Homeland Security Federal Emergency Management Agency
SUBAWARD ID 15UASIS29-01	FEDERAL AWARD TOTAL AMOUNT \$58,141,500.00
SUBAWARD AMOUNT \$164,947.00	CFDA 97.067 Homeland Security Grant Program
SUBAWARD PERFORMANCE PERIOD 09/01/2015-05/31/2017	STATE ADMINISTRATIVE AGENT / PASS-THROUGH ENTITY District of Columbia Homeland Security and Emergency Management Agency
SUBRECIPIENT DUNS 074837626 Fairfax County Virginia	

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AWARDING OFFICIAL
Chris T. Geldart
Director

SUBRECIPIENT OFFICIAL
Edward L. Long
County Executive
Fairfax County Government


Signature _____ Date 09/22/2015

Signature _____ Date _____

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



Muriel Bowser
Mayor

Chris T. Geldart
Director

Subaward

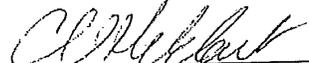
SUBPROGRAM FY 2015 Urban Areas Security Initiative	FEDERAL AWARD IDENTIFICATION NUMBER EMW-2015-SS-00019
SUBRECIPIENT Fairfax County Health Department	FEDERAL AWARD DATE 08/11/2015
SUBAWARD TITLE Public Health Planning and MRC Program Sustainment - Fairfax County (Continuation)	FEDERAL AWARDCING AGENCY U.S. Department of Homeland Security Federal Emergency Management Agency
SUBAWARD ID 15UASI530-01	FEDERAL AWARD TOTAL AMOUNT \$58,141,500.00
SUBAWARD AMOUNT \$148,000.00	CFDA 97.067 Homeland Security Grant Program
SUBAWARD PERFORMANCE PERIOD 09/01/2015-05/31/2017	STATE ADMINISTRATIVE AGENT / PASS-THROUGH ENTITY District of Columbia Homeland Security and Emergency Management Agency
SUBRECIPIENT DUNS 192897820 Fairfax County Virginia	

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

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- FY 2015 DHS Standard Terms and Conditions
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AWARDING OFFICIAL
Chris T. Geldart
Director

SUBRECIPIENT OFFICIAL
Edward L. Long
County Executive
Fairfax County Government


Signature _____ Date 09/22/2015

Signature _____ Date _____

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

Muriel Bowser
Mayor



Chris T. Geldart
Director

Subaward

SUBPROGRAM FY 2015 Urban Areas Security Initiative	FEDERAL AWARD IDENTIFICATION NUMBER EMW-2015-SS-00019
SUBRECIPIENT Fairfax County Department of Information Technology	FEDERAL AWARD DATE 08/11/2015
SUBAWARD TITLE NCRnet Fiber Replacement for City of Alexandria	FEDERAL AWARING AGENCY U.S. Department of Homeland Security Federal Emergency Management Agency
SUBAWARD ID 15UASI583-04	FEDERAL AWARD TOTAL AMOUNT \$58,141,500.00
SUBAWARD AMOUNT \$340,000.00	CFDA 97.067 Homeland Security Grant Program
SUBAWARD PERFORMANCE PERIOD 09/01/2015-05/31/2017.	STATE ADMINISTRATIVE AGENT / PASS-THROUGH ENTITY District of Columbia Homeland Security and Emergency Management Agency
SUBRECIPIENT DUNS 074837626 Fairfax County Virginia	

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- FY 2015 DHS Homeland Security Grant Program Agreement Articles
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AWARDING OFFICIAL
Chris T. Geldart
Director

SUBRECIPIENT OFFICIAL
Edward L. Long
County Executive
Fairfax County Government


Signature _____ Date 09/22/2015

Signature _____ Date _____

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



Muriel Bowser
Mayor

Chris T. Geldart
Director

Subaward

SUBPROGRAM FY 2015 Urban Areas Security Initiative	FEDERAL AWARD IDENTIFICATION NUMBER EMW-2015-SS-00019
SUBRECIPIENT Fairfax County Department of Information Technology	FEDERAL AWARD DATE 08/11/2015
SUBAWARD TITLE Interoperable Communications Infrastructure (ICI) Sustainment	FEDERAL AWARDDING AGENCY U.S. Department of Homeland Security Federal Emergency Management Agency
SUBAWARD ID 15UASI583-02	FEDERAL AWARD TOTAL AMOUNT \$58,141,500.00
SUBAWARD AMOUNT \$3,000,000.00	CFDA 97.067 Homeland Security Grant Program
SUBAWARD PERFORMANCE PERIOD 09/01/2015-05/31/2017	STATE ADMINISTRATIVE AGENT / PASS-THROUGH ENTITY District of Columbia Homeland Security and Emergency Management Agency
SUBRECIPIENT DUNS 074837626 Fairfax County Virginia	

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AWARDING OFFICIAL
Chris T. Geldart
Director

SUBRECIPIENT OFFICIAL
Edward L. Long
County Executive
Fairfax County Government



Signature Date 09/22/2015

Signature Date

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



Muriel Bowser
Mayor

Chris T. Geldart
Director

Subaward

SUBPROGRAM
FY 2015 Urban Areas Security Initiative

FEDERAL AWARD IDENTIFICATION NUMBER
EMW-2015-SS-00019

SUBRECIPIENT
Fairfax County Police Department

FEDERAL AWARD DATE
08/11/2015

SUBAWARD TITLE
Intelligence Analysis - VA (Continuation)

FEDERAL AWARING AGENCY
U.S. Department of Homeland Security
Federal Emergency Management Agency

SUBAWARD ID
15UASI533-01

FEDERAL AWARD TOTAL AMOUNT
\$58,141,500.00

SUBAWARD AMOUNT
\$1,091,584.00

CFDA
97.067 Homeland Security Grant Program

SUBAWARD PERFORMANCE PERIOD
09/01/2015-05/31/2017

STATE ADMINISTRATIVE AGENT /
PASS-THROUGH ENTITY
District of Columbia Homeland Security and
Emergency Management Agency

SUBRECIPIENT DUNS
074837626 Fairfax County Virginia

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- Subrecipient Handbook

AWARDING OFFICIAL
Chris T. Geldart
Director

SUBRECIPIENT OFFICIAL
Edward L. Long
County Executive
Fairfax County Government


Signature _____ Date 09/22/2015

Signature _____ Date _____

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 16115

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 November 17, 2015, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2016, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G7070, Department of Information Technology	\$4,853,000
Grants:	1HS0023, GIS Data Exchange and CAD2GIS Tool Project 1HS0036, CAD to CAD Maintenance 1HS0037, Interoperable Communications Infrastructure Sustainment 1HS0080, NCRnet Fiber Replacement	
Agency:	G7171, Health Department	\$148,000
Grant:	1HS0030, Public Health Planning and MRC Program Sustainment	
Agency:	G9090, Police Department	\$3,091,584
Grant:	1HS0039, Intelligence Analysis 1HS0043, Mobile AFIS Maintenance	
Agency:	G9292, Fire and Rescue Department	\$1,342,760
Grants:	1HS0040, Incident Management Team 1HS0041, Intelligence Analysis 1HS0047, Radio Cache Maintenance 1HS0073, Capital Shield Exercise Support 1HS0079, Technical Rescue PPE 1HS0081, Bi-Directional Amplifier Deployment	
Agency:	G9393, Office of Emergency Management	\$2,881,976
Grants:	1HS0031, NCR Regional Planner 1HS0035, Exercise and Training Officer 1HS0045, NIMS Compliance Officer 1HS0050, Text Alert Notification System Maintenance 1HS0051, Volunteer Initiatives 1HS0052, WebEOC Maintenance	
Agency:	G9595, Department of Public Safety Communications	\$1,725,000
Grant:	1HS0077, Next Generation 9-1-1 Study and Plan	

Reduce Appropriation to:

Agency:	G8787, Unclassified Administrative Expenses	\$14,042,320
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: U.S. Department of Homeland Security, \$14,042,320

A Copy - Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

ADMINISTRATIVE – 10

Authorization for the Department of Neighborhood and Community Services to Apply for and Accept Grant Funding from the Metropolitan Washington Council of Governments, Enhanced Mobility of Seniors and Individuals with Disabilities Program, in Support of the Purchase of Wheelchair-Lift Equipped Vehicles

ISSUE:

Board of Supervisors authorization is requested for the Department of Neighborhood and Community Services (NCS) to apply for and accept grant funding, if received, from the Metropolitan Washington Council of Governments (MWCOG), Enhanced Mobility of Seniors and Individuals with Disabilities Program in the amount of \$300,000, including \$60,000 in Local Cash Match. Funding will support the purchase of five wheelchair lift-equipped vehicles to replace high-mileage vehicles currently owned by the County. This two-year grant's objective is to enhance transportation options by providing funds for programs to serve the special needs of transit-dependent populations beyond traditional public transportation services. The required 20 percent Local Cash Match is available in Fund 60010, Department of Vehicle Services, FASTRAN Replacement Reserve. No new County funding will be necessary. There are no grant positions associated with this award. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Department of Neighborhood and Community Services to apply for and accept grant funding, if received, from the Metropolitan Washington Council of Governments. Funding in the amount of \$300,000, including \$60,000 in Local Cash Match will support the purchase of five wheelchair lift-equipped vehicles to replace high-mileage vehicles currently owned by the County. The required 20 percent Local Cash Match is available in Fund 60010, Department of Vehicle Services, FASTRAN Replacement Reserve. No new County funding will be necessary. There are no grant positions associated with the award.

Board Agenda Item
November 17, 2015

TIMING:

Board action is requested on November 17, 2015. Due to the grant application deadline of November 2, 2015, the application was submitted pending Board approval. This Board item is being presented at the earliest subsequent Board meeting. If the Board does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

The County has the opportunity to apply for Section 5310 Enhanced Mobility Program (MAP-21) funds, through the Washington Metropolitan Council of Governments, to purchase five wheelchair lift-equipped vehicles to replace existing high-mileage County vehicles. These vehicles will be used to provide an estimated 370,000 annual rides for senior citizens and individuals with disabilities. Since 1994, the County has purchased 35 replacement vehicles through this grant program.

The current Human Services Transportation authorized bus fleet totals 66 buses. The expected operating life for these vehicles is nine years and 110,000 miles. Factoring in the life cycle and high-mileage into the replacement planning efforts, Human Services Transportation anticipates the need to replace 7 to 8 buses each year. The factors utilized to determine the need to replace buses include age, mileage, and historical maintenance records.

Funding for the replacement of the FASTRAN buses is contained in Fund 60010, Department of Vehicle Services, FASTRAN Replacement Reserve. NCS, through the General Fund, contributes to Fund 60010 on an annual basis to maintain the ability to purchase replacement buses as needed. The Enhanced Mobility Program (MAP-21) grant from the Metropolitan Council of Governments provides NCS with the opportunity to purchase five buses at a significantly reduced net cost to the County. The award of this grant will allow NCS's replacement fund to save \$240,000. Previous year grant awards have resulted in similar savings to the County and have allowed NCS to keep its annual contributions to the replacement fund at a manageable level.

FISCAL IMPACT:

Grant funding in the amount of \$300,000, including \$60,000 in Local Cash Match is being requested from the MWCOG Enhanced Mobility of Seniors and Individuals with Disabilities Program to support the purchase of five wheelchair lift-equipped vehicles to replace high-mileage vehicles currently owned by the County. The required 20 percent Local Cash Match is available in Fund 60010, Department of Vehicle Services, FASTRAN Replacement Reserve. No new County funding will be necessary. This action does not increase the expenditure level of the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards. This grant does allow the

Board Agenda Item
November 17, 2015

recovery of indirect costs; however because this funding opportunity is highly competitive, the Department of Neighborhood and Community Services has elected to omit inclusion of indirect costs to maximize the proposal's competitive position.

CREATION OF POSITIONS:

There are no grant positions associated with this award.

ENCLOSED DOCUMENTS:

Attachment 1: Summary of Grant Application

STAFF:

Patricia D. Harrison, Deputy County Executive

Christopher Leonard, Director, NCS

Glenn Padeway, Business Area Manager, Human Services Transportation, NCS

Al-Hassan Koroma, Transportation Planner, Human Services Transportation, NCS

**Enhanced Mobility of Seniors and Individuals with Disabilities Program
SUMMARY OF GRANT PROPOSAL**

Grant Title:	<u>Enhanced Mobility of Seniors and Individuals with Disabilities Program</u>
Funding Agency:	Metropolitan Washington Council of Governments
Applicant:	Fairfax County Department of Neighborhood & Community Services (NCS)
Purpose of Grant:	This grant opportunity, created under the MAP-21 Federal Surface Transportation Act, offers limited funding to certain qualifying organizations to enhance mobility for seniors and persons with disabilities by providing matching grants for programs to serve the special needs of transit-dependent populations beyond traditional public transportation services and Americans with Disabilities Act (ADA) complementary paratransit services. Funding will assist in the purchase of five new wheelchair equipped buses.
Funding Amount:	Funding in the amount of \$300,000, including \$60,000 in Local Cash Match which is available in Fund 60010, Department of Vehicle Services, FASTRAN Replacement Reserve. No new County funding will be necessary.
Proposed Use of Funds:	Funding will support the purchase of five wheelchair lift-equipped vehicles needed to replace high-mileage vehicles currently owned by the County.
Target Population:	Seniors and individuals with disabilities.
Performance Measures:	The purchasing of five new buses does not have a set of independent performance measures; however, the utilization of these buses is part of NCS's Human Services Transportation performance measures.
Grant Period:	Tentatively July 2016, based on Federal Transit Administration approval. The grant period is for two years.

ADMINISTRATIVE – 11

Authorization for the Certification of Consistency with the Consolidated Plan as Required by U.S. Department of Housing and Urban Development In Order to Apply for Continuum of Care Program Funding

ISSUE:

Board authorization is requested for the Certification of Consistency with the Consolidated Plan as required by U.S. Department of Housing and Urban Development (HUD) in order to apply for Continuum of Care (CoC) Program funding. The Office to Prevent and End Homelessness (OPEH) is coordinating one Continuum of Care Program application on behalf of various County agencies as well as Fairfax County non-profit organizations. HUD requires that the projects included in the Continuum of Care Program application be certified as consistent with the County's Consolidated Plan. Combating homelessness for both families and individuals is a high priority in the County's Five-Year Consolidated Plan for FY 2016-2020. The plan was approved by the Board on April 28, 2015. Therefore, the projects in the Continuum of Care Program application are consistent with this priority.

Total grant funding of \$8,886,212 will be requested and will support a total of 30 homeless assistance projects. While one Continuum of Care Program application is submitted on behalf of both County agencies and Fairfax County non-profit organizations, funding is awarded directly to the County agency or non-profit organization administering the project. The County is applying for a total of 8 projects and non-profit organizations are applying for a total of 22 projects. Anticipated grant funding awarded directly to the County is included in the Federal-State Grant Fund as part of the FY 2016 Adopted Budget Plan. Therefore, staff will process these awards administratively in accordance with Board policy. However, if the actual County grant awards received are significantly different from what is included in the FY 2016 Adopted Budget Plan, another item will be submitted to the Board requesting appropriation of grant funds.

RECOMMENDATION:

The County Executive recommends that the Board certify that all projects included in the HUD Continuum of Care Program application are consistent with the Consolidated Plan. Upon Board approval, the County Executive will sign the "Certification of Consistency with the Consolidated Plan" form which is required by HUD when submitting the Continuum of Care Program application.

Board Agenda Item
November 17, 2015

TIMING:

Board approval is requested on November 17, 2015.

BACKGROUND:

The Fairfax-Falls Church community has been very successful for more than two decades in applying for and receiving HUD Continuum of Care funds. These funds have contributed to the development of a core continuum of services to enable homeless families and individuals to move toward stable housing. The housing opportunities provided under the Continuum of Care grant funds play a critical role in achieving the metrics called for in the Fairfax County Housing Blueprint, and meeting the goals of the 10-Year Plan to Prevent and End Homelessness in the Fairfax-Falls Church Community. As reflected in the draft FY 2016 Housing Blueprint, in addition to providing continued housing for existing residents and participants in new programs, the proposed Continuum of Care funds will support as many as 39 new households via unit turnover.

There are 24 existing projects that are eligible for renewal in the 2015 Continuum of Care application. All of these projects were included in the 2014 Continuum of Care award. In addition to the existing projects, four non-profit organizations are applying for five new housing projects. The County is also re-applying for a CoC planning grant in the amount of \$82,214. This is consistent with funding awarded last year and if awarded, staff will process this award administratively as per Board policy. This brings the total Continuum of Care applications to 30.

In summary, if awarded, Continuum of Care Program funding will provide the following:

- One year of continued funding of permanent supportive housing for 373 formerly homeless individuals with disabilities.
- One year of continued funding of permanent supportive housing for 25 families with a disabled head of household with minor children.
- One year of continued funding of transitional housing for 44 homeless families.
- One year of funding to support continued planning efforts and HUD compliance for our homeless service delivery system.

Board Agenda Item
November 17, 2015

- New funding for three projects to provide permanent supportive housing for 44 formerly chronically homeless single individuals and 2 chronically homeless families with a disabled head of household.
- New funding for two projects to provide rapid rehousing; one to 5 individuals and 6 families where the head of household is between the ages of 18-24 and another to 60 households, both families and individuals, coming from emergency shelters or fleeing domestic violence.

Attachment 1 summarizes the Continuum of Care Program applications, with projects sponsored by County agencies listed first followed by those sponsored by non-profit organizations.

FISCAL IMPACT:

Total Continuum of Care Program funding of \$8,886,212 will be requested and will support a total of 30 homeless assistance projects. Funding is awarded directly to the County agency or non-profit organization administering the project. Anticipated grant funding awarded directly to the County is included in the Federal-State Grant Fund as part of the FY 2016 Adopted Budget Plan. Therefore, staff will process these awards administratively in accordance with Board policy. However, if the actual County grant awards received are significantly different from what is included in the FY 2016 Adopted Budget Plan, another item will be submitted to the Board requesting appropriation of grant funds.

POSITIONS:

No new positions will be created.

ENCLOSED DOCUMENTS:

Attachment 1 – HUD 2015 Continuum of Care Applications

Attachment 2 – Certification of Consistency with the Consolidated Plan

STAFF:

Patricia Harrison, Deputy County Executive

Dean H. Klein, Director, OPEH

Julie Maltzman, CoC Lead Manager, OPEH

Tom Fleetwood, Acting Director, Dept. of Housing and Community Development

HUD 2015 CONTINUUM OF CARE GRANT APPLICATIONS

Project Description	HUD Funding
Grants Sponsored by County Agencies	
1. DFS, with partners, Community Housing Resource Program (CHRP) – Renewal 11/16-10/17 – 28 leased units providing transitional housing with supportive services for 28 families who are homeless due to domestic violence.	\$439,807
2. DFS with partners, Reaching Independence through Support and Education (RISE) – Renewal 08/16-07/17 – 20 leased units providing permanent supportive housing for 20 formerly homeless families with a disabled head of household.	\$476,588
3. DHCD/Pathway Homes, Shelter Plus Care #1 – Renewal 04/16-03/17 – 29 leased units providing permanent supportive housing for 34 formerly homeless individuals with severe mental illness.	\$471,661
4. DHCD/Pathway Homes, Shelter Plus Care #2 – Renewal 06/16-05/17 – 33 leased units providing permanent supportive housing for 41 formerly homeless individuals with severe mental illness	\$527,707
5. DHCD/Pathway Homes, Shelter Plus Care #9 – Renewal 08/16-07/17 – 22 leased units providing permanent supportive housing for 25 formerly homeless individuals with severe mental illness	\$339,734
6. DHCD/Pathway Homes, Shelter Plus Care #10 – Renewal 06/16-05/17 – 11 leased units providing permanent supportive housing for 18 formerly homeless individuals with severe mental illness.	\$239,328
7. Fairfax-Falls Church Community Services Board, Welcome Home – Renewal 11/16-11/17 – 12 leased units providing permanent supportive housing for 14 formerly chronically homeless individuals.	\$259,504
8. Office to Prevent and End Homelessness, Planning Grant – Renewal 9/16-8/17 – One year of funding to support continued planning efforts and HUD compliance for our homeless service delivery system.	\$82,214
Grants Sponsored by Non-Profit Agencies	
9. Christian Relief Services of Virginia, 1994 CRS/Pathway Homes/ PRS SHP – Renewal 07/16-06/17 – 4 owned units providing permanent supportive housing for 14 formerly homeless individuals with severe mental illness.	\$224,311
10. Christian Relief Services of Virginia, 1995 CRS/Pathway Homes/ PRS SHP – Renewal 02/16-01/17 – 4 owned units providing permanent supportive housing for 14 formerly homeless individuals with severe mental illness.	\$301,247
11. Christian Relief Services Charities, 1991 CRS/Pathway Homes SHP – Renewal 01/17-12/17 – 7 owned units providing permanent supportive housing for 16 formerly homeless individuals with severe mental illness.	\$140,352
12. Pathway Homes, 1991 SHP – Renewal 01/17-12/17 – 4 units owned providing permanent supportive housing for 16 formerly homeless individuals with severe mental illness.	\$163,571
13. Pathway Homes, 2007 SHP – Renewal 12/16-11/17 – 7 leased units providing permanent supportive housing for 7 formerly chronically homeless individuals with severe mental illness.	\$161,206
14. Pathway Homes, 2009 SHP – Renewal 11/16-10/17 – 7 leased units providing permanent supportive housing for 7 formerly chronically homeless individuals with severe mental illness.	\$160,920

Project Description	HUD Funding
15. Pathway Homes, 2011 SHP – Renewal 09/16-08/17 – 9 leased units and 1 leased group home providing permanent supportive housing for 25 formerly homeless or chronically homeless individuals with severe mental illness.	\$330,501
16. Pathway Homes, 2014 SHP – Renewal 08/16-07/17 – 50 leased units providing permanent supportive housing for 55 chronically homeless individuals with severe mental illness. (Consolidated 2014 Pathway Homes SHP – R and 2014 Pathway Homes SHP – B)	\$1,199,664
17. Pathway Homes, 2015 SHP – New – 22 leased units providing permanent supportive housing for 22 formerly chronically homeless individuals with severe mental illness.	\$504,272
18. PRS, Inc., PRS Intensive Supportive Housing – Renewal 09/16-08/17 – 1 owned group home providing permanent supportive housing for 6 formerly homeless individuals with severe mental illness.	\$172,356
19. FACETS, TRIUMPH II PSH – Renewal 1/17-12/17 – 12 leased units providing permanent supportive housing for 18 formerly chronically homeless individuals.	\$295,953
20. FACETS, TRIUMPH PSH – Renewal 02/16-01/17 – 9 leased units providing permanent supportive housing for 9 formerly chronically homeless individuals.	\$160,546
21. FACETS, TRIUMPH III PSH – New – 10 leased units providing permanent supportive housing for 10 formerly chronically homeless individuals.	\$220,672
22. FACETS, Linda’s Gateway PSH – New – 2 leased group homes providing permanent supportive housing for 12 formerly chronically homeless individuals and 2 leased units providing permanent supportive housing to 2 chronically homeless families.	\$417,182
23. Volunteers of America Chesapeake, Bailey’s PSH – Renewal 10/16-09/17 – 7 leased units providing permanent supportive housing for 14 formerly chronically homeless individuals.	\$161,364
24. New Hope Housing, PSH Group Homes – Renewal 08/16-7/17 – 2 group homes (one leased and one owned) providing permanent supportive housing for 16 formerly chronically homeless individuals. (consolidated – Max’s Place and Gartlan House)	\$350,946
25. New Hope Housing, Milestones – Renewal 07/16-06/17 – 4 owned units providing permanent supportive housing for 5 formerly homeless families with a disabled head of household.	\$60,905
26. New Hope Housing, Just Home Fairfax – Renewal 11/16-10/17 – 3 leased units providing permanent supportive housing for 6 formerly chronically homeless individuals.	\$82,250
27. The Alternative House, Transitioning Age Youth Rapid Rehousing – New – Rapid Rehousing (rental assistance and supportive services) for 11 households for those between the ages of 18 and 24, with and without accompanying children.	\$263,580
28. Shelter House, Rapid Rehousing Project – New – Rapid Rehousing (rental assistance and supportive services) for 60 households, both families and individuals.	\$423,404
29. Shelter House, NOVACO Transitional Housing for Victims of Domestic Abuse – Renewal 01/17-12/17 – 7 owned units providing transitional housing with supportive services for 7 families who are homeless due to domestic violence.	\$113,615
30. United Community Ministries, Journeys – Renewal 06/16-05/17 – 9 leased units providing transitional housing with supportive services for 9 families who are homeless due to domestic violence.	\$140,852
Total	\$8,886,212

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing
and Urban Development

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.
(Type or clearly print the following information:)

Applicant Name: Fairfax County CoC

Project Name: List Attached

Location of the Project: Fairfax County, VA

Name of the Federal
Program to which the
applicant is applying: HUD CoC Program

Name of
Certifying Jurisdiction: Fairfax County, Virginia

Certifying Official
of the Jurisdiction
Name: Edward L. Long Jr.

Title: County Executive

Signature: _____

Date: _____

**Attachment to Form HUD-2991
Certification of Consistency with the Consolidated Plan
2015 Fairfax County Continuum of Care (CoC)
Grant Process Applicant and Project Names**

FEDERAL PROGRAM: Continuum of Care Program

Applicant and Project Name:

1. Fairfax County Dept. of Family Services; Community Housing Resource Program (CHRP)
2. Fairfax County Dept. of Family Services; Reaching Independence thru Support and Education (RISE)
3. Fairfax County Dept. of Housing and Community Development; DHCD/Pathway Homes SPC Grant #1
4. Fairfax County Dept. of Housing and Community Development; DHCD/Pathway Homes SPC Grant #2
5. Fairfax County Dept. of Housing and Community Development; DHCD/Pathway Homes SPC Grant #9
6. Fairfax County Dept. of Housing and Community Development; DHCD/Pathway Homes SPC Grant #10
7. Fairfax-Falls Church Community Services Board; Welcome Home
8. Fairfax County Office to Prevent and End Homelessness; Planning Grant
9. Christian Relief Services of Virginia Inc.; 1994 CRS/Pathway Homes/PRS SHP
10. Christian Relief Services of Virginia Inc.; 1995 CRS/Pathway Homes/PRS SHP
11. Christian Relief Services Charities, Inc.; 1991 CRS/Pathway Homes SHP
12. Pathway Homes, Inc.; 1991 Pathway Homes SHP
13. Pathway Homes, Inc.; 2007 Pathway Homes SHP
14. Pathway Homes, Inc.; 2009 Pathway Homes SHP
15. Pathway Homes, Inc.; 2011 Pathway Homes SHP
16. Pathway Homes, Inc.; 2014 Pathway Homes SHP
17. Pathway Homes, Inc.; 2015 Pathway Homes SHP
18. PRS, Inc.; PRS Intensive Supportive Housing
19. FACETS, Inc.; TRIUMPH II
20. FACETS, Inc.; TRIUMPH
21. FACETS, Inc.; TRIUMPH III
22. FACETS, Inc.; Linda's Gateway
23. Volunteers of America Chesapeake, Inc.; VOAC Bailey's PSH
24. New Hope Housing, Inc.; PSH Group Homes
25. New Hope Housing, Inc.; Milestones
26. New Hope Housing, Inc.; Just Home Fairfax
27. The Alternative House, Inc.; TAY Rapid Rehousing
28. Shelter House Inc.; Rapid Rehousing Project
29. Shelter House, Inc.; NOVACO Transitional Housing for Victims of Domestic Abuse
30. United Community Ministries, Inc.; Journeys

Name of Certifying Jurisdiction: Fairfax County, Virginia

Certifying Official Name and Title: Edward L. Long, Jr., County Executive

Signature: _____ **Date:** _____

ACTION - 1

Adoption of a Resolution Approving the Issuance by the Fairfax County Economic Development Authority of Revenue Bonds for the Benefit of the Oakcrest School

ISSUE:

Board adoption of a resolution for the Fairfax County Economic Development Authority to issue revenue bonds up to \$12,000,000 for the benefit of the Oakcrest School.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution.

TIMING:

Board action is requested on November 17, 2015.

BACKGROUND:

Oakcrest School is a not-for-profit 501(c)(3) school for girls that provides private school education for grades 6-12 and offers an independent college preparatory curriculum at the high school level. The school purchased 23 acres of land located at 1619 Crowell Road, Vienna (Fairfax County), Virginia in 2007 to construct a permanent campus and to support future growth. The planned improvements were approved by the Fairfax County Board of Supervisors on February 25, 2014, permitting a maximum number of students of 450 at the school.

The school mission is to act in partnership with parents to challenge girls in grades 6-12 to develop their intellect, character, faith and leadership potential to help provide success for college and throughout their lives. There is no religious requirement for admissions and there is no religious requirement for appointment to the faculty. Additionally, the students are not required to adhere to any particular religious faith nor are they required to attend religious courses that are intended to prepare students to accept particular religious sacraments. The school is open to all ethnic and religious backgrounds and approximately 30% of all students are African-American, Asian-American, Hispanic/Latino or multinational. Scholarships and financial aids are also offered.

FISCAL IMPACT:

None.

Board Agenda Item
November 17, 2015

ENCLOSED DOCUMENTS:

Attachment 1 - Resolution of the Board of Supervisors

Attachment 2 - Certificate of Public Hearing with supporting documents

Attachment 3 – Fiscal Impact Statement

STAFF:

Gerald L. Gordon, Director, Fairfax County Economic Development Authority

Thomas O. Lawson, Counsel to Fairfax County Economic Development Authority

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF FAIRFAX, VIRGINIA

WHEREAS, the Fairfax County Economic Development Authority ("Authority"), has approved the application of Oakcrest School ("Applicant"), a nonprofit, 501(c)(3) entity, requesting that the Authority issue its revenue bonds to assist the Borrower in constructing new school facilities, including a new 100,000 square foot complex to house two academic wings located in Fairfax County, Virginia;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds.

WHEREAS, the Authority issues its bonds on behalf of the County of Fairfax, Virginia ("County"); the New Money Project is located in the County and the Board of Supervisors of Fairfax County, Virginia (the "Board"), constitutes the highest elected governmental unit of the County;

WHEREAS, the Authority has recommended that the Board approve the Plan of Finance and the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FAIRFAX, VIRGINIA.

1. The Board approves the Plan of Financing and the issuance of the Bonds by the Authority for the benefit of the Oakcrest School, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950 as amended ("Virginia Code").
2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Plan of Finance or the Company.
3. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of the County of Fairfax, Virginia this 17th day of November 2015.

Clerk, Board of Supervisors, Fairfax County,

Virginia

[SEAL]

CERTIFICATE

The undersigned Secretary of the Fairfax County Economic Development Authority (the "Authority") certifies as follows:

1. A meeting of the Authority was duly called and held on October 20, 2015, at 6:00 p.m. at 8300 Boone Boulevard, Suite 450 in Vienna, Virginia, pursuant to proper notice given to each Commissioner of the Authority before such meeting. The meeting was open to the public. The time of the meeting and the place at which the meeting was held provided a reasonable opportunity for persons of differing views to appear and be heard.

2. The Chairman announced the commencement of a public hearing on the application of the Oakcrest School, and that a notice of the hearing was published once a week for two successive weeks in a newspaper having general circulation in the County of Fairfax, Virginia (the "Notice"), with the second publication appearing not less than seven days nor more than twenty-one days prior to the original hearing date. A certified copy of the Notice has been filed with the minutes of the Authority and is attached.

3. A summary of the statements made at the public hearing is attached.

4. Attached is a true, correct and complete copy of a resolution (the "Resolution") adopted at such meeting of the Authority by a majority of the Commissioners present at such meeting. The Resolution constitutes all formal action taken by the Authority at such meeting relating to matters referred to in the Resolution. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on this date.

WITNESS my hand and the seal of the Authority, this 20th day of October 2015.



Ronald C. Johnson

Secretary Fairfax County Economic Development Authority

[SEAL]

Exhibits:

- A - Proof of Publication
- B - Summary of Statements
- C - Resolution

AFFIDAVIT OF PUBLICATION

AD # 14845171

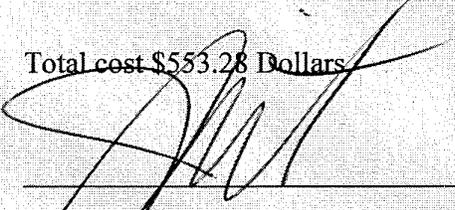
TO WIT:

I hereby certify that on the 3rd day of September, 2015, before me, the subscriber, DASHELLE D. ADDISON, a notary public, that the matters of facts set forth are true. JANICE WRIGHT, who being duly sworn according to law, and oath says that he is an AUTHORIZED AGENT of THE WASHINGTON TIMES, L.L.C., publisher of

The Washington Times

Circulated daily, in the State of Virginia County of Fairfax, and that the advertisement, of which the annexed is a true copy, was published in said newspaper 2 times(s) on the following dates:

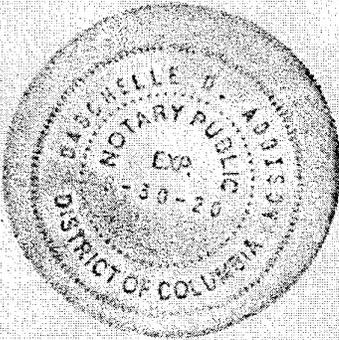
Thursday, August 27, 2015
Thursday, September 3, 2015

Total cost \$553.28 Dollars


As witness, my hand and notarial seal.

Notary Public





DASHELLE D. ADDISON
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires June 30, 2020

**NOTICE OF PUBLIC HEARING
ON PROPOSED REVENUE BOND PLAN
OF FINANCING BY FAIRFAX COUNTY
ECONOMIC DEVELOPMENT AUTHORITY**

Notice is hereby given that the Fairfax County Economic Development Authority ("Authority") will hold a public hearing on the application of Oakcrest School ("Borrower"), a Section 501(c)(3) nonstock nonprofit District of Columbia corporation authorized to do business in the Commonwealth of Virginia, whose current address is 850 Balls Hill Road, McLean, Virginia 22101. The Borrower requests the Authority to issue up to \$12,000,000 of its revenue bonds at one time or from time to time to assist the Borrower in financing all or part of the following plan of financing (collectively, "Plan of Financing") for the benefit of the Borrower: (i) new construction of facilities including the Main Academic Building (Manor House, Administrative Offices, Library, Technology Lab and the East and West Academic Wings), miscellaneous hard and soft costs related thereto, and furnishing of a secondary single sex school for grades 6 through 12 to fulfill its mission at 1619 Crowell Road, Vienna, Virginia 22182 located in Fairfax County; and (ii) certain other costs associated with the foregoing Plan of Financing, which may include, but may not be limited to, costs of issuance and other eligible expenditures.

The issuance of revenue bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia, nor the County of Fairfax, Virginia, and neither the full faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of such bonds.

The public hearing, which may be continued or adjourned, will be held at 6:00 o'clock p.m. on September 15, 2015, before the Authority at the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035, in Room 232 (instead of the previously noted address of 8300 Boone Boulevard, Suite 450, Vienna, Virginia 22182-2633). Any person interested in the issuance of the bonds or the location or nature of the proposed projects may appear at the hearing and present his or her views. A copy of the Borrower's application is on file and is open for inspection at the office of the Authority's counsel, Thomas D. Lawson, Esquire at 10805 Main Street, Suite 200, Fairfax, Virginia 22090 during normal business hours.

Fairfax County Economic Development Authority
Run Date: August 27 and September 3, 2015
AD#14845171R

EXHIBIT B

Summary of Statements

Representatives of the Oakcrest School appeared before the Authority to explain the proposed revenue bond issue. No one appeared in opposition to the revenue bond issue.

RESOLUTION OF THE FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY
AUTHORIZING THE ISSUANCE OF UP TO \$12,000,000
REVENUE BONDS FOR THE BENEFIT OF
OAKCREST SCHOOL

October 20, 2015

WHEREAS, the Fairfax Economic Development Authority, a political subdivision of the Commonwealth of Virginia ("Authority"), is empowered by the Acts of Assembly, 1964, Ch. 643, p. 975, as amended ("Act"), to issue its revenue bonds for, among other purposes, the financing of facilities for nonprofit institutions to provide secondary single sex education school, the financing of facilities for use by organizations (other than organizations organized and operated exclusively for religious purposes) that are described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended ("Code"), and are exempt from federal income taxation pursuant to Section 501(a) of such Code, and to promote the health and welfare of the inhabitants of Virginia.

WHEREAS, the Authority has received a request from Oakcrest School ("Oakcrest"), an organization which is not organized exclusively for religious purposes and is described in Section 501(c)(3) of the Code requesting that the Authority issue its revenue bonds for up to \$12,000,000 tax exempt bonds for the construction of academic buildings for its new campus, and costs and expenses related thereto to fulfill its mission in (a) constructing facilities located at 1619 Crowell Road, Vienna, Virginia 22182, in Fairfax County, and (b) certain other costs associated with the foregoing plan of financing ("Plan of Financing") which may include, but not limited to, costs of issuance and other eligible expenditures (collectively, the "Project").

WHEREAS, such assistance will benefit the inhabitants of the County of Fairfax, Virginia and the Commonwealth of Virginia by protecting and promoting their health and welfare.

WHEREAS, the Project has been described to the Authority and a public hearing has been held as required by Section 147(f) of Code and Section 15.2-4906 of the Act; and

WHEREAS, Oakcrest has represented that the estimated cost of the Project and all expenses of issue will require an issue of revenue bonds in the aggregate principal amount not to exceed \$12,000,000 which will be tax exempt bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE FAIRFAX COUNTY
ECONOMIC DEVELOPMENT AUTHORITY:

1. It is hereby found and determined that the financing of the Project will be in the public interest and will protect and promote the health and welfare of the Commonwealth of Virginia, the County of Fairfax, Virginia and their citizens.

2. The Authority hereby agrees to assist Oakcrest by undertaking the issuance of its revenue bonds in an amount not to exceed \$12,000,000 which will be tax exempt bonds upon terms and conditions mutually agreeable to the Authority and Oakcrest. The bonds will be issued pursuant to documents satisfactory to the Authority. The bonds may be issued in one or more series at one time or from time to time.

3. It having been represented to the Authority that it is necessary to proceed immediately with the Project, the Authority agrees that Oakcrest may proceed with plans for the Project and its Plan of Financing, enter into contracts for acquisition, construction, and materials for the Project, and take such other steps as it may deem appropriate in connection therewith; provided, however, that nothing in this resolution shall be deemed to authorize Oakcrest to obligate the Authority without its consent in each instance to the payment of any moneys or the performance of any acts in connection therewith. The Authority agrees that Oakcrest may be reimbursed from the proceeds of the bonds for all expenditures and costs so incurred by it, provided such expenditures and costs are properly reimbursable under the Act and applicable federal laws.

4. At the request of Oakcrest, the Authority approves Reed Smith LLP, Falls Church, Virginia, as Bond Counsel in connection with the issuance of the bonds.

5. All costs and expenses in connection with the financing of the Project, including the fees and expenses of Bond Counsel and Authority Counsel, may be paid by Oakcrest, or, to the extent permitted by applicable law, from the proceeds of the bonds. If for any reason such bonds are not issued, it is understood that all such expenses shall be paid by Oakcrest and that the Authority shall have no responsibility therefor.

6. In adopting this resolution the Authority intends to take "official action" toward the issuance of the bonds and to evidence its "official intent" to reimburse from the proceeds of the bonds any expenditures paid by Oakcrest to finance the Project, all within the meaning of regulations issued by the Internal Revenue Service pursuant to Section 103 and 141 through 150 and related sections of the Code.

7. The Authority recommends that the Board of Supervisors of the County of Fairfax, Virginia, approve the issuance of the bonds.

8. No bonds may be issued pursuant to this resolution until such time as the issuance of the bonds has been approved by the Board of Supervisors of the County of Fairfax, Virginia.

9. The resolution shall take effect immediately upon its adoption.

CERTIFICATE

The undersigned Secretary of the Fairfax County Economic Development Authority ("Authority") certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Commissioners of the Authority present and voting at a meeting duly called and held on October 20, 2015, in accordance with the law, and that such resolution has not been repealed, revoked, rescinded, or amended but is in full force and effect on this date.

WITNESS the following signature and seal of the Authority, the 20th day of October, 2015.


Secretary, Fairfax County
Economic Development Authority

CERTIFICATE

The undersigned Secretary of the Fairfax County Economic Development Authority (the "Authority") certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the members of the Authority present and voting at a meeting duly adopted by a majority of the member of the Authority present and voting at a meeting duly called and held on October 20, 2015, in accordance with law, with a quorum present and acting throughout, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on the date hereof.



Ronald C. Johnson
Secretary, Fairfax County Economic Development Authority

[SEAL]

FAIRFAX COUNTY

ECONOMIC DEVELOPMENT AUTHORITY

Industrial Revenue Bonds

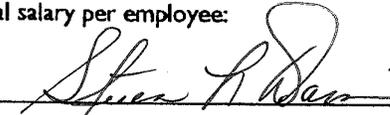
Fiscal Impact Statement

Applicant: Oakcrest school

Facility: New Campus

Date: June 3, 2015

1. Maximum amount of financing sought: \$ 12,000,000
2. Estimated taxable value of the facility's real property to be constructed in the municipality: \$ 33,000,000
3. Estimated real property tax per year using present tax rates: \$ N/A
4. Estimated personal property tax per year using present tax rates: \$ 25,000
5. Estimated merchants' capital tax per year using present tax rates: \$ N/A
6. Estimated dollar value per year of:
 - a. goods and services that will be purchased locally within the locality \$ 3,000,000
 - b. goods that will be purchased from non-Virginia companies within the locality \$ 100,000
 - c. services that will be purchased from Virginia companies within the locality \$ 1,000,000
 - d. services that will be purchased from non-Virginia companies within the locality \$ 50,000
7. Estimated number of regular employees on year-round basis: 85
8. Average annual salary per employee: \$ 43,517

Authority Chairman 

Name of Authority _____

Board Agenda Item
November 17, 2015

ACTION – 2

Approval of State Litter Prevention and Recycling Grant Funding Transfer to Clean Fairfax Council, Incorporated

ISSUE:

Board approval of the transfer of the State Litter Prevention and Recycling Grant Funding to Clean Fairfax Council, Incorporated. The total grant amount for Fairfax County in FY2016 is \$129,453.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the transfer of \$129,453 to Clean Fairfax Council, Incorporated.

TIMING:

Approval of the transfer is requested to allow Clean Fairfax Council, Incorporated to utilize the grant funding.

BACKGROUND:

Annually, Fairfax County applies for a State grant from the Virginia Department of Environmental Quality from the Litter Prevention and Recycling Fund Program. A grant was awarded from this fund to the County in September 2015 in the amount of \$129,453. Funds were received in the Solid Waste Program's budget, specifically Fund 400-C40140, Collection and Recycling.

For the Board's information, last year's grant amount was \$128,034. The grant varies from year to year, as it is based upon State fees collected from the sale of certain items. It is distributed to localities based on a formula that uses population and road miles as its basis. The litter fund grant to Fairfax County includes \$1,071 that is directed to the Town of Clifton. This amount is directed to the Town by Clean Fairfax Council.

Clean Fairfax Council, Incorporated will need to comply with the provisions of the grant, including reporting back to the County pursuant to State requirements and the Memorandum of Understanding between the County and Clean Fairfax Council, Incorporated.

Board Agenda Item
November 17, 2015

FISCAL IMPACT:

None. The grant is from the State.

ENCLOSED DOCUMENTS:

Attachment 1: Litter and Recycling Fund grant application

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Virginia Department of Environmental Quality
FY 2016 APPLICATION AND CONTRACT FOR A
VIRGINIA LITTER PREVENTION AND RECYCLING GRANT

Grant Period: July 1, 2015 through June 30, 2016

Deadline for application: June 30, 2015

Applicant Status: Are you applying as a single locality? Yes or No (If yes, fill in ONLY your local government name on the line for The Primary Agency)

- OR -

Are you applying as a co-op? Yes or No (If yes, fill in your agency as the primary agency and the localities that you are representing in addition to your own on the "Localities of" line)

The Primary Agency Dept of Public Works and Environmental Services representing the Localities of Fairfax County and Town of Clifton (via Clean Fairfax Council, Inc.)

The Agency is applying for FY 2016 grant funding and agrees to use these grant funds to perform the litter prevention and recycling activities listed below: (Note: for an agency to qualify, a minimum of two items must be selected.)

Yes	No		Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Planning & Organization	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Adopt-A Programs (if more than one, please list)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recycling			<u>Adopt-a-Spot</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Youth Education			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Cleanups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other activities (List)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Law Enforcement			<u>SpringFest Fairfax</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Public Communication			<u>MS4 Outreach Team</u>

I certify that the above information is correct and agree to the terms and conditions contained herein and in the Guidelines (DEQ-LPR-2) for this grant program. For Co-op applications, I certify that a written agreement between the Coordinating Agency and each participating locality is on file.

Name of Organization: County of Fairfax

Name of Authorized Official: Edward Long
(Please print)

Edward.Long@fairfaxcounty.gov
Email Address for Grant Notifications

Secondary email address, if needed, for grant notifications: jen@cleanfairfax.org

Circle correct title: (County Administrator, City Manager, Town Manager or Coordinating Agency's Executive Director)

Signature: Edward Long Date: 5/5/2015
 Address: 12000 Government Center Pkwy Suite 552
Fairfax, VA 22035

FIN# 54-0787833
 FIPS# _____

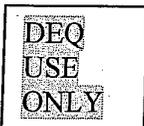
Phone: _____

As long grant funds are committed by June 30, they can be reported as committed funds (outstanding invoices) on your accounting report as having been spent. Unspent funds will be deducted from the locality's FY 2015 - 2016 grant.

Do you expect to have any unspent grant money remaining? Yes No

INFORMATION BELOW IS FOR DEPARTMENT OF ENVIRONMENTAL QUALITY USE ONLY

Signature of DEQ Official: _____ Date: _____



TRANS	AGENCY	FUND FUND DET	FFY	PROGRAM PROG SUB ELE	OBJECT	AMOUNT	COST CODE
325	440	0925	2016	515 09 00	1451		501
INVOICE NUMBER			PROJECT CODE	DESCRIPTION			
			90024	LITTER PREVENTION AND RECYCLING			
GRANTS							

Mail to: Steve Coe, DEQ, Litter and Recycling Grant, P.O. Box 1105, Richmond, VA 23218

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ACTION - 3

Approval of a Resolution Endorsing Projects Being Submitted for Fiscal Year 2017
Regional Funding through the Northern Virginia Transportation Authority

ISSUE:

Board approval of a resolution endorsing projects (Attachment 1) is requested, so that the Department of Transportation (FCDOT) can apply for regional funding for Fiscal Year (FY) 2017 through the Northern Virginia Transportation Authority (NVTA). FCDOT staff is recommending ten projects throughout the County. All of these projects were included in the Transportation Priorities Plan approved by the Board of Supervisors on January 28, 2014.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Attachment 1 endorsing ten Fairfax County transportation projects, and a project submitted by the Washington Metropolitan Area Transit Authority (WMATA) for NVTA's regional funding for FY 2017.

TIMING:

Board of Supervisors' approval is requested on November 17, 2015, to meet the NVTA project submission deadline of November 30, 2015.

BACKGROUND:

At its meeting on September 24, 2015, NVTA approved issuance of the FY 2017 Program Call for Projects. Funding for these capital projects is provided by NVTA's 70 percent share of regional revenues that NVTA retains. Project applications are due to NVTA on November 30, 2015, with a resolution of endorsement from each localities governing body.

NVTA staff will prepare a list of eligible candidate projects for consideration by the NVTA Board at its meeting on December 10, 2015, with a recommendation that these projects be submitted for the evaluation for congestion relief benefits as required by HB 599 (2012). The HB599 analysis is being conducted by VDOT.

NVTA's Project Implementation Working Group has been discussing, and will soon be finalizing its recommendation for the project selection process and selection criteria, including the factor weighting. NVTA's schedule anticipates adopting the FY 2017

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Program in July 2016.

Projects recommended for NVTA consideration for FY 2017 funding and their descriptions have been included as Attachment 2. These projects are a subset of, and consistent with, the Board's Transportation Priorities Plan (TPP) approved January 28, 2014. Fairfax County's total request for funding from NVTA is over \$439 million. Many of these projects will require funding beyond FY 2017, and staff will actively seek funding for projects in need of additional funding through NVTA and other sources in FY 2017 – FY 2022. Staff has already submitted nearly \$1 billion in funding requests from the Commonwealth through the HB2 process, which the Board authorized on September 22, 2015. Many of the projects submitted for HB2 consideration are also recommended by staff for the NVTA FY 2017 submission.

County staff recommends the following projects for submission to NVTA:

Roadway and Transit Projects (request in millions)	
Route 7 Widening Phase I; 4 to 6 lanes (Colvin Forest to Jarrett Valley Drive) PE, Right-of-Way	\$ 10.0
I-66/Route 28 Interchange Improvements PE, Right-of-Way, Construction	\$ 370.0
Route 1 Widening; 4 to 6 lanes (Mount Vernon Highway to Napper Road) PE, Right-of-Way; FY17 Revenue Sharing match	\$ 5.0
Route 28 Widening; 4 to 6 lanes (Prince William County Line to Route 29) PE, Right-of-Way; FY17 Revenue Sharing match	\$ 5.0
Fairfax County Parkway Widening; 4 to 6 lanes (Ox Road to Route 29); and Popes Head Road Interchange Improvements PE	\$ 10.0
Seven Corners Ring Road PE	\$ 5.0
Fairfax County Parkway Spot Roadway Improvements (I-95 to Route 1) PE, Right-of-Way, Construction	\$ 8.0
Frontier Drive Extension PE, Right-of-Way	\$ 15.0
Braddock Road HOV Widening; 4 to 6 Lanes (Burke Lake Road to I-495) PE	\$ 6.2
Fairfax Connector Capital (Buses) Purchase	\$ 5.5
Total	\$ 439.7

Projects submitted by regional transit operators that benefit Fairfax County include:

- Metrorail traction power upgrades on Blue Line associated with the Eight Car Train Project

Following action by the Board of Supervisors, staff will pursue NVTA FY 2017 regional funding.

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FISCAL IMPACT:

Requests for regional funding for FY 2017 are shown by project in the table above. There is no local cash match associated with these regional revenues, and no impact to the General Fund.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution of Endorsement of Projects Being Submitted for FY 2017 Northern Virginia Transportation Authority Regional Funding
Attachment 2 – List of Projects with Descriptions

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Todd Minnix, Chief, Transportation Design Division, FCDOT
Dan Rathbone, Chief, Transportation Planning Division, FCDOT
Karyn Moreland, Section Chief, Capital Projects and Operations Division, FCDOT
Noelle Dominguez, Senior Transportation Planner, Coordination and Funding FCDOT
Ray Johnson, Senior Transportation Planner, Coordination and Funding FCDOT

Fairfax County Board of Supervisors Resolution

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

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, hereby approves the submission to the Northern Virginia Transportation Authority requests for regional funding for FY 2017 for the following projects:

- Route 7 Widening Phase I (Colvin Forest to Jarrett Valley Drive) - \$10,000,000
- I-66/Route 28 Interchange Improvements - \$370,000,000
- Route 1 Widening (Mt Vernon Highway to Napper Road) - \$5,000,000
- Route 28 Widening (Prince William County Line to Route 29) - \$5,000,000
- Fairfax County Parkway Widening (Ox Road to Route 29) and Popes Head Road Interchange Improvements - \$10,000,000
- Seven Corners Ring Road - \$5,000,000
- Fairfax County Parkway Spot Roadway Improvements (I-95 to Route 1) - \$8,000,000
- Frontier Drive Extension - \$15,000,000
- Braddock Road HOV Widening (Burke Lake Road to I-495) - \$6,200,000
- Fairfax Connector Capital (Buses) Purchase - \$5,500,000
- Metrorail traction power upgrades on Blue Line associated with the Eight Car Train Project

Adopted this 17th day of November 2015, Fairfax, Virginia

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

List of Recommended Projects for NVT A Consideration (FY2017)

PROJECT	PROJECT DESCRIPTION	CURRENT COST ESTIMATE	REQUESTED FUNDING
Route 7 Widening Phase I (Colvin Forest to Jarrett Valley Drive)	<p>This project aims to increase capacity, decrease congestion and improve safety along a 3.6-mile segment of Route 7 between Jarrett Valley Drive and Colvin Forest Drive, and includes:</p> <ul style="list-style-type: none"> • Widening from four to six lanes. • Intersection improvements along the corridor, with careful focus on community access. • A 10-foot shared-use path on both sides of Route 7, with connections to local trails. 	\$135,872,000	\$10,000,000
I-66/Route 28 Interchange Improvement	<p>The Six-Year Improvement Program approved by the Commonwealth Transportation Board in June 2014 provided \$15 million to begin design, right of way and construction for Phase 1 improvements to the I-66 interchange at Route 28. A preliminary study identified interchange alternatives, created a concept-level operational analysis, developed cost estimates and identified key implementation constraints. Study results were shared with the community and stakeholders, and next steps included identifying funding.</p> <p>The study considered:</p> <ul style="list-style-type: none"> • Traffic volumes at the year 2040 • Right-of-way impacts and property access issues for the Fairfax County Park Authority • Braddock and Walney Roads • Community concerns • Possible phasing opportunities <p>This cost estimate includes the base interchange, as well as Express Lanes connections.</p>	\$385,000,000	\$370,000,000

<p>Route 1 Widening (Mt Vernon Memorial Highway to Napper Road)</p>	<p>The Richmond Highway widening project is 2.9 miles in length and is located between Mt. Vernon Memorial Highway (south) and Napper Road. This project will provide a six-lane facility complementing the existing Richmond Highway project currently under construction from Telegraph Road to Mt. Vernon Memorial Highway. This project will tie into the section of Richmond Highway north of Napper Road which is also a six lane facility, resulting in a six lane facility from Ft. Belvoir to I-95/I-495 in Alexandria. This project includes both pedestrian and bicycle facilities and provision for future bus rapid transit.</p>	<p>\$215,000,000</p>	<p>\$5,000,000</p>
<p>Route 28 Widening (Prince William County Line to Old Centreville Road)</p>	<p>The project consists of widening the existing four lanes (divided) to six lanes (divided) for approximately 2.3 miles, from north of the existing bridge over Bull Run to the intersection with Old Centreville Road/ Upperridge Drive. The typical section will include a shared use path on both sides of the roadway. The project also seeks to eliminate split phase signals at all intersections by expanding turning lane approaches. Existing traffic signals will be upgraded; bike and pedestrian crossings will be improved at all intersections.</p>	<p>\$69,000,000</p>	<p>\$5,000,000</p>
<p>Fairfax County Parkway Widening (Ox Road to ~2,000 Feet North of Lee Highway), and Fairfax County Parkway/Popes Head Road Interchange Improvement</p>	<p>The project provides for the widening of Route 286 from Route 123 to 2,000 feet north of Route 29 from four lanes (divided) to six lanes (divided). This improvement will provide or improve pedestrian and bicycle amenities including a major paved trail on the east side and major paved regional trail on the west side. Conceptual design assumes that all existing lanes will be salvaged and that 12 feet of pavement will be added to the inside median and two feet will be added to the outside to accommodate the future HOV lanes. Intersection improvements and access management will be considered in the design.</p> <p>The project provides for an interchange at the intersection of Fairfax County Parkway, Popes Head Road and Shirley Gate Extension. The project also includes shared use paths, bicycle accommodations, and future connection to Shirley Gate Road to the east.</p>	<p>\$194,000,000</p>	<p>\$10,000,000</p>

<p>Seven Corners Ring Road (Phase 1A/Segment 1A)</p>	<p>The Board of Supervisors adopted an updated Comprehensive Plan for the Seven Corners area that includes a concept for a new Seven Corners Interchange. This project will design and construct the first phase of the new Interchange. This phase consists of a new road connecting Route 7, on the western side of the existing Seven Corners Interchange, with a bridge over Route 50, around the Interchange to Sleepy Hollow Road, back to Route 7 on the eastern side of the Interchange and terminating with a bridge that goes over Route 50. Both bridges over Route 50 would include ramps connecting the area to eastbound and westbound Route 50. The entire project includes wide sidewalks and a bi-directional cycle track.</p>	<p>\$52,045,000</p>	<p>\$5,000,000</p>
<p>Fairfax County Parkway Spot Roadway Improvements (I-95 to Route 1)</p>	<p>The project consists of modifications to the Fairfax County Parkway, including spot improvements and the addition of auxiliary lanes. Project limits are from just north of the Loisdale Road intersection to just north of the Route 1 intersection, a distance of just under 3 miles. Typical modifications will include the extension of existing turn lanes, the addition of auxiliary turn lanes and intersection reconfiguration.</p>	<p>\$8,000,000</p>	<p>\$8,000,000</p>
<p>Frontier Drive Extension</p>	<p>Extend Frontier Drive from Franconia-Springfield Parkway to Loisdale Road, including access to Franconia-Springfield Metrorail Station and braided ramps to and from the Parkway. Provide on-street parking along Frontier Drive as well as pedestrian and bicycle facilities. Supports future relocation of the FBI to Springfield and access between Loisdale Road Medical Campus and Franconia-Springfield Metrorail.</p>	<p>\$89,500,000</p>	<p>\$15,000,000</p>
<p>Braddock Road HOV Widening (Burke Lake to I-495)</p>	<p>Widen Braddock Road from four lanes to six lanes plus 1-HOV lane in each direction, from I-495 to Burke Lake Road. The project would include intersection improvements such as turn lanes and signalization improvements, as well as pedestrian and bicycle facilities. There is an ongoing multi-modal study for Braddock Road. These funds may be used in the implementation of the recommendations from the multi-modal study.</p>	<p>\$62,300,000</p>	<p>\$6,200,000</p>

<p>Fairfax Connector Capital Bus Purchase</p>	<p>Fairfax Connector is planning to commence service on two routes offering new connections between Fair Oaks and Springfield via George Mason University, and the County government and judicial centers; and between the Richmond Highway Corridor and Springfield via Beulah Street and the Hilltop and Landsdowne village center areas. In addition to the new connections, service is anticipated to be improved and expanded on Springfield Circulator routes to improve on-time performance and reduce crowding. The \$5.5 million requested would fund the purchase of 11 buses needed to operate the expanded service, which includes spares for service when buses are offline for maintenance.</p>	<p>\$5,500,000</p>	<p>\$5,500,000</p>
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ACTION - 4

Approval of Project Agreement for Northern Virginia Transportation Authority Funding for the Innovation Center Metrorail Station Project (Dranesville District)

ISSUE:

Board of Supervisors' authorization for the Fairfax County Director of the Department of Transportation to sign a standard project agreement for \$28 million with the Northern Virginia Transportation Authority (NVTA) substantially in the form of Attachment 2, for implementation of the Innovation Center Metrorail Station project.

RECOMMENDATION:

The County Executive recommends that the Board approve a resolution (Attachment 1) authorizing the Fairfax County Director of the Department of Transportation to execute a standard project agreement, in substantial form, with NVTA (Attachment 2) for \$28 million in funding to support Innovation Station Metrorail project.

TIMING:

The Board of Supervisors should act on this item on November 17, 2015, so that NVTA can release funding for the Innovation Center Metrorail Station project.

BACKGROUND:

In November 2011, in an effort to reduce the burden of the Silver Line Phase 2 construction costs on Dulles Toll Road users, the Funding Partners, USDOT, the Commonwealth, and the Washington Metropolitan Area Transit Authority (WMATA) entered into a Memorandum of Agreement (MOA). Fairfax County agreed to use its best efforts to seek additional funding sources (i.e., other than Funding Partners or Dulles Toll Road revenues) to pay the cost of certain features of the Silver Line Phase 2, such as the Innovation Center Station and the parking garages to be located at the Herndon and Innovation Center Stations. The County's application for NVTA funding toward the Innovation Center Metrorail Station is consistent with the best efforts request for additional funding sources as part of the MOA.

On April 23, 2015, the NVTA approved its FY 2015-2016 Two-Year program, which included approximately \$346 million for 37 projects across Northern Virginia. NVTA's Two-Year program included \$28 million for the Innovation Station Project. The description sheet for this approved project is included as part of Attachment 2. The project also received \$41 million in NVTA's FY 2014 Program. The Board approved the agreement with NVTA for the \$41 million on May 12, 2015, and with MWAA for \$33 million of that funding on September 22, 2015.

To facilitate the implementation of the regionally funded projects, NVTA and jurisdictional staff developed a Standard Project Agreement (SPA) to govern the terms and conditions associated with the funding the Authority approves for these regional projects. The SPA is based on the requirements of HB 2313, but it also includes practical provisions associated with the implementation of the law and standard contract language. County staff was extensively involved in drafting this SPA, and in subsequently tailoring it for the Innovation Center Station project.

The major provisions of the NVTA SPA provide that the County will:

- Perform work in accordance with all applicable federal, state, and local laws and regulations, the SPA and the Project Description Sheet;
- Perform or have performed all environmental work, right-of-way acquisition, construction, contract administration, testing services, inspection services, or capital asset acquisition as required by the SPA and necessary to complete the project;
- Update project cash flow requirements periodically;
- Provide requests for payment consistent with the approved cash flow for a project on standard requisition forms;
- Notify NVTA's Executive Director of any additional project costs resulting from unanticipated circumstances. NVTA will decide whether to fund these additional costs, but only in accordance with NVTA's project selection process;
- Release or return any unexpended funds to NVTA no later than 90 days following final payment to contractors;
- Certify that any matching funds required for the project have been secured;
- Reimburse NVTA (with interest) for any funds misapplied or not used in accordance with the statutes governing NVTA's revenues;
- Acknowledge that NVTA will not be responsible for operating or maintaining the project upon completion;
- Obtain all necessary permits or permissions necessary for constructing and/or operating the project;
- Comply with all applicable federal and state funding requirements, if such other sources are used to fund the project;

The SPA provides that NVTA will:

- Provide funding for the project on a reimbursement basis, as outlined in the project agreement, project budget and cash flow as originally or subsequently approved;
- Assign a project coordinator to monitor the project to ensure compliance with the agreement and review payment requisitions;
- Make project payments within 20 days, if the payment requisition is sufficient;
- Notify the County of reasons a payment requisition is declined;
- Consider additional payment requests recommended by the Executive Director and the Finance Committee;
- Conduct periodic reviews of the project to ensure that it remains in compliance with the agreed-upon project scope;
- Advise the County in writing of any misused or misapplied funding and make recommendations to NVTA's Finance Committee, if the issue(s) is not resolved, and withhold additional funding for the project until final resolution of the matter.

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- Secure reimbursement from the County (with interest) of any misused or misapplied funding;
- Make guidelines available to assist with complying with the terms of the agreement.

The approved NVTA project provides funding for design, right-of-way, and construction of the Station and ancillary facilities, including: bus bay facilities, bicycle parking, kiss-and-ride, taxi waiting areas, and pedestrian walkways, bridges and station entrances from both the north and south sides of the Dulles Airport Access Highway/Dulles Toll Road. The County is constructing the ancillary facilities and will receive \$1 million of the NVTA funds, on a reimbursement basis, for that purpose.

This leaves \$27 million in NVTA funds available to be used for the portion of the Station being constructed by Metropolitan Washington Airports Authority (MWAA) contractors. As such, in addition to the project agreement between the County and NVTA, the County must execute a Project Funding Agreement with MWAA. Many of the requirements provided for in the NVTA SPA must be made part of the County's Project Agreement with MWAA. Therefore, many of the provisions are similar. Once that Project Agreement between MWAA and the County is executed, NVTA will be able to distribute \$27 million in funds (as a reimbursement as construction costs are incurred by MWAA) directly to MWAA, at the direction of the County. County staff expects to bring the Innovation Center Station project agreement with MWAA to the Board for consideration in Winter 2015.

FISCAL IMPACT:

Of the \$28 million in funding to be provided by NVTA, the County will receive \$1 million as a reimbursement for construction undertaken by the County as part of the approved project. NVTA monies reimbursed to the County will be allocated to the County and Regional Transportation Projects Fund (40010). The remaining \$27 million will be provided by NVTA directly to MWAA, at the direction of the County, for other design and construction work for the Innovation Center Metrorail Station. The NVTA funds will be credited to the various funding partners in accordance with existing agreements.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution to Execute Agreement with the Northern Virginia Transportation Authority

Attachment 2: Project Agreement, including Related Appendices, with the Northern Virginia Transportation Authority

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Joe LaHait, Debt Coordinator, Department of Management and Budget
Erin C. Ward, Senior Assistant County Attorney
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT
Mark Canale, Dulles Rail Project Manager, FCDOT
Ellen Posner, Coordination and Funding Division, FCDOT
Noelle Dominguez, Coordination and Funding Division, FCDOT

Fairfax County Board of Supervisors Resolution

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

AGREEMENT EXECUTION RESOLUTION

WHEREAS, in accordance with Northern Virginia Transportation Authority project agreement procedures, it is necessary that a resolution be received from the local government authorizing execution of an agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes the County Executive or designee to execute, on behalf of the County of Fairfax, a Project Funding Agreement with the Northern Virginia Transportation Authority for funding of the Innovation Center Metrorail Station the County of Fairfax substantially in the form of the NVTA SPA presented to the Board by staff on November 17, 2015.

Adopted this ____ day of _____, 2015, Fairfax, Virginia

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

**Standard Project Agreement for Funding and Administration
between
Northern Virginia Transportation Authority
and**

(Recipient Entity)

Project Name: _____

NVTA Project Number: _____

This Standard Project Agreement for Funding and Administration (“this Agreement”) is made and executed in duplicate on this _____ day of _____, 20__, as between the Northern Virginia Transportation Authority (“NVTA”) and _____ (“Recipient Entity”).

WITNESSETH

WHEREAS, NVTA is a political subdivision of the Commonwealth of Virginia created by the Northern Virginia Transportation Authority Act (“the NVTA Act”), Chapter 25 of Title 33.2 of the Code of Virginia, as amended;

WHEREAS, Section 33.2-2500(4) of the Code of Virginia authorizes NVTA to enter into project agreements with certain statutorily designated entities for the provision of transportation facilities and services to the area embraced by NVTA;

WHEREAS, Section 33.2-2509 of the Code of Virginia authorizes NVTA to use funds from a fund established pursuant to that Code section (the “NVTA Fund”) in order to assist in the financing, in whole or in part, of certain regional transportation projects in accordance with Code Section 33.2-2510;

WHEREAS, the NVTA Fund provides for the deposit therein of certain dedicated revenues and other funds appropriated by the Virginia General Assembly;

WHEREAS, Section 33.2-2510 of the Code of Virginia authorizes the use of funds from the NVTA Fund and the use of proceeds from NVTA debt issuances (“NVTA Bond Proceeds”) to be used by NVTA solely for transportation purposes benefitting those counties and cities embraced by NVTA;

WHEREAS, the Project set forth and described on Appendix A to this Agreement (“the Project”) satisfies the requirements of Virginia Code Section 33.2-2510;

WHEREAS, the Project is to be financed, as described in Appendix B, in whole or in part, by funds from the NVTA Fund and/or from NVTA Bond Proceeds, is located within a locality embraced by NVTA's geographical borders, or is located in an adjacent locality, but only to the extent that any such extension is an insubstantial part of the Project and is essential to the viability of the Project within the localities embraced by NVTA;

WHEREAS, _____ formally requested that NVTA provide funding to the Project by timely submitting an application for NVTA funding in response to NVTA's call for projects;

WHEREAS, NVTA has reviewed _____'s application for funding and has approved _____'s administration and performance of the Project's described scope of work;

WHEREAS, based on the information provided by _____, NVTA has determined that the Project complies with all requirements of the NVTA Act related to the use of moneys identified in Virginia Code Sections 33.2-2510(A),(C)1 and all other applicable legal requirements;

WHEREAS, the funds to be provided by NVTA described in Appendix B have been duly authorized and directed by _____ to finance the Project;

WHEREAS, NVTA agrees that _____ will design and/or construct the Project or perform such other specific work for the Project and _____ agrees that it will perform such work on the terms and conditions set forth in this Agreement and the Appendices appended thereto;

WHEREAS, both parties have concurred in the _____'s administration, performance, and completion of the Project on the terms and conditions set forth in this Agreement and its Appendices and in accordance with all applicable federal, state, and local laws and regulations; and

WHEREAS, NVTA's governing body and _____'s governing body have each authorized that their respective designee(s) execute this agreement on their respective behalf(s) as evinced by copies of each such entity's clerk's minutes which are appended hereto as Appendix E;

NOW THEREFORE, in consideration of the promises made mutual covenants, and agreements contained herein, the parties hereto agree as follows:

A. Recipient Entity's Obligations

_____ shall:

1. Complete or perform all said work as described in Appendix A, advancing such work diligently and ensuring that all work is completed in accordance with all applicable federal, state, and local laws and regulations, and all terms and conditions of this Agreement.
2. Ensure that all work performed or to be performed under this Agreement is in accordance with the Project Description Sheets attached to Appendix A and complies with Va. Code Ann. Sections 33.2-2510(A), (C)1.
3. Perform or have performed, and remit all payment requisitions and other requests for funding for design and engineering, including all environmental work, right-of-way acquisition, construction, contract administration, testing services, inspection services, or capital asset acquisitions for the Project, as is required by this Agreement and that may be necessary for completion of the Project.
4. Not use the NVTA funds specified on Appendix B to pay any Project cost if the NVTA Act does not permit such Project cost to be paid with NVTA funds.
5. Recognize that, if the Project contains "multiple phases" (as such "multiple phases" are defined for the Project on Appendix A), for which NVTA will provide funding for such multiple phases (as set forth on Appendix B), NVTA may not provide funding to _____ to advance the Project to the next phase until the current phase is completed. In any circumstance where _____ seeks to advance a Project to the next phase using NVTA funds, _____ shall submit a written request to NVTA's Executive Director explaining the need for NVTA's funding of an advanced phase. NVTA's Executive Director will thereafter review the circumstances underlying the request in conjunction with Appendix B and NVTA's current and projected cash flow position and make a recommendation to NVTA whether to authorize the requested advance phase funding. Nothing herein, however, shall prohibit _____ from providing its own funds to

advance a future phase of the Project and from requesting reimbursement from NVTA for having advance funded a future phase of the Project. However, _____ further recognizes that NVTA's reimbursement to _____ for having advance funded a Project phase will be dependent upon NVTA's cash flow position at the time such a request for reimbursement is submitted and to the extent that any such advanced funding is consistent with Appendix B.

6. Acknowledge that NVTA's Executive Director will periodically update NVTA's project cash flow estimates with the objective toward keeping those estimates accurate throughout the life of the Project. _____ shall provide all information required by NVTA so as to ensure and facilitate accurate cash flow estimates and accurate updates to those cash flow estimates throughout the life of the Project as described in Appendix B.
7. Provide to NVTA requests for payment consistent with Appendix B and the most recently approved NVTA cash flow estimates that include NVTA's standard payment requisition(s), containing detailed summaries of actual project costs incurred with supporting documentation as determined by NVTA and that certify all such costs were incurred in the performance of work for the Project as authorized by this Agreement. Each payment requisition shall be in substantially the same form as set forth in Appendix C of this Agreement. If approved by NVTA, _____ can expect to receive payment within twenty (20) days upon receipt by NVTA. Approved payments may be made by means of electronic transfer of funds from NVTA to or for the account of _____.
8. Promptly notify NVTA's Executive Director of any additional project costs resulting from unanticipated circumstances and provide to NVTA detailed estimates of additional costs associated with those circumstances. _____ understands that it will be within NVTA's sole discretion whether to provide any additional funding to the Project in such circumstances and that NVTA will do so only in accordance with NVTA's approved Project Selection Process and upon formal action and approval by NVTA. _____ shall timely provide to NVTA a

complete and accurate update to Appendix B, if NVTA approves funding of any additional Project costs for the Project under this Paragraph.

9. Release or return any unexpended funds to NVTA no later than 90 days after final payment has been made to the contractors.
10. Review and acknowledge the requirements of NVTA Resolution No. 14-08 adopted January 23, 2014; to wit that, if applicable to _____'s Project: a) Prior to any NVTA funds being released for a project that may be part of a larger project, projects, or system undertaken with an extra-territorial funding partner, all such extra-territorial funding partners must commit to pay their appropriate, respective proportionate share or shares of the larger project or system cost commensurate with the benefits to each on a basis agreed upon by the NVTA member localities; b) any such funds released by NVTA for such project will be in addition to the funds that the NVTA member locality is to receive from or be credited with by the extra-territorial funding partner for the project or system; and c) there shall be no funding made available by NVTA until such time as all extra-territorial funding partners for such project or system pay or officially commit to fund their appropriate, respective proportionate shares of such large project or system commensurate with the benefits to each on a basis agreed upon with NVTA.
11. Should _____ be required to provide matching funds in order to proceed or complete the funding necessary for the Project, _____ shall certify to NVTA that all such matching funds have been either authorized and/or appropriated by _____s governing body or have been obtained through another, independent funding source;
12. Maintain complete and accurate financial records relative to the Project for all time periods as may be required by the Virginia Public Records Act and by all other applicable state or federal records retention laws or regulations, unless superseded by the laws that govern _____ and provide copies of any such financial records to NVTA, free of charge, upon request.

13. Maintain all original conceptual drawings and renderings, architectural and engineering plans, site plans, inspection records, testing records, and as built drawings for the Project for the time periods required by the Virginia Public Records Act and any other applicable records retention laws or regulations, unless superseded by the laws that govern _____; and provide to NVTA copies of all such drawings and plans free of charge, upon request.
14. Reimburse NVTA for all NVTA funds (with interest earned at the rate earned by NVTA) that _____ misapplied or used in contravention of Sections 33.2-2500 *et. seq.* of the Virginia Code (“the NVTA Act”) Chapter 766 of the 2013 Virginia Acts of Assembly (“Chapter 766”), or any term or condition of this Agreement.
15. Name NVTA and its Bond Trustee or require that all _____’s contractors name NVTA or its Bond Trustee as an additional insured on any insurance policy issued for the work to be performed by or on behalf of _____ for the Project and present NVTA with satisfactory evidence thereof before any work on the Project commences or continues.
16. Give notice to NVTA that _____ may use NVTA funds to pay outside legal counsel services (as opposed to utilizing the services of its own in-house counsel or NVTA’s in-house legal counsel) in connection with the work performed under this Agreement _____ so as to ensure that no conflict of interest may arise from any such representation.
17. Provide certification to NVTA, that upon final payment to all contractors for the Project, _____ will use the Project for its intended purposes for the duration of the Project’s useful life. Under no circumstances will NVTA be considered responsible or obligated to operate and/or maintain the Project after its completion.
18. Comply with all requirements of the Virginia Public Procurement Act and other applicable Virginia Code provisions, or local ordinances which govern the letting of public contracts, unless superseded by the laws that govern _____.

19. Acknowledge that if the Project is being funded in whole or in part by NVTA Bond Proceeds, comply with the tax covenants attached as Appendix D.
20. Acknowledge that if _____ expects and/or intends that the Project is to be submitted for acceptance by the Commonwealth into its system that _____ agrees to comply with the Virginia Department of Transportation's ("VDOT's") "Standards, Requirements and Guidance."
21. Recognize that _____ is solely responsible for obtaining all permits and permissions necessary to construct and/or operate the Project, including but not limited to, obtaining all required VDOT and local land use permits, applications for zoning approvals, and regulatory approvals.
22. Recognize that if _____ is funding the Project, in whole or in part, with federal and/or state funds, in addition to NVTA funds and/or NVTA Bond Proceeds that _____ will need to comply with all federal and Commonwealth funding requirements, including but not limited to, the completion and execution of VDOT's Standard Project Administration Agreement and acknowledges that NVTA will not be a party or signatory to that Agreement; nor will NVTA have any obligation to comply with the requirements of that Agreement.
23. Provide a certification to NVTA no later than 90 days after final payment to the contractors that _____ adhered to all applicable laws and regulations and all requirements of this Agreement.

B. NVTA's Obligations

NVTA shall:

- I. Provide to _____ the funding authorized by NVTA for design work, engineering, including all environmental work, all right-of-way acquisition, inspection services, testing services, construction, and/or capital asset acquisition(s) on a reimbursement basis as set forth in this Agreement and as specified in the Project Budget and Cash Flow contained in

Appendix B to this Agreement or the most updated amendment thereto, as approved by NVTA.

2. Assign a Program Coordinator for the Project. NVTA's Program Coordinator will be responsible for monitoring the Project on behalf of NVTA so as to ensure compliance with this Agreement and all NVTA's requirements and with overseeing, managing, reviewing, and processing, in consultation with NVTA's Executive Director and its Chief Financial Officer ("CFO") , all payment requisitions submitted by _____ for the Project. NVTA's Program Coordinator will have no independent authority to direct changes or make additions, modifications, or revisions to the Project Scope of Work as set forth on Appendix A or to the Project Budget and Cash Flow as set forth on Appendix B.

3. Route to NVTA's assigned Program Coordinator all _____'s payment requisitions, containing detailed summaries of actual Project costs incurred which are in substantially the same form as shown on Appendix C submitted to NVTA for the Project. After submission to NVTA, NVTA's Program Coordinator will conduct an initial review of all payment requisitions and supporting documentation for the Project in order to determine the submission's legal and documentary sufficiency. NVTA's Program Coordinator will then make a recommendation to the NVTA's CFO and Executive Director whether to authorize payment, refuse payment, or seek additional information from _____. If the payment requisition is sufficient as submitted, payment will be made within twenty (20) days from receipt. If the payment requisition is deemed insufficient, within twenty (20) days from receipt, NVTA's Program Coordinator will notify _____ in writing and set forth the reasons why the payment requisition was declined or why and what specific additional information is needed for processing the payment request. Payment will be withheld until all deficiencies identified by NVTA have been corrected. Under no circumstances will NVTA authorize payment for any work performed by or on behalf of _____ that is not in conformity with the requirements of the NVTA Act, Chapter 766, or this Agreement.

4. Route all _____'s supplemental requests for funding from NVTA under Paragraphs A.5 and A.8 of this Agreement to NVTA's Executive Director. NVTA's Executive Director will initially review those requests and all supporting documentation with NVTA's CFO. After such initial review, NVTA's Executive Director will make a recommendation to NVTA's Finance Committee for its independent consideration and review. NVTA's Finance Committee will thereafter make a recommendation on any such request to NVTA for final determination by NVTA.
5. Conduct periodic compliance reviews scheduled in advance for the Project so as to determine whether the work being performed remains within the scope of this Agreement, the NVTA Act, Chapter 766, and other applicable law. Such compliance reviews may entail review of _____'s financial records for the Project and on -site inspections.
6. Acknowledge that if, as a result of NVTA's review of any payment requisition or of any NVTA compliance review, NVTA staff determines that _____ has misused or misapplied any NVTA funds in derogation of this Agreement or in contravention of the NVTA Act, Chapter 766 or applicable law, NVTA staff will promptly advise NVTA's Executive Director and will advise _____'s designated representative in writing. _____ will thereafter have thirty (30) days to respond in writing to NVTA's initial findings. NVTA's staff will review _____'s response and make a recommendation to NVTA's Finance Committee. NVTA's Finance Committee will thereafter conduct its own review of all submissions and make a recommendation to NVTA. Pending final resolution of the matter, NVTA will withhold further funding on the Project. If NVTA makes a final determination that _____ has misused or misapplied funds in contravention of this Agreement, the NVTA Act, Chapter 766, or other applicable law, NVTA will cease further funding for the Project and will seek reimbursement from _____ of all funds previously remitted by NVTA (with interest earned at the rate earned by NVTA) which were misapplied or misused by _____. Nothing herein shall, however, be construed as denying, restricting or limiting the pursuit of either party's legal rights or available legal remedies.

7. Make guidelines available to _____ to assist the parties in carrying out the terms of this Agreement in accordance with applicable law.
8. Upon recipient's final payment to all contractors, retain copies of all contracts, financial records, design, construction, and as-built project drawings and plans for the Project for the time periods required by the Virginia Public Records Act and as may be required by other applicable records retention laws and regulations.
9. Be the sole determinant of the amount and source of NVTA funds to be provided and allocated to the Project and the amounts of any NVTA funds to be provided in excess of the amounts specified in Appendix B.

C. Term

1. This Agreement shall be effective upon adoption and execution by both parties.
2. _____ may terminate this Agreement, for cause, in the event of a material breach by NVTA of this Agreement. If so terminated, NVTA shall pay for all Project costs incurred through the date of termination and all reasonable costs incurred by _____ to terminate all Project related contracts. The Virginia General Assembly's failure to appropriate funds to NVTA as described in paragraph F of this Agreement or repeal of the legislation establishing the NVTA fund created pursuant to Chapter 766 shall not be considered material breaches of this Agreement by NVTA. Before initiating any proceedings to terminate under this Paragraph, _____ shall give NVTA sixty (60) days written notice of any claimed material breach of this Agreement; thereby allowing NVTA an opportunity to investigate and cure any such alleged breach.
3. NVTA may terminate this Agreement, for cause, resulting from _____'s material breach of this Agreement. If so terminated, _____ shall refund to NVTA all funds NVTA provided to _____ for the Project (including interest earned at the rate earned by NVTA). NVTA will provide _____ with sixty (60) days written notice that NVTA is exercising its rights to terminate this Agreement and the reasons for termination. Prior to termination, _____ may

request that NVTA excuse _____ from refunding all funds NVTA provided to _____ for the Project based upon _____'s substantial completion of the Project or severable portions thereof; and NVTA may, in its sole discretion, excuse _____ from refunding all or a portion of the funds NVTA provided to _____ for the Project. No such request to be excused from refunding will be allowed where _____ has either misused or misapplied NVTA funds in contravention of applicable law.

4. Upon termination and payment of all eligible expenses as set forth in Paragraph C.3 above, _____ will release or return to NVTA all unexpended NVTA funds with interest earned at the rate earned by NVTA no later than sixty (60) days after the date of termination.

D. Dispute

In the event of a dispute under this Agreement, the parties agree to meet and confer in order to ascertain if the dispute can be resolved informally without the need of a third party or judicial intervention. NVTA's Executive Director and _____'s Chief Executive Officer or Chief Administrative Officer shall be authorized to conduct negotiations on behalf of their respective entities. If a resolution of the dispute is reached via a meet and confer dispute resolution method, it shall be presented to NVTA and to _____'s governing body for formal confirmation and approval. If no satisfactory resolution can be reached via the meet and confer method, either party is free to pursue whatever remedies it may have at law, including all judicial remedies.

E. NVTA's Financial Interest in Project Assets

_____ agrees to use the real property and appurtenances and fixtures thereto, capital assets, equipment and all other transportation facilities that are part of the Project and funded by NVTA under this Agreement ("Project Assets") for the designated transportation purposes of the Project under this Agreement and in accordance with applicable law throughout the useful life of each Project Asset. NVTA shall retain a financial interest in the value of each of the the Project Assets, whether any such Project Asset may have depreciated or appreciated, throughout its respective useful life proportionate to the amount of the cost of the Project Asset funded by NVTA under this

Agreement. In the event that _____ fails to use any of the Project Assets funded under this Agreement for the transportation purposes as authorized by this Agreement or applicable law throughout its respective useful life, _____ shall refund to NVTA with interest at the rate earned by NVTA the amount attributable to NVTA's proportionate financial interest in the value of said Project Asset. If _____ refuses or fails to refund said monies to NVTA, NVTA may recover its proportionate financial interest from _____ by pursuit of any remedies available to NVTA, including but not limited to NVTA's withholding of commensurate amounts from future distributions of NVTA funds to _____.

F. Appropriations Requirements

1. Nothing herein shall require or obligate any party to commit or obligate funds to the Project beyond those funds that have been duly authorized and appropriated by their respective governing bodies.
2. The parties acknowledge that all funding provided by NVTA pursuant to Chapter 766 is subject to appropriation by the Virginia General Assembly. The parties further acknowledge that: (i) the moneys allocated to the NVTA Fund pursuant to Va. Code Ann. Sections 58.1-638, 58.1-802.2, and 58.1-1742 and any other moneys that the General Assembly appropriates for deposit into the NVTA Fund are subject to appropriation by the General Assembly and (ii) NVTA's obligations under this Agreement are subject to such moneys being appropriated for deposit in the NVTA Fund by the General Assembly.

G. Notices

All notices under this Agreement to either party shall be in writing and forwarded to the other party by U.S. mail, care of the following authorized representatives:

- 1) to: NVTA, to the attention of its Executive Director;
3040 Williams Drive, Suite 200
Fairfax, VA 22031
- 2) to _____, to the attention of _____

_____ (address)

H. Assignment

This Agreement shall not be assigned by either party unless express written consent is given by the other party.

I. Modification or Amendment

This Agreement may be modified, in writing, upon mutual agreement of both parties.

J. No Personal Liability or Creation of Third Party Rights

This Agreement shall not be construed as creating any personal liability on the part of any officer, employee, or agent of the parties; nor shall it be construed as giving any rights or benefits to anyone other than the parties hereto.

K. No Agency

_____ represents that it is not acting as a partner or agent of NVTA; and nothing in this Agreement shall be construed as making any party a partner or agent with any other party.

L. Sovereign Immunity

This Agreement shall not be construed as a waiver of either party's sovereign immunity rights.

M. Incorporation of Recitals

The recitals to this Agreement are hereby incorporated into this Agreement and are expressly made a part hereof. The parties to this Agreement acknowledge and agree that such recitals are true and correct.

N. Mutual Preparation and Fair Meaning

The parties acknowledge that this Agreement has been prepared on behalf of all parties thereto and shall be construed in accordance with its fair meaning and not strictly construed for or against either party.

O. Governing Law

This Agreement is governed by the laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written by their duly authorized representatives.

Northern Virginia Transportation Authority

By: _____

Date: _____

_____ (Name of Recipient Entity)

By: _____

Date: _____



FY 2015-16 PROJECT DESCRIPTION FORM (1Q)

Basic Project Information

Submitting Agency: Fairfax County

Project Title: Innovation Center Metrorail Station (1Q)

Project Type (check one):

Roadway () Transit (X)

VA State Route Number (if applicable) and NVTA Corridor Number (1-8): VA 28 (Sully Road, Corridor 3) and VA 267 (Dulles Toll Road, Corridor 1)

- 1. Project Description:** The Metropolitan Washington Airports Authority, in cooperation with the Washington Metropolitan Area Transit Authority, is constructing a 23.1 mile extension of the Metrorail system in the growing Dulles Corridor area of Northern Virginia. The Metropolitan Washington Airports Authority is constructing the Metrorail line in two phases; Phase 1, the extension to Wiehle Avenue, has already been constructed and is now open for revenue operation and Phase 2, the Extension to Dulles Airport/Route 772, is currently undergoing design and construction. Innovation Center Metrorail Station is one of the three stations being constructed in Fairfax County as part of Phase 2. The station will include pavilion entrances, covered pedestrian bridges, dual elevators and escalators, and bicycle accommodations.
- 2. Requested NVTA Funds:** \$28,000,000
- 3. Phase(s) of Project Covered by Requested NVTA Funds:** Construction
- 4. Total Cost to Complete Project:** \$89,000,000
- 5. Project Milestone -Study Phase:** November 2011 - Preliminary Engineering; April 2012 – Environmental Assessment
- 6. Project Milestone -Preliminary Engineering (30% Design):** Start of PE - November 2013
- 7. Project Milestones -Final Design:** Start of Final Design - June 2014
- 8. Project Milestones -Right-of-Way:** January 2016
- 9. Project Milestone – Construction:** Start of Construction - Construction for Dulles Rail Phase II has already started, and is scheduled for completion by summer 2018.



10. Project Milestone – Mass Transit Vehicle Acquisition: N/A

11. Is Project in Transaction 2040:

Yes (X) No ()

12. Project in 2010 CLRP: Yes. CLRP, ID #1981

13. Project Leverages other Funding: (please state amount)

- Local ()
- State ()
- Federal ()
- Other:



Stated Benefits

- **What Regional benefit(s) does this project offer?**

The Innovation Center Metrorail Station provides access to the Silver Line extension of the rail system from Washington DC, to and beyond the Dulles International Airport. In addition to the station itself, the facility will include a separate parking garage with bus bays, kiss-and-ride spaces, and bicycle lockers.

This station provides rail and bus travel options throughout the Washington DC metropolitan region, including two states and the District of Columbia.

- **How does the project reduce congestion?**

The project removes single-occupant vehicle (SOV) trips from the highly congested roadways, provides a connection to air, rail and bus travel modes, as well as promotes carpooling.

- **How does project increase capacity? (Mass Transit Projects only)**

Innovation Metrorail Station is one of three new stations in Fairfax County being constructed as part of Phase 2 of the Silver Line. As such, it provides access to the additional capacity in the corridor provided by the Silver Line.

- **How does project improve auto and pedestrian safety?**

By reducing congestion on the roadways, the project will increase safety for both vehicles and pedestrians by reducing vehicle conflicts.

- **List internet links below to any additional information in support of this project:**

<http://www.fairfaxcounty.gov/fcdot/silverline/>

<http://www.dullesmetro.com/about/phase-2.cfm.html>

<http://www.metwashairports.com/380.htm>



Northern Virginia Transportation Authority
The Authority for Transportation in Northern Virginia



Appendix A –Narrative Description of Project

Attach- Approved NVTA Project Description Sheet

NVTA Project Title: Innovation Center Metrorail Station

Recipient Entity: Fairfax County

Recipient Entity/Project Manager Contact Information: Mark Canale, (703) 877-5688,
mark.canale@fairfaxcounty.gov

NVTA Program Coordinator Contact information: Keith Jasper, (703) 642-4655,
Keith.Jasper@thenovaauthority.org

Project Scope
Only Complete if Different from the Approved NVTA Project Description Sheet

Detailed Scope of Services
Only Complete if Different from the Approved NVTA Project Description Sheet

APPENDIX B-PROJECT BUDGET & CASH FLOW

PROJECT IDENTIFICATION AND PROPOSED FUNDING

NVTA Project Title: Innovation Center Metrorail Station
 Recipient Entity: Fairfax County
 Project Contact Information: Mark Canale, (703)877-5688, mark.canale@fairfaxcounty.gov

PROJECT COSTS & FUNDING SOURCE

Project Cost Category	Total Project Costs	NVTA PayGo Funds	NVTA Financed Funds	Description Other Sources of Funds	Amount Other Sources of Funds	Recipient Entity Funds
Design Work	\$ 5,980,000			*, **	\$ 5,680,000	\$ 300,000
Engineering	\$ -					
Environmental Work	\$ -					
Right-of-Way Acquisition	\$ 18,020,000			**	\$ 15,120,000	\$ 2,900,000
Construction	\$ 65,000,000	\$ 28,000,000		*	\$ 37,000,000	
Contract Administration	\$ -					
Testing Services	\$ -					
Inspection Services	\$ -					
Capital Asset Acquisitions	\$ -					
Other	\$ -					
Total Estimated Cost	\$ 89,000,000	\$ 28,000,000	\$ -		\$ 57,800,000	\$ 3,200,000

*Includes NVTA FY2014 Funding - \$41M

**Fairfax - \$16.1%; Loudoun - 4.8%; MWA - 4.1%; Toll Road - 75% (Per July 2007 Funding Agreement)

FISCAL YEAR ANNUAL PROJECT CASH FLOW

Project Phase	Total Fiscal Year 2016	7 Total Fiscal Year 2016	Total Fiscal Year 2018	Total Fiscal Year 2019	Total Fiscal Year 2020
	PayGo	PayGo	PayGo	PayGo	PayGo
Design Work					
Engineering					
Environmental Work					
Right-of-Way Acquisition					
Construction	\$ 2,000,000	\$ 5,500,000	\$ 8,000,000	\$ 8,000,000	\$ 4,500,000
Contract Administration					
Testing Services					
Inspection Services					
Capital Asset Acquisitions					
Other					
Total Estimated Cost	\$ 2,000,000	\$ 5,500,000	\$ 8,000,000	\$ 8,000,000	\$ 4,500,000

Please Note: If additional years are needed, please submit a separate form with additional columns

FISCAL YEAR ESTIMATED PROJECT CASH FLOW

	FY 15 Mthly Cash Flow	FY 16 Mthly Cash Flow	FY 17 Qtrly Cash Flow	FY 18 Qtrly Cash Flow	FY 19 Qtrly Cash Flow
	PayGo	PayGo	PayGo	PayGo	PayGo
July					
August					
September		\$ 1,375,000	\$ 2,000,000	\$ 2,000,000	\$ 1,500,000
October					
November					
December		\$ 1,375,000	\$ 2,000,000	\$ 2,000,000	\$ 1,500,000
January					
February					
March	\$ 1,000,000	\$ 1,375,000	\$ 2,000,000	\$ 2,000,000	
April					
May					
June	\$ 1,000,000	\$ 1,375,000	\$ 2,000,000	\$ 2,000,000	\$ 1,500,000
Total per Fiscal Year	\$ 2,000,000	\$ 5,500,000	\$ 8,000,000	\$ 8,000,000	\$ 4,500,000

Please Note: If additional years are needed, please submit a separate form with additional columns

This attachment is certified and made an official attachment to the Standard Project Agreement document by the parties of this agreement.

Recipient Entity Official

Signature

Title

Date

Print name of person signing

Northern Virginia Transportation Authority

Signature
NVTA Executive Director

Title

Date

Print name of person signing

APPENDIX D

TAX COVENANTS

The Recipient Entity will not permit more than five percent of the total amount of NVTA Bond Proceeds or the Financed Property to be used directly or indirectly (i) for a Private Business Use or (ii) to make or finance loans to Nongovernmental Persons. Any transaction that is generally characterized as a loan for federal income tax purposes is a "loan" for purposes of this paragraph. In addition, a loan may arise from the direct lending of NVTA Bond Proceeds or may arise from transactions in which indirect benefits that are the economic equivalent of a loan are conveyed, including any contractual arrangement which in substance transfers tax ownership and/or significant burdens and benefits of ownership.

The Recipient Entity agrees not to requisition or spend NVTA Bond Proceeds for any Project Cost not constituting a Capital Expenditure.

Except as may be described in Appendix B, the Recipient Entity neither has on the date of this Agreement nor expects to have after this date any funds that are restricted, segregated, legally required or otherwise intended to be used, directly or indirectly, for the purposes for which the Recipient Entity is receiving NVTA Bond Proceeds.

The Recipient Entity acknowledges that it may have to provide detailed information about the investment of the amount of any requisition unless (i) payments are remitted directly by NVTA to the contractors/vendors or (ii) the Recipient Entity remits payment to the contractors/vendors within five banking days after the date on which NVTA advances the amount of the requisition. NVTA may request the detailed information in order to compute the rebate liability to the U.S. Treasury on NVTA's bonds or other debt financing pursuant to Section 148 of the Internal Revenue Code of 1986, as amended (the "Code").

"Capital Expenditure" means any cost of a type that is properly chargeable to capital account (or would be so chargeable with (or but for) a proper election or the application of the definition of "placed in service" under Treas. Reg. § 1.150-2(c)) under general federal income tax principles, determined at the time the expenditure is paid.

"Federal Government" means the government of the United States and its agencies or instrumentalities.

"Financed Property" means the property financed by the NVTA Bond Proceeds.

"General Public Use" means use of Financed Property by a Nongovernmental Person as a member of the general public. Use of Financed Property by a Nongovernmental Person in a Trade or Business is treated as General Public Use only if the Financed Property is intended to be available and in fact is reasonably available for use on the same basis by natural persons not

engaged in a Trade or Business. Use under arrangements that convey priority rights or other preferential benefits is not use on the same basis as the general public.

"Governmental Person" means any Person that is a state or local governmental unit within the meaning of Section 141 of the Code (or any instrumentality thereof).

"NVTB Bond Proceeds" means, as used herein, the sale proceeds of any NVTB bonds or other debt instrument and the investment earnings on such proceeds, collectively.

"Nongovernmental Person" mean any Person other than a Governmental Person. For the purposes hereof, the Federal Government is a Nongovernmental Person.

"Person" means any natural person, firm, joint venture, association, partnership, business trust, corporation, limited liability company, corporation or partnership or any other entity (including the Federal Government and a Governmental Person).

"Private Business Use" means a use of the NVTB Bond Proceeds directly or indirectly in a Trade or Business carried on by a Nongovernmental Person other than General Public Use. For all purposes hereof, a Private Business Use of any Financed Property is treated as a Private Business Use of NVTB Bond Proceeds. Both actual and beneficial use by a Nongovernmental Person may be treated as Private Business Use under Section 141 of the Code. In most cases, however, Private Business Use results from a Nongovernmental Person having special legal entitlements to use the Financed Property under an arrangement with the Recipient Entity. Examples of the types of special legal entitlements resulting in Private Business Use of Proceeds include (i) ownership for federal tax purposes of Financed Property by a Nongovernmental Person and (ii) actual or beneficial use of Financed Property by a Nongovernmental Person pursuant to a lease, a Service Contract, an incentive payment contract or certain other arrangements such as a take-or-pay or other output-type contract. Private Business Use of the Financed Property may also be established on the basis of a special economic benefit to one or more Nongovernmental Persons even if such Nongovernmental Persons do not have a special legal entitlement to the use of the Financed Property. Any arrangement that is properly characterized as a lease for federal income tax purposes is treated as a lease for purposes of the Private Business Use analysis. An arrangement that is referred to as a management or Service Contract may nevertheless be treated as a lease, and in determining whether a management or service contract is properly characterized as a lease, it is necessary to consider all of the facts and circumstances, including (i) the degree of control over the property that is exercised by a Nongovernmental Person, and (ii) whether a Nongovernmental Person bears risk of loss of the Financed Property. Private Business Use of Financed Property that is not available for General Public Use may also be established on the basis of a special economic benefit to one or more Nongovernmental Persons even if such Nongovernmental Persons do not have a special legal entitlement to the use of the Financed Property. In determining whether special economic benefit gives rise to Private Business Use, it is necessary to consider all of the facts and circumstances, including one or more of the following factors: (i) whether the Financed Property is functionally related or physically proximate to property used in the Trade or Business of a Nongovernmental Person, (ii) whether only a small number of Nongovernmental Persons receive the economic benefit, and

(iii) whether the cost of the Financed Property is treated as depreciable by the Nongovernmental Person.

"Service Contract" means a contract under which a Nongovernmental Person will provide services involving all, a portion or any function of any Financed Property. For example, a Service Contract includes a contract for the provision of management services for all or any portion of Financed Property. Contracts for services that are solely incidental to the primary governmental function or functions of Financed Property (for example, contracts for janitorial, office equipment repair, billing, or similar services) are not included in this definition. Additional contracts not included in this definition are (i) a contract to provide for services by a Nongovernmental Person in compliance with Revenue Procedure 97-13, 1997-1 C.B. 632, as modified by Revenue Procedure 2001-39, I.R.B. 2001-28, (ii) a contract to provide for services by a Nongovernmental Person if the only compensation is the reimbursement of the Nongovernmental Person for actual and direct expenses paid by the Nongovernmental Person to unrelated parties and (iii) a contract to provide for the operations by a Nongovernmental Person of a facility or system of facilities that consists predominately of public utility property (within the meaning of Section 168(i)(10) of the Code), if the only compensation is the reimbursement of actual and direct expenses of the Nongovernmental Person and reasonable administrative overhead expenses of the Nongovernmental Person.

"Trade or Business" has the meaning set forth in Section 141(b)(6)(B) of the Code, and includes, with respect to any Nongovernmental Person other than a natural person, any activity carried on by such Nongovernmental Person. "Trade or Business" for a natural person means any activity carried on by such natural person that constitutes a "trade of business" within the meaning of Section 162 of the Code.

ACTION – 5

Approval of a Process to Assign, Prioritize, Track, Review, and Consider for Approval or Implementation the Recommendations Contained in the Final Report of the Ad Hoc Police Practices Review Commission, Dated October 8, 2015

ISSUE:

The Ad Hoc Police Practices Review Commission's final report was presented to and accepted by the Board on October 20, 2015. The report contains 142 primary recommendations of varying scope, complexity, and requirements that impact not only the Police Department, but multiple agencies or stakeholders. A process is required to ensure all recommendations are assigned, tracked, and considered appropriately for approval and implementation if adopted and that status updates are provided to the Board and the public.

RECOMMENDATION:

The County Executive recommends that the Board approve this process designed to assign, track, and consider all of the recommendations of the Ad Hoc Police Practices Review Commission's final report, dated October 8, 2015. A process was requested by the Board at its Public Safety Committee meeting of October 27, 2015.

TIMING:

Board of Supervisors' approval is requested on November 17, 2015.

BACKGROUND:

The creation of an Ad Hoc Police Practices Review Commission was moved by Chairman Sharon Bulova and approved by the Board on March 3, 2015. The purpose of the Commission was to engage the community in an open and transparent process to recommend changes to help the Board and the Police Department achieve the goals of maintaining a safe community, ensuring a culture of public trust, providing for the fair and timely resolution of police-involved incidents and information release, and reviewing Crisis Intervention Training (CIT) and police responses for cases involving mental health.

The Commission met as a whole and in five subcommittees created to focus their efforts. These subcommittees were Communications; Recruitment, Diversity, and Vetting; Mental Health and CIT; Use of Force; and Independent Oversight and Investigations. The Commission and the subcommittees held 40 meetings and two public hearings, ultimately developing and adopting 142 primary recommendations. A number of these also contain additional sub recommendations.

The Commission's final report was presented to and accepted by the Board on October 20, 2015. The recommendations were discussed at the Board's Public Safety Committee meeting on October 27, 2015, with the five subcommittee chairs or a delegate providing an overview of the primary recommendations. The Chief of Police also presented on the Police Department's engagement in the Commission's work and initial efforts on some of the recommendations. Recognizing the complexity of this effort, the Public Safety Committee requested a process to assign, prioritize, review, track, and consider the Commission's recommendations be developed for Board consideration and approval at its meeting of November 17, 2015.

The Commission's recommendations vary in scope, complexity, and requirements. Some are straightforward; however, many will require further review, cross-agency or cross-discipline collaboration, significant public policy discussion by the Board, approval of one-time or recurring funding for programs or positions, or legislative changes. Even if considered or recommended for adoption, some may have to be planned and implemented over several calendar or fiscal years depending on legislative requirements or any phased implementation of associated costs. Therefore, it is difficult to define one process through which all will be considered or achieved.

The Police Department is the primary agency for most of the Commission's recommendations, with some that require no additional resources or funding and that are within the authority of the Chief of Police to implement already underway or near completion. Some of these recommendations mirror those contained within the *Use-of-Force Policy and Practice Review of the Fairfax County Police Department* report conducted by the Police Executive Research Forum (PERF), dated June 2015. Others are related to standards required to be met by the Police Department to achieve accreditation through the Commission on Accreditation for Law Enforcement Agencies (CALEA), an initiative also already underway. The Chief of Police formed an internal Policy and Directives Change Team to facilitate these two efforts, and the team is now also assigned as the Department's lead on the Commission's recommendations.

However, in addition to the Police Department, there are other agencies and stakeholders already engaged or which will need to be engaged throughout this process. These include, but are not limited to, the Department of Management and Budget, the County Attorney's Office, the Office of Public Affairs, the Department of Information Technology, the Sheriff's Office, the Commonwealth's Attorney's Office, the courts, and the Fairfax-Falls Church Community Services Board. Some of the recommendations are also embedded in Diversion First, a County mental health initiative already underway.

The Deputy County Executive for Public Safety will be responsible and accountable for ensuring the assignment of each recommendation to a lead entity, identifying and connecting other agencies and stakeholders, facilitating continuing cross-agency or cross-discipline collaboration as needed, establishment of any required work groups,

and the scheduling of items for appropriate Board committee meetings or other meetings or forums for discussion.

To move forward on consideration of the Commission's report it is recommended that more frequent Public Safety Committee meetings be scheduled so issues may be prioritized and set on future agendas. Some issues such as independent review or body worn cameras are more complex, including not only potential funding and position requirements, but significant public policy discussion and debate, and may require a full meeting or multiple meetings for consideration and discussion. Some of the recommendations will also require discussion or consideration at other Board committee meetings, to include the Human Services or Legislative Committees. Many recommendations will require final Board consideration and action through, for example, Board Items or the budget process.

Staff believes it is important to continue to engage Commission members as recommendations are discussed and considered. It is recommended that this be accomplished through the creation of a small ad hoc Police Practices Implementation Advisory Committee to include the chairs of the five Commission subcommittees or a designee of the Commission Chairman. This committee will be asked to participate in relevant discussions in order to clarify recommendations or provide guidance to staff and/or members of the Board, and will be updated on progress and status of the recommendations. Committee members may assign or designate other members of the Commission or subcommittees when needed. The Deputy County Executive for Public Safety will be the primary point of contact between this committee and the respective agencies or stakeholders and will have the responsibility to facilitate continued communication, collaboration, and engagement.

For accountability, an Excel assignment and tracking spreadsheet (Attachment 1) has been developed and will be used to track and report the status for each primary and sub recommendation, and to identify the lead entity, other agencies or stakeholders required, other related initiatives to which they may be linked, potential funding or position requirements, legal review or legislative change requirements, and to identify the approving authority.

The Deputy County Executive for Public Safety will be responsible and accountable for maintaining the tracking spreadsheet and for ensuring status updates are provided to the Board and the public. The Excel form will be posted online, but due to the complexity and breadth of the spreadsheet, staff will work with the Office of Public Affairs to develop a more web friendly "report card" to also post online and share status of the recommendations with the public.

Finally, the Deputy County Executive for Public Safety will be responsible for the completion of a final summary report to the Board when all of the recommendations have been considered and acted on, with the action taken on each listed.

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If approved, staff will work with the Chairman to schedule future Public Safety Committee meetings.

FISCAL IMPACT:

None. There is no fiscal impact for this item and its defined process. However, there will be future fiscal impacts, one-time and recurring, for some of the recommendations if later adopted by the Board.

ENCLOSED DOCUMENTS:

Attachment 1 - Ad Hoc Practices Review Commission Recommendations Assignment and Tracking Spreadsheet

STAFF:

David M. Rohrer, Deputy County Executive
Edwin C. Roessler Jr., Chief of Police, Police Department

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ACTION – 6

Endorsement of Principles and Interim Comments on the I-66 Inside the Beltway Multimodal Improvement Project Framework Agreement (Dranesville, Mason and Providence Districts)

ISSUE:

Board endorsement of principles and interim comments on the I-66 Inside the Beltway Multimodal Improvement Project Framework Agreement.

RECOMMENDATION:

The County Executive recommends that the Board endorse the following principles and interim comments on the I-66 Inside the Beltway Multimodal Improvement Project Framework Agreement which are contained in a letter to Secretary of Transportation Aubrey Layne and Northern Virginia Transportation Commission (NVTC) Chairman David Snyder (Attachment I):

Principles Related to the Framework Agreement

- The Board supports the goals of the I-66 Inside the Beltway Multimodal Improvement Project which are:
 - Increasing person throughput in the corridor;
 - Improving travel times;
 - Reducing congestion;
 - Increasing travel choices for Single Occupant Vehicle (SOV) drivers and transit users; and
 - Improving travel conditions on local roads
- If local governments are not party to the Framework Agreement between the Commonwealth and NVTC related to this project, a second agreement between NVTC and the jurisdictions specifically outlining project selection procedures should be developed;
- The effects of tolling I-66 inside the Beltway on adjacent and parallel roadways should be considered when determining when to widen I-66 inside the Beltway;
- Addressing negative impacts on the adjacent and parallel roadway network should be high priorities for the selection and implementation of multimodal projects to be supported by toll revenues, and to the extent possible, these projects should be completed before tolling is implemented; and
- Toll rates should be kept reasonable.

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Interim Comments on the Framework Agreement

- The current form of the Framework Agreement includes language in various places that allows the Commonwealth to interrupt the flow of funding to NVTC. These exclusions should be reduced to a minimum level to prevent impacts on the implementation of multimodal projects, and the Commonwealth should consider incorporating additional language and/or strategies (such as limiting the amount of toll revenue spent on operations and maintenance of the toll equipment) to improve the marketability of I-66 Inside the Beltway bonds that NVTC may consider issuing. Otherwise, it is unclear whether bonds issued by NVTC and supported by toll revenues will be marketable;
- The Commonwealth Transportation Board (CTB) should not be able to veto the projects NVTC selects for funding with excess toll road revenues, so long as the projects meet the requirements of the federal court decision related to the use of toll road revenues, federal and state law and the Framework Agreement;
- Funding created by this project should not be used to reduce the amount of statewide maintenance and operations funding the region or local jurisdictions receive; and
- Limits should be considered on the amount of toll road revenues used for the operation and maintenance of the facility, based upon VDOT's experience on the operations and maintenance of tolling equipment used on the I-95 and I-495 Express Lanes.

TIMING:

The Board should act on this item on November 17, 2015, because NVTC and the CTB will be voting on the Framework Agreement on December 3, 2015, and December 9, 2015, respectively.

BACKGROUND:

The McAuliffe Administration is interested in proceeding with multimodal improvements, including High Occupancy Toll (HOT) Lanes, on I-66 inside the Beltway. These improvements will include dynamically tolling I-66 inside the Beltway during peak periods in the peak direction only, and using the proceeds for a package of multimodal improvements that will benefit the toll payers, including, for example, bus service, eight-car trains for Metrorail, roadway spot improvements, transportation demand management projects in the corridor, and eventually, widening the interstate between the Dulles Connector Road and Fairfax Drive in Arlington. The tolling of the interstate inside the Beltway is scheduled to be implemented by 2017, and may include some initial multimodal projects. High Occupancy Vehicle (HOV)-2 and higher vehicles will continue to be able to use I-66 Inside the Beltway for free initially in the peak direction. This policy will then transition to HOV-3 and higher vehicles being free in 2020, as has

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been outlined in the Washington region's Constrained Long Range Plan. All vehicles that are allowed to use the facility today would be allowed to use the facility outside the peak periods.

The goals of the project include:

- Increasing person throughput in the corridor;
- Improving travel times;
- Reducing congestion;
- Increasing travel choices for Single Occupant Vehicle (SOV) drivers and transit users; and
- Improving travel conditions on local roads

Virginia Department of Transportation (VDOT) staff briefed the Board on this project at the Board Transportation Committee meeting on January 20, 2015. Subsequently, Secretary of Transportation Aubrey Layne contacted Arlington Board Chairman Mary Hynes, Fairfax County Board Chairman Sharon Bulova and City of Falls Church Mayor David Tarter requesting assistance in identifying a partner agency in Northern Virginia to assist with the implementation of the multimodal improvement project and manage future revenues generated by the project. Since VDOT intends to implement the toll facility inside the Beltway without a private sector partner, a public sector partner is needed to receive and manage the revenues and facilitate the implementation of the multimodal improvements in the future. The governing bodies of the three jurisdictions requested that the Northern Virginia Transportation Commission (NVTC) serve as the regional partner agency for this project. (The Board of Supervisors acted on this request on March 3, 2015). The Secretary subsequently agreed with this request.

The Board was briefed on the initial version of the Framework Agreement on July 14, 2015, and asked that staff schedule time for the Board to discuss the project itself and consider comments on the project to send to the Secretary. This meeting was held on September 11, 2015, and the Board adopted comments related to the project on September 22, 2015. A copy of the Board's comments is attached as Attachment II.

Since January 2015, County staff have been working with staff from Arlington County, Falls Church, VDOT, the Virginia Department of Rail and Public Transportation (DRPT), and NVTC in pursuing various aspects of this project. These efforts included the development of a framework agreement to guide the process for managing the toll road revenues and selecting projects to be implemented with these revenues. While progress has been made on the Framework Agreement, the agreement is not complete. In addition, the draft agreement does not include the local jurisdictions as parties. As a result, County staff recommends that the Board approve principles and comments related to the agreement and the project, since NVTC is expected to act on the agreement on December 3. The CTB is expected to act on the agreement on December 9.

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The major components of the current draft of the Framework Agreement are:

- The parties will be NVTC and the CTB;
- The agreement covers multimodal improvements to I-66 from the intersection with I-495 and Route 29 in the Rosslyn area of Arlington County;
- The agreement is intended to facilitate implementation of recommendations included in VDOT's June 2012 Final Report of the I-66 Multimodal Study Inside the Beltway; the August 2013 Supplemental Report; and the Department of Rail and Public Transportation's 2009 Transportation Demand Management/Transit Report, as well as projects in the corridor that are included in the region's Constrained Long Range Plan;
- The agreement specifies that improvements implemented must benefit the toll payers, per Federal and Virginia law;
- The agreement provides \$5 million from the Toll Road Revolving Fund to initiate the initial list of components;
- The agreement specifically outlines that VDOT will convert the existing facility to a dynamically tolled facility in the peak direction, during the peak period, and that HOV-2+ vehicles will be permitted to use the facility for free until 2020 or upon any increase to HOV-3 occupancy requirements for HOV lanes of I-66 outside the Beltway. After 2020, HOV-3+ vehicles will be able to use the facility for free. All vehicles current permitted to use this section of I-66 will be permitted to use the facility for free in the off-peak periods. It also includes widening I-66 eastbound from the Dulles Connector Road to Fairfax Drive, subject to certain conditions;
- The conditions for widening I-66 eastbound are:
 - The eastbound lanes of the Facility between the Dulles Connector Road and Exit 71 are operating at an average speed of 50 miles per hour for 90 percent of the time during tolling periods. The average operating speed of I-66 will be reported every 180-days (bi-annually) to NVTC.
 - The average travel times do not experience a 10 percent increase on the eastbound lanes of Route 50 or Route 29 between I-495 and Route 120 (Glebe Road). (Other roadways are also being discussed). Data will be collected daily and reported quarterly, beginning toll day one.
- VDOT will control and manage the toll facility and collect the tolls;
- The first use of the toll revenues will be to operate and maintain the toll equipment and signage; however, VDOT agrees to continue to allocate the same amount of funding for the operation and maintenance of I-66 inside the Beltway as it has in the past from other sources;
- Other uses of toll revenues in priority order are: repayment of Toll Facilities Revolving Account for funding provided for initial components; debt service on any bonds issued by NVTC; the pay-as-you-go cost of other components, including NVTC implementation costs; the costs associated with widening I-66;

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- Excess toll road revenues will be used for multimodal improvement project components selected by NVTC that benefit the toll road users;
- The CTB delegates the authority to NVTC to select the multimodal improvement projects, and the CTB will subsequently provide funding for these projects;
- The agreement does not grant NVTC any authority over I-66 or other roadways in the I-66 corridor;
- The agreement specifies that NVTC must develop evaluation factors and a selection process to identify which components will be funded. This process must include a public hearing;
- The agreement outlines the conditions under which VDOT can suspend tolling;
- The agreement outlines the types of components that NVTC can fund with toll revenues;
- The agreement requires NVTC to allocate toll revenues within two years and expend the revenues within five years;
- The agreement notes that the Commonwealth will not be responsible for any debt issued by NVTC to fund components of the project; and
- The agreement outlines monitoring requirements.

At the same time, VDOT and DRPT staff and their consultant team have been working on a traffic and revenue study that will estimate the impacts of the I-66 Inside the Beltway Multimodal Project on the roadway network parallel and adjacent to I-66 inside the Beltway. This study was originally expected to be completed in mid-August 2015; however, work on the study is continuing, particularly in light of the Governor's recent decision not to toll traffic in the counter-flow direction.

Based on the review of the data received so far, County staff has reached the following conclusions:

- In 2017, allowing HOV-2+ vehicles to use the facility for free and allowing the tolling of non-HOV-2+ vehicles reduces traffic on parallel roadways in the peak direction;
- The conversion from HOV-2+ to HOV-3+ vehicles being free in 2020, results in some increases in volumes on parallel roadways, particularly along U.S. Route 50 in Fairfax County; and
- The Governor's decision not to toll traffic in the counter-flow direction has significantly reduced impacts of the project on adjacent and parallel roadways in Fairfax County.

County staff is continuing to work with the inter-jurisdictional technical working group and the VDOT consultant team to identify the ability of the existing infrastructure to handle the increases upon conversion to HOV-3+ and to identify mitigation measures that may be needed. Additional analyses will be conducted on 2040 traffic data to determine any mitigation that may be needed.

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A revised schedule of major milestone actions is included in this item as Attachment III.

Since neither the Framework Agreement nor the traffic and revenue study are complete and several key provisions, such as termination language and the priorities for use of toll road revenues, are still being negotiated, County staff has developed a recommended list of principles and interim comments related to the project for the Board's consideration. Additional work still needs to be done during the next three weeks to complete a document for consideration by NVTC and the CTB. These comments are in addition to the original list of comments the Board approved on September 22, 2015 (Attachment II). They are:

Principles Related to the Framework Agreement

- The Board supports the goals of the I-66 Inside the Beltway Multimodal Improvement Project which are:
 - Increasing person throughput in the corridor;
 - Improving travel times;
 - Reducing congestion;
 - Increasing travel choices for Single Occupant Vehicle (SOV) drivers and transit users; and
 - Improving travel conditions on local roads
- If local governments are not party to the Framework Agreement between the Commonwealth and NVTC related to this project, a second agreement between NVTC and the jurisdictions specifically outlining project selection procedures should be developed;
- The effects of tolling I-66 inside the Beltway on adjacent and parallel roadways should be considered when determining when to widen I-66 inside the Beltway;
- Addressing negative impacts on the adjacent and parallel roadway network should be high priorities for the selection and implementation of multimodal projects to be supported by toll revenues, and to the extent possible, these projects should be completed before tolling is implemented; and
- Toll rates should be kept reasonable.

Interim Comments on the Framework Agreement

- The current form of the Framework Agreement includes language in various places that allows the Commonwealth to interrupt the flow of funding to NVTC. These exclusions should be reduced to a minimum level to prevent impacts on the implementation of multimodal projects, and the Commonwealth should consider incorporating additional language and/or strategies (such as limiting the amount of toll revenue spent on operations and maintenance of the toll equipment) to improve the marketability of I-66 Inside the Beltway bonds that NVTC may consider issuing. Otherwise, it is unclear whether bonds issued by NVTC and supported by toll revenues will be marketable;

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- The CTB should be not able to veto the projects NVTC selects for funding with excess toll road revenues, so long as the projects meet the requirements of the federal court decision related to the use of toll road revenues, federal and state law and the Framework Agreement;
- Funding created by this project should not be used to reduce the amount of statewide maintenance and operations funding the region or local jurisdictions receive; and
- Limits should be considered on the amount of toll road revenues used for the operation and maintenance of the facility, based upon VDOT's experience on the operations and maintenance of tolling equipment used on the I-95 and I-495 Express Lanes.

FISCAL IMPACT:

This action has no direct fiscal impact on Fairfax County. The toll road revenues collected on I-66 inside the Beltway will be used for multimodal improvement projects that benefit the toll payers. Some of these projects may be located in Fairfax County. Additionally, these toll road revenues may fund additional bus service starting in Fairfax County.

ENCLOSED DOCUMENTS:

Attachment I: Letter to Secretary of Transportation Aubrey L. Layne, Jr., and NVTC Chairman David Snyder transmitting the Board's principles and comments on the I-66 Inside the Beltway Multimodal Improvement Project and Framework Agreement
Attachment II: September 22, 2015, Letter to Secretary of Transportation Aubrey L. Layne, Jr., transmitting the Board's comments on the I-66 Inside the Beltway Multimodal Improvement Project
Attachment III: Draft Schedule for I-66 Inside the Beltway Activities

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Bob Kuhns, Transportation Planning Division, FCDOT
Karyn Moreland, Capital Projects and Traffic Operations Division, FCDOT
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT
Noelle Dominguez, Coordination and Funding Division, FCDOT
Malcolm Watson, Coordination and Funding Division, FCDOT
Ellen Posner, Coordination and Funding Division, FCDOT
James McGettrick, Assistant County Attorney
Emily Smith, Assistant County Attorney

November 18, 2015

The Honorable Aubrey L. Layne, Jr.
Secretary of Transportation
Commonwealth of Virginia
1111 East Broad Street, Room 3054
Richmond, Virginia 23219

The Honorable David F. Snyder, Chairman
Northern Virginia Transportation Commission
2300 Wilson Boulevard, Suite 620
Arlington, Virginia 22201

Reference: Fairfax County Principles and Additional Comments on the I-66 Inside the Beltway Multimodal Improvement Project

Dear Secretary Layne and Chairman Snyder:

Thank you for your leadership in seeking improvements to I-66 inside the Beltway and the roadway adjacent and parallel to I-66. As you know, this portion of I-66 is extremely congested in both directions during the morning and evening peak periods. The Fairfax County Board of Supervisors appreciates your willingness to pursue solutions to address this congestion.

While the Board has briefed on the project several times, since the Framework Agreement governing the project and the traffic and revenue study associated with the project are not complete, the Board is not able to take a formal position on the project. However, on November 17, 2015, the Board adopted the principles and interim comments of the Framework Agreement below. These comments supplement the comments on the project approved by the Board on September 22, 2015 (attached).

Principles Related to the Framework Agreement

- The Board supports the goals of the I-66 Inside the Beltway Multimodal Improvement Project which are:
 - Increasing person throughput in the corridor;
 - Improving travel times;
 - Reducing congestion;
 - Increasing travel choices for Single Occupant Vehicle (SOV) drivers and transit users; and
 - Improving travel conditions on local roads
- If local governments are not party to the Framework Agreement between the Commonwealth and NVTC related to this project, a second agreement between NVTC and the jurisdictions specifically outlining project selection procedures should be developed;

The Honorable Aubrey L. Layne, Jr.
The Honorable David F. Snyder
November 18, 2015
Page Two

- The effects of tolling I-66 inside the Beltway on adjacent and parallel roadways should be considered when determining when to widen I-66 inside the Beltway;
- Addressing negative impacts on the adjacent and parallel roadway network should be high priorities for the selection and implementation of multimodal projects to be supported by toll revenues, and to the extent possible, these projects should be completed before tolling is implemented; and
- Toll rates should be kept reasonable.

Interim Comments on the Framework Agreement

- The current form of the Framework Agreement includes language in various places that allows the Commonwealth to interrupt the flow of funding to NVTC. These exclusions should be reduced to a minimum level to prevent impacts on the implementation of multimodal projects, and the Commonwealth should consider incorporating additional language and/or strategies (such as limiting the amount of toll revenue spent on operations and maintenance of the toll equipment) to improve the marketability of I-66 Inside the Beltway bonds that NVTC may consider issuing. Otherwise, it is unclear whether bonds issued by NVTC and supported by toll revenues will be marketable;
- The Commonwealth Transportation Board (CTB) should be not able to veto the projects NVTC selects for funding with excess toll road revenues, so long as the projects meet the requirements of the federal court decision related to the use of toll road revenues, federal and state law and the Framework Agreement;
- Funding created by this project should not be used to reduce the amount of statewide maintenance and operations funding the region or local jurisdictions receive; and
- Limits should be considered on the amount of toll road revenues used for the operation and maintenance of the facility, based upon VDOT's experience on the operations and maintenance of tolling equipment used on the I-95 and I-495 Express Lanes.

Thank you, again, for your leadership in pursuing multimodal improvements to I-66 that will benefit the residents, businesses and visitors of the region. In addition, thank you for including us in the process of selecting the multimodal projects that will be supported with the toll road revenues. We appreciate your collaborative approach to this effort!

If you have any questions or need additional information, please call Tom Biesiadny, Director of Fairfax County's Department of Transportation at (703) 877-5663 or me at (703) 324-2321.

Sincerely,

Sharon Bulova
Chairman

The Honorable Aubrey L. Layne, Jr.
The Honorable David F. Snyder
November 18, 2015
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Attachments: a/s

Cc: Members, Fairfax County Board of Supervisors
Edward L. Long Jr., County Executive, Fairfax County
Robert A. Stalzer, Deputy County Executive
Catherine A. Chianese, Assistant County Executive
Nicholas Donohue, Deputy Secretary of Transportation
Helen Cuervo, Administrator, Northern Virginia District, VDOT
Amanda Baxter, Project Manager, VDOT
Kelley Coyner, Executive Director, Northern Virginia Transportation Commission



SHARON BULOVA
CHAIRMAN

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September 23, 2015

The Honorable Aubrey L. Layne, Jr.
Secretary of Transportation
Commonwealth of Virginia
1111 East Broad Street, Room 3054
Richmond, Virginia 23219

Reference: Fairfax County Comments on the I-66 Inside the Beltway Multimodal Improvement Project

Dear Secretary Layne:

Thank you for your leadership in seeking improvements to I-66 inside the Beltway. As you know, this portion of I-66 is extremely congested in both directions during the morning and evening peak periods. The Fairfax County Board of Supervisors appreciates your willingness to pursue solutions to address this congestion.

While the Board has not taken a formal position on the project, on September 22, 2015, the Board endorsed the following concerns about the project:

- The multimodal projects supported by the toll revenues should address transit operating costs, including service to and from the Dulles Corridor;
- Addressing negative impacts on the adjacent and parallel roadway network should be high priorities for toll road revenues, and to the extent possible, these projects should be completed before tolling is implemented;
- The impacts of tolling I-66 on local roadways should be monitored regularly and these impacts should be considered in the decision making process for widening I-66 inside the Beltway;
- The timing of widening I-66 Inside the Beltway should be flexible;
- Impacts on Washington Dulles International Airport traffic should be addressed;
- Viable free options to using I-66 during the peak periods should be provided, particularly in the counter-flow direction;
- The impact of widening I-66 without implementing the other multimodal improvements should be modeled for comparison purposes; and
- More data on the impacts of tolling traffic in the counter-flow direction, particularly eastbound I-66 in the evening, should be provided before final votes on the framework agreement for the project are taken.

The Honorable Aubrey L. Layne, Jr.
September 23, 2015
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These comments and concerns are discussed in more detail in the attachment to this letter. The Board wanted to formally transmit these concerns to you, so that they can be considered and addressed as you develop this project.

Thank you, again, for your leadership in pursuing multimodal improvements to I-66 that will benefit the residents, businesses and visitors of the region. In addition, thank you for including us in the process of selecting the multimodal projects that will be supported with the toll road revenues. We appreciate your collaborative approach to this effort!

If you have any questions or need additional information, please call Tom Biesiadny, Director of Fairfax County's Department of Transportation at (703) 877-5663 or me at (703) 324-2321.

Sincerely,



Sharon Bulova
Chairman

Cc: Members, Fairfax County Board of Supervisors
Edward L. Long Jr., County Executive, Fairfax County
Robert A. Stalzer, Deputy County Executive
Catherine A. Chianese, Assistant County Executive
The Honorable Nicholas Donohue, Deputy Secretary of Transportation
Helen Cuervo, Administrator, Northern Virginia District, Virginia Department of
Transportation
Renee Hamilton, Deputy Administrator, Northern Virginia District, VDOT
Amanda Baxter, Project Manager, VDOT

Fairfax County Comments about the I-66 Inside the Beltway Multimodal Improvement Project
September 22, 2015

Multimodal Projects should Address Transit Operating Costs, including service to and from the Dulles Corridor

The list of multimodal projects that might be implemented with the toll road revenues includes a variety of capital and operating projects, such as intersection improvements on roadways near I-66; bus and Metrorail car purchases; transit operating support; and bike and pedestrian projects. There has been some uncertainty about whether or not transit operating expenses can be funded with the toll road revenues. Staff believes that providing support for transit operating costs is one of the most cost-effective ways to increase person throughput in the corridor and reduce congestion. As a result, transit operating costs should be considered for toll road revenues. Drivers in the Dulles Corridors are already paying multiple tolls, and this project will add another one. Consequently, some of the toll revenues should be used to support additional transit service in the corridor to provide an attractive alternatives for these drivers.

Addressing Impacts on the Adjacent and Parallel Roadway Network should be High Priorities for Toll Road Revenues, and to the extent possible, these projects should be completed before tolling is implemented

There have been concerns about the impact of tolling I-66 on the adjacent and parallel roadway network. In some cases, the tolls might result in High Occupancy Vehicle (HOV-2) vehicles shifting away from I-66 to the adjacent roadway network in the future; however, the ability for Single Occupant Vehicles (SOVs) to pay to use the facility and increased transit service might also attract users to the facility. In the absence of complete updated toll and revenue study information, the Board recommends that addressing any negative impacts of tolling on the adjacent and parallel roadway network should be a high priority for the toll road revenues. Recognizing that transportation infrastructure projects can take years to implement, every effort should be made to complete these projects before tolling begins, and before the conversion from HOV-2 to HOV-3. Otherwise, the negative impacts of diversion on specific intersections could be substantial.

The Impacts of Tolling I-66 on Local Roadways should be Monitored and should be Considered in the Decision Making Process for Widening I-66

In theory, congestion pricing should ensure that traffic on I-66 inside the Beltway operates at 55 miles per hour. This could result in extremely high tolls, but not demonstrate the need for widening when looked at in isolation. However, these tolls could push some travelers to use parallel roadways. In assessing the impact of the tolls, the local and parallel roads should be monitored regularly, and any negative impacts on these roads should be considered in the decision making process for widening I-66.

The Timing of Widening I-66 Inside the Beltway should be Flexible

Toll revenues are being considered for the widening of I-66 from the Dulles Connector Road to Fairfax Drive. The Constrained Long Range Plan project submission approved by the Transportation Planning Board for I-66 Inside the Beltway includes this widening after other multimodal improvements have been implemented and their impacts have been assessed. The Board believes that the timing of this widening should remain flexible. If multimodal investments are made, and these investments do not relieve congestion on I-66 inside the Beltway, the widening of the roadway, particularly eastbound from the Dulles Connector Road to Fairfax Drive, should occur as soon as possible.

Impacts on Washington Dulles International Airport Traffic should be Addressed

Currently, SOV traffic to and from Dulles Airport is allowed to use I-66 inside the Beltway even during the restricted HOV time periods. This policy has been important to ensuring reasonable access to the airport from Arlington, the District of Columbia and Maryland at all times. Unfortunately, the policy has also lead to a significant number of violators and difficulty enforcing HOV restrictions east of the Dulles Connector Road entrance to I-66. These factors have contributed to congestion on I-66 inside the Beltway. VDOT is proposing to toll all users of I-66 inside the Beltway, including those with origins and destinations at Dulles Airport, if they are not HOV-2 initially or HOV-3 in the future. While this change in policy should improve travel times to and from Dulles Airport during these peak periods for all users, VDOT should continue to work with the Metropolitan Washington Airports Authority to ensure that this change in policy does not discourage travelers from using Dulles Airport or discourage workers from taking jobs at Dulles Airport.

Viable Free Options to Using I-66 during the Peak Periods should be Provided, particularly in the Counter-flow Direction

While I-66 inside the Beltway is currently restricted to HOV-2 and higher during the peak period in the peak direction, there is no such restriction on travel in the opposite direction. Adding tolling in both directions will ensure 55 mile per hour speeds for HOV-2 and greater initially and HOV-3 in the future, and it will allow people who currently cannot use I-66 at these times to pay to use the facility. However, in the reverse direction, it will mean tolling SOV trips that are currently free. As a result of these proposed new tolling requirements, parallel routes should be improved through techniques such as intersection improvements, enhanced signal timing, increased transit service and improved pedestrian and bicycle facilities to provide viable alternative for SOVs who decide not to pay the toll.

The Impact of Widening I-66 Without Implementing the Other Multimodal Improvements should be Modeled

The traffic modeling work that VDOT is undertaking assumes that multimodal improvements are implemented before I-66 is widening; however, the results do not demonstrate in impacts of widening I-66 inside the Beltway without the multimodal improvements. It would be helpful to see this analysis to ensure that the most cost effective solutions are being implemented.

More Data on the Impacts of Tolling Traffic in the Counter-flow Direction should be Provided

The impacts of tolling the counter-flow traffic on I-66 inside the Beltway, particularly on eastbound I-66 in the evening peak period remain unclear. Intuitively, it does not seem that an average toll of \$1.00 to \$2.00 would be sufficient to address congestion on eastbound I-66 east of the Dulles Connector Road in the evening peak period. Additional efforts should be made to verify this information before final decisions about the project are made.

Draft Schedule for I-66 Inside the Beltway Activities
November 17, 2015

- November 17, 2015: Board Meeting; Board consideration of I-66 Inside the Beltway Project Principles and Additional Comments
- December 3, 2015: Northern Virginia Transportation Commission Meeting; Consideration of I-66 Inside the Beltway Project and Framework Agreement
- December 9, 2015: Commonwealth Transportation Board; Consideration of I-66 Inside the Beltway Project and Framework Agreement

INFORMATION - 1

Phase 2 - Consulting Support for NG9-1-1 Program Management and Technical Assistance for Regional Procurement Activities

The Department of Public Safety Communications (DPSC) has a requirement for continued consulting support for managing the transition of National Capital Region (NCR) Public Safety Answering Points (PSAPs) onto a regionally based Next Generation (NG) 9-1-1 system and network. Fairfax County, as the lead agency for the Metropolitan Washington Council of Governments (MWCOG) 9-1-1 Directors Committee, recently completed a Phase 1 study effort with the consulting firm Mission Critical Partners which outlined technical approaches, cost considerations, transition strategies, and policy and program management recommendations for NG9-1-1.

The Phase 2 effort will involve leveraging the expertise afforded by Mission Critical Partners in preparing technical specifications for a regional procurement of NG9-1-1 capabilities, as well as, technical assistance in evaluating vendor proposals. Also included will be technical coordination and program management of Geographic Information System (GIS) data preparation for the Spatial Interface to the Regional Geographic Information System (GIS). The data preparation must occur in each of the 22 jurisdictions within the NCR and requires a considerable amount of GIS data policy considerations, data cleanup and establishment of NG9-1-1 data standards across the region. Given their previous involvement in Phase 1, and their widespread expertise in NG9-1-1 strategy and technical program management, Mission Critical Partners is uniquely qualified to continue as the consulting firm to support Fairfax County and the NCR in completing the Phase 2 activities for NG9-1-1. The consultant will provide the following deliverables, some of which will be updated over the course of the project (updates are in parentheses):

ID Deliverable Description

- 1.1 Regional Collaboration and Data Collection Meeting Minutes (6)
- 1.2 NGCS Operational Use Cases and Technical Requirements (1)
- 1.3 NGCS Service Level Agreements (1)
- 1.4 NGCS Procurement Progress Reports (6)
- 1.5 MSRP Interoperability Gateway for Text to 9-1-1 (1)
- 2.1 NG9-1-1 Project Executive Briefings – NGCS (18)
- 3.1 NG9-1-1 Project Executive Briefings – NOVA SI (12)
- 4.1 NG9-1-1 Project Executive Briefings – MD/OUC SI (12)
- 5.1 OUC NG9-1-1 and GIS Data Remediation Progress Reports (12)

Previous awarded work for Phase 1 to Mission Critical Partners was in accordance with the County's policy on the use of General Services Administration Multiple Award Schedules, through which the Department of Purchasing and Supply Management solicited offers from three qualified GSA contractors. For this Phase 2 work, the

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County will award a task order to Mission Critical Partners using a national cooperative contract with a performance period through June 30, 2017. The Fairfax County Department of Tax Administration verified that Mission Critical Partners (MCP) has a Fairfax County Business, Professional & Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the County Purchasing Agent will proceed with a contract award to Mission Critical Partners (MCP) for consulting support for Phase 2 NG9-1-1 Program Management and Technical Assistance for Regional Procurement Activities

FISCAL IMPACT:

The value of this portion of the UASI grant-funded term contract is \$1,099,958.00.

ENCLOSED DOCUMENTS:

None

STAFF:

Cathy A. Muse, Director, Department of Purchasing and Supply Management
Wanda Gibson, Director, Department of Information Technology
Steve Souder, Director, Department of 9-1-1 / Public Safety Communications

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INFORMATION - 2

Fairfax-Falls Church Community Services Board Fee Schedule

Since its establishment in 1969, the Fairfax-Falls Church Community Services Board (CSB) has complied with Section 37.2-504 (A) (7) of the Code of Virginia, which states the CSB shall prescribe a reasonable schedule of fees for services provided by personnel or facilities under the jurisdiction or supervision of the CSB Board and establish procedures for the collection of the same.

The CSB ensures compliance with the Code of Virginia in four ways: (1) conducts a review of fee related materials by a Committee comprised of CSB Board members; (2) posts a Notice of Public Comment and accepts written comments regarding Proposed Changes; (3) widely publicizes the changes (e.g., on www.fairfaxcounty/csb webpage and in CSB News) with English, Spanish, Vietnamese and Korean translated documents; and (4) accepts comments during a CSB Board meeting during the agenda item matters of the public.

In accordance with the CSB's Memorandum of Agreement with the Board of Supervisors, and State regulations, on October 28, 2015 the CSB Board approved a Fee Schedule with updates to its service charges.

The services on the Fee Schedule include outpatient, residential, and ancillary services. Fees for Virginia Medicaid State Plan Option services are set at the Medicaid reimbursement rate. Fees for outpatient services are traditionally cost-based and recorded in increments that are consistent with Current Procedural Terminology (CPT) maintained by the American Medical Association to uniformly describe medical (including psychiatric), surgical, and diagnostic services. Fees for residential services are mostly income-based due to the extended length of stay for residential treatment, or the permanency of a community living setting for individuals with an intellectual disability, and when required grounded in federal regulations. Ancillary charges are usual and customary fees for copying of records, or fees for bad checks set by Fairfax County Code and/or the Code of Virginia.

Changes made to the CSB Fee Schedule were primarily in cost-based rate changes for Social Detoxification, Physical Exam, and Psychiatric Evaluation Services and in adding a new nominal fee for Interactive Complexity of services provided (paid by Medicare and Medicaid.)

At its October meeting, the CSB Board also adopted revisions to its Reimbursement for Services Policy 2120 and the Ability to Pay Scale. A key change was the alignment of

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the CSB Ability to Pay Scale income levels with the Federal Poverty Levels (FPL) published by the federal government every January. In the past, the CSB's Scale was in sync with the FPL for only a few months each year.

Unless otherwise directed by the Board of Supervisors, the County Executive will direct staff to proceed with the implementation of the new Fee Schedule. Sufficient advance notice of fee changes must be given to consumers.

FISCAL IMPACT:

The fee related documents provide the CSB with uniform mechanisms to maximize revenues from clients, Medicaid and other health insurance plans. The FY 2016 current budget plan for the CSB includes \$18.4 million in estimated fee revenues.

ENCLOSED DOCUMENT:

Attachment 1 - CSB Fee Schedule

Attachment 2 - Summary of CSB Fee Related Changes

STAFF:

Patricia Harrison, Deputy County Executive

Tisha Deeghan, Executive Director, CSB

G. Michael Lane, Deputy Director of Administration, CSB

Ginny Cooper, CSB

2016 CSB FEE SCHEDULE		ATTACHMENT 1	
Service	Subject to Ability to Pay Scale	Effective Prior to Feb 2016	Effective Feb 1, 2016
Addiction Medicine Physician Assessment	Yes	\$161 per event	Deleted; using other procedural codes
Addiction Medicine Physician-Monitoring (follow up)	Yes	\$54 per event	Deleted; using other procedural codes
Adolescent Day Treatment- MH	Yes	\$36.53 per unit	\$36.53 per unit
Adolescent Day Treatment - SA	Yes	\$4.80 per 15 minutes	\$4.80 per 15 minutes
Adult Day Treatment - MH	Yes	\$34.78 per unit	\$34.78 per unit
Adult Day Treatment- SA	Yes	\$4.80 per 15 minutes	\$4.80 per 15 minutes
A New Beginning Residential Treatment	Yes	\$238.30 per day	\$238.30 per day
GAP Case Management - Regular Intensity	Yes	\$195.90 per month	\$195.90 per month
GAP Case Management - High Intensity	Yes	\$220.90 per month	\$220.90 per month
Case Management - ID	Yes	\$326.50 per month	\$326.50 per month
Case Management - MH	Yes	\$326.50 per month	\$326.50 per month
Case Management - SA	Yes	\$16.50 per 15 minutes	\$16.50 per 15 minutes
Congregate Residential ID Waiver Services	No	\$17.71 per hour	\$17.71 per hour
Contracted Residential Treatment - Intermediate Rehabilitation/Reentry Services	Yes	\$163 per day	\$163 per day
Crisis Intervention	Yes	\$30.79 per 15 minutes	\$30.79 per 15 minutes
Crisis Stabilization - Adult Residential	Yes	\$89 per hour	\$89 per hour
Crossroads Adult Residential Treatment	Yes	\$186.52 per day	\$186.52 per day
Detoxification, Medical, Residential-setting	Yes	\$750 per day	\$750 per day
Detoxification, Social, Residential-setting	Yes	\$371 per day	\$495 per day
Drop-In Support Services, ID	Yes	Rate set by vendor(s) but no less than \$2 per hour and for those with incomes above 150% of FPL, apply 20% liability (based on ATP Scale) of the CSB contracted negotiated rate. If below 150% of FPL, charge \$2 per hour.	Rate set by vendor(s) but no less than \$2 per hour and for those with incomes above 150% of FPL, apply 20% liability (based on ATP Scale) of the CSB contracted negotiated rate. If below 150% of FPL, charge \$2 per hour.
Family Therapy	Yes	\$80.00 per hour	\$80.00 per hour
Group Therapy/Counseling	Yes	\$4.80 per 15 minutes	\$4.80 per 15 minutes
Head Start - Services to	No	\$25 per 15 minutes	\$25 per 15 minutes
Independent Evaluations	No	\$75 each	\$75 each
Individual Therapy/Counseling	Yes	\$80.00 per hour	\$80.00 per hour
Initial Evaluation/Assessment	Yes	\$150 per event	\$150 per event
Injection Procedure	Yes	\$20.00	\$20.00
Intensive Community Treatment	Yes	\$153 per hour	\$153 per hour
Intensive Outpatient - Individual or Group	Yes	\$4.80 per 15 minutes	\$4.80 per 15 minutes
Interactive Complexity*	Yes	n/a	\$15 add on to other clinic services when there is a factor that complicates the psychiatric service or increases the work intensity of the psychotherapy service
Lab Tests	No	Actual Cost	Actual Cost
Late Cancellation or No Show	Yes	\$25.00	\$25.00
Legal Testimony	Yes	\$25 per 15 minutes	\$25 per 15 minutes
Medication Management	Yes		
Mental Health Skill-building Service	Yes	\$91 per unit	\$91 per unit
Multi-Family Group Therapy	Yes	\$25 per event	\$25 per event
Neurological Testing	Yes	\$1168 per event	\$1168 per event
New Generations Residential Treatment	Yes	\$120 per day	\$120 per day
Nursing Assessment	Yes	\$58 per event	Deleted; using other procedural codes
Nursing Subsequent Care	Yes	\$29 per event	\$29 per event
Physical Exam (Physician)	Yes	\$95 per event	\$167 per event
Psychiatric Evaluation	Yes	\$107 per event	\$219 per event
Psychiatric Evaluation & Management High Complexity	Yes	\$144 per event	\$144 per event

2016 CSB FEE SCHEDULE		ATTACHMENT 1	
Service	Subject to Ability to Pay Scale	Effective Prior to Feb 2016	Effective Feb 1, 2016
Psychiatric Evaluation & Management Low Complexity	Yes	\$54 per event	\$54 per event
Psychiatric Evaluation & Management Moderate Complexity	Yes	\$90 per event	\$90 per event
Psychological Testing	No	\$150 per event	\$150 per event
Psychological Testing Battery	Yes	\$851 per event	\$851 per event
Psychosocial Rehabilitation	Yes	\$24.23 per unit	\$24.23 per unit
Release of Information: Individual	No	50¢ per pg up to 50 pgs; 25¢ per pg for > = 51 pgs	50¢ per pg up to 50 pgs; 25¢ per pg for > = 51 pgs
Release of Information: Research	No	\$10.00	\$10.00
Release of Information: Third Party	No	\$10 admin fee 50¢ per pg up to 50 pgs; 25¢ per pg for > = 51 pgs	\$10 admin fee 50¢ per pg up to 50 pgs; 25¢ per pg for > = 51 pgs
Release of Information: Worker's Compensation	No	\$15.00	\$15.00
Residential Fee ID Community Living Services	No	75% of gross income	75% of gross income
Residential Fee MH/SA Community Living Services	No	30% of gross income	30% of gross income
Returned Check (due to insufficient funds or closed account)	No	\$50.00	\$50.00
Skilled Nursing Waiver LPN Services	No	\$7.82 per 15 min	\$7.82 per 15 min
Skilled Nursing Waiver RN Services	No	\$9.02 per 15 min	\$9.02 per 15 min
Telehealth Facility Fee	No	\$20.00	\$20.00
Transportation	No	\$100 per month	\$100 per month
Turning Point Program	Yes	\$285.71 per month	\$285.71 per month
Urine Collection & Drug Screening- Retests Only	Yes	\$25.00	\$25.00
Wraparound Fairfax	No	\$1230 per month	\$1230 per month
* Interactive Complexity factors may include: evidence or disclosure of sentinel event; manage maladaptive communication among participants that complicates delivery of care; and use of interpreter to overcome barriers to diagnostic or therapeutic interaction with a person who is not fluent in the same language or who has not developed or lost expressive or receptive language skills to use or understand typical language.			

Summary of Changes to CSB 2016 Fee Related Documents

Proposed Changes to CSB Fee Related Documents were posted for public review and comment on September 25, 2015. Written comments on the Proposed Changes to CSB Fee Related Documents were accepted until 5 p.m., October 28, 2015. The CSB Board held a Public Hearing on the Proposed Changes at its meeting on October 28, 2015 and then approved all changes.

Changes to the Policy and the Regulation will become effective in November 2015. The changes to the Ability to Pay Scale and Fee Schedule will not become effective before February 1, 2016.



Reimbursement for Services Policy 2120

- **Updates** Appendix A referenced in Purpose with the 10/22/14 version of the Guidelines for Assigning Priority Access to CSB Services. The primary change is the inclusion of a fourth Special Priority Population – individuals requesting treatment for opioid drug abuse.
- **Clarifies** #7 to state that services shall not be refused to any individual solely on the basis of financial issues.
- **Grammatical corrections** to #8 and #9.

Ability to Pay Scale

- **Synchronizes** the Ability to Pay Scale income levels with the Federal Poverty Levels published by the federal government every January.

Fee Schedule

- **Adds** new nominal fee for Interactive Complexity of services provided (paid by Medicare and Medicaid)
- **Incorporates** cost-based rate changes for Social Detoxification, Physical Exam, and Psychiatric Evaluation Services
- **Removes** unused service fees where other service fees are applied instead (Addiction Medicine, Nursing Assessment)

Fee and Subsidy Related Procedures Regulation 2120.1

- **Adds** privacy and use of protected health information section related to insurance verification
- **Clarifies** liability for fees for individuals under 26 years of age or full-time students
- **Adds** subsidy for individuals with out of state Medicaid plans
- **Defines** several terms and provides examples
- **Changes** the practice of setting the Ability to Pay Scale income levels to now coincide with Federal Poverty Levels published every January
- **Adds** notification to individuals about services not covered by their insurance plans
- **Updates** Medicaid terms

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11:00 a.m.

Matters Presented by Board Members

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November 17, 2015

11:50 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).

- 1. *David T. Clenney v. Officer V.R. Swartz*, Case No. 15-1535 (U.S. Ct. of App. for the Fourth Circuit)
- 2. *Joyce Banin v. Brian Byerson*, Case No. 15-1037 (U.S. Ct. of App. for the Fourth Cir.)
- 3. *Gerard Morrison, Christopher Thompson, Elton Polen, Jr., Calvin Alexander, Michael Allen, Rocco Alvaro, Thomas Arnold, William Atwell, Robert Banasik, Timothy Barb, Todd Barb, Mathew Barnhart, Mervin Barrera, Oscar Beasley, William Best, Jr., Bill Betz, Daniel Borden, Jr., Edward Bowman, Fred Brandell, Donald Brasfield, Christopher Brown, Jon Bruley, Clyde Buchanan, Carlton Burkhammer, Robert Burlingame, Matthew Burns, Leo Burt, Leroy Butler, Jr., Keith Cerzullo, John Chesek, Jr., Michael Ciarrocchi, Steven Clark, Bradford Cochrane, Jr., Thomas Connolly, David Conrad, Arthur Cox, Dustin Cramer, Tracy Crawford, Keith Cross, Charles Cunningham, Eric Cunningham, Danny Daniels, II, Michael Davis, Troy Dean, Yolanda Demark, Samuel Devera, Keith Dubetsky, Brian Edmonston, Kevin Edwards, Derek Edwards, Felecia Edwards, Sean Evans, Mark Feaster, Michael Fischer, Colin Flanigan, Thomas Flint, Michael Fontana, Ramiro Galvez, Michael Garcia, Kenneth Geffen, Jared Goff, George Gonzalez, Todd Gorham, Samuel Gray, Raymond Griffin, Wesley Grigg, David Gruendel, Mark Guditus, David Hall, James Harrison, III, Sheryl Hemingway, Charles Henderson, Kit Hessel, John Higginbotham, James Hobgood, Kimberly Hood, Trenton Houghton, Gregory Hunter, James Iacone, James Istvan, Michael Istvan, Anthony Jackson, James Johnson, Reginald Johnson, Thomas Johnson, Walter Johnson, Joseph Kaleda, Glenn Kaplan, Patrick Kelly, Rebecca Kelly, William Kingdon, Joseph Kiser, Robert Kitchen, Joseph Knerr, Robert Konczal, Tony KostECKa, Ronald Kuley, Richard Lancing, David Lange, James Lee, John Leete, Jeffrey Lewis, Robert Lison, Matthew Lopez, William Lynch, Barry Maham, Michael Marks, Charles Martin, James Masiello, Glenn Mason, Corey Matthews, Thomas Mayhew, Steven McFarland,*

Roger McGehee, Richard McKinney, Jr., Kerwin McNamara, Francis Mensah, Mark Menton, Joseph Merritt, Jr., Stephen Miller, Robert Mohler, Jeffrey Mongold, Donald Montague, Brian Moravitz, John Morris, Richard Moxley, John Niemiec, Bryan Nix, Jr., Steven Norris, Stephen O'Brien, Milton Painter, Joseph Palau, III, Dennis Passmore, Gary Pemberton, John Peters, Dallas Phillips, Ralph Pisani, Charles Pullen, E. Martin Ranck, III, Barry Rathbone, John Richter, Natalie Robb, Ronnie Rodriguez, Matthew Ryan, William Schellhammer, III, Mark Schroeder, David Schwarzmann, Michael Sease, II, David Sellers, Daniel Shaw, Richard Smith, Scott Smith, Michael Snapp, James Sticklen, Rex Strickland, Cheri Stroup, Ronald Sydnor, Kendall Thompson, Lorenzo Thrower, Christopher Tilles, David Tobin, Jeffrey Tolle, Glenn Tschann, William Vannoy, Donald Vaught, Jack Walmer, Jr., John Walser, Thomas Wealand, Oscar Wells, Wayne Wentzel, Michael Whetsell, Paul White, Kenneth Wildman, Jerome Williams, Marcus Williams, Elton Wright v. County of Fairfax, Virginia, Case No. 14-2308 (U.S. Ct. of App. for the Fourth Cir.)

4. *Cellco Partnership d/b/a Verizon Wireless and CWS VII, LLC v. Fairfax County, Virginia, and The Board of Supervisors of Fairfax County, Virginia, Civil Action No. 1:15cv2 (E.D. Va.) (Dranesville District)*
5. *Francis Philip Wiafe v. Bruce Patrick, Case No. CL-2015-0006119 (Fx. Co. Cir. Ct.)*
6. *David J. Laux and Tara K. Laux a/k/a Tara K. Long v. Board of Supervisors of Fairfax County, James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services, and the Commonwealth of Virginia, Civil Action No. 15cv1334 (E.D. Va.) (Mason District)*
7. *Board of Supervisors of Fairfax County and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. David J. Laux and Tara K. Laux, a/k/a Tara K. Long, Case No. CL-2014-0013597 (Fx. Co. Cir. Ct.) (Mason District)*
8. *James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services and Brian J. Foley, Fairfax County Building Official v. David J. Laux and Tara K. Laux, a/k/a Tara K. Long, Case No. CL-2015-0007970 (Fx. Co. Cir. Ct.) (Mason District)*
9. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Robinson Socrates Nunn and Glanetta Miller, Case No. CL-2015-0003878 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ross Spagnolo, Case No. CL-2011-0005847 (Fx. Co. Cir. Ct.) (Providence District)*

11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rama Sanyasi Rao Prayaga and Niraja Dorbala Prayaga*, Case No. CL-2010-0002573 (Fx. Co. Cir. Ct.) (Dranesville District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rama Sanyasi Rao Prayaga and Niraja Dorbala Prayaga*, Case No. CL-2012-0019078 (Fx. Co. Cir. Ct.) (Dranesville District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John Hicks, Betty Pearson-Pavone, Dallas Hicks, Harold E. Pearson, Alice Hicks, and Edward Hicks*, Case No. CL-2012-0013536 (Fx. Co. Cir. Ct.) (Providence District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. John Hicks, Betty Pearson-Pavone, Dallas Hicks, Harold E. Pearson, Alice Hicks, and Edward Hicks*, Case No. CL-2014-0011059 (Fx. Co. Cir. Ct.) (Providence District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Steven C. Bryant*, Case No. CL-2009-0005546 (Fx. Co. Cir. Ct.) (Sully District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jose S. Portillo and Francisca E. Portillo*, Case No. CL-2014-0016150 (Fx. Co. Cir. Ct.) (Providence District)
17. *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)
18. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Helen M. Parker-Smith*, Case No. CL-2014-0001775 (Fx. Co. Cir. Ct.) (Providence District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Adina Gurbutwal*, Case No. CL-2015-0010657 (Fx. Co. Cir. Ct.) (Springfield District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose S. Portillo and Francisca E. Portillo*, Case No. CL-2015-0010341 (Fx. Co. Cir. Ct.) (Providence District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Farah F. Devlin*, Case No. CL-2015-0009304 (Fx. Co. Cir. Ct.) (Providence District)

22. *Gregory Shawn Mercer v. Fairfax County Department of Code Compliance*, Case No. CL-2015-0005623 (Fx. Co. Cir. Ct.) (Providence District)
23. *Board of Supervisors of Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. WM/Olayan Holdings, LLC*, Case No. CL-2015-0013847 (Fx. Co. Cir. Ct.) (Providence District)
24. *Jonathan Clark and Carolyn Clark v. Commonwealth of Virginia State Building Code Technical Review Board and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia*, CL-2015-0014214 (Fx. Co. Cir. Ct.) (Mason District)
25. *In Re: Decision of September 17, 2014, of the Board of Zoning Appeals of Fairfax County, Virginia; Jonathan Clark and Carolyn Clark v. Fairfax County Board of Zoning Appeals, Board of Supervisors of Fairfax County, Leslie B. Johnson, Zoning Administrator, and Jeffrey L. Blackford, Director, Department of Code Compliance*, CL-2014-0013587 (Fx. Co. Cir. Ct.) (Mason District)
26. *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)
27. *Board of Supervisors of Fairfax County, Virginia, and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. Robert B. Allocca*, Case No. CL-2015-0013008 (Fx. Co. Cir. Ct.) (Providence District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Truc Anh Nguyen and Tan Le*, Case No. CL-2015-0013512 (Fx. Co. Cir. Ct.) (Providence District)
29. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Hossein Nilforoush*, Case No. CL-2015-0013513 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Romulo Castro and Blanca B. Castro*, Case No. CL-2015-0013768 (Fx. Co. Cir. Ct.) (Providence District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael A. Maestri and Diane R. Maestri*, Case No. GV15-010625 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Carlton W. Powell*, Case No. GV15-010624 (Fx. Co. Gen. Dist. Ct.) (Lee District)

33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Phuong M. La*, Case Nos. GV15-014202 and GV15-014203 (Fx. Co. Gen. Dist. Ct.) (Providence District)
34. *Abelardo Brito-Trujillo v. Moufid M. Khoury*, Case No. GV15-023706 (Fx. Co. Gen. Dist. Ct.)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jennifer L. Audibert and Joseph G. Henry*, Case Nos. GV15-019074 and GV15-019075 (Fx. Co. Gen. Dis. Ct.) (Dranesville District)
36. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jennifer C. Markley*, Case No. GV15-019382 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
37. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. George E. Gonzalez*, Case No. GV15-023668 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
38. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Andrea Viski and Brian Lucas*, Case No. GV15-023665 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Herber Joya and Yessina Giron*, Case No. GV15-023669 (Fx. Co. Gen. Dist. Ct.) (Mason District)
40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Alexis O. Rodriguez and Maria Claribe Argueta de Rodriguez*, Case No. GV15-023666 (Fx. Co. Gen. Dist. Ct.) (Mason District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ara Kim*, Case No. GV15-023667 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Osool Holding, LLC*, Case No. GV15-023917 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
43. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Rose Atwood*, Case No. GV15-023918 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

Board Agenda Item
November 17, 2015

3:00 p.m.

Public Hearing to Receive Comment from Citizens on the Proposed Legislative Program to be Presented to the 2016 Virginia General Assembly

ENCLOSED DOCUMENTS:

Attachment I – Draft Fairfax County Legislative Program for the 2016 Virginia General Assembly

Attachment II – Draft Human Services Issue Paper

The proposed Legislative Program and Human Services Issue Paper are also available at:

www.fairfaxcounty.gov/government/board

STAFF:

Edward L. Long, Jr., County Executive

Claudia Arko, Legislative Director

Preliminary DRAFT 2016 Fairfax County Legislative Program

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(Note: Language added after October 27, 2015, is highlighted.)

Preliminary DRAFT 2016 Fairfax County Legislative Program

Fairfax County and the Commonwealth have long maintained a strong partnership in promoting economic development. The County has created a strong business climate, with a fair and competitive tax structure, excellent schools, an educated workforce, and services and amenities that attract new businesses every year. Both the Commonwealth and the County have benefited from this partnership.

Unfortunately, it has been the practice of the Commonwealth to significantly underfund core services, leaving localities to fill funding gaps with local revenues in order to maintain essential services. This poses a particular threat to economic development efforts, as state funding cuts in recent years, coupled with the impact the recession has had on local revenues, threaten to destroy the very attributes that draw and retain businesses. Without solutions that provide funding to keep pace with the growth of Virginia's economy, the state is at risk of slipping further in economic competitiveness.

The Commonwealth's partnership with localities is a key factor in maintaining that competitiveness. As the state revenue picture appears to be improving, it is critically important that Virginia continue to invest the resources necessary to educate its citizens at all levels, ensure the rule of law, protect its natural resources, provide for the basic needs of the less fortunate, and build a sound infrastructure, in order to remain a competitive state and an attractive place for economic development. The critical state-local funding partnership must continue to be restored so that the Commonwealth can emerge from the recent fiscal crisis even stronger, as an investment in Virginia will pay dividends for years to come.

Priorities

Funding Core Services

1.) K-12 Funding – Joint Position with the Fairfax County School Board

It is essential that the state fully meet its Constitutional responsibility to adequately fund K-12 education, including full funding for the biennial re-benchmark of Virginia's Standards of Quality (SOQ). *(Position on full funding for K-12 costs and restoration of Cost of Competing Adjustment (COCA) funding shared by region.)*

Critical gaps continue to widen between the SOQ, state funding for those standards, and the actual local costs of providing a high-quality education. At present, the state is failing to provide the funding necessary to implement its own standards and requirements, while Fairfax County and other Northern Virginia localities more than meet their responsibilities for K-12 education through large contributions to the state General Fund, strong local effort, and the effect of high local composite indices. Conversely, state funding for K-12 has declined significantly in recent years – in FY 2009, K-12 funding comprised over 35 percent of the state General Fund, but by FY 2014, investments in K-12 education had fallen to less than 30 percent of the General Fund. In fact, since FY 2009 Virginia has implemented sizable structural budget cuts to K-12, costing localities more than \$1.7 billion per biennium statewide, despite emphatic assertions from businesses that strong public schools and an educated workforce are essential elements in their decision to locate and remain in Virginia. Moving Virginia's economy forward requires substantially increasing state investments in K-12.

The Boards strongly support:

- Realistic and fully-funded Standards of Quality;
- Recognition of cost of living variations in state funding formulas, to more accurately determine a locality's true ability to pay, particularly for high cost of living areas;
- Restoration of full funding for Cost of Competing Adjustment (COCA) for support positions, a factor in the funding formula recognizing the competitive salaries required in high cost of living regions to attract and retain the highest quality instructional and support personnel;
- Appropriate recognition in state funding formulas of the increased costs required to serve children with higher level needs, including special education students (a category encompassing students with intellectual or physical disabilities as well as those with mental/behavioral health issues; costs are approximately 100 percent more than general education), those learning English as a second language (costs are approximately 30 percent more than general education), and those living in economically disadvantaged households (costs are approximately 10 percent more than general education); and,
- Increased state resources for early childhood education programs, which help young children enter kindergarten prepared to succeed.

Additionally, the Boards strongly oppose:

- State budget cuts that disproportionately target or affect Northern Virginia; and,
- Structural cuts or formula changes which further weaken the partnership between the state and localities.

Unfortunately, recent state budget decisions, like the elimination of COCA funding for support positions, exacerbate the stresses on the state-local K-12 partnership by making permanent, structural cuts in state funding. The effect of these enormous reductions artificially lowers what the state must pay for K-12, divorcing state funding from the actual costs of providing a quality public education. As a result, the funding burden for K-12 has increasingly shifted to local governments, in spite of the fact that the state has significantly more diverse revenue options than localities in order to meet those responsibilities. As the Joint Legislative Audit and Review Commission (JLARC) noted in its recent review of K-12 spending, localities provided a majority of total funding for school divisions in FY 2014, contributing an additional \$3.6 billion beyond the minimum SOQ funding required. JLARC also noted that in FY 2013, Virginia ranked 23rd

nationwide in total per-student spending, but 11th in the local share of this spending, reflecting Virginia's reliance on local effort and a growing imbalance in this partnership.

Failure to adequately meet the needs of the youngest Virginians can create repercussions for individual families, the larger community, and the Commonwealth, while investments in early childhood and K-12 education can provide a foundation for learning and achievement, often reducing or eliminating the need for more costly interventions and remediation, and spurring the state's economic development. *(Revises and updates previous position.)*

2.) Transportation Funding

The Commonwealth should continue and build upon the successful enactment of significant, new transportation revenues by the 2013 General Assembly.

Statewide and regional funding generated by HB 2313 provides substantial new resources needed to begin addressing the transportation needs of Northern Virginia and the Commonwealth. While HB 2313 moves the Commonwealth in the right direction, transportation funding challenges remain.

- **Allocation of Statewide Revenues –**
 - It is critical that Northern Virginia continue to receive its fair share of statewide revenues, as required by HB 2313, particularly in light of the new HB 2 process for prioritizing projects. If any changes to the HB 2313 revenues are considered, alternative revenues must generate funds at least equal to those previously approved. Further, the new transportation funding created by HB 2313 should only be used for transportation purposes.
 - Significant changes were made to the transportation funding formulas and processes during the 2014 and 2015 General Assembly sessions. It is important that the implementation of HB 2 (2014) and HB 1887 (2015) be closely monitored, especially during the initial years, to determine whether changes and improvements may be necessary. Simplifying the implementation of HB 2, in particular, would ensure greater transparency and understanding of the processes.
 - The Northern Virginia Transportation District is only expected to receive 10.6 percent of the State of Good Repair funds created through HB 1887, raising significant concerns for the County. Only 83 percent of all roads in Northern Virginia are in Fair or Better Condition. Secondary road pavement conditions are even worse, with only 31 percent of all secondary roads in Northern Virginia in Fair or Better Condition, far less than the Commonwealth's average of 60 percent. Millions of people drive these roads every day, and such deteriorated pavements will only get worse unless additional funding is identified, or a greater portion of the current funding is allocated to Northern Virginia.
 - The County is concerned about efforts to substantially decrease funding for the Revenue Sharing program over the next six years. This program significantly leverages state transportation funds by encouraging local governments to spend their own money on transportation projects. For Fairfax County, this program has been helpful in funding some of the County's major road and transit projects. Reducing funding for this program will only discourage local government from seeking non-VDOT sources of revenue to meet transportation needs. The revenue sharing program should be maintained at its current level.
 - SB 1140 (2013) required the implementation of new methodologies for transit funding. The County is concerned about changes made that go beyond the intent of the legislation – specifically, the County remains opposed to the Department of Rail and Public Transportation's decision to change the allocation of state funds for capital costs from the non-federal cost of a project to the total cost. As the Fairfax Connector and several other Northern Virginia systems do not receive federal funds, this change only increases the local share that Northern Virginia systems must pay while reducing the share for other systems in the Commonwealth that receive federal funding and provide far less local funding.
- **Transit Bond Funding –** During the 2015 session, the General Assembly began to address the significant reduction in state transit funding expected to occur in 2018, due to the depletion of transportation bonds. **However, the County supports additional efforts to fully address the**

future deficit in transit funding to ensure that transit systems continue to receive the state resources needed to provide critical transit services. (*Regional position.*)

- **Transportation and Economic Success** – **The Commonwealth should provide funding assistance for the transportation needs of major employment centers, in order to lay the groundwork for continued economic success.** Fairfax County contains several major employment centers that generate public benefit for the County and the Commonwealth. For these centers, including areas such as Springfield, Seven Corners, and Reston, to remain successful and accommodate predicted growth, they must transform into sustainable, transit-oriented, and walkable communities. That transformation has already begun in Tysons, where significant improvements in transit access have been made, but additional resources are needed to ensure that pedestrian, bicycle, and transit modes thrive and roadway congestion is addressed. The Board of Supervisors approved its Six-Year Transportation Project Priorities (TPP), which assumes significant funding from Fairfax County, as well as funding from regional and statewide sources. The projects in the TPP focus on making investments to strengthen the County's major employment centers, and it is important that the state and federal governments similarly recognize their importance by providing the funding needed to complete the transportation projects that have been identified in these areas.
- **Metro – The Commonwealth should continue to support Metro 2025.** The region is projected to continue to grow over the coming decades, placing more pressure on a Metro system already nearing capacity. To address this need, Metro developed a strategic plan that will guide decisions over the next 10 years and ensure that the system continues to support the region's competitiveness in the future. Metro proposes a number of initiatives called Metro 2025, including: enhancement of rush-hour capacity by upgrading to the use of all eight-car trains, resulting in the ability to move an additional 35,000 customers per hour; expansion of high-volume rail stations to ease congestion; and, completion of the bus Priority Corridor Network that includes a variety of improvements allowing buses to bypass traffic congestion. Additional resources are critical to ensuring the success of this effort, as WMATA prepares to purchase the train cars necessary for increased capacity needs. Further, improvements to the system's core capacity are needed before any future extensions can be considered. Continued state support of Metro 2025 will help keep Metro, Northern Virginia, and the Commonwealth moving forward.

A modern, efficient, multimodal transportation system is essential to the Commonwealth, and is intrinsically tied to continued economic development and the ability to compete in a global economy. Fairfax County, along with localities throughout the state, continues to provide millions in local funds for transportation each year, and the County and the Commonwealth must continue to work together to ensure that our infrastructure needs are met. (*Revises and updates previous transportation funding position.*)

3.) State Budget

The Commonwealth should rebalance its resources and responsibilities so that the funding partnership with localities is restored, ensuring the delivery of critically needed services in communities throughout Virginia. State established standards for locally delivered services must be accompanied by state funding that is adequate to successfully provide those services, and accountability for successes and failures should be reciprocal, ensuring both the state and localities accept responsibility commensurate with their respective roles.

The depth and breadth of state cuts to localities in recent years has severely stressed the state-local funding partnership. State aid to localities decreased by approximately \$1 billion since FY 2009, including a five-year period in which the Commonwealth required localities to return funds to the state in order to help balance the state's budget – essentially creating a new reverse concept of "local aid to the Commonwealth," which translated into more than \$20 million in state funding cuts to Fairfax County. Towards the end of FY 2014, a combination of factors led to a massive state revenue shortfall of approximately \$2.4 billion for the 2014-2016 biennium, yielding further cuts in aid to localities by reinstating "local aid to the Commonwealth" in FY 2015, at an additional cost of \$2.3 million to the County. Additionally, since FY 2009 Virginia has implemented sizable structural budget cuts to K-12, costing localities more than \$1.7 billion per biennium statewide.

The allocation of resources is, in fact, a way of prioritizing areas of critical importance for the state. If core services and shared state-local programs are not at the top of that list, the pro-business environment Virginia has become known for will be jeopardized. Regrettably, a national report indicates that, during the recent national recession, only a handful of state governments cut more funds to local governments and school districts than did Virginia. Though the Commonwealth's budget shortfall was the 20th largest in the nation, the state funding cut to localities was third highest among states. Essentially, Virginia relied on cuts to localities and school divisions to a greater extent than most other states.

While direct aid to localities was 52 percent of the General Fund (GF) in FY 2009, it only accounted for 44 percent of the General Fund in FY 2014. And K-12, the most critical core service shared by the state and localities, has dropped from 35 percent of the General Fund in FY 2009 to less than 30 percent in FY 2014.

In addition to the two County priorities of K-12 and Transportation, action should be taken at the 2016 General Assembly on the following budget items:

- Full restoration of Cost of Competing Adjustment (COCA) funding for K-12 support positions in the 2016-2018 biennium budget. (see also page 3) *(Regional position.)*
- Restoration, or at a minimum level funding, for HB 599 law enforcement funding. (see also page 10)
- Provision of sufficient state funding for services to individuals leaving the Northern Virginia Training Center, ensuring the Commonwealth fulfills its responsibility to implement the federal settlement agreement. (see also page 13)
- Expansion of Medicaid and restoration of funding for human services programs, which serve the most vulnerable Virginians. (see also the Human Services Issue Paper)

Fortunately, state revenues have begun to improve significantly in FY 2015, and the state ended the fiscal year with a surplus totaling more than \$500 million, with projections showing continued improvement in years to come. As a result, "aid to the Commonwealth" has been discontinued, an important step in the right direction. In addition, expansion of Medicaid as envisioned in the Patient Protection and Affordable Care Act presents a significant opportunity for the state to take advantage of enhanced federal revenues, thus freeing up state dollars to be redirected to other critical needs. (Medicaid expansion is discussed in more detail in the Human Services Issue Paper.) Now is the time for the state to begin restoring the substantial reductions to local programs and services implemented in recent years, by focusing on investments in critical core services that will continue to move Virginia forward. *(Revises and updates previous position.)*

Governance

A strong state and local partnership is essential to Virginia's success and the ability of both levels of government to respond to the needs of their residents. As the form of government closest to the people, local government must be provided the flexibility to serve the needs of residents, which can vary greatly from one part of the Commonwealth to another.

4.) Local Authority

Existing local government authority should be preserved, particularly in such key areas as taxation and land use, and the protection of public health, safety, and welfare, where local governments must have sufficient authority to govern effectively. Further, local authority should be enhanced to provide localities more flexibility in the administration of local government, as appropriate community solutions differ significantly from one area of the state to another. Finally, local government representatives should be included on all commissions or other bodies established by the state for the purpose of changing or reviewing local revenue authority or governance.

The local tax structure, which has become outdated and over-reliant on property taxes, must be modernized. Local government revenues must be diversified, including the provision of equal taxing authority for counties and cities, without state mandated restrictions on use, or caps on capacity. Where possible, the state should consider updating state and local taxes to reflect changes in the economy or technology; avoid any expansion of revenue-sharing mechanisms controlled by the state; avoid any new state mandates while fully funding and/or reducing current requirements; avoid any diminution of current local taxing authority (including BPOL and machinery and tools taxes) and lessen restrictions currently imposed on local revenues; or lessen current restrictions on the use of state funds now provided to localities for shared responsibilities.

Local land use authority must also be preserved. Local government is the level of government best suited to equitably and effectively deal with local land use issues, ensuring orderly and balanced growth and redevelopment with direct public participation and accountability in this critical process. Further restrictions on local use of eminent domain, in addition to the 2013 amendment to the Virginia Constitution, are unnecessary; Fairfax County has been extremely judicious and wholly appropriate in its very selective use of condemnation. Moreover, additional legislation in this area should be avoided while courts adjudicate this recent constitutional change to what was a long-settled area of law.

Each level of government has unique strengths. However, as a Dillon Rule state, local governments in Virginia are significantly restricted in their authority, which impedes the ability of localities to react quickly and efficiently to emerging problems. In many instances, an overemphasis on statewide uniformity does not adequately consider the particular issues experienced in growing and urbanizing localities in Northern Virginia, limiting the ability of local governments to respond to community standards and priorities. (Consumer protection is an example of an area in which local government is often better equipped to address local concerns.) At a minimum, the state should empower localities to solve their own problems, by providing increased authority or discretion for services that have no compelling priority or impact for the Commonwealth, thus eliminating the need to seek permission for ministerial matters from the General Assembly each year. Additionally, similar to action taken by the House of Delegates in 2015, the Senate should adopt a requirement that all bills with a local fiscal impact be filed by the first day of the General Assembly session to allow localities the maximum time possible to highlight potential impacts as new legislation is considered. Furthermore, local governments must be included as full participants on any state commissions and study committees examining local issues, allowing for a more complete assessment of such issues and reflecting the governing partnership that must exist between the state and localities to ensure the effective administration of government. *(Updates and reaffirms previous position.)*

Initiatives/Action Statements

Governance—Annual “No-Plate” Penalty

Initiate legislation to change the \$250 “no-plate penalty” authorized in Virginia Code § 46.2-662(B) to allow localities to impose the charge annually, for each year a vehicle is not properly registered and does not display Virginia license plates. The purpose of converting the no-plate penalty to an annual charge is to deter repeat offenders who choose to simply pay the \$100 no-plate tax (which is assessed annually for each year or part of a year in which the vehicle was not properly registered in Virginia and did not display current Virginia license plates), rather than registering their vehicle in the Commonwealth. By making it more expensive to break the law, an annual no-plate penalty would be more effective in encouraging local vehicle owners to keep a current registration on their vehicles in the Commonwealth.

Juvenile Justice – Release of Information in Law Enforcement Records to Diversion Programs (pending final decision on November 24, 2015)

Initiate legislation to clarify that information from juvenile law enforcement records may be released to facilitate participation in diversion programs. Virginia Code directs that first-time juvenile offenders who commit minor offenses be diverted from official Juvenile and Domestic Relations (JDR) District Court action when it is in the best interest of the juvenile and the community. Fairfax County’s Alternative Accountability Program diverts certain first-time, minor offenders from the juvenile justice system prior to the creation of an official record, holding them accountable in repairing the harm caused by the offense through alternate methods, sometimes including the use of mediators (and always with the consent and involvement of the victims and the juvenile’s family). Without information from the juvenile law enforcement record detailing the offense, the mediators providing intervention are lacking important facts. Currently, with certain limited exceptions, the Virginia Code requires a court order for law enforcement officials to either release or disclose the contents of any juvenile law enforcement record (the JDR Court has declined to enter an order in these cases because the offenders are participating in non-judicial remediation), and this legislation would enhance the success of valuable diversion efforts.

Position Statements

Environment

Global Climate Change/Environmental Sustainability Initiatives

Support efforts to reduce the County's greenhouse gas emissions and operational demand for energy through efficiency, conservation, and education. The basis for these efforts is Fairfax County's strategic direction and commitment to achieve environmental and energy goals, including those set forth in the Board's 2004 Environmental Agenda, the 2009 Energy Policy, and the County's Comprehensive Plan.

Support incentives and opportunities for the expansion of renewable energy and energy efficiency initiatives, such as:

- Funding of renewable energy grant programs and incentives to assist the development and growth of energy businesses and technologies, such as renewable distributed energy generation;
- Opportunities for consumers to purchase or generate renewable energy, including expanding the availability of net metering programs, which allow eligible customers to offset their power consumption by selling self-generated power back to the energy grid. Legislation in 2015 raised the cap on the amount of energy that may be net metered by eligible customers, but more flexibility is needed to maximize the cost-effectiveness of larger projects.
- State income tax incentives for businesses or residents to defray a portion of the cost of new construction or improvements which save energy and mitigate adverse environmental impacts.
- Increased flexibility in the restrictions governing third-party power purchase agreements (PPAs) for renewable energy. PPAs can facilitate the adoption of renewable energy by reducing the up-front costs, thus assisting in reducing greenhouse gas emissions and other forms of pollution. Legislation was passed in 2013 to authorize a limited pilot program for such arrangements, subject to certain system-size requirements and an overall cap of 50 MW on generation. *(Revises and reaffirms previous positions.)*

Land Conservation

Support the Governor's goal to preserve 400,000 acres of open space and working lands statewide, including the Administration's initiative to protect 1,000 "Virginia Treasures," which are properties with particular conservation value, such as wetlands or riparian buffers. Support state incentives that promote donations to park authorities or associated foundations. Further, continue to support prioritizing the Virginia Land Preservation Tax Credit to encourage the preservation of land for public use. In addition to other benefits, the preservation of open space contributes to watershed protection, an important issue as the state works to reduce nutrient pollution in the Chesapeake Bay. *(Updates and reaffirms previous position.)*

Reducing Environmental Contamination from Plastic and Paper Bags

Support legislation or other efforts which would encourage the use of reusable shopping bags, consistent with the County's waste reduction goals and environmental stewardship efforts. As in previous sessions, it is anticipated that legislation to ban plastic bags or impose a fee for their use may be introduced again in 2016. Such legislation would need to be examined by the County for efficacy, cost, and ease of administration. *(Updates and reaffirms previous position.)*

Funding

Economic Success

Support a strong partnership between the Commonwealth and the County as Virginia's economy adapts to a changing fiscal landscape. Virginia has historically been among the top states in the nation in per capita federal spending, and both the state and the County have benefited from significant federal investments in military and civilian employment, along with associated contracting industries. However, the effects of federal budget cuts and sequestration have had a negative impact on County and state revenues, as high-paying professional and contracting jobs have been replaced by lower-paying jobs in the service sector. Support full funding of the Commonwealth Opportunity Fund and one-time investments in unique opportunities, which pay significant dividends for the County and the Commonwealth; for example, the state has been a critical partner in special events hosted by the County, such as the World Police and Fire Games, which generated about \$83 million in economic benefit for the region and the Commonwealth.

In the long term, support a multi-faceted approach to position the County for future growth, including state investments to:

- Further strengthen the County's dynamic business climate through innovation, by facilitating the co-location of universities, research institutions, businesses, and incubators, while encouraging commercialization of the resulting research and spin-off ventures;
- Provide coordinated career and technical education training opportunities to Virginians in K-12, higher education, and community college settings to ensure a workforce equipped for emerging, high-growth industries;
- Diversify the local economy by attracting new industries to Fairfax County, while continuing to support businesses already located in the County;
- Protect existing federal facilities within the County, while encouraging additional federal expansions;
- Maintain an environment conducive to recruiting additional federal installations; and,
- Preserve and strengthen community assets (such as schools, transit, transportation, health care systems, vibrant public spaces, and workforce housing, among others) to encourage organizations to locate and expand operations in the County and to attract private investments. *(Updates previous position.)*

Libraries

Support increased state aid to public libraries, which provide communities with critical services such as student homework support, research assistance, and public internet access. Approximately 5 million visits were made to Fairfax County public libraries in FY 2014, with nearly 12.9 million items borrowed. State aid to libraries declined significantly during the recent recession; at a minimum, the state should avoid further reductions in aid. *(Updates previous position.)*

Public Safety/Courts Funding

Public safety is a core service for the Commonwealth, as it is for localities. Protecting the Commonwealth's residents and ensuring the successful operation of all aspects of the justice system requires appropriate state funding for this state-local partnership, including law enforcement, the courts, and jails/corrections. Continued and substantial state cuts in recent years, in addition to the underfunding that already exists, have placed an increased burden on localities to fund these state responsibilities. To that end, Fairfax County supports reversing this trend through adequate state funding for the following:

- **HB 599 – The Commonwealth should restore, or at a minimum maintain, HB 599 law enforcement funding.** This critical funding, provided to localities with police departments, is a priority for localities throughout the Commonwealth. Approximately 65 percent of all Virginians currently depend on local police departments for public safety services. This program strives to equalize state funding between cities, counties, and towns with police departments and localities in which the sheriff provides law enforcement. If state funding had increased with state revenues, as is

required, Fairfax County would have received approximately \$28 million in additional funding over the past six years. *(Updates and reaffirms longstanding Board position.)*

- **Jails – The Commonwealth should adequately compensate localities at a level which is commensurate with the state’s responsibility for local jail operations.** Local governments in Virginia have historically borne a disproportionate burden of supporting jail confinement costs, as a result of significant underfunding by the Commonwealth. *(Reaffirms previous position.)*
- **Courts – The Commonwealth should adequately fund Virginia’s courts, to ensure a well-functioning judicial branch.** The overall underfunding of Virginia’s court system continues to place additional burdens on localities and the judicial system. Providing sufficient funding for the salaries of court personnel, including clerks, magistrates, Commonwealth’s Attorneys, public defenders, district court employees, and probation office employees, among others, is a critical state responsibility. Budget-related actions in recent years to limit the filling of judicial vacancies have strained the ability of the courts to administer justice efficiently while managing a large volume of cases. In 2012, the General Assembly directed the Supreme Court to develop and implement a weighted caseload system, in an effort to objectively determine the need for judgeships in each court. In addition to the quantity of filed cases, other qualitative factors should be considered to evaluate judicial workload and allocate judgeships and state funding for the court system, including, for example, the increasing need for interpreters and the effect of cost-of-living on retention of competent local court personnel. *(Updates and reaffirms previous position. Follow-up on the implementation of the November 2013 Virginia Judicial Workload Assessment Report by the National Center for State Courts to assess more accurately the added weight to be given in cases requiring the use of interpreters is due to be completed November 1, 2015.)*

Water Quality Funding

Support budget action at the 2016 General Assembly providing adequate state appropriations to the Water Quality Improvement Fund in order to ensure full and timely payments under point source upgrade contracts with local governments; also support continuation of, and increased funding to, the Stormwater Local Assistance Fund (SLAF).

Fairfax County and local governments throughout Virginia face mounting costs for water quality improvements for sewage treatment plants, urban stormwater, combined sewer overflows (CSOs), and sanitary sewer overflows (SSOs). The state has made significant progress in providing funding in recent years, including deposits to the WQIF of surplus funds and the establishment and funding of the SLAF (\$28 million in matching grant funds was allocated for SLAF in 2014, and an additional \$5 million was provided in 2015). However, in order to meet federal Chesapeake Bay requirements, additional state assistance for urban stormwater needs will be required (in 2011, the Senate Finance Committee estimated these costs to be between \$9.4 billion and \$11.5 billion by 2025), while additional funding will likely also be needed for wastewater treatment plant upgrades in the Chesapeake Bay watershed. The state must partner with localities in order to meet these federal mandates to ensure the success of this effort, and such funding must continue to increase if Virginia is to meet its commitments for the Chesapeake Bay. *(Updates and reaffirms previous position.)*

General Laws

Elections

Support legislation to promote participation in elections, including allowing any registered voter to vote absentee without requiring that the voter state a reason (“no-excuse” absentee voting), and providing for extended polling hours statewide to allow voters additional time to reach polling places. Legislation intended to enhance security regarding elections must be carefully analyzed to ensure that it strikes a balance between maintaining the integrity of elections while not discouraging the exercise of the franchise. The effects of recently-enacted voter ID legislation should be examined for potentially harmful consequences before further legislation in this area is introduced. Similarly, reactions at the state and federal levels to the recent Supreme Court decision striking down Section IV of the Voting Rights Act, which eliminated the requirement that

changes to Virginia's election laws be "pre-cleared," should be closely monitored. Additionally, support greater state financial support for election administration. Such assistance will be increasingly necessary as federal Help America Vote Act (HAVA) funds are exhausted in FY 2018; currently, these funds comprise 60 percent of annual spending by the Virginia Department of Elections. *(Updates and reaffirms previous position.)*

Sexual Orientation

Support legislation to permit the County, as an urban county executive form of government, to prohibit discrimination in the areas of housing, real estate transactions, employment, public accommodations, credit, and education on the basis of sexual orientation. Fairfax County has already taken actions pursuant to existing state enabling legislation in the preceding areas on the basis of race, color, religion, sex, pregnancy, childbirth, and disability. *(Reaffirms previous position.)*

Health

Alternative On-Site Sewage Systems (AOSS)

Support legislation that would require sellers of residential property to directly disclose to prospective purchasers that an AOSS is on the property and that the system will have to be operated and maintained in accordance with applicable standards and requirements. Support legislation that would provide localities with additional tools to ensure adequate reporting of periodic private-sector inspections and that would allow localities to abate or remedy violations of laws regarding the operation and/or maintenance of such systems. Oppose legislation that would further restrict local government authority to regulate the installation of such systems within the locality, including but not limited to authority to ensure installation according to approved designs and development plans, establish minimum setback distances and installation depths, and prohibit such systems within or near wetlands and other environmentally sensitive areas, unless such systems are approved by the Virginia Department of Health for use in the particular circumstances and conditions in which the proposed system is to be operating. *(Reaffirms previous position.)*

Lyme Disease

Support funding initiatives that will advance research, surveillance, reporting, diagnostics, and treatment for Lyme disease, as recommended by the Lyme Disease Task Force convened in 2011 by the Governor and the Secretary of Health and Human Resources. Cases of Lyme disease have been on the rise in Virginia, with 925 confirmed and 382 probable cases reported to the Centers for Disease Control and Prevention in 2013. *(Updates and reaffirms previous position.)*

Human Services

Early Childhood Services

Support additional state resources to ensure the health, safety and school readiness of children through adequate and appropriate programs and services.

The health, safety and school readiness of children is a fundamental priority. However, children in the Commonwealth face increasing challenges that must be addressed in a comprehensive manner to ensure the best possible outcomes. There is increasing recognition that the first few years of a child's life are a particularly sensitive period in the process of development, laying a foundation for: cognitive functioning; behavioral, social, and self-regulatory capacities; and, physical health. The Commonwealth should provide additional resources for services and supports necessary for all children to arrive at school ready to learn and succeed, including:

- Child Care Services;
- Community-Based Services for Children and Youth;
- Early Intervention Services for Infants and Toddlers with Disabilities/Part C; and,
- School Readiness.

Additionally, the Children's Services Act (CSA) provides services to children dealing with a myriad of challenges, including youth who: have been identified as needing services to prevent foster care placement; are in foster care; are having serious emotional or behavioral problems; need specialized education services; or, are under the supervision of a juvenile court. Investing additional resources for appropriate services, and working with children and their families to create safe and secure environments where children can thrive, will ultimately yield benefits for the entire Commonwealth. *(New position. See also the Human Services Issue Paper)*

Northern Virginia Training Center (NVTC)

Support additional state funding for community placements, including critically-needed housing, for individuals leaving the Northern Virginia Training Center. Also support additional state funding for increased Medicaid waiver rates to support those placements, to ensure the Commonwealth fulfills its responsibility to implement the federal settlement agreement.

As a result of a state decision following the settlement agreement negotiated with the U. S. Department of Justice, the Commonwealth will be closing four of the state's five training centers, which provide residential treatment for individuals with intellectual and developmental disabilities. Ensuring the creation of sufficient and appropriate housing, employment and day supports for individuals leaving the training center, without shifting costs to localities, is essential to the implementation of this agreement. Unfortunately, in the three years since the agreement was reached, the Commonwealth has failed to create such housing and support options in Northern Virginia due to high real estate and service delivery costs paired with inflexible residency limits and insufficient waiver rates (providers have indicated that allowing five residents per group home would significantly improve their ability to offer these services, and that limiting group homes to four or fewer residents may not be economically viable). This has resulted in significant numbers of NVTC residents relocating far outside the Fairfax County area. To that end, it is vital that proceeds of the planned sale of the NVTC property are dedicated to providing services in Northern Virginia, to meet the needs of both the NVTC population and other individuals on the community waiting list for Medicaid waivers.

Additionally, the Commonwealth has made only limited progress in redesigning related Medicaid waivers, even though that redesign and funding is essential to the Commonwealth's implementation of the settlement agreement. Waiver rates are currently well below the cost of providing necessary services in Northern Virginia, and do not contain sufficient flexibility to meet the needs of the NVTC population. Support changes to waivers and services that would:

- Ensure adequate funding to address the needs of individuals with high, complex, and intense needs for support, including employment and day services;
- Identify and provide sufficient affordable housing resources to adults with intellectual and developmental disability, allowing providers to instead focus resources on increasing service needs;
- Fully fund reimbursements for nursing and behavioral consultation, training, monitoring and supports;
- Increase reimbursement rates to enable the hiring of professional nurses;
- Provide sufficient funding to support a sustainable, well-trained workforce and a service support model that can effectively integrate nursing care, behavioral supports, mental health supports, and eldercare across residential and day settings and within Support Coordination services; and,
- Provide support for an appropriate system of care for crisis services for individuals with intellectual and developmental disabilities.

Successfully implementing the Department of Justice settlement is the Commonwealth's responsibility and obligation. Sufficient and timely state funding for the NVTC population is an essential component of that effort. *(Updates and reaffirms previous position.) (Regional position.)*

Mental Health, Public Safety, and the Criminal Justice System

Support sustainable funding for public safety and mental health services which connect non-violent offenders experiencing mental health crises to treatment instead of the criminal justice system. Also, support funding for the provision of mental health services in jails, including training for personnel.

For many years, police officers have been the first responders when an individual is in the midst of a mental health crisis – the Fairfax County Police Department responds to more than 5,000 calls each year that are mental health related. As a result, many of these calls lead to incarceration for low-level offenses (trespassing, disorderly conduct), precluding the individual from receiving appropriate treatment in the community for the underlying mental health issues with which he or she is grappling. In fact, nearly four in ten inmates at the Fairfax County Adult Detention Center (ADC) have been identified as needing mental health care, and more than one in four have a serious mental health illness and co-occurring substance use disorder. Though the impacts of mental health challenges on public safety are increasingly receiving national attention, the fact remains that the criminal justice system is ill-equipped to deal with such issues, and substantial changes must be made. Innovative approaches in the courts to quickly identify individuals with mental illness who are charged with criminal offenses could ensure appropriate treatment and enhance diversion efforts, leading to better outcomes for individuals and the community. Additionally, it is significantly more expensive to deliver mental health services in a detention facility than in the community due to the high cost of incarceration, which is approximately \$50,000 per year in Fairfax County, not including additional costs for mental health care. In contrast, it only costs approximately \$7,500 per year to provide intensive case management in the community, through the Community Services Board.

To address these critical issues, Fairfax County has embarked upon a Diversion First initiative, seeking to divert non-violent offenders experiencing mental health crises to treatment instead of incarceration. Local revenues have been utilized to implement the first phase of this vital initiative, but expanding this cost-saving program will require additional state investments, including:

- Increasing the availability of mental health services in the community by expanding secure 24/7 crisis assessment centers, crisis stabilization units, mobile crisis units, local forensic beds, affordable housing options, reintegration services for youth and adults at high-risk of rapid re-hospitalization and/or re-offending due to mental health issues, and the use of telepsychiatry (see also the Human Services Issue Paper);
- Strengthening the community's response to individuals in mental health crises by funding Crisis Intervention Team (CIT) training for law enforcement officers, Fire and Rescue first responders, and jail personnel;
- Facilitating the exchange of health information of individuals believed to meet the criteria for temporary detention orders between law enforcement, Community Services Boards, health care entities and providers, and families and guardians;
- Supporting the efforts of the Center for Behavioral Health and Justice, which was created in 2015 upon recommendation of the Governor's Taskforce; and,
- Increasing funding to augment the provision of appropriate mental health services to individuals who are incarcerated for offenses that make them unsuitable candidates for a diversion program.

(Many of these items are recommendations in the final report of the Governor's Taskforce on Improving Mental Health Services and Crisis Response. Additionally, the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century's interim and final reports, expected by December 2015 and 2017 respectively, likely will include recommendations that support and advance the Diversion First initiative.) (New position.)

Land Use

Proffers

Existing local authority to accept cash and in-kind proffers from developers must be retained without restrictions to assist localities in providing the capital facilities and infrastructure needed to serve new development, and to maintain local community standards that keep and improve the quality of life, and

encourage and spur economic development. Any proposal for replacing such proffer commitments with development impact fees must be at the option of each locality. *(Reaffirms previous position.)*

Public Safety

Accessibility

Support ensuring the inclusion of people with disabilities throughout the Commonwealth by increasing accessibility to public places and to housing.

Nearly 75,000 Fairfax County residents have a disability, which includes people with hearing, vision, cognitive, ambulatory, self-care, and/or independent living difficulties. While significant progress has been made toward ensuring the equality and inclusion of people with disabilities since the passage of the Americans with Disabilities Act (ADA) 25 years ago, continued advancement is needed. Fairfax County supports access for people with disabilities and older adults in public and private facilities; in particular, by increasing accessibility through incentives, voluntary standards for accessible housing and educational outreach to businesses, building officials, medical providers, advocacy groups, and state and local governments.

The lack of affordable, accessible, integrated housing is a major barrier facing older adults and people with disabilities throughout the Commonwealth. Innovative options to help ensure that older adults and people with disabilities can stay in their homes include increasing the accessible housing stock in newly constructed multi-family housing (encompassing apartment buildings, condos, and assisted living housing among others); encouraging builders to offer “visitable” options to prospective customers and applicants for new single family homes, as an alternative to conventional design; raising the maximum annual allotment of the Livable Homes Tax Credit; and, establishing a comparable grant to help pay for much-needed home modifications. Incentives and initiatives for accessible housing and home modifications should benefit both homeowners and renters. Improved accessibility in public buildings, housing, transportation, medical facilities and employment benefits all Virginians, by allowing people with disabilities to remain active, contributing members of their communities, while retaining their independence and proximity to family and friends. *(Updates and reaffirms previous position.)*

Dangerous Weapons in Public Facilities

Support legislation to allow local governments to prohibit the possession of dangerous weapons in or on any facility or property owned or leased by the locality, with certain exceptions, including any person who has been issued a permit to carry a concealed handgun. Violation of such an ordinance would be punishable as a misdemeanor. It is particularly important that the County have such authority for any facility or property owned or leased by the County serving large populations of youth under the age of 18. Current law permits private property owners to decide whether or not to permit dangerous weapons on their property. *(Reaffirms previous position.)*

Pneumatic Guns

Support legislation that would authorize a locality to adopt an ordinance that would ban the possession of pneumatic guns on school grounds, with an exemption for persons participating in school-sponsored activities. Pneumatic guns, particularly those fired by pump action or carbon dioxide gas cartridges, are capable of muzzle velocities that can result in skin or ocular penetration. A particular concern of County law enforcement is that modern pneumatic guns often strongly resemble firearms. Given the potential for injury caused by these guns, legislation which would allow localities to ban their possession on school property would provide important protection. The General Assembly has already banned the possession of a long list of weapons on school grounds, thus recognizing that schools should be a “safe zone.” *(Reaffirms previous*

position, which was previously included as an initiative. The County's 2012 bill on this subject passed the Senate, but failed in a House subcommittee.)

Taxation

Communications Sales and Use Tax

Support legislation to protect the financial interests of local governments based upon declining revenues in the communications sales and use tax. After lengthy negotiations, the 2007 General Assembly repealed many local telecommunications taxes and replaced them with a statewide communications tax. The expectation at that time was that the new communications tax would grow and localities would, at a minimum, receive the same amount of funding as they received in FY 2006 (\$85.5 million for Fairfax County). However, this tax has eroded and in FY 2015, the County only received approximately \$79 million. Consequently, any consideration of formula changes must be avoided until and unless communications tax revenues increase sufficiently to ensure revenue neutrality for localities, as agreed upon when this compromise was reached. Additionally, changes in market area, customers served, new technologies, and perhaps the rate itself must be examined to ensure a modern communications tax system for localities, which reflects and reacts to an ever-changing landscape. *(Updates previous position. The 2015 GA directed the Virginia Department of Taxation to conduct a study of the performance of the communications sales and use tax, due to be completed prior to the 2016 GA session.)*

Transportation

Secondary Road Devolution

Oppose any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties, especially if these efforts are not accompanied with corresponding revenue enhancements. While there are insufficient resources to adequately meet the maintenance and improvement needs of secondary roads within the Commonwealth, the solution to this problem is not to simply transfer these responsibilities to local governments that have neither the resources nor the expertise to fulfill them. Further, oppose any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance. *(Reaffirms previous position.)*

Pedestrian and Transit Safety

Safe access to transit facilities can be improved through infrastructure investments, better traffic safety laws, and adequate sidewalk maintenance, including snow removal following inclement weather. With the opening of the Silver Line, along with significantly increased Fairfax Connector service and more concentrated growth, more residents and workers in the County are choosing to walk and use transit. Fairfax County supports revisions to Virginia's existing pedestrian law that clarify the responsibilities of both drivers and pedestrians, in order to reduce the number of pedestrian injuries and fatalities that occur each year. In particular, support legislation that would require motorists to stop for pedestrians in crosswalks at unsignalized intersections on roads where the speed is 35 mph or less, and at unsignalized crosswalks in front of schools. Since the state does not clear snow from state-owned and maintained sidewalks, Fairfax County also supports efforts to encourage snow removal from such sidewalks by individuals and businesses voluntarily providing this community service, including safeguards for those who act responsibly and in good faith to clear public sidewalks following inclement weather. *(Updates previous position)*

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2016 Transportation Fact Sheet

Transportation Conditions

- Only 18% of secondary roads in Fairfax County have pavement in fair or better condition (a significant decline from 31% since 2011). This is 42% lower than the statewide average of 60%, and far short of VDOT's target of 82%. While the County's interstates and primary roads have improved from previous years, there are still significant unmet roadway maintenance needs in Fairfax County.
- According to the Texas Transportation Institute (TTI), delays endured by the average commuter in the Northern Virginia and the Washington Metropolitan Region in 2014 were 82 hours—an alarming increase of 15 hours from 2011. This is nearly double the national average, and worst among the nation's 471 urban areas. The average commuter wasted about 35 gallons of fuel in 2014 due to congestion, also ranking the region as the worst in the nation.
- Transit agencies provide over 152 million passenger trips in Northern Virginia on bus and rail annually and approximately three-quarters of transit trips in the Commonwealth are in Northern Virginia. The Fairfax Connector operates more than 80 routes across the County and provides over 10 million passenger trips each year to enable residents to access jobs, schools, grocery stores, and other destinations across the County and region.
- In 2012, Fairfax County reported \$3 billion in unmet transportation needs over the next 10 years; due to the passage of HB 2313 and the County's Tysons Funding Plan, that deficit has been reduced to \$790 million.

The Current Situation

- HB 2313 (2013) provides approximately \$300 million in annual regional transportation revenues, which is a significant step in addressing the estimated \$950 million annual transportation revenue shortfall calculated by the Northern Virginia Transportation Authority.
- The Board of Supervisors has adopted a list of transportation priorities which is based on a cost/benefit analysis process, community input, the availability of funds, and other considerations. The County is using multiple revenue sources, including HB 2313 state and regional revenues and local funds, to address these priorities.
- The County continues to work with regional and state partners to improve and streamline project delivery, including coordinating between County departments and with outside agencies, including VDOT, and eliminating or reducing steps in the process. It is essential that Fairfax County, the Commonwealth, and other regional entities continue to work more closely together to implement projects with the new funds to ensure the County is addressing residents' needs as quickly as possible.

Sample Project Costs			
Traffic Signal Upgrade	\$350,000	Road Widening Project*	\$50-100 million
Major Interchange*	\$100-300 million	Multi-modal Transit Center	\$70 million
Intersection Improvement	\$3 million	Metrorail Car	\$2.5 million
Roadway Extension*	\$40-90 million	Transit Bus	\$500,000

**Project costs depend on the complexity and size of the project, and vary significantly across projects. The cost ranges provided above are based on recent and current projects; some projects may fall below or above the ranges provided.*

HB 2313 has provided significant resources to improve the County's transportation system. Efficient project implementation will be important to ensure these revenues are used wisely. In the future, additional investments will be necessary to ensure a modern, efficient, multimodal transportation system. This is essential to the Commonwealth and is intrinsically tied to continued economic success and the ability to compete in a global economy. Fairfax County, along with localities throughout the state, continues to provide millions in local funds for

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transportation each year, and the County and the Commonwealth must continue to work together to ensure that infrastructure needs are met.

Draft 2016 Fairfax County Human Services Issue Paper

This human services issue paper is a supplement to the 2016 Fairfax County Legislative Program. Fairfax County has long recognized that investments in critical human services programs can and do save public funds by minimizing the need for more costly services. This is not the time to abandon those essential investments.

Though 2009 is credited as being the end of the Great Recession, its impact has continued to take a toll on the County's most vulnerable residents, as evidenced by the continued growth in Medicaid and Supplemental Nutrition Assistance Program (SNAP) caseloads. In 2014, the poverty rate in Fairfax County was 6.6 percent, which equates to 74,210 people in Fairfax County living in poverty, compared to 64,851 people in 2013. Additionally, the number of people living in deep poverty in Fairfax County – with an income less than about \$12,125 for a family of four – jumped to 33,838 in 2014. Since the start of the economic downturn, an additional 7,792 children have slipped into poverty, bringing the total number to over 23,000, or 8.7 percent, of Fairfax's children.

The implementation of federal sequestration, and accompanying federal funding cuts, has adversely affected an already struggling population, further threatening to unravel the social safety net through significant reductions in domestic discretionary spending. These federal actions have had an impact on Virginia's own revenue sources, leading to state budget reductions. Fortunately, state revenues began to improve significantly in FY 2015, and the state ended the fiscal year with a surplus totaling more than \$500 million, with projections showing continued improvement in years to come.

All of these short- and long-term uncertainties continue to threaten the safety net provided by local governments at a time when their own fiscal health has not been fully restored. Now is the time for the state to begin restoring the substantial reductions to local programs and services implemented in recent years. A strong safety net for our most vulnerable populations remains an essential public service.

In order to achieve the stated public policy goals, state and local governments must partner to achieve the following outcomes:

- Protect the vulnerable;
- Help people and communities realize and strengthen their capacity for self-sufficiency;
- Whenever needed, help link people to health services, adequate and affordable housing, and employment opportunities;
- Ensure that children thrive and youth successfully transition to adulthood;
- Ensure that people and communities are healthy through prevention and early intervention;
- Increase capacity in the community to address human service needs; and,
- Build a high-performing and diverse workforce to achieve these objectives.

It is the goal of the Fairfax County Board of Supervisors to work with the County's General Assembly delegation to achieve these objectives. *(Revises and updates previous position.)*

Priorities

Early Childhood Services

Support additional state resources to ensure the health, safety and school readiness of children through adequate and appropriate programs and services.

The health, safety and school readiness of children is a fundamental priority. However, children in the Commonwealth face increasing challenges that must be addressed in a comprehensive manner to ensure the best possible outcomes. There is increasing recognition that the first few years of a child’s life are a particularly sensitive period in the process of development, laying a foundation for: cognitive functioning; behavioral, social, and self-regulatory capacities; and, physical health. The Commonwealth should provide additional resources for services and supports necessary for all children to arrive at school ready to learn and succeed, including:

- Child Care Services (see also page 10);
- Community-Based Services for Children and Youth (see also page 19);
- Early Intervention Services for Infants and Toddlers with Disabilities/Part C (see also page 11); and,
- School Readiness (see also page 11).

Additionally, the Children’s Services Act (CSA) provides services to children dealing with a myriad of challenges, including youth who: have been identified as needing services to prevent foster care placement; are in foster care; are having serious emotional or behavioral problems; need specialized education services; or, are under the supervision of a juvenile court. Investing additional resources for appropriate services, and working with children and their families to create safe and secure environments where children can thrive, will ultimately yield benefits for the entire Commonwealth. *(New position.)*

Northern Virginia Training Center (NVTC)

Support additional state funding for community placements, including critically-needed housing, for individuals leaving the Northern Virginia Training Center. Also support additional state funding for increased Medicaid waiver rates to support those placements, to ensure the Commonwealth fulfills its responsibility to implement the federal settlement agreement.

As a result of a state decision following the settlement agreement negotiated with the U. S. Department of Justice, the Commonwealth will be closing four of the state’s five training centers, which provide residential treatment for individuals with intellectual and developmental disabilities. Ensuring the creation of sufficient and appropriate housing, employment and day supports for individuals leaving the training center, without shifting costs to localities, is essential to the implementation of this agreement. Unfortunately, in the three years since the agreement was reached, the Commonwealth has failed to create such housing and support options in Northern Virginia due to high real estate and service delivery costs paired with inflexible residency limits and insufficient waiver rates (providers have indicated that allowing five residents per group home would significantly improve their ability to offer these services, and that limiting group homes to four or fewer residents may not be economically viable). This

has resulted in significant numbers of NVTC residents relocating far outside the Fairfax County area. To that end, it is vital that proceeds of the planned sale of the NVTC property are dedicated to providing services in Northern Virginia, to meet the needs of both the NVTC population and other individuals on the community waiting list for Medicaid waivers.

Additionally, the Commonwealth has made only limited progress in redesigning related Medicaid waivers, even though that redesign and funding is essential to the Commonwealth's implementation of the settlement agreement. Waiver rates are currently well below the cost of providing necessary services in Northern Virginia, and do not contain sufficient flexibility to meet the needs of the NVTC population. Support changes to waivers and services that would:

- Ensure adequate funding to address the needs of individuals with high, complex, and intense needs for support, including employment and day services;
- Identify and provide sufficient affordable housing resources to adults with intellectual and developmental disability, allowing providers to instead focus resources on increasing service needs;
- Fully fund reimbursements for nursing and behavioral consultation, training, monitoring and supports;
- Increase reimbursement rates to enable the hiring of professional nurses;
- Provide sufficient funding to support a sustainable, well-trained workforce and a service support model that can effectively integrate nursing care, behavioral supports, mental health supports, and eldercare across residential and day settings and within Support Coordination services; and,
- Provide support for an appropriate system of care for crisis services for individuals with intellectual and developmental disabilities.

Successfully implementing the Department of Justice settlement is the Commonwealth's responsibility and obligation. Sufficient and timely state funding for the NVTC population is an essential component of that effort. *(Updates and reaffirms previous position.)*

Mental Health, Public Safety, and the Criminal Justice System

Support sustainable funding for public safety and mental health services which connect non-violent offenders experiencing mental health crises to treatment instead of the criminal justice system. Also, support funding for the provision of mental health services in jails, including training for personnel.

For many years, police officers have been the first responders when an individual is in the midst of a mental health crisis – the Fairfax County Police Department responds to more than 5,000 calls each year that are mental health related. As a result, many of these calls lead to incarceration for low-level offenses (trespassing, disorderly conduct), precluding the individual from receiving appropriate treatment in the community for the underlying mental health issues with which he or she is grappling. In fact, nearly four in ten inmates at the Fairfax County Adult Detention Center (ADC) have been identified as needing mental health care, and more than one in four have a serious mental health illness and co-occurring substance use disorder. Though the impacts of mental health challenges on public safety are increasingly receiving national

attention, the fact remains that the criminal justice system is ill-equipped to deal with such issues, and substantial changes must be made. Innovative approaches in the courts to quickly identify individuals with mental illness who are charged with criminal offenses could ensure appropriate treatment and enhance diversion efforts, leading to better outcomes for individuals and the community. Additionally, it is significantly more expensive to deliver mental health services in a detention facility than in the community due to the high cost of incarceration, which is approximately \$50,000 per year in Fairfax County, not including additional costs for mental health care. In contrast, it only costs approximately \$7,500 per year to provide intensive case management in the community, through the Community Services Board.

To address these critical issues, Fairfax County has embarked upon a Diversion First initiative, seeking to divert non-violent offenders experiencing mental health crises to treatment instead of incarceration. Local revenues have been utilized to implement the first phase of this vital initiative, but expanding this cost-saving program will require additional state investments, including:

- Increasing the availability of mental health services in the community by expanding secure 24/7 crisis assessment centers, crisis stabilization units, mobile crisis units, local forensic beds, affordable housing options, reintegration services for youth and adults at high-risk of rapid re-hospitalization and/or re-offending due to mental health issues, and the use of telepsychiatry (also see page 18);
- Strengthening the community’s response to individuals in mental health crises by funding Crisis Intervention Team (CIT) training for law enforcement officers, Fire and Rescue first responders, and jail personnel;
- Facilitating the exchange of health information of individuals believed to meet the criteria for temporary detention orders between law enforcement, Community Services Boards, health care entities and providers, and families and guardians;
- Supporting the efforts of the Center for Behavioral Health and Justice, which was created in 2015 upon recommendation of the Governor’s Taskforce; and,
- Increasing funding to augment the provision of appropriate mental health services to individuals who are incarcerated for offenses that make them unsuitable candidates for a diversion program.

(Many of these items are recommendations in the final report of the Governor’s Taskforce on Improving Mental Health Services and Crisis Response. Additionally, the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century’s interim and final reports, expected by December 2015 and 2017 respectively, likely will include recommendations that support and advance the Diversion First initiative.) (New position.)

Position Statements

State Resource Investments for Keeping People in Their Communities

Human services programs serve a wide range of people, including low-income individuals and families; children at risk for poor physical and mental health and educational outcomes; older adults; persons with physical and intellectual disabilities; and, those experiencing mental health and substance use issues. These individuals want the same opportunities every Virginian wants – not just to survive, but to thrive, by receiving the services they need while remaining in their homes and communities, allowing continued connections to family, friends, and their community resources. In recent years, changes in philosophy have led public policy to embrace this direction, as a more cost-effective, beneficial approach – allowing those with special needs to lead productive lives in their own communities, through care and support that is much less expensive than institutional care.

Meeting these needs requires a strong partnership between the Commonwealth and local government. This is particularly true in the area of funding, which is necessary to create and maintain these home and community-based services, and must be seen as an investment in the long-term success of the Commonwealth. Unfortunately, it has increasingly become the practice of the Commonwealth to significantly underfund core human services or neglect newer best practice approaches, leaving localities to fill gaps in the necessary services through local revenues in order to meet these critical needs. As the state revenue picture appears to be improving, now is the time for the Commonwealth to strengthen the state/local partnership by adequately funding core human services.

The process of fundamentally reorganizing and restructuring programs and outdated service delivery systems for vulnerable populations in order to more successfully achieve positive outcomes requires an adequate state investment, which will ultimately pay dividends for years to come.

Medicaid Eligibility and Access to Care

Support increasing Medicaid eligibility in Virginia to 138 percent of the federal poverty level, as envisioned by the federal health care reform law, ensuring critical health coverage for some of the most vulnerable Virginians.

Virginia's Medicaid program provides access to health care services for people in particular categories (low-income children and parents, pregnant women, older adults, and persons with disabilities). Costs are shared between the federal government and the states, and states are permitted to set their own income and asset eligibility criteria within federal guidelines. Virginia's current eligibility requirements are so strict that although it is the 12th largest state in terms of population and 10th in per capita personal income, Virginia ranked 45th in Medicaid enrollment as a proportion of the state's population and 48th in per capita Medicaid spending (a decline in the state's already very low ranking).

The Commonwealth faces a critical decision, as it considers again whether or not to pursue the Medicaid expansion included in the federal health care reform law, along with the sizable federal funding provided for those newly eligible enrollees. The failure of previous proposals, most recently during the 2014 regular and special sessions, leaves the question of Medicaid expansion in doubt in Virginia; however, it is important to note that expansion would provide coverage to as many as 248,000 Virginians, including 27,000 individuals in Fairfax County. Newly eligible individuals would include low-income adults (individuals earning less than \$16,104 per year or families earning less than \$32,913 per year), low-income children who lose Medicaid when they turn 19, and adults with disabilities not eligible for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI). The state took a modest step towards increasing some coverage in late 2014, by requesting and receiving federal permission to provide certain services to qualifying individuals with Serious Mental Illness; however, this demonstration project expires in January 2017.

It is clear at this time that the cost of expansion to the Commonwealth will be minimal, while the savings in indigent and uncompensated care could be significant. Under the Patient Protection and Affordable Care Act, the federal government will cover 100 percent of the costs of coverage for newly-eligible individuals through the end of 2016, with the federal share declining gradually to 90 percent by 2020. State dollars freed up by this infusion of federal funds could then be redirected to other critical budget priorities. Additionally, increasing less expensive preventative care and reducing more expensive emergency care could improve the overall health of residents of the Commonwealth, while slowing the growth in insurance premiums and reducing the “hidden tax” currently borne by all Virginians.

Oppose actions that shift Medicaid costs to localities, such as through Medicaid service funding reductions, changes to eligibility that shrink access, or other rule changes that erode the social safety net.

Irrespective of Virginia's decision on Medicaid expansion, or of any other federal funding cuts or reductions in federal requirements which may be considered by Congress, it is essential that the Commonwealth avoid taking actions that effectively shift costs to localities. Due to the increasingly critical shortage of private providers, poor reimbursement rates, and other factors that play a role in an overall increase in Medicaid program costs, ensuring success with any cost containment strategies will require close cooperation between the Commonwealth and local governments, as localities are frequently the service providers for the Medicaid population. In particular, information technology initiatives to improve program administration should be coordinated with local program administrators. Fairfax County supports cost containment measures that utilize innovation, increase efficiency and targeted service delivery, and use of technology to reduce Medicaid fraud, in order to ensure the best allocation of resources without reducing services or access to care. Decisions made regarding other aspects of the Affordable Care Act should be carefully considered to avoid unintentionally increasing the number of uninsured Virginians by limiting the types of acceptable private plans, potentially increasing pressure on the social safety net. *(Revises and reaffirms previous position.)*

Medicaid Waivers

Support funding and expansion for Virginia’s Medicaid waivers that provide critical home and community-based services for qualified individuals.

Medicaid funds both physical and mental health services for people in particular categories (low-income children and parents, pregnant women, older adults, and persons with disabilities). It is financed by the federal and state governments and administered by the states. Federal funding is provided based on a state’s per capita income – the federal match rate for Virginia is 50 percent. Because each dollar Virginia puts into the Medicaid program draws down a federal dollar, what Medicaid will pay for is a significant factor in guiding the direction of state human services spending. However, states set their own income and asset eligibility criteria within federal guidelines; Virginia’s requirements are so strict that though it is ranked 10th in per capita personal income, it is 49th in Medicaid spending for persons with intellectual and developmental disabilities.

For the most part, each state also has the discretion and flexibility to design its own Medicaid service program and can choose from a menu of optional services and waiver services in the state plan. Virginia offers fewer optional Medicaid services than many other states (in addition to federally mandated services), though Medicaid recipients in Virginia may also receive coverage through home and community-based “waiver” programs, which allow states to “waive” the requirement that an individual must live in an institution to receive Medicaid funding. Waivers result in less expensive, more beneficial care than care provided in institutional settings. Waiver services are especially important for low-income families, older adults, people with disabilities, and individuals with chronic diseases in Virginia, where Medicaid eligibility is highly restrictive.

The number and type of waivers is set by the General Assembly, and the extensive, growing waiting lists for some demonstrate the significant barriers that exist in the Commonwealth (current Virginia waivers include Alzheimer’s Assisted Living, Day Support for Persons with Intellectual Disabilities, Elderly or Disabled with Consumer-Direction, Intellectual Disabilities, Technology Assisted and Individual and Family Developmental Disabilities Support). These waivers fund a variety of services, such as attendants to help with bathing and dressing, on-the-job assistance to allow people to work successfully, and assistive technology devices that provide communication assistance. Currently, the Commonwealth is redesigning the Intellectual Disability (ID), Developmental Disability (DD) and Day Support waivers; while the new waivers could provide substantial benefits, their structure, funding, and implementation are critically important to their success and yet remain unclear.

Fairfax County supports the following adjustments in Medicaid waivers:

- **Support automatic rate increases and an increase in the Northern Virginia differential.** While nursing facilities receive annual cost of living adjustments, this rate adjustment is not available to providers of Medicaid waiver services. Virginia ranks 49th among the states in the provision of home and community-based services. To reduce reliance on institutions such as nursing facilities, increase the source of less costly community-based services, and ensure the availability and quality of Medicaid providers

for personal care and other Medicaid community-based services, a fundamental rebalancing of reimbursements within Virginia’s Medicaid program is necessary. At a minimum, this includes restoring reductions to Virginia’s Medicaid waiver services from the 2010-2012 biennial budget; rates should equal at least 90 percent of cost. Additionally, support increasing the Northern Virginia differential from 15 percent to 20 percent, reflecting the higher cost of living and services in this area. More competitive Medicaid reimbursements will significantly increase the number of participating providers in Northern Virginia, thereby expanding the local supply of community-based services for older adults and people with disabilities. *(Updated and reaffirms previous position.)*

- **Support adoption and implementation of the Virginia Department of Behavioral Health and Developmental Services’ (DBHDS) proposal for redesigned Intellectual Disability, Developmental Disability, and Day Support Waivers.** The proposed new waivers—the Community Living, Family and Individual Supports, and Building Independence waivers—will expand both the services available and eligibility criteria, and are critical to the state’s implementation of the U.S. Department of Justice settlement agreement. The goal of the waiver redesign is to increase the number of individuals served, while providing more flexibility to allow individualized services and enhanced community participation. The state’s new waiver proposal includes services and funding “tiers” based on the intensity of each individual’s service needs, as determined by a Supports Intensity Scale (SIS), which will be administered to each waiver recipient. This design is meant to allow flexibility for individuals to move between waivers as their service needs change over time. Approval and implementation of proposed new waivers must include sufficient slots to provide home and community-based services to the more than 10,000 people statewide who are eligible (but remain on waiting lists) for ID or DD waiver services, and must also be accompanied by reimbursement rates which are based on the actual cost of providing services in Northern Virginia for that service area. *(Updates and revises previous position.)*
- **Support increased funding for the current Medicaid ID/DD waivers if the proposed redesigned waivers are not approved and implemented as expected.** The state’s implementation of the proposed waiver redesign has not proceeded as quickly as previously thought, leading to concerns about how and when that redesign, and appropriate funding, will be completed. If new waivers are not implemented by the 2016 General Assembly, increased funding will be needed for more waivers and an expansion of services, as required by the settlement agreement. In Fairfax County (as of July 2015), over 1,250 people with intellectual disabilities are on the statewide waiting list for services; of those, more than 865 are considered to have “urgent” needs (potentially one crisis away from requiring emergency services and potential institutionalization). In addition, the services available under the current waivers will need to be expanded, with corresponding reimbursement rates that reflect the actual cost of providing services in Northern Virginia and the option for consumer choice. *(Updates and revises previous positions.)*
- **Support Expansion of Home and Community-Based Services.** The Commonwealth should implement new opportunities to serve older adults and people with disabilities in their homes and communities, including incorporating Community First Choice into its 2016 Medicaid state plan, which would provide Virginia with more flexibility and

revenue to serve people with adult onset disabilities who are denied access to services they need under the existing Medicaid waivers. (*Updates and reaffirms previous position.*)

- **Restore and Preserve the Elderly and Disabled with Consumer Direction (EDCD) Waiver, and Eliminate the 56 Hour Cap.** The EDCD Medicaid waiver is the only option for thousands of Virginians to stay in their own homes and avoid unnecessary placement in a nursing facility. After significant state funding reductions in recent years, several areas of the EDCD waiver must be preserved and restored in order to fully benefit Fairfax County’s most vulnerable older adults and adults with disabilities, including: keeping the Long Term Care Medicaid eligibility threshold at 300 percent of SSI; restoring recent reductions to home and community-based Medicaid providers; allowing for flexibility in Medicaid’s administrative requirements to maximize options for consumer-directed care; and, restoring respite care service hours to a maximum of 720 hours a year. The EDCD waiver’s maximum of 56 personal attendant hours per week is insufficient to provide the support and services needed to allow recipients to remain in the community. Although there are limited options for some EDCD waiver beneficiaries to exceed this cap, justifying that need places an administrative burden on the consumer and should be eliminated. (*Updates and reaffirms previous position.*)

Children and Families

Children’s Services Act (CSA)

Support continued state responsibility for funding mandated CSA foster care and special education services on a sum-sufficient basis, and support continuation of the current CSA local match rate structure, which incentivizes serving children in the least restrictive community- and family-based settings. Also, support:

- **The current structure which requires that service decisions are made at the local level and are provided based on the needs of the child;**
- **State funding for both the education costs of students placed in residential treatment for non-educational reasons and to remove local responsibility for matching funds for Medicaid Residential and Treatment Foster Care services;**
- **Increased CSA local government administrative funding;**
- **CSA funding for extended foster care services and support for youth 18-21 who entered foster care prior to their 18th birthday; and,**
- **Legislation that would clarify when CSA policy changes are subject to the Administrative Process Act, to ensure full review of the impacts and implications of the changes proposed to both state and local governments.**

Finally, oppose any changes to the current CSA program that would shift costs to local governments or disrupt the responsibilities and authorities as assigned by the Children’s Services Act.

The Children’s Services Act (formerly known as the Comprehensive Services Act) is a 1993 Virginia law that provided for the pooling of eight funding streams used to plan and provide services to children who have serious emotional or behavioral problems; who may need residential care or services beyond the scope of standard agency services; who need special

education through a private school program; or who receive foster care services. It is a state-local partnership which requires an aggregate local match of approximately 46 percent. The purpose of CSA is to provide high-quality, child-centered, family focused, cost effective, community-based services to high-risk youth and their families. Children receiving certain special education and foster care services are the only groups considered mandated for service. Because there is "sum sufficient" language attached to these two categories of service, this means that for these youth, whatever the cost, funding must be provided by state and local government. Fairfax County strongly opposes any efforts to cap state funding or eliminate the sum sufficient requirement, as the Commonwealth must not renege on its funding commitment to CSA.

Additionally, many policy and procedural changes have been made to CSA since its inception, but unfortunately many of these changes were made in the form of guidelines rather than regulations. This approach does not guarantee the 60 day public comment period required under the Administrative Process Act, or an independent review of potential impacts on state and local governments, families, and service providers. Without a full vetting, detrimental changes or unintended consequences could result; APA vetting requirements support careful review so that all impacts can be understood by both the state and affected communities.

In recent years, the state changed the local match rate structure, in order to incentivize the provision of community-based services, which are less expensive and more beneficial to the children and families participating in CSA. Since that time, overall costs for CSA have declined, illustrating the success that the state can achieve by working cooperatively with local governments. It is essential that this state and local partnership be maintained – changes to CSA law, policy, or implementation guidelines should focus on solutions that acknowledge the critical roles played by both levels of government, and should not favor one side of the partnership over the other. *(Updates and reaffirms previous position.)*

Child Care Services

Support state child care funding for economically disadvantaged families not participating in TANF/VIEW, known as “Fee System Child Care,” and support an increase in child care service rates. Also, support maintaining Fairfax County’s local permitting process for family child care providers serving four or fewer non-resident children.

Particularly during periods of economic downturn, a secure source of General Fund dollars is needed statewide to defray the cost of child care, protecting state and local investments in helping families move off of welfare and into long-term financial stability.

Research clearly indicates that the employment and financial independence of parents is jeopardized when affordable child care is outside of their reach. Parents may be forced to abandon stable employment to care for their children or they may begin or return to dependence on welfare programs. In order to maintain their employment, some parents may choose to place their children in unregulated, and therefore potentially unsafe, child care settings. Without subsidies to meet market prices, low-income working families may not access the quality child care and early childhood education that helps young children enter kindergarten prepared to succeed. In the Fairfax County community, where the median annual income of families receiving fee-system child care subsidies is \$27,888, the cost of full-time child care for a preschooler at a child care center ranges from \$13,000 to over \$15,000 per year. Many of these

families are truly “the working poor” who require some assistance with child care costs in order to help them achieve self-sufficiency.

Child care provided in residential settings is critical to ensuring sufficient high quality and affordable care in Fairfax County. As a result of legislation enacted by the 2015 General Assembly, the Virginia Department of Social Services now regulates family child care providers who care for five or more non-resident children (prior to that legislative change, Fairfax County regulated family child care providers serving five children or fewer, but now only regulates providers who care for four or fewer non-resident children). The County’s permit requirements are comparable to those used by the state, but also reflect vital community standards which should be preserved. Local regulation of family child care providers has worked well for Fairfax County families, and the County’s authority to regulate smaller family child care providers should be maintained. *(Revises previous position.) (Position on local regulation of child care providers shared by region.)*

Early Intervention Services for Infants and Toddlers with Disabilities/Part C

Support sustainable funding and infrastructure for Part C Early Intervention, which is a state/federal entitlement program that provides services for Virginia’s infants and toddlers. In order to address immediate concerns, support increasing funding in FY 2016 to support growth in services to children who do not qualify for Medicaid. Additionally, sufficient funding is needed to increase rates and align them with actual costs (from \$132 per month to \$175 per month) for the Medicaid Early Intervention Targeted Case Management Program, which provides early intervention services for children eligible for Medicaid.

The Commonwealth of Virginia has long contracted with the Fairfax-Falls Church Community Services Board (CSB) to provide Early Intervention therapeutic services for infants and toddlers with developmental delays in areas such as speech, eating, learning, and movement. The CSB, which is the Local Lead Agency for Fairfax County as part of the state’s compliance with the federal Individuals with Disabilities Education Act (IDEA) Part C grant, provides services through the Infant and Toddler Connection (ITC) program. ITC is funded through a combination of federal, state, local, and insurance sources.

As the benefits of early intervention have become more widely known throughout the nation, the average monthly number of children seeking and/or receiving ITC services has grown by more than 59 percent – from 909 per month in FY 2010 to 1,449 per month in FY 2015. It is anticipated that demand for ITC will continue to grow at an average rate of six to eight percent annually. A significant funding shortfall has resulted from the increased demand and costs of services. Although the 2013 General Assembly provided an additional \$2.3 million in FY 2013 and \$6 million in FY 2014 statewide, this program was level funded at the FY 2014 level for FY 2015 and FY 2016, in spite of rising service needs. Increased funding will continue to be necessary to keep pace with the demand for this critical program. *(Revises and reaffirms previous position.)*

School Readiness

Support increased state resources for early childhood education programs, which help young children enter kindergarten prepared to succeed.

Research has increasingly shown the importance of high quality early childhood education programs to children’s cognitive and social emotional development and their school success. Such programs have become economic development issues, as business organizations like the U.S. Chamber of Commerce have cited potentially positive impacts on national economic security, linking early childhood education and the creation of a highly skilled workforce. While failure to adequately meet the needs of the youngest Virginians can create repercussions for individual families, the larger community and the Commonwealth, it is clear that investments in early childhood education can provide a foundation for learning and achievement, often reducing or eliminating the need for more costly remediation later. Eligibility criteria for such programs, particularly the Virginia Preschool Initiative (VPI), should include the flexibility to account for regional variations in cost of living. *(Reaffirms previous position.)*

Foster Care/Kinship Care

Support legislation and resources to encourage the increased use of kinship care, keeping children with their families, including the development of a legal framework, such as guardianship, to allow kinship caregivers to make decisions for children in their care. Also support legislation that would allow youth in foster care to be adopted between the ages of 18-20 and extend the availability of subsidy for this population.

In 2008, Virginia embarked on a Children’s Services Transformation effort, to identify and develop ways to find and strengthen permanent families for older children in foster care, and for those who might be at risk of entering foster care. The Transformation, founded on the belief that everyone deserves and needs permanent family connections to be successful, is leading to significant revisions in Virginia’s services for children. Through kinship care (when a child lives with a relative), children remain connected to family and loved ones, providing better outcomes.

These kinship care arrangements are typically informal, with no legal agreements in place between the parents and the kin caregiver. In many cases, legal custody is not an option for kinship providers, due to the unwillingness of the relative to go through a proceeding with the biological parent(s) that may be viewed as adversarial, or the financial hardships associated with hiring legal counsel. Guardianship, which is a formal legal process allowing courts to grant legal authority to kinship caregivers to act on behalf of a child, is an alternative allowed in many states. The legal authority granted through guardianship would provide kinship caregivers the ability to make medical or educational decisions for the children in their care, authority they do not have under current, informal kinship care arrangements. *(Reaffirms previous position.)*

Support legislation that would allow youth in foster care to be adopted between the ages of 18-20 and extend the availability of subsidy for this population.

Once a youth turns 18, he or she can continue to receive services through foster care, but he or she is no longer eligible for an adoption subsidy. This lack of financial support may impact families’ ability to adopt older youth. By extending the adoption subsidy to age 21, more

Virginia youth may have the opportunity to find permanent homes. (*Reaffirms previous position.*)

Juvenile Justice**The Commonwealth should provide adequate funding through the Virginia Juvenile Community Crime Control Act (VJCCCA).**

The Virginia Juvenile Community Crime Control Act (VJCCCA) was established in 1995 by the General Assembly, and restructured funding for local juvenile justice programming. State funds were appropriated to assist localities in providing cost-effective services to meet the needs of juveniles involved in the juvenile justice system, through programs designed to:

- Prevent juvenile offenders from further penetrating the justice system;
- Maintain youth in community-based programs, rather than in state corrections centers;
- Facilitate re-entry and prevent recidivism; and,
- Help troubled youth return to a more productive life and better future.

In the last ten years, funding for these programs has been reduced by over 67 percent. These cuts have created significant impacts in Fairfax County, and have required the termination of important programs. *(Reaffirms previous position.)*

Youth Safety**Support additional state funding for programming to prevent and reduce risk factors that lead to youth violence, alcohol/drug use, mental health problems and other poor outcomes, while increasing protective factors, including mental wellness and healthy coping strategies.**

Research has identified a set of risk factors that predict an increased likelihood of drug use, delinquency, mental health problems, and violent behavior among youth. These factors include: experiencing trauma and early aggressive behavior; lack of nurturing by caregivers; availability of alcohol and other drugs; and, even a lack of problem-solving skills. Conversely, research has also identified protective factors, such as developed social skills, strong parenting and positive involvement from caring adults, and involvement in community activities that can influence and mitigate risk factors. Funding is needed to implement evidence-based, effective strategies to prevent and reduce risk factors that lead to youth violence, alcohol/drug use, mental health problems, and other poor outcomes.

The urgency of this funding need is reflected in results from the Virginia 2013 Youth Survey, which provides some troubling information. In a statistically reliable sample of high school students across the Commonwealth, 21.9 percent reported being bullied on school property; 6.1 percent have been threatened or injured with a weapon on school property; 5.4 percent have missed one or more of the past 30 days of school because they felt unsafe at school or traveling to or from school; 25.7 percent reported feeling sad or hopeless daily for two or more weeks to the extent that they could not engage in their typical daily activities; and, 14.7 percent reported seriously considering suicide. Targeting funding towards programs that improve the health, well-being and safety of young people throughout the state, while seeking to reduce dangerous and risky behaviors, is essential to all Virginians.

In Fairfax County, an annual youth survey found that youth in 10th and 12th grades are at significant higher risk for depression and suicide ideation than their peers statewide. In addition, approximately one out of six 8th, 10th and 12th graders reported being attacked by someone in the

past year, and over half reported being a victim of bullying. *(Revises and reaffirms previous position.)*

Older Adults and People with Disabilities

Disability Services Board (DSB)

Support reinstatement of state funding sufficient to enable every locality, either singly or regionally, to have a Disability Services Board (DSB), so that the key provisions of §51.5-48 can be implemented.

DSBs enable localities to assess local service needs and advise state and local agencies of their findings; serve as a catalyst for the development of public and private funding sources; and, exchange information with other local boards regarding services to persons with physical and sensory disabilities and best practices in the delivery of those services. Without such a network of local representatives with expertise in these issues, the opportunity for valuable statewide collaboration will be lost. *(Reaffirms previous position.)*

Independence and Self-Sufficiency for Older Adults and People with Disabilities

Support funding for programs that promote the independence, self-sufficiency, and community engagement of older adults and people with disabilities.

Services to keep older adults and adults with disabilities in their own homes (such as personal assistance, nutrition and home-delivered meals, transportation, service coordination, and adult day/respite supports) provided by the Commonwealth's twenty-five Area Agencies on Aging (AAAs) save Virginia taxpayers money while helping older Virginians function independently, keeping them in the least restrictive setting of their choice, building on family support, decreasing the risk of inappropriate institutionalization, and dramatically improving overall life satisfaction. Additionally, critical Chore and Companion Services assist eligible older adults and people with disabilities with activities of daily living (such as getting dressed, bathing, and housekeeping and laundry services). Funded through state and local dollars, these vital, locally-administered services must be enhanced to meet the growing demand among those who are ineligible for comparable services elsewhere.

Unfortunately, many low-income Virginians with disabilities are precluded from receiving much-needed services because of Virginia's highly restrictive Medicaid eligibility requirements. The Virginia Department of Aging and Rehabilitative Services' (DARS) three Personal Assistance Services (PAS) programs provide assistance for people with disabilities who do not qualify for other home-based services. Designed for employed individuals who need an attendant in the morning and evening (but not during the day), these critical programs enable people with disabilities to work and live in an integrated setting. Finally, these services must be supplemented by ADA-compliant transportation options and facilities, to ensure that individuals can be active, self-sufficient, and independent participants in the community. *(Revises and reaffirms previous positions.)*

Accessibility**Support ensuring the inclusion of people with disabilities throughout the Commonwealth by increasing accessibility to public places and to housing.**

Nearly 75,000 Fairfax County residents have a disability, which includes people with hearing, vision, cognitive, ambulatory, self-care, and/or independent living difficulties. While significant progress has been made toward ensuring the equality and inclusion of people with disabilities since the passage of the Americans with Disabilities Act (ADA) 25 years ago, continued advancement is needed. Fairfax County supports access for people with disabilities and older adults in public and private facilities; in particular, by increasing accessibility through incentives, voluntary standards for accessible housing and educational outreach to businesses, building officials, medical providers, advocacy groups, and state and local governments.

The lack of affordable, accessible, integrated housing is a major barrier facing older adults and people with disabilities throughout the Commonwealth. Innovative options to help ensure that older adults and people with disabilities can stay in their homes include increasing the accessible housing stock in newly constructed multi-family housing (encompassing apartment buildings, condos, and assisted living housing among others); encouraging builders to offer “visitable” options to prospective customers and applicants for new single family homes, as an alternative to conventional design; raising the maximum annual allotment of the Livable Homes Tax Credit; and, establishing a comparable grant to help pay for much-needed home modifications. Incentives and initiatives for accessible housing and home modifications should benefit both homeowners and renters. Improved accessibility in public buildings, housing, transportation, medical facilities and employment benefits all Virginians, by allowing people with disabilities to remain active, contributing members of their communities, while retaining their independence and proximity to family and friends. *(Updates and reaffirms previous position.)*

Adult Protective Services**Support state funding for additional Adult Protective Services social workers.**

Adult Protective Services (APS) conducts investigations and protects older adults and incapacitated adults from abuse, neglect or exploitation through the provision of casework services, home based care assessments and coordination, and Medicaid and Auxiliary Grant pre-admission screenings. As the older adult population has increased in Virginia, along with a corresponding demand for APS services, state funding for APS positions has remained stagnant over the past five years, as noted in a December 2014 report from the Virginia Department for Aging and Rehabilitative Services. In Fairfax County, there has been a steady increase in APS cases since FY 2010. Continued state investment in these critical services is essential to ensuring the safety of this vulnerable population. *(Updates and reinstates previous position.)*

Brain Injury**Support expansion of psychiatric and behavioral services for individuals with brain injuries.**

Acquiring a brain injury can be a life-altering event, but with appropriate treatment and services individuals can improve their independence and quality of life. Unfortunately, there is a significant, unmet need in the Commonwealth for specialized assessment/treatment programs, often requiring Virginians with brain injury to go out of state for costly, extended stays to receive treatment for neurobehavioral complications. While there are a small percentage of severe, complicated situations, most people with brain injury can be more effectively treated through community-integrated programs and services. It is important that the Commonwealth expand the continuum of services for people with neurobehavioral problems, to meet the needs of individuals with brain injury and enhance community re-integration and community-based supports. *(New position.)*

Health, Well Being, and SafetyTemporary Assistance for Needy Families (TANF)**Support an increase in the TANF reimbursement rates in Virginia.**

The 2015 General Assembly increased TANF reimbursement rates for the first time since 2000. The increase – 2.5 percent – takes effect in January 2016. While this action is a welcome step in the right direction, TANF payments remain very low. Currently, a family of three in Northern Virginia receives less than \$4,700 per year, less than a quarter of the federal poverty level; the rate increase in 2016 will increase payments for such a family by \$10 per month. In the future, if rates were indexed for inflation, it would prevent further erosion of recipients' ability to meet the basic needs of children in their own care or in kinship care (relative care). *(Updates and reaffirms previous position.)*

Domestic Violence**Support additional state funding to provide counseling and other services to children who are exposed to domestic violence.**

Research indicates that witnessing domestic violence can be extremely traumatic for children, potentially leading to depression, anxiety, nightmares, and academic disruptions. In fact, the trauma can be very similar to when children experience abuse themselves. Unfortunately, according to the 2011 Fairfax County Youth Survey, seven percent of FCPS students (an estimated 13,000 students) indicated that they have witnessed physical violence between their parents. Additional state funding is necessary to respond to the needs of these children through services that include therapeutic and psycho-educational interventions, as well as parenting classes for both victim and offender parents. Such services are crucial to helping families rebuild their lives after violence, and are an important component in breaking the inter-generational cycle of violence in these families and in our communities. *(The 2015 General Assembly created the Advisory Committee on Sexual and Domestic Violence Programs, which was recommended by the Virginia State Crime Commission in 2014, in order to aid in the prevention and reduction of sexual and domestic violence.)*

Sexual Violence**Support increased funding for sexual violence prevention, especially programs for K-12 students, and intervention services.**

Nearly 5,000 individuals were victims of sexual violence in Virginia in 2014 and almost three out of every five victims were under the age of 17. Eradicating sexual violence will require additional state funding to expand prevention programs, especially those targeted to K-12 students to educate youth on healthy relationships and resources available for sexual violence victims. Community-based intervention services, such as victim advocacy and counseling, are critical to recovery efforts. Enhanced state funding for these services is essential, and distribution of funds, whether from state or federal sources, should take into consideration regional variations in the costs of providing services. *(New position.)*

Substance Use Disorder**Support increased capacity to address and prevent substance use disorder through robust community-based treatment and prevention programs. Also, support coordinated strategies to meet the growing need for substance use disorder services for older adults, promoting recovery and community inclusion.**

Across Virginia, law enforcement and health care professionals identify the need to combat drug abuse as a high priority, as the statewide rate of drug-caused deaths in 2011 was higher than that of motor vehicle accidents. Nearly 400,000 Virginians engaged in non-medical use of pain relievers in 2013, primarily those aged 18-25.^[1] The 2013-2014 Fairfax County Youth Behavior Survey of 8th, 10th, and 12th graders reveals that almost 3,000 respondents have used painkillers without a doctor's note, and approximately 300 respondents have used heroin. Too often such use results in death, with 268 fatal heroin and/or prescription opioid overdoses in Fairfax County from 2007 to mid-September 2014, indicating a need for increased use of and funding for medication-assisted treatment (Vivitrol, Suboxone).^[2] Tragically, more than 200,000 Virginians each year need substance use disorder treatment services but are not receiving them, resulting in an increased demand on the state's already overburdened public safety and social services system (particularly local emergency rooms, psychiatric hospitals, jails, and crisis care departments).

The recently created Governor's Task Force on Prescription Drug and Heroin Abuse, along with the Attorney General's Heroin and Prescription Drug Abuse Strategy, are significant steps toward developing a comprehensive statewide approach to tackling substance use disorder. In particular, key recommendations relate to funding and reestablishing public and private partnerships that raise community awareness about safe use and disposal of prescription medications.

Additionally, substance use disorder affects people at all ages and stages of life, including older adults. The need for substance use disorder services for older adults is growing, but the capacity

^[1] Data from the Virginia Department of Behavioral Health and Developmental Services (DBHDS).

^[2] Data distributed by the Virginia Office of the Chief Medical Examiner at the Virginia Heroin and Prescription Drug Summit.

to meet this need is limited. Services must be cost-efficient, accessible, and outcome driven. Strategies are needed to coordinate and combine the best of traditional approaches with emerging best practices to promote recovery and community inclusion.

At the local level, effective community-based prevention programs can reduce rates of substance use disorder and delay the age of first use. In the last three years, the Northern Virginia region has supported a successful Peer Recovery Support Services pilot program, designed and delivered by people who themselves have substance use disorders and are in recovery. Positive results have included reduced recidivism and relapse, increased self-sufficiency, and significant improvements in 12 core quality of life indicators, including a 22 percent increase in sobriety and a 20 percent improvement in employment. This successful and cost-effective program should be continued, and could be a model for statewide expansion. *(Updates and reaffirms previous position.)*

Mental Health

Mental Health

Support the continuation of efforts for mental health reform at the state level and support additional state funding, as part of the promised down payment of such funding to improve the responsiveness of the mental health system. Also, support state funding to adequately staff and create more Crisis Assessment and Stabilization Centers for assessment of and intervention with individuals of all ages experiencing behavioral health crises.

Significant strides in mental health reform were made by the 2014 General Assembly, after a Virginia tragedy just prior to the session cast a bright light on weaknesses in the state's mental health system. However, it is critical that the state continue to make progress in this important area and provide sufficient resources for Fairfax County to implement recent and future reforms; specifically, adequate resources are needed to ensure that the hundreds of Fairfax County residents (ranging from children to older adults) with serious mental illness, serious mental disturbance, and/or disabling substance dependence receive intensive community treatment following an initial hospitalization or incarceration. Evidence-based community treatment has been shown to be a cost-effective measure to reduce more expensive hospital stays. Similarly, housing assistance and supports that can be tailored to individual needs are critical for ensuring that such individuals can access the services they need while remaining in their communities. Funding to recruit, retain, and train Community Services Board staff will be key to the success of mental health reform.

Additionally, regional pilot programs to create more Crisis Assessment and Stabilization Centers would provide intervention and treatment services to assess and stabilize individuals of all ages experiencing an emotional or psychiatric emergency. The benefits of such programs include reducing the number of voluntary and involuntary hospitalizations and substantially reducing or even eliminating the involvement of public safety officers in responding to a psychiatric crisis situation, while linking individuals in crisis to less restrictive, ongoing, community-based treatment options. *(The Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century is expected to deliver its interim report by December 2015 and its final report by December 2017). (Updates and reaffirms previous position.)*

Emergency Responsiveness**Support sufficient state funding for intensive community resources, allowing individuals to transition safely and expediently from psychiatric hospitals to community care.**

The 2014 General Assembly made significant strides in responding to mental health emergencies, providing funding in FY 2015 for 11 additional psychiatric hospital beds at the Northern Virginia Mental Health Institute for individuals experiencing mental health crises. However, state funding remains insufficient for the intensive community resources that allow hospitalized individuals to transition to community care. At present, 25-33 percent of Northern Virginia's local state hospital beds are continually occupied by individuals unable to transition to community care due to lack of services. This is in spite of the fact that the cost to serve an individual in the community, even one in need of intensive services to manage serious mental illness, is a fraction (15-25 percent) of the cost of providing such services in a hospital setting. Increased investments in intensive mental health community services could have long-term financial benefits, in addition to the benefits of returning individuals to the community more quickly. *(Reaffirms previous position.)*

Community-Based Services for Children and Youth**Support increased capacity for crisis response and intensive community services for children and youth.**

The General Assembly and the Governor are to be commended for supporting funding for more community-based crisis response for youth and their families. To respond effectively to the need, this service model must be fully funded. Additional capacity in the Child and Family service system is necessary to address the needs of children and their families requiring intensive community services, to help maintain children safely in their own homes and reduce the need for foster care or residential treatment as the first alternative. One of the programs of concern is the Healthy Families program, which is a nationally recognized home visiting program that has produced tangible positive outcomes in the Commonwealth. Significant funding reductions in recent years have resulted in the elimination of programs in some jurisdictions and threaten the viability of remaining Healthy Families sites. The program provides home-based education and support to first-time parents who have social histories that put them at risk starting during pregnancy until the child reaches age three. *(Reaffirms previous position.)*

Services for Transitional Youth**Support enhanced residential and mental/behavioral health services for transitional youth.**

In Virginia, significantly more public services are available to children in need of mental and behavioral health treatment than to adults in need of similar services. As a result, once they turn eighteen, youth may no longer receive all of the assistance that was previously provided to address their needs. It is critical that the Commonwealth focus additional resources on transitional age youth (ages 16 to 24) who have received intensive mental/behavioral health services and/or been in out-of-home placements, to ensure they receive the essential services needed for a successful transition to adulthood.

Services from which transitional youth typically age out include: children’s mental health services; home-based services supports; case management; supervised, supported, or group home settings; educational support; specialized vocational support, preparation, and counseling; preparation for independent living; and, social skills training. Though some private and public sector transitional support services attempt to bridge this gap, such programs are scarce and primarily geared toward higher-functioning young adults. Although the state has been successful in reducing the number of youth in out-of-home placements, many young people over 18 and their families continue to need transitional supportive housing and case management. The state should develop policies and utilize evidence-based practices that, coupled with appropriate funding, create, enhance, and sustain youth-in-transition services, including residential supports, case management, and mental health services. *(Reaffirms previous position.)*

FAIRFAX COUNTY

2016 Draft Human Services Fact Sheet

Poverty in Fairfax County in 2015 is defined by the federal government as an individual earning less than \$11,770 per year or a family of four with an annual income of less than \$24,250. In 2014, the poverty rate in Fairfax County was 6.6% of the population, or 74,210 people.

In Fairfax County in 2014 (*latest data available – reported September 2015*):

- 23,339 (or 8.7%) of all children (under age 18) live in poverty;
- 6,913 (or 5.4%) of all persons over the age of 65 live in poverty;
- 14,639 (or 13.6%) of African Americans live in poverty;
- 20,451 (or 11.0%) of Hispanics (of any race) live in poverty;
- 22,638 (or 3.9%) of Non-Hispanic Whites live in poverty;
- 5,342 (or 25.6%) of families headed by single women with children under 18 live in poverty;
- 181,235 (or 16.1%) of County residents have incomes under 200% of poverty (\$48,500 year for a family of four);
- 51% of people receiving County services for mental illness, substance use disorder or intellectual disabilities in FY 2015 had incomes below \$10,000.

Employment

- The unemployment rate in August 2015 was 3.4% (up from 3.0% in July 2008, but down from a high of 5.6% in January of 2010). This represents 21,226 unemployed residents looking for work.

Housing

- In 2014, the average monthly rent of a one-bedroom apartment was \$1,456, an increase of 23% since 2008.
- In 2011, over 1,150 individuals who receive County services for mental illness, intellectual disability, and/or substance use disorders needed housing but could pay no more than \$205/month for rent.

Health

- An estimated 117,074 or 10.4% of County residents were without health insurance in 2014.

Ability to Speak English

- 15.1% of County residents over age 5 do not speak English proficiently. 37.8% of County residents over age 5 speak a language other than English at home.

Child Care

- The cost of full-time child care for a preschooler ranges from \$8,000 to over \$13,000 per year. Full-time care for an infant costs \$14,500 to \$16,000 per year. By way of comparison, tuition and fees for an average college in Virginia costs \$8,800.

Food

- In 2014-2015 school year, Fairfax County Public Schools reported that 51,968 students (or 28.2 percent of enrollment) were eligible for free or reduced lunch.

Domestic and Sexual Violence

- Each month in Fairfax County, domestic violence hotlines receive almost 210 calls, victims request 56 family abuse protective orders, over 160 domestic violence arrests are made, and 16 families escape to an emergency domestic violence shelter (FY 2015).
- The demand for emergency shelter for victims of domestic violence remains high. Due to the shortage of emergency shelter beds, 228 eligible households were turned away in FY 2015.
- 48% of emergency shelter residents are children 12 years and younger (FY 2015).
- In FY 2015, the County's Domestic Violence Action Center served 873 victims, who reported an additional 1,053 children impacted.
- Nearly one-third of the children entering foster care this past year witnessed domestic violence.
- From FY 2014 to FY 2015, the number of hotline calls related to sexual violence increased by 34% (from 217 to 290) and the number of clients seeking sexual violence counseling increased by 19% (from 72 to 86).

Caseloads Have Increased Significantly in Fairfax County:

- The County's Medicaid caseload increased from 37,130 in FY 2008 to 66,708 in FY 2015 – a 79% increase.
- The County's SNAP (Food Stamp) average monthly caseload increased from 11,610 in FY 2008 to 24,031 in FY 2015 (a 107% increase).
- In FY 2015, the Community Health Care Network (CHCN) provided 48,100 visits to 13,795 unduplicated patients (an additional 4,325 patients were enrolled but did not seek medical care during the year; nevertheless the CHCN must ensure capacity to serve those patients if needed). Of these patients, the average number of visits, per patient, ranged between 3.2 – 4.0, which is within the 'scope of standard care' for this population.
- Staff estimate that nearly 600 patients currently receiving care through the CHCN will be eligible for health insurance through the Federal Health Insurance Marketplace when it reopens for open enrollment on November 1, 2015.
- Between FY 2010 and FY 2015, the average monthly number of children seeking and/or receiving early intervention services for developmental delays from the County's Infant and Toddler Connection (ITC) program grew by more than 59 percent, from 909 per month to 1,449 per month.

Board Agenda Item
November 17, 2015

3:30 p.m.

Decision Only on Amendments to the Fairfax County Code to: Adopt New Chapter 108.1 (Noise Ordinance), Repeal Chapter 108 (Noise Ordinance), and Repeal Article 6 (Excessive Sound Generation in Residential Areas and Dwellings Ordinance) to Chapter 5 (Offenses)

ISSUE:

The Board of Supervisors requested staff to better address the methodology used in noise measurements, consider the appropriateness of establishing daytime and night time noise to protect the community, and add other objective criteria to regulate noise within Fairfax County. In response, a new Noise Ordinance is being proposed, and the current Noise and Excessive Sound Generation in Residential Areas and Dwellings Ordinances would be repealed.

RECOMMENDATION:

The County Executive recommends that the Board approve the following modifications to the Fairfax County Code: (1) adopt a new Noise Ordinance (Chapter 108.1) as reflected in Attachment 1 and dated October 22, 2015, (2) repeal the existing Noise Ordinance (Chapter 108), and (3) repeal the Excessive Sound Generation in Residential Areas and Dwellings Ordinance (Article 6 of Chapter 5). The County Executive also recommends that the amendments have a delayed effective date of February 17, 2016, to provide time for staff training, update relevant County websites, and prepare information items to assist the public and staff in understanding the new regulations. The County Executive also recommends that staff monitor the effectiveness and impact of the new Noise Ordinance for an 18 month period after its enactment; following this period of time, staff will report back to the Board whether any adjustments to the Ordinance are needed.

TIMING:

Board of Supervisors' authorization to advertise on April 7, 2015. Board public hearing on May 12, 2015 with the decision deferred to June 23, 2015. On June 23, 2015, the decision was deferred to November 17, 2015 at 3:30 p.m. The provisions of this amendment would become effective at 12:01 a.m. on February 17, 2016.

BACKGROUND:

Purpose and Framework. The proposed amendment is on the 2015 Priority 1 Zoning Ordinance Amendment Work Program and is in response to a Board of Supervisors' (Board) request to review and revise the Noise Ordinance (Chapter 108 of the County Code) to better address the methodology used in noise measurements, consider the

appropriateness of establishing daytime and nighttime noise levels to protect the community, and to add other objective criteria to regulate noise within Fairfax County. On December 3, 2013, the Board adopted a new Article 6 (Excessive Sound Generation in Residential Areas and Dwellings Ordinance) to Chapter 5 (Offenses) of the County Code which gave the Police Department the ability to address certain sound that is generated in a residential dwelling or residential area that is plainly audible and discernible inside another person's dwelling with doors and windows closed. The Board intended Article 6 of Chapter 5 to be an interim step in addressing noise until more comprehensive amendments to Chapter 108 could be considered. The proposed amendments, which include the establishment of a new Noise Ordinance (Chapter 108.1 of the County Code), the repeal of Chapter 108, and the repeal of Article 6 of Chapter 5 are in response to these requests. The amendment addresses, but is not limited to, the following:

- (1) Addresses certain sounds that are a hazard to the public health, welfare, peace and safety and the quality of life of the residents of Fairfax County.
- (2) Prohibits certain sounds (**prohibitions**); excludes certain sounds (**exceptions**); and when not specifically prohibited or excepted, subjects sound to **maximum decibel levels**. The prohibitions, exceptions and maximum decibel levels may be further qualified by time, location and duration limitations.
- (3) Is administered and enforced by the Director of the Department of Planning and Zoning (Director) and his/her duly authorized agents, including the Zoning Administrator, the Department of Code Compliance and the Department of Public Works and Environmental Services. The Police Department may also enforce certain provisions of the Ordinance.
- (4) Provides that violations of the Noise Ordinance may be prosecuted as a misdemeanor or a civil penalty, or the Board could seek injunctive relief from the Circuit Court.
- (5) Provides that the Director may grant waivers from the Noise Ordinance for up to one year if it is found that the noise does not endanger the public health, safety or welfare. The Director may also grant waivers if compliance with the Noise Ordinance produces serious hardship without providing an equal or greater benefit to the public. Any person aggrieved by the Director's waiver decision may appeal that decision within 30 days to the County Executive.
- (6) Provides that if there is a conflict between the Noise Ordinance and any proffered conditions and/or development conditions pertaining to noise or sound, the text of the Noise Ordinance in effect at the time such conditions were approved shall govern. Because the language of many existing proffered conditions and development conditions is expressly tied to the "Noise Ordinance," this provision

ensures that these proffers and conditions are not inadvertently amended or changed.

Legislative History. At the Board's public hearing on May 12, 2015, speakers raised a number of issues including the maximum allowable decibel levels in residential districts, loudspeaker regulations on athletic fields, impulse sound, animal noise, dog parks and criminal penalties for animal noise violations. A copy of the Staff Report issued in advance of the May 12, 2015, Public Hearing is enclosed as Attachment 3. The Board deferred decision on the amendment until June 23, 2015, and requested that the proposed Ordinance be brought to the June 9, 2015, Development Process Committee (DPC) meeting for further discussion of a number of these issues. The Board discussed the proposed Ordinance at the June 9, 2015, DPC meeting, and requested that the discussion be continued to the September 11, 2015, DPC work session.

In response to the May 12, 2015, public hearing and the June 9, 2015, DPC, staff updated and provided further proposed amendments to the draft Noise Ordinance. These proposals were distributed at the September 11, 2015, DPC work session. That version of the Noise Ordinance is dated September 4, 2015, and is attached hereto as Attachment 2. The most significant changes between the September 4, 2015, version and the version contained in the staff report issued for the May 12, 2015, public hearing are summarized below in the order in which they appear:

- (1) Revised the "impulse sound" definition to include the duration of the sound and the measurement methodology (Section 108.1-2-1(a)(12)).
- (2) Revised the daytime plainly audible standard for animal noise by extending the amount of time the sound can be heard in any 10-minute period from two minutes to five minutes (Section 108.1-4-1(k)(2)).
- (3) Distinguished between daytime and night time maximum sound levels in mixed use areas by lowering the maximum allowable night time sound levels from 65 to 60 dBA and lowering the maximum night time impulse sound levels from 100 to 80 dBA (Section 108.1-4-1(a)).
- (4) Revised the provisions for the use of loudspeakers in conjunction with activities on recreational grounds.
- (5) Clarified that the Noise Ordinance would not negate any applicable proffered or development condition pertaining to noise or sound, and that any condition that refers to the Noise Ordinance would be deemed to refer to the text of the Noise Ordinance in effect at the time the condition was approved (Section 108.1-7-1).

At the September 11, 2015, DPC work session the Board also discussed the following topics:

- Effective Date and Monitoring. Staff recommended that there be a delayed effective date of 60 to 90 days to provide time for staff training, to update relevant County websites, and prepare information items to assist the staff and public in understanding the new regulations. Staff also recommended a 12- to 18-month monitoring period after adoption of the proposed Noise Ordinance, so that any necessary adjustments can be made. There was general consensus that a delayed effective date and monitoring period after adoption would be appropriate.
- Criminal Penalties vs. Civil Penalties for Animal Noise Violations - Staff explained to the Board that the Police Department is prohibited from engaging in civil matters pursuant to Sect. 15.2-1704 of the *Code of Virginia*. Because the majority of the animal noise complaints are filed at night with the Police Department, any decision to enforce animal noise civilly rather than criminally would prevent the Police Department from responding to such complaints. Moreover, because DCC does not have nighttime enforcement staff, these types of violations would either not be addressed or resources would have to be expended to create a nighttime DCC staff. Although there was not full consensus on this issue, the Board did not direct staff to change the manner in which night time noise violations will be prosecuted. Staff underscored that in accordance with Police policy, summons are not issued until a resident is given at least one warning. Accordingly, in most instances, enforcement at night will be conducted by the Police Department criminally, and enforcement during the day time hours will be enforced civilly by DCC.
- Dog Parks – Staff from the Fairfax County Park Authority (FCPA) provided an overview of the dog park planning and public input process and stated that site selection was driven by the community. FCPA staff noted that in some districts the primary dog park issues pertained to maintenance and upkeep rather than noise from the dog park. The consensus was to move forward with the staff recommendation that the use of dog parks be exempt from the Noise Ordinance between 7 a.m. and dusk Monday through Friday, and between 8 a.m. and dusk on Saturday, Sunday and Federal holidays; except for these times, the use of dog parks would be prohibited. In addition, the Park Authority will continue to work with the community and its dog park users to ensure that the facilities are appropriately supervised and maintained.
- School Athletic Field Noise - William Curran, Student Activities and Athletics Director, Fairfax County Public Schools (FCPS), presented draft Public Address and Amplification System Guidelines that FCPS will follow when using outdoor public address (PA) systems at school athletic activities. The guidelines are contained in Attachment 4. Mr. Curran indicated that all of the FCPS high school athletic directors have agreed to these standards. The general consensus was

that the guidelines are a positive step in addressing noise from school athletic fields.

- Noise Levels and Time Limitations – The Board discussed the appropriate maximum noise levels for residential uses in residentially zoned areas, non-residential uses in residentially zoned areas, as well as maximum noise levels for mixed-used areas. For example, there was discussion that allowing band practice as early as 7 a.m. on Saturdays is too early. Conversely, it was also noted that the noise regulations will be applicable throughout the County and that regulations cannot be written in a manner that benefits certain communities to the detriment of others. There was no consensus reached on these issues.

Based on the discussion at the September 11, 2015, DPC meeting, staff met to consider whether the outstanding issues of the maximum allowable sound in residential areas and loudspeaker noise on school athletic fields could be addressed.

With regard to maximum decibel levels, Staff continues to recommend that the currently proposed maximum decibel levels are appropriate for several reasons. First, the new proposed maximum sound levels include, and make no distinction between, stationary and non-stationary noise sources. Conversely, the maximum decibel levels in the current version of the Noise Ordinance, measure only stationary noise sources. Thus, the proposed maximum decibel levels simply reflect the fact that more noise is being measured in the proposed Noise Ordinance than what is currently being measured.

Second, the proposed Noise Ordinance recognizes that the ambient noise levels in Fairfax County have been steadily increasing since the current Noise Ordinance was enacted. The County is more dense and urban than it once was, and the proposed Noise Ordinance reflects those changes. Indeed, the proposed Noise Ordinance reflects a distinction between areas of the County that are exclusively residential versus those that are mixed-use or have non-residential uses within residentially zoned areas. The former are quieter than the latter in recognition that if decibel levels in mixed use areas or for non-residential uses are too low, those areas will not be used as they were intended to be used. For example, the nightlife that mixed use areas are intended to foster will not occur and recreational grounds will not be fully enjoyed for recreational purposes if decibel levels are too low.

Finally, the proposed noise levels are consistent with other Virginia jurisdictions. The proposed Noise Ordinance's measure of more noise and the recognition that the County is simply noisier than it was in the past has not resulted in a proposed Noise Ordinance that is an outlier; it falls squarely within noise levels of other jurisdictions. If, however, the Board disagrees with this recommendation, it must be noted that the Board has the ability to adopt the maximum decibel levels that the Board deems appropriate.

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With regard to the noise emanating from high school athletic activities and practices, it is clear that the primary concern has not been the crowd noise or marching bands, but rather the sound coming from loudspeakers – particularly amplified music. Staff has offered a number of proposals to try to address the loudspeaker issue – each fraught with its own shortcomings. Frankly, the proposal contained in the September 4, 2015, version presented at the DPC work session is too complicated; it is difficult to understand and will be difficult to enforce. Based on this fact, as well as recent advice from the Office of the County Attorney, it is recommended that a simplified approach be adopted with respect to loudspeakers. In short, mounted loudspeakers would be treated the same throughout the County—regardless of where they are located or how they are being used. All mounted loudspeakers—whether or not they are located on recreational grounds—would be prohibited at night (from 10 p.m. to 7 a.m.). During the day, such mounted loudspeakers would be subject to maximum decibel limits. On recreational grounds, all loudspeakers, whether mounted or non-mounted, would be prohibited at night and would be subject to maximum decibel levels during the day. Thus, although the underlying activity on recreational grounds is exempt on weekends and the day before a Federal holiday until 11 p.m., any associated amplified sound is prohibited after 10 p.m. and is always subject to maximum decibel levels during the day. This approach is simpler and more directly addresses the community’s concerns about amplified sound on recreational grounds. Therefore, staff is recommending that Par. (a) of Sect. 108.1-4-1 (mounted loudspeaker prohibitions) and Par. (r) of Sect. 108.1-5-1 (loudspeaker regulations on recreational grounds) be revised as set forth in Attachment 1.

Attachment 1 contains the most recent proposed Noise Ordinance, dated October 22, 2015, and is highlighted to reflect the most recent round of changes. The base for the October 22nd draft is the proposed amendment dated September 4, 2015, that was presented at the September 11, 2015 DPC work session. It is attached hereto as Attachment 2. The September 4th draft includes all of the proposed changes presented at the May 12, 2015, public hearing and the June 9, 2015, DPC meeting.

REGULATORY IMPACT:

The proposed amendments should facilitate the implementation and enforcement of the noise regulations. The amendments will be implemented and enforced using existing resources and staff.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Chapter 108.1 dated October 22, 2015

Attachment 2 – Proposed Chapter 108.1 dated September 4, 2015

Attachment 3 – Staff Report

Attachment 4 - Fairfax County Public Schools Public Address and Amplification System
Guidelines dated September 11, 2015

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Leslie B. Johnson, Zoning Administrator, DPZ

Lorrie Kirst, Senior Deputy Zoning Administrator, DPZ

ATTACHMENT 1

PROPOSED CHAPTER 108.1 of the FAIRFAX COUNTY CODE

October 22, 2015

Recommended Changes Since the 9/4/15 Draft Presented at the 9/11/15 Development Process Committee Workshop are Noted with Bold, Italics, Strike-Outs and Underlining (The 9/4/15 Draft includes all of the proposed changes presented at the 5/12/15 Public Hearing and the 6/9/11 and 9/11/15 Development Process Committee meetings)

1 **Amend the Fairfax County Code by adding a new Chapter 108.1, Noise Ordinance, to read**
2 **as follows:**

3
4 **ARTICLE 1. General Provisions.**

5
6 **Section 108.1-1-1. Short title.**

7
8 This Chapter may be referred to as the "Noise Ordinance" of the County of Fairfax.
9

10 **Section 108.1-1-2. Declarations of findings and policy.**

11
12 The Board hereby finds and declares that certain noise is a hazard to the public health,
13 welfare, peace and safety and the quality of life of the citizens of Fairfax County; that the people
14 have a right to and should be ensured of an environment free from sound that jeopardizes the
15 public health, welfare, peace and safety or degrades the quality of life; and that it is the policy of
16 the Board to prevent such noise to the extent such action is not inconsistent with Federal or State
17 law.
18

19
20 **ARTICLE 2. Definitions.**

21
22 **Section 108.1-2-1. Definitions.**

23
24 (a) The following words and phrases, when used in this Chapter, shall for the purposes of
25 this Chapter, have the meanings respectively ascribed to them in this Section, except in those
26 situations where the context clearly indicates a different meaning:
27

28 (1) *A-weighted sound pressure level* shall mean the sound pressure level as measured on a
29 sound level meter using the A-weighted network. The level so read shall be abbreviated as dBA.
30

31 (2) *Board* shall mean the Fairfax County Board of Supervisors.
32

33 (3) *Continuous sound* shall mean a sound whose intensity remains essentially constant
34 during the period of observation. Continuous sound shall be defined for measurement purposes
35 as sound which is measured by the slow response setting of a sound level meter.

1
2 (4) *Decibel* shall mean a unit which describes the sound pressure level or intensity of sound.
3 The sound pressure level in decibels is twenty (20) times the logarithm to the base ten (10) of the
4 ratio of the pressure of the sound in microbars to a reference pressure of 0.0002 microbar;
5 abbreviated dB.

6
7 (5) *Device* shall mean any mechanism which is intended to, or which actually produces
8 sound when operated or handled.

9
10 (6) *Director* shall mean the Director of the Fairfax County Department of Planning and
11 Zoning or his/her duly authorized agent.

12
13 (7) *Discernible* shall mean that the sound is sufficiently distinct such that its source can be
14 clearly identified.

15
16 (8) *Dog Park* shall mean either a public or privately owned open space area that is primarily
17 used by dogs not on a leash. A dog park shall not include areas that are located on individual
18 single family residential dwelling lots or a recreational ground.

19
20 (9) *Dusk* shall mean thirty (30) minutes after sunset, which is defined as the moment each
21 day when the top of the sun disappears below the western horizon.

22
23 (10) *Emergency work* shall mean any work performed for the purpose of preventing or
24 alleviating physical injury or illness or property damage threatened or caused by an emergency,
25 including work performed by public service companies when emergency inspection, repair of
26 facilities, or restoration of services is required for the immediate health, safety, or welfare of the
27 community and the operation of police cars, fire trucks, ambulances, helicopters and other
28 vehicles that are responding to emergencies.

29
30 (11) *Golf course* shall mean land area that is either publicly or privately owned and designed
31 for the game of golf with a series of nine (9) or eighteen (18) holes each including a tee, fairway
32 and putting green and often one (1) or more natural or artificial hazards. Any remaining portions
33 of a property containing a golf course, including clubhouses, parking areas and other recreational
34 facilities, shall for the purposes of this Chapter be deemed a recreational ground.

35
36 (12) *Impulse sound* shall mean a single or multiple sound event characterized by a rapid rise
37 to a maximum sound pressure of high intensity, followed by a somewhat slower decrease in
38 sound pressure. The duration of an impulse sound event, which includes a combination of rise
39 time, peak amplitude and decay, shall be no more than one (1) second. Impulse sound shall be
40 measured using unweighted peak dB levels and the fast setting of a sound level meter. Impulse
41 sound may include, but is not limited to, sound from weapons fire, pile drivers or blasting.

42
43 (13) *Instrument* shall mean any musical instrument, radio, phonograph, compact disc player,
44 amplifier or any other device which produces, reproduces or amplifies sound.

45

1 (14) *Landfill* shall mean a site used in a controlled manner by a person for the dumping of
2 debris; or a disposal site operated by means of compacting and covering solid waste with an
3 approved material. This term is intended to include both debris landfills and sanitary landfills as
4 defined in Chapters 104 and 109.1 of the Fairfax County Code.
5

6 (15) *Mixed use area* means the parcel on which one (1) or more residential dwellings and at
7 least one (1) other non-residential use are located and any contiguous rights-of-ways, roads,
8 streets, lanes, sidewalks, or other such means of egress and ingress to any such parcel.
9

10 (16) *Motor vehicle* shall mean any vehicle which is self-propelled or designed for self-
11 propulsion including but not limited to, automobiles, trucks, truck-trailers, semitrailers, campers,
12 motorcycles, mini-bikes, motor scooters and motor boats. Motor vehicles shall not include lawn
13 mowers or other lawn equipment and nothing herein shall conflict with state law.
14

15 (17) *Noise* shall mean the intensity, frequency, duration or character of sounds from a single
16 source or multiple sources that may degrade the public health, safety or welfare.
17

18 (18) *Non-residential area* shall mean a parcel in a residential district that does not contain a
19 residential dwelling and contains non-residential uses such as schools, parks, places of worship,
20 fire stations and sewage treatment plants.
21

22 (19) *Person* shall mean any individual, corporation, cooperative, partnership, firm,
23 association, trust, estate, private institution, group, agency, or any legal successor, representative,
24 agent, or agency thereof.
25

26 (20) *Plainly audible* shall mean the sound can be heard by the human ear with or without a
27 medically approved hearing aid or device.
28

29 (21) *Powered model vehicles* shall mean any mechanically powered vehicle, either airborne,
30 waterborne or landborne, which is not designed to carry persons including, but not limited to,
31 model airplanes, boats, cars, drones and rockets.
32

33 (22) *Recreational grounds* shall mean any playground, athletic field, park, school or open
34 space area that is publicly or privately owned, including land owned by a homeowner's or
35 condominium association. Recreational grounds shall not include areas that are located on
36 individual single family residential dwelling lots or dog parks.
37

38 (23) *Residential area* shall mean a parcel on which a residential dwelling is located and any
39 contiguous rights of way, roads, streets, lanes, sidewalks, or other such means of egress and
40 ingress to any such parcel.
41

42 (24) *Residential dwelling* shall mean any structure in which one (1) or more persons live on
43 a permanent or temporary basis, including, but not limited to, single family dwellings, multiple
44 family dwellings, hotels and motels.
45

1 (25) *Road right-of-way* shall mean any street, avenue, boulevard, highway, or alley which is
2 open to the public.

3
4 (26) *Sound* shall mean an oscillation in pressure, particle displacement, particle velocity or
5 other physical parameter, in a medium with internal forces that causes compression and
6 rarefaction of that medium. The description of sound may include any characteristic of such
7 sound, including duration, intensity and frequency.

8
9 (27) *Sound level meter* shall mean an instrument to measure sound pressure levels which
10 shall meet or exceed the American National Standards Institute (ANSI) Standard S1.4 for a
11 "Type Two" meter and shall be calibrated by the manufacturer or a company that can certify the
12 calibration at least one (1) time each year.

13
14 (28) *Sound generation or to generate sound* shall mean any conduct, activity or operation,
15 whether human, mechanical, electronic or other, including but not limited to, any animal or bird,
16 and any instrument, machine or device, whether continuous, intermittent or sporadic, and
17 whether stationary or ambulatory in nature, which produces or results in a sound that is plainly
18 audible and discernible to the human ear.

19
20 (29) *Transportation facility* shall mean bus and rail facilities to include stations, platforms,
21 garages, maintenance and staging areas, associated parking areas, and other associated
22 mechanical appurtenances such as traction power stations, communication rooms, train control
23 rooms, tie-breaker stations and other similar facilities

24
25 (30) *Zoning administrator* shall mean the Fairfax County Zoning Administrator or his/her
26 duly authorized agent.

27
28 (31) *Zoning district classification*: Refers to the scheme of land use classification contained
29 in the Fairfax County Zoning Ordinance.

30
31
32 **ARTICLE 3. Administration, Penalties and Authority and Duties.**

33
34 **Section 108.1-3-1. Administration and Enforcement.**

35
36 (a) The provisions of this Chapter shall be administered and enforced by the Director and/or
37 his/her duly authorized agents, including the Zoning Administrator, the Department of Code
38 Compliance, and the Department of Public Works and Environmental Services, and shall be
39 assisted by other County departments as applicable.

40
41 (b) In addition, the provisions of this Chapter may also be enforced by the Police
42 Department. If so enforced by the Police Department, the civil remedies referenced below shall
43 not be applicable.

44
45 (c) The person operating, controlling or allowing the sound generation or source shall be
46 guilty of any violation caused by that generation or source. If it cannot be determined which

1 person is operating, controlling or allowing the sound generation or source, any owner, tenant,
2 resident or manager physically present on the property where the violation is occurring is
3 rebuttably presumed to be operating or controlling the sound generation or source.
4

5 (d) Except as hereinbefore provided in Subparagraph (a) of this Section, a warrant may be
6 obtained from a magistrate for the violation of any provision of this Chapter only upon the sworn
7 complaint of a police officer or two (2) persons who are not members of the same household
8 alleging the specific violation complained of, that either or both of the complainants requested or
9 made a reasonable attempt to request abatement of the violation, and that the violation continued
10 after such request. Provided, however, that if there be no more than one (1) household within one
11 half (½) mile of the sound source, a warrant may be issued upon the sworn complaint of one
12 person making the foregoing allegations.
13

14 (e) For purposes of this Chapter, whenever a time parameter includes 12 a.m. or midnight,
15 that time parameter shall be construed to end at the specified time on the following day.
16

17 (f) All sound requiring analysis or measurement under this Chapter shall be such sound that
18 traverses a property boundary or a partition between residential dwellings.
19

20 **Section 108.1-3-2. Penalties.**

21

22 (a) Any violation of any provision of this Chapter shall constitute a Class 2 misdemeanor
23 and upon conviction thereof, shall be punishable up to no more than six (6) months in jail and a
24 fine of not more than \$1,000, either or both. Failure to abate any such violation within the time
25 period established by the Court shall constitute a separate Class 2 misdemeanor offense.
26

27 (b) In lieu of the criminal penalties set forth above, a violation of any provision of this
28 Chapter may be punishable by a civil penalty of not more than \$250, or \$500 for each subsequent
29 offense. However, this civil penalties provision shall not apply to noise generation in connection
30 with business being performed on industrially zoned property, nor shall this provision apply to
31 railroads or to sound emanating from any area permitted by the Virginia Department of Mines,
32 Minerals and Energy or any division thereof.
33

34 (c) In addition to, and not in lieu of, the penalties prescribed in this section, the Board may
35 apply to the circuit court for an injunction against the continuing violation of any of the
36 provisions of this Chapter and may seek any other remedy or relief authorized by law.
37

38 **Section 108.1-3-3. Authority and duties of the Director of Planning and Zoning.**

39

40 In addition to any other authority vested in him by law, the Director or his/her duly
41 authorized agent:
42

43 (a) May coordinate the sound control activities of all agencies and departments of the
44 Fairfax County government and advise, consult, and coordinate sound control activities with
45 other local governmental units, state agencies, inter-governmental agencies, the Federal

1 government, and with interested persons and groups with respect to the provisions of this
2 Chapter.

3
4 (b) Shall issue such orders, rules and regulations and measurement procedures and
5 methodologies as may be necessary to effectuate the provisions of this Chapter and enforce the
6 same by all appropriate administrative and judicial proceedings.

7
8 (c) May enter and inspect any property, premises or place at any reasonable time for the
9 purpose of ascertaining compliance with any provision of this Chapter when granted permission
10 by the owner, or some person with reasonably apparent authority to act for the owner. When
11 permission is refused or cannot be obtained, a proper search warrant may be obtained from a
12 Court of competent jurisdiction upon showing of probable cause to believe that a violation of this
13 Chapter may exist.

14
15 (d) May obtain warrants for violations of any of the provisions of this Chapter and apply to
16 any court of competent jurisdiction for such injunctive relief as shall be necessary to terminate
17 continuing violations of this Chapter.

18
19 (e) May perform such other acts as may be necessary to carry out the functions of this
20 Chapter and such other acts as may be specifically enumerated herein.

21
22
23 **ARTICLE 4. Prohibited Sounds.**

24
25 **Section 108.1-4-1. Specific prohibitions.**

26
27 The following ~~acts~~ are violations of this Chapter:

28
29 (a) Unless otherwise excepted by this Chapter, the use of a loudspeaker or other ~~sound~~
30 ~~amplification device instrument~~ that is mounted on the exterior of any structure or motor vehicle
31 between 10 p.m. and 7 a.m. ~~on Sunday through Thursday, or between 10 p.m. and 9 a.m. on~~
32 ~~Fridays, Saturdays and the day before a Federal holiday~~. However, this prohibition shall not
33 apply to loudspeakers that are required by State or Federal regulations or provide a public service
34 announcement, such as train or bus arriving.

35
36 (b) Any action related to the construction, repair, maintenance, remodeling or demolition,
37 grading or other improvement of real property in the outdoors between 9 p.m. and 7 a.m. on
38 Sunday through Thursday, or between 9 p.m. and 9 a.m. on Fridays, Saturdays, and the day
39 before a Federal holiday.

40
41 (c) Outdoor repairing or modifying; any motor vehicle or other mechanical device between
42 9 p.m. and 7 a.m.

43
44 (d) The operation of powered model vehicles in the outdoors between 9 p.m. and 7 a.m.
45

1 (e) Outdoor collection of trash or recyclable materials in residential districts and/or within
2 100 yards of a residential dwelling between 9 p.m. and 6 a.m.

3
4 (f) Any person that operates or permits to operate any motor vehicle, mechanical device,
5 noise source, or any combination thereof, at a landfill between 9 p.m. and 6 a.m. and when
6 located within 100 yards of a residential dwelling.

7
8 (g) Outdoor loading or unloading trucks within 100 yards of a residential dwelling between
9 9 p.m. and 6 a.m.

10
11 (h) Unless otherwise addressed by this chapter, the operation of power lawn equipment,
12 including but not limited to lawn mowers, leaf blowers, chain saws, trimmers and edgers:

13
14 (1) Between 9 p.m. and 7 a.m. when operated within 100 yards from a residential
15 dwelling, or

16
17 (2) Between 9 p.m. and 6 a.m. when operated 100 yards or more from a residential
18 dwelling, or

19
20 (3) Between 9 p.m. and 5:30 a.m. for golf course maintenance when operated 50 yards
21 or more from a residential dwelling; or

22
23 (4) Between 9 p.m. and 7 a.m. for golf course maintenance when operated less than 50
24 yards from a residential dwelling.

25
26 Notwithstanding the above, the operation of leaf blowers and chain saws on all property,
27 including on golf courses, is prohibited between 9 p.m. and 7 a.m.

28
29 (i) Unless otherwise excepted by this Chapter, the operation of mechanical devices within
30 100 yards of a residential dwelling for the cleaning of outdoor parking, pedestrian and/or loading
31 areas between 9 p.m. and 7 a.m.

32
33 (j) Unless otherwise excepted by this Chapter, any person, motor vehicle or instrument that
34 permits, operates, or causes any source of sound or sound generation to create a sound that is
35 plainly audible in any other person's residential dwelling with the doors and windows closed:

36
37 (1) Between 10 p.m. and 7 a.m. on Sunday through Thursday, or between 11 p.m. and
38 7 a.m. on Fridays, Saturdays, and the day before a Federal holiday; or

39
40 (2) Between 1 a.m. and 7 a.m. on Saturdays, Sundays and federal holidays when the
41 residential dwelling is located in a mixed use area and the sound is emanating from a
42 location that is not another residential dwelling.

43
44 In addition, the source of sound or sound generation must be discernible regardless of
45 whether such doors and windows are closed.

1 (k) Any owner or person in control of any animal that allows or otherwise permits any such
2 animal to bark, howl, bay, meow, squawk, quack, crow or make such other sound:

3
4 (1) Between 10 p.m. and 7 a.m. that is plainly audible in any other person's residential
5 dwelling with doors and windows closed and the source of sound generation shall be
6 discernible regardless of whether such doors or windows are closed; or

7
8 (2) Between 7 a.m. and 10 p.m. when the animal sound is plainly audible and discernible
9 across real property boundaries or through partitions common to residential
10 dwellings and such sound can be heard for more than five (5) consecutive or non-
11 consecutive minutes in any ten (10) minute period of time. Animal sounds that can
12 be heard for less than five (5) consecutive or non-consecutive minutes in any ten
13 (10) minute period shall not be subject to this Chapter.

14
15 The provisions of this paragraph shall not apply to any animal that, at the time of the sound
16 or sound generation, was responding to pain or injury or was protecting itself, its kennel, its
17 offspring, or a person from an actual threat; when the animal is a police dog that is engaged in
18 the performance of its duties at the time of making the sound; or when part of a bona fide
19 agricultural operation. This provision shall apply to all animal sounds emanating from the same
20 property. Notwithstanding the provisions of this paragraph, animals located in a dog park shall
21 be subject to the provisions of Par. (l) below.

22
23 (l) The use of dog parks between dusk and 7 a.m. Sunday through Thursday, or between
24 dusk and 8 a.m. on Friday, Saturday and the day before a Federal holiday.

25
26 **Section 108.1-4-2. Sound generation.**

27
28 (a) Unless otherwise addressed by this Chapter, no person shall permit, operate, or cause
29 any source of sound or sound generation to create a sound which exceeds the limits set forth in
30 the following table titled "Maximum Sound Levels" when measured at the property boundary of
31 the sound source or at any point within any other property affected by the sound. When a sound
32 source can be identified and its sound measured in more than one (1) zoning district
33 classification, the sound shall not exceed the sound limits set forth in the following table for the
34 zoning district or area in which the source of sound is located, and the sound levels on the
35 affected properties shall not exceed the sound levels set forth in the table for the affected
36 property.

1
2
3

MAXIMUM SOUND LEVELS			
Use and Zoning District Classification	Time of Day	Continuous Sound (dBA)	Impulse Sound (dB)
Residential Areas (as defined herein) in Residential Districts	7 a.m. to 10 p.m.	60	100
Residential Areas (as defined herein) in Residential Districts	10 p.m. to 7 a.m.	55	80
Non-Residential Areas in Residential Districts	All	60	100
Mixed Use Area (as defined herein)	7 a.m. to 10 p.m.	65	100
Mixed Use Area (as defined herein)	10 p.m. to 7 a.m.	60	80
Commercial Districts	All	65	100
Industrial Districts	7 a.m. to 10 p.m.	72	120
Industrial Districts	10 p.m. to 7 a.m.	65	100

4
5
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ARTICLE 5. – Exceptions.

Section 108.1-5-1. Exceptions.

No provisions of this Chapter shall apply to:

(a) The emission of sound for the purpose of alerting persons to the existence of an emergency, provided that such alarm signals cease once any such threat is no longer imminent.

(b) The emission of sound in the performance of emergency work.

(c) Activities for which the regulation of sound has been preempted by Federal or State law.

(d) Motor vehicles on road right-of-way.

(e) Operation of airplanes and helicopters.

(f) Trains traveling on tracks located in railroad right-of-way or easements, including trains serving an interstate area and trains serving the Washington metropolitan region, and railroad track maintenance.

(g) Back-up generators subject to the following:

1 (1) The operation of back-up generators during power outages resulting from storms and
2 other emergencies.

3
4 (2) The routine testing and maintenance of back-up generators provided that such activity
5 occurs between 7 a.m. and 9 p.m. and the routine testing shall not occur for more than
6 two (2) consecutive or non-consecutive hours in any one (1) day. The testing and
7 maintenance of such generators is prohibited for (i) more than two (2) consecutive or
8 non-consecutive hours in any one (1) day; or (ii) during the hours of 9 p.m. to 7 a.m.

9
10 (h) Mechanical equipment, to include heat pumps, air conditioners and swimming pool
11 pumps, located on property containing single family detached or attached residential dwellings
12 that is operating in accordance with the manufacturer's specifications and serves the dwelling
13 and/or permitted accessory structure.

14
15 (i) Activities associated with the removal of snow and/or ice from walkways, parking areas
16 and travel lanes.

17
18 (j) Impulse sound that does not exceed the maximum impulse sound levels contained in the
19 Maximum Sound Levels Table contained in Sect.108.1-4-2 above.

20
21 (k) Activities related to the construction, repair, maintenance, remodeling or demolition,
22 grading or other improvement of real property between 7 a.m. and 9 p.m., provided that such
23 activity does not exceed 90 dBA in residential areas, and it shall be a violation of this Chapter to
24 commence such activity before 9 a.m. on Saturdays, Sundays, and Federal holidays.

25
26 (l) Operation of power lawn equipment:

27
28 (1) Between 7 a.m. and 9 p.m. when operated within 100 yards from a residential
29 dwelling; or

30
31 (2) Between 6 a.m. and 9 p.m. when operated 100 yards or more from a residential
32 dwelling; or

33
34 (3) Between 5:30 a.m. and 9 p.m. for golf course maintenance when operated 50 yards or
35 more from a residential dwelling; or

36
37 (4) Between 7 a.m. and 9 p.m. for golf course maintenance when operated less than 50
38 yards from a residential dwelling.

39
40 Notwithstanding the above, the operation of leaf blowers and chain saws is not permitted
41 prior to 7 a.m. on any property, including on golf courses.

42
43 (m) Operation of mechanical devices to sweep or clean outdoor parking, pedestrian and/or
44 loading areas, except it shall be a violation of this Chapter to operate such devices when located
45 within 100 yards of a residential dwelling between 9 p.m. and 7 a.m.

1 (n) Trash and recycling collection, except it shall be a violation of this chapter to collect trash
 2 or recyclable materials in the outdoors in residential districts and/or within 100 yards of a
 3 residential dwelling between 9 p.m. and 6 a.m.

4
 5 (o) Operation of a landfill, except it shall be a violation of this Chapter for any person to
 6 operate or permit to operate any motor vehicle, mechanical device, noise source, or any
 7 combination thereof, at a landfill between 9 p.m. and 6 a.m. and when located within 100 yards
 8 of a residential dwelling.

9
 10 (p) The testing of plainly audible and discernible signal devices which are employed as
 11 warning or alarm signals in case of fire, emergency, theft, or burglary, or imminent danger,
 12 provided that such testing occurs between 7 a.m. and 9 p.m. and shall not occur for more than
 13 two (2) consecutive or nonconsecutive hours in any one (1) day. The testing of such signal
 14 devices is prohibited for (i) more than two (2) consecutive or non-consecutive hours in any one
 15 (1) day; or (ii) during the hours of 9 p.m. to 7 a.m.

16
 17 (q) Operation of transportation facilities between 7 a.m. and 9 p.m.

18
 19 (r) ~~***Band performances or practices, athletic contests or practices and other such activities***~~
 20 ~~***on school or recreational grounds, or any Activity***~~ on recreational grounds customarily
 21 associated with its intended use shall not be subject to the provisions of this Chapter between
 22 7 a.m. to 10:00 p.m. on Sunday through Thursday, or between 7 a.m. and 11:00 p.m. on Friday
 23 and Saturday or the day before a Federal holiday. ***The use of loudspeakers or instruments***
 24 ***associated with such activities shall be ~~subject to the following:~~ prohibited between 10 p.m. and***
 25 ***7 a.m. and shall be subject to the Maximum Sound Levels Table in Sect. 108-1.4.2 between***
 26 ***7 a.m. and 10 p.m.***

27
 28 ~~***(1) Notwithstanding the other provisions of this Chapter, the use of loudspeakers or***~~
 29 ~~***instruments shall not be permitted prior to 7a.m. on Saturdays, Sundays and Federal***~~
 30 ~~***holidays; and***~~

31
 32 ~~***(2) Between 7 a.m. and 9 a.m. on Saturdays, Sundays and Federal Holidays, the overall***~~
 33 ~~***sound level from such loudspeaker and/or instrument and the associated activities shall***~~
 34 ~~***be subject to the maximum decibel levels contained in the Maximum Sound Levels***~~
 35 ~~***Table in Sect. 108.1-4-2 above.***~~

36
 37 ~~***(3) The overall noise levels for the loudspeakers and/or instruments and the associated***~~
 38 ~~***activities shall not exceed 65 dBA at the property boundary of the noise source, except***~~
 39 ~~***when a residential dwelling is located within fifty (50) yards of such loudspeaker***~~
 40 ~~***and/or instrument, the sound level from the loudspeaker and/or instrument shall be***~~
 41 ~~***subject to the maximum decibel levels contained in the Maximum Sound Levels Table***~~
 42 ~~***in Sect. 108.1-4-2 above. [The advertised range is between 60 and 72 dBA]***~~

43
 44 ~~***For the purposes of this provision, instrument shall exclude unamplified musical***~~
 45 ~~***instruments.***~~

1 (s) The use of dog parks between 7 a.m. and dusk Monday through Friday, or between 8
2 a.m. and dusk on Saturday, Sunday and Federal holidays.

3
4 (t) Bells, carillons, and other calls to worship shall not be subject to this chapter between 7
5 a.m. and 10 p.m. provided that any such sounds do not occur for more than five (5) consecutive
6 or nonconsecutive minutes in any one (1) hour.

7
8
9 **ARTICLE 6. Waivers**

10
11 **Section 108.1-6-1. Waivers.**

12
13 (a) Any person responsible for any noise source may apply to the Director for a waiver or
14 partial waiver from the provisions of this Chapter. The Director may grant such waiver or partial
15 waiver if he/she finds that:

- 16
17 (1) The noise does not endanger the public health, safety or welfare; or
18
19 (2) Compliance with the provisions of this Chapter from which waiver is sought would
20 produce serious hardship without producing equal or greater benefit to the public; and
21
22 (3) Reasonable efforts shall be made to minimize the adverse impacts of the noise on
23 adjacent properties.

24
25 (b) The waiver application shall be filed at least fourteen (14) days prior to the date on
26 which the waiver or partial waiver is to take effect.

27
28 (c) In determining whether to grant such waiver, the Director shall consider the time of day
29 when noise will occur, duration of the noise, its loudness relative to the required limits of this
30 Chapter, whether the noise is intermittent or continuous, its extensiveness, ambient noise levels,
31 the technical and economic feasibility of bringing the noise into conformance with this Chapter
32 and such other matters as are reasonably related to the impact of the noise on the health, safety
33 and welfare of the community and the degree of hardship which may result from the enforcement
34 of the provisions of this Chapter.

35
36 (d) No waiver or partial waiver issued pursuant to this Section shall be granted for a period
37 to exceed one (1) year, but any such waiver or partial waiver may be renewed for like periods if
38 the Director shall find that such renewal is justified after again applying the standards set forth in
39 this Section. No renewal shall be granted except upon application therefor.

40
41 (e) Any person aggrieved by a decision of the Director made pursuant to this Section may
42 obtain review of such decision by the County Executive by delivering a written statement of
43 grievance to the Office of the County Executive within thirty (30) days from the date of the
44 decision.

1 The County Executive shall review all statements of grievances and shall, within sixty (60)
2 days from the date of the Director's decision, either affirm or set it aside, making such further
3 order as shall be necessary to effectuate the provisions of this Section.
4

5
6 **ARTICLE 7. Proffered and Development Condition Applicability**
7

8
9 **Section 108.1-7-1 Proffered and Development Condition Applicability.**
10

11 The provisions of this Chapter shall not negate any applicable proffered condition,
12 development condition, special permit or special exception condition pertaining to noise or
13 sound. Any condition that refers to the Noise Ordinance shall be deemed to refer to the text of
14 the Noise Ordinance in effect at the time the condition was approved.
15

16
17 **ARTICLE 8. Severability**
18

19 **Section 108.1-8-1. Severability.**
20

21 If any of the Articles, Sections, Paragraphs, sentences, clauses, or phrases of this Chapter
22 shall be declared unconstitutional or invalid by the valid judgment or decree of a court of
23 competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity of the
24 Chapter in its entirety or any of the remaining Articles, Sections, Paragraphs, sentences, clauses,
25 and phrases.

ATTACHMENT 2

PROPOSED CHAPTER 108.1 of the FAIRFAX COUNTY CODE

September 4, 2015

Recommended Changes Since the 4/7/2015 Staff Report that were Presented at the 5/12/2015 public hearing are Noted with Italics, Strike-Outs and Underlining

Yellow Highlights are Changes Presented at the 6/9/2015 Dev. Process Committee

Blue Highlights are Changes since the 6/9/2015 Dev. Process Committee

1 Amend the Fairfax County Code by adding a new Chapter 108.1, Noise Ordinance, to read
2 as follows:

3
4 **ARTICLE 1. General Provisions.**

5
6 **Section 108.1-1-1. Short title.**

7
8 This Chapter may be referred to as the "Noise Ordinance" of the County of Fairfax.

9
10 **Section 108.1-1-2. Declarations of findings and policy.**

11
12 The Board hereby finds and declares that certain noise is a hazard to the public health,
13 welfare, peace and safety and the quality of life of the citizens of Fairfax County; that the people
14 have a right to and should be ensured of an environment free from sound that jeopardizes the
15 public health, welfare, peace and safety or degrades the quality of life; and that it is the policy of
16 the Board to prevent such noise to the extent such action is not inconsistent with Federal or State
17 law.

18
19
20 **ARTICLE 2. Definitions.**

21
22 **Section 108.1-2-1. Definitions.**

23
24 (a) The following words and phrases, when used in this Chapter, shall for the purposes of
25 this Chapter, have the meanings respectively ascribed to them in this Section, except in those
26 situations where the context clearly indicates a different meaning:

27
28 (1) *A-weighted sound pressure level* shall mean the sound pressure level as measured on a
29 sound level meter using the A-weighted network. The level so read shall be abbreviated as dBA.

30
31 (2) *Board* shall mean the Fairfax County Board of Supervisors.
32

1 (3) *Continuous sound* shall mean a sound whose intensity remains essentially constant
2 during the period of observation. Continuous sound shall be defined for measurement purposes
3 as sound which is measured by the slow response setting of a sound level meter.

4 (4) *Decibel* shall mean a unit which describes the sound pressure level or intensity of sound.
5 The sound pressure level in decibels is twenty (20) times the logarithm to the base ten (10) of the
6 ratio of the pressure of the sound in microbars to a reference pressure of 0.0002 microbar;
7 abbreviated dB.

8
9 (5) *Device* shall mean any mechanism which is intended to, or which actually produces
10 sound when operated or handled.

11
12 (6) *Director* shall mean the Director of the Fairfax County Department of Planning and
13 Zoning or his/her duly authorized agent.

14
15 (7) *Discernible* shall mean that the sound is sufficiently distinct such that its source can be
16 clearly identified.

17
18 (8) *Dog Park* shall mean either a public or privately owned open space area that is primarily
19 used by dogs not on a leash. A dog park shall not include areas that are located on individual
20 single family residential dwelling lots or a recreational ground.

21
22 (9) *Dusk* shall mean thirty (30) minutes after sunset, which is defined as the moment each
23 day when the top of the sun disappears below the western horizon.

24
25 (10) *Emergency work* shall mean any work performed for the purpose of preventing or
26 alleviating physical injury or illness or property damage threatened or caused by an emergency,
27 including work performed by public service companies when emergency inspection, repair of
28 facilities, or restoration of services is required for the immediate health, safety, or welfare of the
29 community and the operation of police cars, fire trucks, ambulances, helicopters and other
30 vehicles that are responding to emergencies.

31
32 (11) *Golf course* shall mean land area that is either publicly or privately owned and designed
33 for the game of golf with a series of nine (9) or eighteen (18) holes each including a tee, fairway
34 and putting green and often one (1) or more natural or artificial hazards. Any remaining portions
35 of a property containing a golf course, including clubhouses, parking areas and other recreational
36 facilities, shall for the purposes of this Chapter be deemed a recreational ground.

37
38 (12) *Impulse sound* shall mean a single or multiple sound event acoustical energy
39 characterized by a rapid rise to a maximum sound pressure of high intensity, followed by a
40 somewhat slower decrease in sound pressure. The duration of an impulse sound event, which
41 includes a combination of rise time, peak amplitude and decay, shall be no more than one (1)
42 second. Impulse sound shall be measured using unweighted peak dB levels and the fast setting
43 of a sound level meter. Impulse sound may include, but is not limited to, sound from weapons
44 fire, pile drivers or blasting.
45

1 (13) *Instrument* shall mean any musical instrument, radio, phonograph, compact disc player,
2 amplifier or any other device which produces, reproduces or amplifies sound.

3
4 (14) *Landfill* shall mean a site used in a controlled manner by a person for the dumping of
5 debris; or a disposal site operated by means of compacting and covering solid waste with an
6 approved material. This term is intended to include both debris landfills and sanitary landfills as
7 defined in Chapters 104 and 109.1 of the Fairfax County Code.

8
9 (15) *Mixed use area* means the parcel on which one (1) or more residential dwellings and at
10 least one (1) other non-residential use are located and any contiguous rights-of-ways, roads,
11 streets, lanes, sidewalks, or other such means of egress and ingress to any such parcel.

12
13 (16) *Motor vehicle* shall mean any vehicle which is self-propelled or designed for self-
14 propulsion including but not limited to, automobiles, trucks, truck-trailers, semitrailers, campers,
15 motorcycles, mini-bikes, motor scooters and motor boats. Motor vehicles shall not include lawn
16 mowers or other lawn equipment and nothing herein shall conflict with state law.

17
18 (17) *Noise* shall mean the intensity, frequency, duration or character of sounds from a single
19 source or multiple sources that may degrade the public health, safety or welfare.

20
21 (18) *Non-residential area* shall mean a parcel in a residential district that does not contain a
22 residential dwelling and contains non-residential uses such as schools, parks, places of worship,
23 fire stations and sewage treatment plants.

24
25 (19) *Person* shall mean any individual, corporation, cooperative, partnership, firm,
26 association, trust, estate, private institution, group, agency, or any legal successor, representative,
27 agent, or agency thereof.

28
29 (20) *Plainly audible* shall mean the sound can be heard by the human ear with or without a
30 medically approved hearing aid or device.

31
32 (21) *Powered model vehicles* shall mean any mechanically powered vehicle, either airborne,
33 waterborne or landborne, which is not designed to carry persons including, but not limited to,
34 model airplanes, boats, cars, drones and rockets.

35
36 (22) *Recreational grounds* shall mean any playground, athletic field, park or open space area
37 that is publicly or privately owned, including land owned by a homeowner's or condominium
38 association. Recreational grounds shall not include areas that are located on individual single
39 family residential dwelling lots or dog parks.

40
41 (23) *Residential area* shall mean a parcel on which a residential dwelling is located and any
42 contiguous rights of way, roads, streets, lanes, sidewalks, or other such means of egress and
43 ingress to any such parcel.

1 (24) *Residential dwelling* shall mean any structure in which one (1) or more persons live on
 2 a permanent or temporary basis, including, but not limited to, single family dwellings, multiple
 3 family dwellings, hotels and motels.

4
 5 (25) *Road right-of-way* shall mean any street, avenue, boulevard, highway, or alley which is
 6 open to the public.

7
 8 (26) *Sound* shall mean an oscillation in pressure, particle displacement, particle velocity or
 9 other physical parameter, in a medium with internal forces that causes compression and
 10 rarefaction of that medium. The description of sound may include any characteristic of such
 11 sound, including duration, intensity and frequency.

12
 13 (27) *Sound level meter* shall mean an instrument to measure sound pressure levels which
 14 shall meet or exceed the American National Standards Institute (ANSI) Standard S1.4 for a
 15 "Type Two" meter and shall be calibrated by the manufacturer or a company that can certify the
 16 calibration at least one (1) time each year.

17
 18 (28) *Sound generation or to generate sound* shall mean any conduct, activity or operation,
 19 whether human, mechanical, electronic or other, including but not limited to, any animal or bird,
 20 and any instrument, machine or device, whether continuous, intermittent or sporadic, and
 21 whether stationary or ambulatory in nature, which produces or results in a sound that is plainly
 22 audible and discernible to the human ear.

23
 24 (29) *Transportation facility* shall mean bus and rail facilities to include stations, platforms,
 25 garages, maintenance and staging areas, associated parking areas, and other associated
 26 mechanical appurtenances such as traction power stations, communication rooms, train control
 27 rooms, tie-breaker stations and other similar facilities

28
 29 (30) *Zoning administrator* shall mean the Fairfax County Zoning Administrator or his/her
 30 duly authorized agent.

31
 32 (31) *Zoning district classification*: Refers to the scheme of land use classification contained
 33 in the Fairfax County Zoning Ordinance.

34
 35
 36 **ARTICLE 3. Administration, Penalties and Authority and Duties.**

37
 38 **Section 108.1-3-1. Administration and Enforcement.**

39
 40 (a) The provisions of this Chapter shall be administered and enforced by the Director and/or
 41 his/her duly authorized agents, including the Zoning Administrator, the Department of Code
 42 Compliance, and the Department of Public Works and Environmental Services, and shall be
 43 assisted by other County departments as applicable.

1 (b) In addition, the provisions of this Chapter may also be enforced by the Police
 2 Department. If so enforced by the Police Department, the civil remedies referenced below shall
 3 not be applicable.

4
 5 (c) The person operating, controlling or allowing the sound generation or source shall be
 6 guilty of any violation caused by that generation or source. If it cannot be determined which
 7 person is operating, controlling or allowing the sound generation or source, any owner, tenant,
 8 resident or manager physically present on the property where the violation is occurring is
 9 rebuttably presumed to be operating or controlling the sound generation or source.

10
 11 (d) Except as hereinbefore provided in Subparagraph (a) of this Section, a warrant may be
 12 obtained from a magistrate for the violation of any provision of this Chapter only upon the sworn
 13 complaint of a police officer or two (2) persons who are not members of the same household
 14 alleging the specific violation complained of, that either or both of the complainants requested or
 15 made a reasonable attempt to request abatement of the violation, and that the violation continued
 16 after such request. Provided, however, that if there be no more than one (1) household within one
 17 half (½) mile of the sound source, a warrant may be issued upon the sworn complaint of one
 18 person making the foregoing allegations.

19
 20 (e) For purposes of this Chapter, whenever a time parameter includes 12 a.m. or midnight,
 21 that time parameter shall be construed to end at the specified time on the following day.

22
 23 (f) All sound requiring analysis or measurement under this Chapter shall be such sound that
 24 traverses a property boundary or a partition between residential dwellings.

25
 26 **Section 108.1-3-2. Penalties.**

27
 28 (a) Any violation of any provision of this Chapter shall constitute a Class 2 misdemeanor
 29 and upon conviction thereof, shall be punishable up to no more than six (6) months in jail and a
 30 fine of not more than \$1,000, either or both. Failure to abate any such violation within the time
 31 period established by the Court shall constitute a separate Class 2 misdemeanor offense.

32
 33 (b) In lieu of the criminal penalties set forth above, a violation of any provision of this
 34 Chapter may be punishable by a civil penalty of not more than \$250, or \$500 for each subsequent
 35 offense. However, this civil penalties provision shall not apply to noise generation in connection
 36 with business being performed on industrially zoned property, nor shall this provision apply to
 37 railroads or to sound emanating from any area permitted by the Virginia Department of Mines,
 38 Minerals and Energy or any division thereof.

39
 40 (c) In addition to, and not in lieu of, the penalties prescribed in this section, the Board may
 41 apply to the circuit court for an injunction against the continuing violation of any of the
 42 provisions of this Chapter and may seek any other remedy or relief authorized by law.

43
 44 **Section 108.1-3-3. Authority and duties of the Director of Planning and Zoning.**
 45

1 In addition to any other authority vested in him by law, the Director or his/her duly
2 authorized agent:

3
4 (a) May coordinate the sound control activities of all agencies and departments of the
5 Fairfax County government and advise, consult, and coordinate sound control activities with
6 other local governmental units, state agencies, inter-governmental agencies, the Federal
7 government, and with interested persons and groups with respect to the provisions of this
8 Chapter.

9
10 (b) Shall issue such orders, rules and regulations and measurement procedures and
11 methodologies as may be necessary to effectuate the provisions of this Chapter and enforce the
12 same by all appropriate administrative and judicial proceedings.

13
14 (c) May enter and inspect any property, premises or place at any reasonable time for the
15 purpose of ascertaining compliance with any provision of this Chapter when granted permission
16 by the owner, or some person with reasonably apparent authority to act for the owner. When
17 permission is refused or cannot be obtained, a proper search warrant may be obtained from a
18 Court of competent jurisdiction upon showing of probable cause to believe that a violation of this
19 Chapter may exist.

20
21 (d) May obtain warrants for violations of any of the provisions of this Chapter and apply to
22 any court of competent jurisdiction for such injunctive relief as shall be necessary to terminate
23 continuing violations of this Chapter.

24
25 (e) May perform such other acts as may be necessary to carry out the functions of this
26 Chapter and such other acts as may be specifically enumerated herein.

27
28
29 **ARTICLE 4. Prohibited Sounds.**

30
31 **Section 108.1-4-1. Specific prohibitions.**

32
33 The following acts are violations of this Chapter:

34
35 (a) Unless otherwise excepted by this Chapter, the use of a loudspeaker or other sound
36 amplification device that is mounted on the exterior of any structure or motor vehicle between
37 10 p.m. and 7 a.m. on Sunday through Thursday, or between 10 p.m. and 9 a.m. on Fridays,
38 Saturdays and the day before a Federal holiday. However, this prohibition shall not apply to
39 loudspeakers that are required by State or Federal regulations or provide a public service
40 announcement, such as train or bus arriving.

41
42 (b) Any action related to the construction, repair, maintenance, remodeling or demolition,
43 grading or other improvement of real property in the outdoors between 9 p.m. and 7 a.m. on
44 Sunday through Thursday, or between 9 p.m. and 9 a.m. on Fridays, Saturdays, and the day
45 before a Federal holiday.

1 (c) Outdoor repairing or modifying; any motor vehicle or other mechanical device between
2 9 p.m. and 7 a.m.

3
4 (d) The operation of powered model vehicles in the outdoors between 9 p.m. and 7 a.m.

5
6 (e) Outdoor collection of trash or recyclable materials in residential districts and/or within
7 100 yards of a residential dwelling between 9 p.m. and 6 a.m.

8
9 (f) Any person that operates or permits to operate any motor vehicle, mechanical device,
10 noise source, or any combination thereof, at a landfill between 9 p.m. and 6 a.m. and when
11 located within 100 yards of a residential dwelling.

12
13 (g) Outdoor loading or unloading trucks within 100 yards of a residential dwelling between
14 9 p.m. and 6 a.m.

15
16 (h) Unless otherwise addressed by this chapter, the operation of power lawn equipment,
17 including but not limited to lawn mowers, leaf blowers, chain saws, trimmers and edgers:

18
19 (1) Between 9 p.m. and 7 a.m. when operated within 100 yards from a residential
20 dwelling, or

21
22 (2) Between 9 p.m. and 6 a.m. when operated 100 yards or more from a residential
23 dwelling, or

24
25 (3) Between 9 p.m. and 5:30 a.m. for golf course maintenance when operated 50 yards
26 or more from a residential dwelling; or

27
28 (4) Between 9 p.m. and 7 a.m. for golf course maintenance when operated less than 50
29 yards from a residential dwelling.

30
31 Notwithstanding the above, the operation of leaf blowers and chain saws on all property,
32 including on golf courses, is prohibited between 9 p.m. and 7 a.m.

33
34 (i) Unless otherwise excepted by this Chapter, the operation of mechanical devices within
35 100 yards of a residential dwelling for the cleaning of outdoor parking, pedestrian and/or loading
36 areas between 9 p.m. and 7 a.m.

37
38 (j) Unless otherwise excepted by this Chapter, any person, motor vehicle or instrument that
39 permits, operates, or causes any source of sound or sound generation to create a sound that is
40 plainly audible in any other person's residential dwelling with the doors and windows closed:

41
42 (1) Between 10 p.m. and 7 a.m. on Sunday through Thursday, or between 11 p.m. and
43 7 a.m. on Fridays, Saturdays, and the day before a Federal holiday; or

44
45 (2) Between 1 a.m. and 7 a.m. on Saturdays, Sundays and federal holidays when the
46 ~~residence~~ residential dwelling is located in a mixed use area and the sound is

1 emanating from a ~~nonresidential-use~~ location that is not another residential
 2 dwelling.
 3

4 In addition, the source of sound or sound generation must be discernible regardless of
 5 whether such doors and windows are closed.
 6

7 (k) Any owner or person in control of any animal that allows or otherwise permits any such
 8 animal to bark, howl, bay, meow, squawk, quack, crow or make such other sound:
 9

10 (1) Between 10 p.m. and 7 a.m. that is plainly audible in any other ~~persons residence~~
 11 person's residential dwelling with doors and windows closed and the source of
 12 sound generation shall be discernible regardless of whether such doors or windows
 13 are closed; or
 14

15 (2) Between 7 a.m. and 10 p.m. when the animal sound is plainly audible and discernible
 16 across real property boundaries or through partitions common to residential
 17 dwellings and such sound can be heard for more than ~~two (2)~~ five (5) consecutive or
 18 non-consecutive minutes in any ten (10) minute period of time. Animal sounds that
 19 can be heard for less than ~~two (2)~~ five (5) consecutive or non-consecutive minutes in
 20 any ten (10) minute period shall not be subject to this Chapter.
 21

22 The provisions of this paragraph shall not apply to any animal that, at the time of the sound
 23 or sound generation, was responding to pain or injury or was protecting itself, its kennel, its
 24 offspring, or a person from an actual threat; when the animal is a police dog that is engaged in
 25 the performance of its duties at the time of making the sound; or when part of a bona fide
 26 agricultural operation. This provision shall apply to all animal sounds emanating from the same
 27 property. Notwithstanding the provisions of this paragraph, animals located in a dog park shall
 28 be subject to the provisions of Par. (l) below.
 29

30 (l) The use of dog parks between dusk and 7 a.m. Sunday through Thursday, or between
 31 dusk and 8 a.m. on Friday, Saturday and the day before a Federal holiday.
 32

33 **Section 108.1-4-2. Sound generation.** 34

35 (a) Unless otherwise addressed by this Chapter, no person shall permit, operate, or cause
 36 any source of sound or sound generation to create a sound which exceeds the limits set forth in
 37 the following table titled "Maximum Sound Levels" when measured at the property boundary of
 38 the sound source or at any point within any other property affected by the sound. When a sound
 39 source can be identified and its sound measured in more than one (1) zoning district
 40 classification, the sound shall not exceed the sound limits set forth in the following table for the
 41 zoning district or area in which the source of sound is located, and the sound levels on the
 42 affected properties shall not exceed the sound levels set forth in the table for the affected
 43 property.
 44
 45
 46

MAXIMUM SOUND LEVELS			
Use and Zoning District Classification	Time of Day	Continuous Sound (dBA)	Impulse Sound (dB)
Residential Areas (as defined herein) in Residential Districts	7 a.m. to 10 p.m.	60	100
Residential Areas (as defined herein) in Residential Districts	10 p.m. to 7 a.m.	55	80
Non-Residential Areas in Residential Districts	All	60	100
Mixed Use Area (as defined herein)	All 7 a.m. to 10 p.m.	65	100
<u>Mixed Use Area (as defined herein)</u>	<u>10 p.m. to 7 a.m.</u>	<u>60</u>	<u>80</u>
Commercial Districts	All	65	100
Industrial Districts	7 a.m. to 10 p.m.	72	120
Industrial Districts	10 p.m. to 7 a.m.	65	100

1
2
3 **ARTICLE 5. – Exceptions.**

4
5 **Section 108.1-5-1. Exceptions.**

6
7 No provisions of this Chapter shall apply to:

8
9 (a) The emission of sound for the purpose of alerting persons to the existence of an
10 emergency, provided that such alarm signals cease once any such threat is no longer imminent.

11
12 (b) The emission of sound in the performance of emergency work.

13
14 (c) Activities for which the regulation of sound has been preempted by Federal or State law.

15
16 (d) Motor vehicles on road right-of-way.

17
18 (e) Operation of airplanes and helicopters.

19
20 (f) Trains traveling on tracks located in railroad right-of-way or easements, including trains
21 serving an interstate area and trains serving the Washington metropolitan region, and railroad
22 track maintenance.

23
24 (g) Back-up generators subject to the following:

25
26 (1) The operation of back-up generators during power outages resulting from storms and
27 other emergencies.
28

1 (2) The routine testing and maintenance of back-up generators provided that such activity
 2 occurs between 7 a.m. and 9 p.m. and the routine testing shall not occur for more than
 3 two (2) consecutive or non-consecutive hours in any one (1) day. The testing and
 4 maintenance of such generators is prohibited for (i) more than two (2) consecutive or
 5 non-consecutive hours in any one (1) day; or (ii) during the hours of 9 p.m. to 7 a.m.

6
 7 (h) Mechanical equipment, to include heat pumps, ~~and/or~~ air conditioners and swimming
 8 pool pumps, located on property containing single family detached or attached residential
 9 dwellings that ~~are~~ is operating in accordance with the manufacturer's specifications and serves
 10 the dwelling and/or permitted accessory structure.

11
 12 (i) Activities associated with the removal of snow and/or ice from walkways, parking areas
 13 and travel lanes.

14
 15 (j) Impulse sound that does not exceed the maximum impulse sound levels contained in the
 16 Maximum Sound Levels Table contained in Sect.108.1-4-2 above.

17
 18 (k) Activities related to the construction, repair, maintenance, remodeling or demolition,
 19 grading or other improvement of real property between 7 a.m. and 9 p.m., provided that such
 20 activity does not exceed 90 dBA in residential areas, and it shall be a violation of this Chapter to
 21 commence such activity before 9 a.m. on Saturdays, Sundays, and Federal holidays.

22
 23 (l) Operation of power lawn equipment:

24
 25 (1) Between 7 a.m. and 9 p.m. when operated within 100 yards from a residential
 26 dwelling; or

27
 28 (2) Between 6 a.m. and 9 p.m. when operated 100 yards or more from a residential
 29 dwelling; or

30
 31 (3) Between 5:30 a.m. and 9 p.m. for golf course maintenance when operated 50 yards or
 32 more from a residential dwelling; or

33
 34 (4) Between 7 a.m. and 9 p.m. for golf course maintenance when operated less than 50
 35 yards from a residential dwelling.

36
 37 Notwithstanding the above, the operation of leaf blowers and chain saws is not permitted
 38 prior to 7 a.m. on any property, including on golf courses.

39
 40 (m) Operation of mechanical devices to sweep or clean outdoor parking, pedestrian and/or
 41 loading areas, except it shall be a violation of this Chapter to operate such devices when located
 42 within 100 yards of a residential dwelling between 9 p.m. and 7 a.m.

43
 44 (n) Trash and recycling collection, except it shall be a violation of this chapter to collect trash
 45 or recyclable materials in the outdoors in residential districts and/or within 100 yards of a
 46 residential dwelling between 9 p.m. and 6 a.m.

1
2 (o) Operation of a landfill, except it shall be a violation of this Chapter for any person to
3 operate or permit to operate any motor vehicle, mechanical device, noise source, or any
4 combination thereof, at a landfill between 9 p.m. and 6 a.m. and when located within 100 yards
5 of a residential dwelling.

6
7 (p) The testing of plainly audible and discernible signal devices which are employed as
8 warning or alarm signals in case of fire, emergency, theft, or burglary, or imminent danger,
9 provided that such testing occurs between 7 a.m. and 9 p.m. and shall not occur for more than
10 two (2) consecutive or nonconsecutive hours in any one (1) day. The testing of such signal
11 devices is prohibited for (i) more than two (2) consecutive or non-consecutive hours in any one
12 (1) day; or (ii) during the hours of 9 p.m. to 7 a.m.

13
14 (q) Operation of transportation facilities between 7 a.m. and 9 p.m.

15
16 (r) Band performances or practices, athletic contests or practices and other such activities on
17 school or recreational grounds, or any activity on recreational grounds customarily associated
18 with its intended use shall not be subject to the provisions of this Chapter between 7 a.m. to
19 10:00 p.m. on Sunday through Thursday, or between 7 a.m. and 11:00 p.m. on Friday and
20 Saturday or the day before a Federal holiday. Loudspeakers or instruments associated with such
21 activities shall be subject to the following:

22
23 (1) Notwithstanding the other provisions of this Chapter, the use of loudspeakers or
24 instruments, ~~except for unamplified musical instruments~~, shall not be permitted prior to
25 **9 7**a.m. on Saturdays, Sundays and Federal holidays; and

26
27 **(2) *Between 7 a.m. and 9 a.m. on Saturdays, Sundays and Federal Holidays, the overall***
28 ***sound level from such loudspeaker and/or instrument and the associated activities shall***
29 ***be subject to the maximum decibel levels contained in the Maximum Sound Levels Table***
30 ***in Sect. 108.1-4-2 above.***

31
32 **(3) The overall noise levels for the loudspeakers and/or instruments and the associated**
33 **activities shall not exceed **72 65** dBA at the property boundary of the noise source, *except***
34 ***when a residential dwelling is located within fifty (50) yards of such loudspeaker and/or***
35 ***instrument, the sound level from the loudspeaker and/or instrument shall be subject to the***
36 ***maximum decibel levels contained in the Maximum Sound Levels Table in Sect. 108.1-4-2***
37 ***above. [The advertised range is between 60 and 72 dBA]***

38
39 ***For the purposes of this provision, instrument shall exclude unamplified musical instruments.***

40
41 (s) The use of dog parks between 7 a.m. and dusk Monday through Friday, or between 8
42 a.m. and dusk on Saturday, Sunday and Federal holidays.

43
44 (t) Bells, carillons, and other calls to worship shall not be subject to this chapter between 7
45 a.m. and 10 p.m. provided that any such sounds do not occur for more than five (5) consecutive
46 or nonconsecutive minutes in any one (1) hour.

1
2 **ARTICLE 6. Waivers**

3
4 **Section 108.1-6-1. Waivers.**

5
6 (a) Any person responsible for any noise source may apply to the Director for a waiver or
7 partial waiver from the provisions of this Chapter. The Director may grant such waiver or partial
8 waiver if he/she finds that:

9
10 (1) The noise does not endanger the public health, safety or welfare; or

11
12 (2) Compliance with the provisions of this Chapter from which waiver is sought would
13 produce serious hardship without producing equal or greater benefit to the public; and

14
15 (3) Reasonable efforts shall be made to minimize the adverse impacts of the noise on
16 adjacent properties.

17
18 (b) The waiver application shall be filed at least fourteen (14) days prior to the date on
19 which the waiver or partial waiver is to take effect.

20
21 (c) In determining whether to grant such waiver, the Director shall consider the time of day
22 when noise will occur, duration of the noise, its loudness relative to the required limits of this
23 Chapter, whether the noise is intermittent or continuous, its extensiveness, ambient noise levels,
24 the technical and economic feasibility of bringing the noise into conformance with this Chapter
25 and such other matters as are reasonably related to the impact of the noise on the health, safety
26 and welfare of the community and the degree of hardship which may result from the enforcement
27 of the provisions of this Chapter.

28
29 (d) No waiver or partial waiver issued pursuant to this Section shall be granted for a period
30 to exceed one (1) year, but any such waiver or partial waiver may be renewed for like periods if
31 the Director shall find that such renewal is justified after again applying the standards set forth in
32 this Section. No renewal shall be granted except upon application therefor.

33
34 (e) Any person aggrieved by a decision of the Director made pursuant to this Section may
35 obtain review of such decision by the County Executive by delivering a written statement of
36 grievance to the Office of the County Executive within thirty (30) days from the date of the
37 decision.

38
39 The County Executive shall review all statements of grievances and shall, within sixty (60)
40 days from the date of the Director's decision, either affirm or set it aside, making such further
41 order as shall be necessary to effectuate the provisions of this Section.

42
43
44 **ARTICLE 7. Proffered and Development Condition Applicability**

1 **Section 108.1-7-1 Proffered and Development Condition Applicability.**
2

3 The provisions of this Chapter shall not negate any applicable proffered condition,
4 development condition, special permit or special exception condition pertaining to noise or
5 sound. ~~In the event of any conflict between the conditions and this Chapter, the text of the Noise~~
6 ~~Ordinance in effect at the time the conditions were approved shall govern.~~ Any condition that
7 refers to the Noise Ordinance shall be deemed to refer to the text of the Noise Ordinance in effect
8 at the time the condition was approved.
9

10
11 **ARTICLE 8. Severability**
12

13 **Section 108.1-8-1. Severability.**
14

15 If any of the Articles, Sections, Paragraphs, sentences, clauses, or phrases of this Chapter
16 shall be declared unconstitutional or invalid by the valid judgment or decree of a court of
17 competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity of the
18 Chapter in its entirety or any of the remaining Articles, Sections, Paragraphs, sentences, clauses,
19 and phrases.



FAIRFAX
COUNTY

Attachment 3

STAFF REPORT

V I R G I N I A

PROPOSED COUNTY CODE AMENDMENTS

Adopt New Chapter 108.1 (Noise Ordinance)

Repeal Chapter 108 (Noise Ordinance)

Repeal Chapter 5 (Excessive Sound Generation in Residential Areas
and Dwellings Ordinance) of Article 6 (Offenses)

PUBLIC HEARING DATES

Board of Supervisors

May 12, 2015 at 4:00 p.m.

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

April 7, 2015

LK



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 of Supervisors' (Board) request to review and revise the Noise Ordinance (Chapter 108 of the County Code) to better address the methodology used in noise measurements, consider the appropriateness of establishing daytime and nighttime noise levels to protect the community, and add other objective criteria to regulate noise within Fairfax County. On December 3, 2013, the Board adopted a new Article 6 (Excessive Sound Generation in Residential Areas and Dwellings Ordinance) to Chapter 5 (Offenses) of the County Code which gave the Police Department the ability to address certain sound that is generated in a residential dwelling or residential area that is plainly audible and discernible inside another person's dwelling with doors and windows closed. The new Article 6 of Chapter 5 was intended to be an interim step in addressing noise until more comprehensive amendments to Chapter 108 were considered by the Board. The proposed amendments, which include the establishment of a new Noise Ordinance (Chapter 108.1 of the County Code), the repeal of Chapter 108, and the repeal of Article 6 of Chapter 5, are in response to these requests.

Background

Fairfax County has a longstanding policy that certain sounds are a hazard to the public health, welfare, peace, and safety, and adversely affect the quality of life of its citizens. Many provisions in the current Noise Ordinance contain ascertainable and objective enforcement standards that do not depend upon the subjective tolerances of the listener. Provisions in Chapter 108 dealing with "nuisance noises," however, require enforcement based upon a subjective, "reasonable person" standard. In April 2009, the Supreme Court of Virginia, in the case of *Tanner v. City of Virginia Beach*, 227 Va. 432, 674 S.E.2d 848 (2009), struck down as unconstitutional a similar "reasonable person" standard found in Virginia Beach's noise ordinance. As a result of the *Tanner* decision, many jurisdictions throughout Virginia have either amended their noise ordinances, or are in the process of amending their noise ordinance to address the Supreme Court decision. For example, Arlington County, the City of Richmond, and the City of Virginia Beach have amended their noise ordinances in response to the *Tanner* decision. Staff has reviewed the adopted noise ordinances from these jurisdictions, and has incorporated similar provisions while maintaining as much of the current structure of the Fairfax County noise regulations as possible.

Because, excessive sound generation in residential areas was an issue that required more immediate attention, in December 2013 the Board adopted the Excessive Sound Generation in Residential Areas and Dwellings. This ordinance served as an interim solution to allow the Police Department to effectively respond to calls for service regarding excessive noise in residential areas. The addition of Article 6 to Chapter 5, Offenses, allowed the Police Department to enforce these types of sound violations while staff further reviewed and studied a more comprehensive overhaul of Chapter 108. Furthermore, in order to avoid potential conflicts between Article 6 of Chapter 5 and the nuisance provisions of Article 5 of Chapter 108, the nuisance provisions in Chapter 108 were repealed at the same time that Article 6 of Chapter 5 was adopted in December 2013.

Staff from the Department of Planning and Zoning (DPZ), the Department of Code Compliance (DCC), the County Attorney's Office, and the Police Department have been meeting regularly since

2013 to review the regulations from other jurisdictions, consider the applicable State Code provisions, discuss the public and Board comments, and to develop a new Noise Ordinance.

On February 18, 2014, staff presented the first draft of a new Noise Ordinance to the Board's Development Process Committee (Committee), which is a Committee of the entire Board. The overall goal of the proposed Noise Ordinance is to:

- Recognize that there will always be certain levels of noise that occur in the normal course of daily living;
- Allow certain levels of daytime noise so that people can live, work, and play during the day; and
- Minimize nighttime noise so residents have an appropriate quiet environment in their homes at night.

The proposed new Noise Ordinance would replace both the existing Chapter 108 and Article 6 of Chapter 5. The overall framework of the proposed new Noise Ordinance would be to:

- Prohibit certain activities (**prohibitions**);
- Exclude certain activities from the Noise Ordinance (**exceptions**); and
- When not specifically prohibited or excepted, then activities or sources of sound would be subject to **maximum decibel levels**.

The above framework would be further qualified by time, location, and duration limitations.

The Committee on February 18, 2014, requested staff to conduct a series of outreach meetings on the staff's proposed rewrite of the Noise Ordinance in order to solicit public input. Accordingly, staff conducted three meetings in May 2014 at different locations throughout the County. A total of approximately 200 people attended these meetings. In addition, the following organizations were notified about the amendment and were asked to provide input: the Environmental Quality Advisory Committee (EQAC), Northern Virginia Building Industry Association (NVBIA), Commercial Real Estate Development Association (NAIOP), Engineers and Surveyors Institute (ESI), Planning Commission, Fairfax County Park Authority (FCPA), Fairfax County Public Schools (FCPS), Fairfax County Department of Public Works and Environmental Services (DPWES), Washington Metropolitan Area Transit Authority (WMATA), Chamber of Commerce, Heavy Construction and Contractors Association and the Federation of Citizen Associations. Staff has also met with the FCPA, FCPS, WMATA, EQAC, the Planning Commission's Environment Committee, NAIOP/NVBIA, and the privately-owned trash haulers community. In addition, staff developed the <http://www.fairfaxcounty.gov/dpz/zoning/noiseordinance/> website for the proposed Noise Ordinance Amendment and received comments via an on-line comment form.

The number and variety of comments received from the public outreach was wide-ranging and it was clear from reviewing the comments that there was no clear consensus on the issues. On June 10, 2014, staff presented a summary of all comments received to the Committee. At that meeting, the Committee directed staff to prepare a range of options for the Board to consider given the diversity of opinions and comments on the proposal.

On September 30, 2014, staff presented options to the Committee, and the Committee requested that the options be simplified to minimize changes from the existing Noise Ordinances. The Board further directed staff to take noise measurements at high school athletic events. Noise measurements were taken at high school football games at Hayfield, McLean, and Centreville High Schools. The measurements were taken using a noise meter and measured in decibels (dBA) (the units that measure pressure levels or intensity of sound). The measurements showed that the noise from the surrounding traffic was generally as loud as the cumulative sound coming from the games, including the use of loudspeakers, crowd noise, and the noise from the official's whistles, and these noise levels were measured at approximately 70 to 75 dBA, which is generally consistent with the maximum sound level of 72 dBA which is permitted in industrial districts.

Given that the FCPA and other golf course operators had expressed the need to begin operating power lawn equipment as early as 5:30 a.m. in order to accommodate 6 a.m. tee times, and in recognition that complaints regarding golf course lawn maintenance noise had been received from residents living adjacent to golf courses, staff also obtained a sample of noise level readings for golf course lawn equipment. Those measurements were taken at the FCPA Twin Lakes Golf Course on January 23, 2015, at different distances and using different pieces of power lawn equipment. The measurements revealed that leaf blowers were the loudest piece of equipment and the operation of leaf blowers exceeded 60 dBA when measured 100 yards from the operation of the equipment. The measurements also showed that the sound from the operation of all other lawn maintenance equipment was no more than 55 dBA when measured 50 yards from such operation. Staff believes that 50 yard distance is appropriate because 55 dBA is the current maximum noise level permitted in residential districts.

At the February 3, 2015, Committee meeting, staff distributed an updated draft Noise Ordinance and summary chart and requested guidance on several issues. With the understanding that additional modifications to the proposed amendment could be made as part of the public hearing process, the Committee recommended several changes to the staff proposal for advertising purposes including:

- Activities on School and Recreational Grounds – Advertise a decibel range of 60 to 72 dBA for limiting the maximum noise levels for cumulative noise when loudspeakers are used.
- “People Noise” – Begin the plainly audible prohibition standard at 11 p.m. on weekends and the day before a holiday.
- Dog Parks – Begin dog park hours at 8 a.m. on weekends and holidays.
- Operation of Power Lawn Equipment – Permit the use of power lawn equipment associated with golf course maintenance, except leaf blowers, beginning at 5:30 a.m. when operating more than 50 yards from a residence.
- Trash Collection – No changes to current proposal which is the same as the existing regulations in Chapter 108.
- Maximum Sound Levels – No changes to the proposed maximum decibel levels.

The proposed Noise Ordinance incorporates the recommended changes.

Proposed County Code Amendments

The proposed amendments to the County Code consist of three parts:

- The adoption of Chapter 108.1 (Noise Ordinance) (See Attachment A);
- The repeal of existing Chapter 108 (Noise Ordinance) (See Attachment C); and
- The repeal of the existing Article 6 (Excessive Sound Generation in Residential Areas and Dwellings Ordinance) of Chapter 5 (Offenses) of the County Code (See Attachment D).

Proposed Chapter 108.1 consists of the following:

Article 1 - General Provisions.

- Chapter 108.1 is referred to as the Noise Ordinance.
- It is the purpose and intent of the proposed Ordinance to recognize that certain noise is a hazard to the public health, welfare, peace, and safety, and the quality of life of the citizens of Fairfax County; that people have a right to and should be ensured of an environment free from sound that jeopardizes the public health, welfare, peace, and safety or degrades the quality of life; and it is the policy of the Board to prevent such noise to the extent such action may be permitted pursuant to Federal or State law.

Article 2 - Definitions.

- Words and phrases used in the proposed ordinance would have the meaning as outlined in the proposed definitions. Many of the definitions from Chapter 108 are being updated and carried forward into the proposed Ordinance, and new definitions are also being incorporated in order to define new terms and sound sources. Some of the new definitions include: continuous sound, discernible, dog park, dusk, golf course, impulse sound, instrument, mixed use area, non-residential area, plainly audible, recreational grounds and transportation facility.

Article 3 - Administration, Penalties and Authority and Duties.

- The current Noise Ordinance is administered and enforced by the Zoning Administrator. The proposed Noise Ordinance would be administered and enforced by the Director of DPZ and his/her duly authorized agents, including the Zoning Administrator, DCC and DPWES, and would be assisted by other Departments. The Police Department may also enforce the Noise Ordinance.
- In addition to the above, prosecution for the violation of any provisions of the proposed Noise Ordinance could be pursued before a magistrate upon the sworn complaint of two people who are not members of the same household alleging the specific violation complained of, both of the complainants must affirm that made a reasonable attempt to request abatement of the violation, and that the violation continued after such request.
- Violations of the proposed Noise Ordinance could be prosecuted as a misdemeanor or a civil penalty, or the Board could seek injunctive relief from the Circuit Court. If so enforced by

the Police Department, the civil remedies would not be applicable. In addition, pursuant to the *Code of Virginia*, the civil penalty provisions would not apply to noise generation in connection with business being performed on industrially zoned property, nor to railroads or to sound emanating from any area permitted by the Virginia Department of Mines, Minerals and Energy.

Article 4 - Prohibited Sound.

- Certain sound generating activities would be specifically prohibited and these prohibitions may be further qualified by time, duration, and location limitations. All of the proposed prohibited sounds and activities are listed in the “Applicability of the Proposed Noise Ordinance Table” set forth in Attachment B. The following activities are currently prohibited in Chapter 108 and would continue to be prohibited under the proposed Noise Ordinance at night: operation of most loudspeakers, outdoor construction, outdoor motor vehicle or mechanical device repair, outdoor powered model vehicle operation, trash collection in residential districts, and the loading and unloading of trucks within 100 yards of a residence.
- Generally, the time frame for prohibited activities would extend from 9:00/10:00 p.m. to 7 a.m. Certain activities, such as the use of loudspeakers and outdoor construction, would be prohibited until 9:00 a.m. on weekends and federal holidays. In recognition that some of the proposed time frames include 12 a.m./midnight, those time parameters would be defined to end at the specified time on the following day.
- Unless otherwise addressed by the proposed Chapter as either a prohibition or an exception, no person could permit, operate, or cause any source of sound or sound generation that exceeds the maximum sound limits outlined in the Maximum Sound Levels Table that is set forth in the proposed amendment (See Attachment A). The sound levels would be measured in decibels with a sound level meter. The sound level measurements would be taken at the property boundary of the sound source, or at any point within any other property affected by the sound.

The current Noise Ordinance has maximum sound levels for stationary noise sources with a maximum of 55 dBA in residential districts, 60 dBA in commercial districts, and 72 dBA in industrial districts. There is no distinction between daytime and nighttime noise levels, or between residential and nonresidential uses, such as a church or school, in residential districts. As previously mentioned, one of the parameters of the amendment is to ensure that people have the ability to live, work, and play during the day and to have an expectation of quiet in their homes at night. As such, staff believes it appropriate to have different daytime and nighttime maximum noise levels for residential areas in residential districts with a maximum allowable decibel level of 55 dBA between 10 p.m. and 7 a.m. and a maximum sound level of 60 dBA between 7 a.m. and 10 p.m. It is also staff’s opinion that the current maximum decibel level of 72 dBA is too high in industrial districts at night, and is recommending a maximum level of 65 dBA between 10 p.m. and 7 a.m. Staff further believes it appropriate to allow a maximum decibel level of 60 dBA at all times for those non-residential uses in residential districts, as it is believed that the current maximum decibel

level of 55 dBA is too low for such uses given that a normal conversation has a decibel level of approximately 55 to 60 dBA. Finally, staff recognizes that Fairfax County is rapidly urbanizing and there are more mixed use areas, such as Tysons, Reston, Fair Lakes, Fairfax Corner, Merrifield, Kingstowne, and the various Community Business Centers, where sound producing activities may occur 24 hours a day. As such, staff is recommending that the maximum allowable sound level in mixed use areas be 65 dBA at any time.

In addition, the proposed Ordinance makes a distinction between continuous sound and impulse sound. Continuous sound is a sound whose intensity remains essentially constant during the period of observation and is measured with a sound level meter using the A-weighted network. Continuous sound levels are averaged over a period of time, are abbreviated as dBA, and were discussed in the preceding paragraph. Impulse sound is defined as acoustical energy characterized by a rapid rise to a maximum sound pressure followed by a somewhat slower decrease in sound pressure, both occurring within a short time frame. Impulse sound is measured in decibels, is abbreviated as dB, and is the actual highest sound level that occurs with no averaging. Examples of impulse sounds would include sound from weapons fire, pile drivers, and blasting. Except in residential areas in residential districts and industrial districts at night, the proposed maximum allowable impulse sound level would be 100 dB. Between 10 p.m. and 7 a.m., the proposed maximum allowable impulse sound would be 80 dB in residential areas in residential districts and 120 dB in industrial districts.

- Certain sound-producing activities that are plainly audible inside another person's residence and are discernible would be prohibited, with "plainly audible" being defined as sound that can be heard with the human ear, and "discernible" being defined as sound that is sufficiently distinct such that its source can be clearly identified. These activities include: noise from a person, motor vehicle or instruments (people noise) at night; and barking dogs, crowing roosters, and other animal noises.

Article 5 - Exceptions.

- Certain sounds or activities would not be subject to the proposed Noise Ordinance (exceptions), and these exceptions may be further qualified by time, duration, and location limitations. All of the proposed sounds and activities that would not be subject to the proposed Noise Ordinance are listed on the "Applicability of the Proposed Noise Ordinance Table" as set forth in Attachment B.
- Activities or sounds not subject to the Noise Ordinance at any time include: emergency work, alarms in an emergency situation; back-up generators during power outages; activities preempted by Federal or State law; motor vehicles traveling on the right-of-way; operation of helicopters and airplanes; trains traveling on railroad tracks and railroad track maintenance; snow and ice removal; heat pumps/air conditioning units on single family lots when operating in accordance with manufacturers specifications; and impulse sound that does not exceed the maximum decibel levels listed in the Maximum Sound Levels Table, which is set forth in the proposed amendment (See Attachment A).

- Certain activities or sounds would not be subject to the Noise Ordinance during the day, but would be prohibited at night, including: certain loudspeakers; outdoor construction; outdoor trash and recycling collection; land fill operations; operation of lawn equipment; operation of mechanical devices for cleaning outdoors; and the use of dog parks.
- Certain activities or sounds would not be subject to the Noise Ordinance during the day, but would be subject to the maximum decibel levels at night, including: routine testing of alarms and back-up generators; transportation facilities; bells, carillons and other calls to worship; and band performances or practices, athletic contests, and other such activities on school or recreational grounds.
- Certain activities would be subject to the maximum decibel levels during the day and prohibited at night, including: most loudspeakers; outdoor motor vehicle or mechanical device repair; operation of powered model vehicles; and outdoor truck loading and unloading.

Article 6 – Waivers.

- The current Noise Ordinance allows for variances from the Noise Ordinance provisions that can be approved by the Zoning Administrator. The proposed amendment essentially carries forward these provisions, except that it refers to these modifications as a “waiver” instead of a “variance,” and allows the Director to approve such waiver requests instead of the Zoning Administrator.
- The Director may grant such a waiver if it is found that the noise does not endanger the public health, safety, or welfare, or that compliance with the Noise Ordinance produces serious hardship without providing an equal or greater benefit to the public. The administrative process for granting such waivers will continue to rest with the Zoning Inspections Branch of DPZ
- A waiver can only be granted for a period of up to one year, but any waiver could be renewed for a like period if the Director finds the waiver is again justified.
- Any person aggrieved by a waiver decision of the Director can appeal the decision to the County Executive within 30 days from the date of the decision. The County Executive must review the appeal within 60 days and either affirm or overturn the decision.

Article 7 - Proffered and Development Condition Applications.

- A property may be subject to proffered conditions and/or development conditions pertaining to noise, and the proposed Noise Ordinance would not negate any such conditions. In the event of any conflict between the conditions and the Noise Ordinance, the text of the Noise Ordinance in effect at the time the conditions were approved shall govern.

Article 8 - Severability.

- If any part of the Noise Ordinance is declared unconstitutional or invalid by a Court, such unconstitutionality or invalidity would not affect the validity of the Noise Ordinance in its entirety or any of the remaining portions of the Noise Ordinance.

Conclusion

Certain noises are a hazard to the public health, welfare, peace, and safety and adversely affect the quality of life of its citizens. However, it is also recognized that a certain amount of noise is inevitable, particularly in a suburban/urban area such as Fairfax County. It is believed that certain levels of daytime noise should be allowed so that people can live, work, and play during the day. Conversely, nighttime noise should be minimized so residents have an appropriate quiet environment in their homes at night. The proposed amendments address these overall themes by prohibiting certain sounds, not subjecting certain sounds to the Noise Ordinance (exceptions), and subjecting all remaining sounds to maximum sound (decibel) levels.

Staff recognizes that there is tension between citizens who want to make full use of their property and not be subject to noise regulations, and those citizens who live near the noise source and may be adversely impacted by it. It is staff's opinion that the proposed amendment provides an appropriate balance between these two valid and competing interests. As such, staff recommends approval of the proposed amendments with an effective date of 12:01 a.m. on the day following adoption.

ATTACHMENT A

PROPOSED COUNTY CODE AMENDMENT

April 7, 2015

1 Amend the Fairfax County Code by adding a new Chapter 108.1, Noise Ordinance, to read
2 as follows:

3
4 **ARTICLE 1. General Provisions.**

5
6 **Section 108.1-1-1. Short title.**

7
8 This Chapter may be referred to as the "Noise Ordinance" of the County of Fairfax.
9

10 **Section 108.1-1-2. Declarations of findings and policy.**

11
12 The Board hereby finds and declares that certain noise is a hazard to the public health, welfare,
13 peace and safety and the quality of life of the citizens of Fairfax County; that the people have a right
14 to and should be ensured of an environment free from sound that jeopardizes the public health,
15 welfare, peace and safety or degrades the quality of life; and that it is the policy of the Board to
16 prevent such noise to the extent such action is not inconsistent with Federal or State law.
17

18
19 **ARTICLE 2. Definitions.**

20
21 **Section 108.1-2-1. Definitions.**

22
23 (a) The following words and phrases, when used in this Chapter, shall for the purposes of this
24 Chapter, have the meanings respectively ascribed to them in this Section, except in those situations
25 where the context clearly indicates a different meaning:
26

27 (1) *A-weighted sound pressure level* shall mean the sound pressure level as measured on a sound
28 level meter using the A-weighted network. The level so read shall be abbreviated as dBA.
29

30 (2) *Board* shall mean the Fairfax County Board of Supervisors.
31

32 (3) *Continuous sound* shall mean a sound whose intensity remains essentially constant during
33 the period of observation. Continuous sound shall be defined for measurement purposes as sound
34 which is measured by the slow response setting of a sound level meter.
35

36 (4) *Decibel* shall mean a unit which describes the sound pressure level or intensity of sound.
37 The sound pressure level in decibels is twenty (20) times the logarithm to the base ten (10) of the
38 ratio of the pressure of the sound in microbars to a reference pressure of 0.0002 microbar;
39 abbreviated dB.

1
2 (5) *Device* shall mean any mechanism which is intended to, or which actually produces sound
3 when operated or handled.

4
5 (6) *Director* shall mean the Director of the Fairfax County Department of Planning and Zoning
6 or his/her duly authorized agent.

7
8 (7) *Discernible* shall mean that the sound is sufficiently distinct such that its source can be
9 clearly identified.

10
11 (8) *Dog Park* shall mean either a public or privately owned open space area that is primarily
12 used by dogs not on a leash. A dog park shall not include areas that are located on individual single
13 family residential dwelling lots or a recreational ground.

14
15 (9) *Dusk* shall mean thirty (30) minutes after sunset, which is defined as the moment each day
16 when the top of the sun disappears below the western horizon.

17
18 (10) *Emergency work* shall mean any work performed for the purpose of preventing or
19 alleviating physical injury or illness or property damage threatened or caused by an emergency,
20 including work performed by public service companies when emergency inspection, repair of
21 facilities, or restoration of services is required for the immediate health, safety, or welfare of the
22 community and the operation of police cars, fire trucks, ambulances, helicopters and other vehicles
23 that are responding to emergencies.

24
25 (11) *Golf course* shall mean land area that is either publicly or privately owned and designed for
26 the game of golf with a series of nine (9) or eighteen (18) holes each including a tee, fairway and
27 putting green and often one (1) or more natural or artificial hazards. Any remaining portions of a
28 property containing a golf course, including clubhouses, parking areas and other recreational
29 facilities, shall for the purposes of this Chapter be deemed a recreational ground.

30
31 (12) *Impulse sound* shall mean acoustical energy characterized by a rapid rise to a maximum
32 sound pressure followed by a somewhat slower decrease in sound pressure, both occurring within a
33 short time frame. Impulse sound may include, but is not limited to, sound from weapons fire, pile
34 drivers or blasting.

35
36 (13) *Instrument* shall mean any musical instrument, radio, phonograph, compact disc player,
37 amplifier or any other device which produces, reproduces or amplifies sound.

38
39 (14) *Landfill* shall mean a site used in a controlled manner by a person for the dumping of
40 debris; or a disposal site operated by means of compacting and covering solid waste with an
41 approved material. This term is intended to include both debris landfills and sanitary landfills as
42 defined in Chapters 104 and 109.1 of the Fairfax County Code.

43
44 (15) *Mixed use area* means the parcel on which one (1) or more residential dwellings and at
45 least one (1) other non-residential use are located and any contiguous rights-of-ways, roads, streets,
46 lanes, sidewalks, or other such means of egress and ingress to any such parcel.

1
2 (16) *Motor vehicle* shall mean any vehicle which is self-propelled or designed for self-
3 propulsion including but not limited to, automobiles, trucks, truck-trailers, semitrailers, campers,
4 motorcycles, mini-bikes, motor scooters and motor boats. Motor vehicles shall not include lawn
5 mowers or other lawn equipment and nothing herein shall conflict with state law.

6
7 (17) *Noise* shall mean the intensity, frequency, duration or character of sounds from a single
8 source or multiple sources that may degrade the public health, safety or welfare.

9
10 (18) *Non-residential area* shall mean a parcel in a residential district that does not contain a
11 residential dwelling and contains non-residential uses such as schools, parks, places of worship, fire
12 stations and sewage treatment plants.

13
14 (19) *Person* shall mean any individual, corporation, cooperative, partnership, firm, association,
15 trust, estate, private institution, group, agency, or any legal successor, representative, agent, or
16 agency thereof.

17
18 (20) *Plainly audible* shall mean the sound can be heard by the human ear with or without a
19 medically approved hearing aid or device.

20
21 (21) *Powered model vehicles* shall mean any mechanically powered vehicle, either airborne,
22 waterborne or landborne, which is not designed to carry persons including, but not limited to, model
23 airplanes, boats, cars, drones and rockets.

24
25 (22) *Recreational grounds* shall mean any playground, athletic field, park or open space area
26 that is publicly or privately owned, including land owned by a homeowner's or condominium
27 association. Recreational grounds shall not include areas that are located on individual single family
28 residential dwelling lots or dog parks.

29
30 (23) *Residential area* shall mean a parcel on which a residential dwelling is located and any
31 contiguous rights of way, roads, streets, lanes, sidewalks, or other such means of egress and ingress
32 to any such parcel.

33
34 (24) *Residential dwelling* shall mean any structure in which one (1) or more persons live on a
35 permanent or temporary basis, including, but not limited to, single family dwellings, multiple family
36 dwellings, hotels and motels.

37
38 (25) *Road right-of-way* shall mean any street, avenue, boulevard, highway, or alley which is
39 open to the public.

40
41 (26) *Sound* shall mean an oscillation in pressure, particle displacement, particle velocity or
42 other physical parameter, in a medium with internal forces that causes compression and rarefaction
43 of that medium. The description of sound may include any characteristic of such sound, including
44 duration, intensity and frequency.

1 (27) *Sound level meter* shall mean an instrument to measure sound pressure levels which shall
 2 meet or exceed the American National Standards Institute (ANSI) Standard S1.4 for a "Type Two"
 3 meter and shall be calibrated by the manufacturer or a company that can certify the calibration at
 4 least one (1) time each year.

5
 6 (28) *Sound generation or to generate sound* shall mean any conduct, activity or operation,
 7 whether human, mechanical, electronic or other, including but not limited to, any animal or bird, and
 8 any instrument, machine or device, whether continuous, intermittent or sporadic, and whether
 9 stationary or ambulatory in nature, which produces or results in a sound that is plainly audible and
 10 discernible to the human ear.

11
 12 (29) *Transportation facility* shall mean bus and rail facilities to include stations, platforms,
 13 garages, maintenance and staging areas, associated parking areas, and other associated mechanical
 14 appurtenances such as traction power stations, communication rooms, train control rooms, tie-
 15 breaker stations and other similar facilities

16
 17 (30) *Zoning administrator* shall mean the Fairfax County Zoning Administrator or his/her duly
 18 authorized agent.

19
 20 (31) *Zoning district classification*: Refers to the scheme of land use classification contained in
 21 the Fairfax County Zoning Ordinance.

22
 23
 24 **ARTICLE 3. Administration, Penalties and Authority and Duties.**

25
 26 **Section 108.1-3-1. Administration and Enforcement.**

27
 28 (a) The provisions of this Chapter shall be administered and enforced by the Director and/or
 29 his/her duly authorized agents, including the Zoning Administrator, the Department of Code
 30 Compliance, and the Department of Public Works and Environmental Services, and shall be assisted
 31 by other County departments as applicable.

32
 33 (b) In addition, the provisions of this Chapter may also be enforced by the Police Department.
 34 If so enforced by the Police Department, the civil remedies referenced below shall not be applicable.

35
 36 (c) The person operating, controlling or allowing the sound generation or source shall be guilty
 37 of any violation caused by that generation or source. If it cannot be determined which person is
 38 operating, controlling or allowing the sound generation or source, any owner, tenant, resident or
 39 manager physically present on the property where the violation is occurring is rebuttably presumed
 40 to be operating or controlling the sound generation or source.

41
 42 (d) Except as hereinbefore provided in Subparagraph (a) of this Section, a warrant may be
 43 obtained from a magistrate for the violation of any provision of this Chapter only upon the sworn
 44 complaint of a police officer or two (2) persons who are not members of the same household
 45 alleging the specific violation complained of, that either or both of the complainants requested or
 46 made a reasonable attempt to request abatement of the violation, and that the violation continued

1 after such request. Provided, however, that if there be no more than one (1) household within one
 2 half (½) mile of the sound source, a warrant may be issued upon the sworn complaint of one person
 3 making the foregoing allegations.
 4

5 (e) For purposes of this Chapter, whenever a time parameter includes 12 a.m. or midnight, that
 6 time parameter shall be construed to end at the specified time on the following day.
 7

8 **Section 108.1-3-2. Penalties.**
 9

10 (a) Any violation of any provision of this Chapter shall constitute a Class 2 misdemeanor and
 11 upon conviction thereof, shall be punishable up to no more than six (6) months in jail and a fine of
 12 not more than \$1,000, either or both. Failure to abate any such violation within the time period
 13 established by the Court shall constitute a separate Class 2 misdemeanor offense.
 14

15 (b) In lieu of the criminal penalties set forth above, a violation of any provision of this Chapter
 16 may be punishable by a civil penalty of not more than \$250, or \$500 for each subsequent offense.
 17 However, this civil penalties provision shall not apply to noise generation in connection with
 18 business being performed on industrially zoned property, nor shall this provision apply to railroads
 19 or to sound emanating from any area permitted by the Virginia Department of Mines, Minerals and
 20 Energy or any division thereof.
 21

22 (c) In addition to, and not in lieu of, the penalties prescribed in this section, the Board may
 23 apply to the circuit court for an injunction against the continuing violation of any of the provisions
 24 of this Chapter and may seek any other remedy or relief authorized by law.
 25

26 **Section 108.1-3-3. Authority and duties of the Director of Planning and Zoning.**
 27

28 In addition to any other authority vested in him by law, the Director or his/her duly authorized
 29 agent:
 30

31 (a) May coordinate the sound control activities of all agencies and departments of the Fairfax
 32 County government and advise, consult, and coordinate sound control activities with other local
 33 governmental units, state agencies, inter-governmental agencies, the Federal government, and with
 34 interested persons and groups with respect to the provisions of this Chapter.
 35

36 (b) Shall issue such orders, rules and regulations and measurement procedures and
 37 methodologies as may be necessary to effectuate the provisions of this Chapter and enforce the same
 38 by all appropriate administrative and judicial proceedings.
 39

40 (c) May enter and inspect any property, premises or place at any reasonable time for the purpose
 41 of ascertaining compliance with any provision of this Chapter when granted permission by the
 42 owner, or some person with reasonably apparent authority to act for the owner. When permission is
 43 refused or cannot be obtained, a proper search warrant may be obtained from a Court of competent
 44 jurisdiction upon showing of probable cause to believe that a violation of this Chapter may exist.
 45

1 (d) May obtain warrants for violations of any of the provisions of this Chapter and apply to any
 2 court of competent jurisdiction for such injunctive relief as shall be necessary to terminate
 3 continuing violations of this Chapter.

4
 5 (e) May perform such other acts as may be necessary to carry out the functions of this Chapter
 6 and such other acts as may be specifically enumerated herein.

7
 8
 9 **ARTICLE 4. Prohibited Sounds.**

10
 11 **Section 108.1-4-1. Specific prohibitions.**

12 The following acts are violations of this Chapter:

13
 14 (a) Unless otherwise excepted by this Chapter, the use of a loudspeaker or other sound
 15 amplification device that is mounted on the exterior of any structure or motor vehicle between
 16 10 p.m. and 7 a.m. on Sunday through Thursday, or between 10 p.m. and 9 a.m. on Fridays,
 17 Saturdays and the day before a Federal holiday. However, this prohibition shall not apply to
 18 loudspeakers that are required by State or Federal regulations or provide a public service
 19 announcement, such as train or bus arriving.

20
 21 (b) Any action related to the construction, repair, maintenance, remodeling or demolition,
 22 grading or other improvement of real property in the outdoors between 9 p.m. and 7 a.m. on Sunday
 23 through Thursday, or between 9 p.m. and 9 a.m. on Fridays, Saturdays, and the day before a Federal
 24 holiday.

25
 26 (c) Outdoor repairing or modifying; any motor vehicle or other mechanical device between
 27 9 p.m. and 7 a.m.

28
 29 (d) The operation of powered model vehicles in the outdoors between 9 p.m. and 7 a.m.

30
 31 (e) Outdoor collection of trash or recyclable materials in residential districts and/or within 100
 32 yards of a residential dwelling between 9 p.m. and 6 a.m.

33
 34 (f) Any person that operates or permits to operate any motor vehicle, mechanical device, noise
 35 source, or any combination thereof, at a landfill between 9 p.m. and 6 a.m. and when located within
 36 100 yards of a residential dwelling.

37
 38 (g) Outdoor loading or unloading trucks within 100 yards of a residential dwelling between
 39 9 p.m. and 6 a.m.

40
 41 (h) Unless otherwise addressed by this chapter, the operation of power lawn equipment,
 42 including but not limited to lawn mowers, leaf blowers, chain saws, trimmers and edgers:

43
 44 (1) Between 9 p.m. and 7 a.m. when operated within 100 yards from a residential dwelling,
 45 or
 46

1
2 (2) Between 9 p.m. and 6 a.m. when operated 100 yards or more from a residential
3 dwelling, or

4
5 (3) Between 9 p.m. and 5:30 a.m. for golf course maintenance when operated 50 yards or
6 more from a residential dwelling; or

7
8 (4) Between 9 p.m. and 7 a.m. for golf course maintenance when operated less than 50
9 yards from a residential dwelling.

10
11 Notwithstanding the above, the operation of leaf blowers on all property, including on golf
12 courses, is prohibited between 9 p.m. and 7 a.m.

13
14 (i) Unless otherwise excepted by this Chapter, the operation of mechanical devices within 100
15 yards of a residential dwelling for the cleaning of outdoor parking, pedestrian and/or loading areas
16 between 9 p.m. and 7 a.m.

17
18 (j) Unless otherwise excepted by this Chapter, any person, motor vehicle or instrument that
19 permits, operates, or causes any source of sound or sound generation to create a sound that is plainly
20 audible in any other person's residential dwelling with the doors and windows closed:

21
22 (1) Between 10 p.m. and 7 a.m. on Sunday through Thursday, or between 11 p.m. and
23 7 a.m. on Fridays, Saturdays, and the day before a Federal holiday; or

24
25 (2) Between 1 a.m. and 7 a.m. on Saturdays, Sundays and federal holidays when the
26 residence is located in a mixed use area and the sound is emanating from a
27 nonresidential use.

28
29 In addition, the source of sound or sound generation must be discernible regardless of whether
30 such doors and windows are closed.

31
32 (k) Any owner or person in control of any animal that allows or otherwise permits any such
33 animal to bark, howl, bay, meow, squawk, quack, crow or make such other sound:

34
35 (1) Between 10 p.m. and 7 a.m. that is plainly audible in any other persons residence with
36 doors and windows closed and the source of sound generation shall be discernible
37 regardless of whether such doors or windows are closed; or

38
39 (2) Between 7 a.m. and 10 p.m. when the animal sound is plainly audible and discernible
40 across real property boundaries or through partitions common to residential dwellings
41 and such sound can be heard for more than two (2) consecutive or non-consecutive
42 minutes in any ten (10) minute period of time. Animal sounds that can be heard for less
43 than two (2) consecutive or non-consecutive minutes in any ten (10) minute period shall
44 not be subject to this Chapter.
45

1 The provisions of this paragraph shall not apply to any animal that, at the time of the sound or
 2 sound generation, was responding to pain or injury or was protecting itself, its kennel, its offspring,
 3 or a person from an actual threat; when the animal is a police dog that is engaged in the performance
 4 of its duties at the time of making the sound; or when part of a bona fide agricultural operation. This
 5 provision shall apply to all animal sounds emanating from the same property. Notwithstanding the
 6 provisions of this paragraph, animals located in a dog park shall be subject to the provisions of
 7 Par. (l) below.

8
 9 (l) The use of dog parks between dusk and 7 a.m. Sunday through Thursday, or between dusk
 10 and 8 a.m. on Friday, Saturday and the day before a Federal holiday.

11
 12 **Section 108.1-4-2. Sound generation.**

13
 14 (a) Unless otherwise addressed by this Chapter, no person shall permit, operate, or cause any
 15 source of sound or sound generation to create a sound which exceeds the limits set forth in the
 16 following table titled "Maximum Sound Levels" when measured at the property boundary of the
 17 sound source or at any point within any other property affected by the sound. When a sound source
 18 can be identified and its sound measured in more than one (1) zoning district classification, the
 19 sound shall not exceed the sound limits set forth in the following table for the zoning district or area
 20 in which the source of sound is located, and the sound levels on the affected properties shall not
 21 exceed the sound levels set forth in the table for the affected property.

22

MAXIMUM SOUND LEVELS			
Use and Zoning District Classification	Time of Day	Continuous Sound (dBA)	Impulse Sound (dB)
Residential Areas (as defined herein) in Residential Districts	7 a.m. to 10 p.m.	60	100
Residential Areas (as defined herein) in Residential Districts	10 p.m. to 7 a.m.	55	80
Non-Residential Areas in Residential Districts	All	60	100
Mixed Use Area (as defined herein)	All	65	100
Commercial Districts	All	65	100
Industrial Districts	7 a.m. to 10 p.m.	72	120
Industrial Districts	10 p.m. to 7 a.m.	65	100

23 **ARTICLE 5. – Exceptions.**

24
 25 **Section 108.1-5-1. Exceptions.**

26
 27 No provisions of this Chapter shall apply to:
 28

1 (a) The emission of sound for the purpose of alerting persons to the existence of an emergency,
2 provided that such alarm signals cease once any such threat is no longer imminent.

3
4 (b) The emission of sound in the performance of emergency work.

5
6 (c) Activities for which the regulation of sound has been preempted by Federal or State law.

7
8 (d) Motor vehicles on road right-of-way.

9
10 (e) Operation of airplanes and helicopters.

11
12 (f) Trains traveling on tracks located in railroad right-of-way or easements, including trains
13 serving an interstate area and trains serving the Washington metropolitan region, and railroad track
14 maintenance.

15
16 (g) Back-up generators subject to the following:

17
18 (1) The operation of back-up generators during power outages resulting from storms and
19 other emergencies.

20
21 (2) The routine testing and maintenance of back-up generators provided that such activity
22 occurs between 7 a.m. and 9 p.m. and the routine testing shall not occur for more than
23 two (2) consecutive or non-consecutive hours in any one (1) day. The testing and
24 maintenance of such generators is prohibited for (i) more than two (2) consecutive or
25 non-consecutive hours in any one (1) day; or (ii) during the hours of 9 p.m. to 7 a.m.

26
27 (h) Heat pumps and/or air conditioners located on property containing single family detached or
28 attached residential dwellings that are operating in accordance with the manufacturer's
29 specifications.

30
31 (i) Activities associated with the removal of snow and/or ice from walkways, parking areas and
32 travel lanes.

33
34 (j) Impulse sound that does not exceed the maximum impulse sound levels contained in the
35 Maximum Sound Levels Table contained in Sect.108.1-4-2 above.

36
37 (k) Activities related to the construction, repair, maintenance, remodeling or demolition, grading
38 or other improvement of real property between 7 a.m. and 9 p.m., provided that such activity does
39 not exceed 90 dBA in residential areas, and it shall be a violation of this Chapter to commence such
40 activity before 9 a.m. on Saturdays, Sundays, and Federal holidays.

41
42 (l) Operation of power lawn equipment:

43
44 (1) Between 7 a.m. and 9 p.m. when operated within 100 yards from a residential dwelling;

45 or

46

1 (2) Between 6 a.m. and 9 p.m. when operated 100 yards or more from a residential dwelling;
2 or

3
4 (3) Between 5:30 a.m. and 9 p.m. for golf course maintenance when operated 50 yards or
5 more from a residential dwelling; or

6
7 (4) Between 7 a.m. and 9 p.m. for golf course maintenance when operated less than 50 yards
8 from a residential dwelling.

9
10 Notwithstanding the above, the operation of leaf blowers is not permitted prior to 7 a.m. on any
11 property, including on golf courses.

12
13 (m) Operation of mechanical devices to sweep or clean outdoor parking, pedestrian and/or
14 loading areas, except it shall be a violation of this Chapter to operate such devices when located
15 within 100 yards of a residential dwelling between 9 p.m. and 7 a.m.

16
17 (n) Trash and recycling collection, except it shall be a violation of this chapter to collect trash or
18 recyclable materials in the outdoors in residential districts and/or within 100 yards of a residential
19 dwelling between 9 p.m. and 6 a.m.

20
21 (o) Operation of a landfill, except it shall be a violation of this Chapter for any person to operate
22 or permit to operate any motor vehicle, mechanical device, noise source, or any combination thereof,
23 at a landfill between 9 p.m. and 6 a.m. and when located within 100 yards of a residential dwelling.

24
25 (p) The testing of plainly audible and discernible signal devices which are employed as warning
26 or alarm signals in case of fire, emergency, theft, or burglary, or imminent danger, provided that
27 such testing occurs between 7 a.m. and 9 p.m. and shall not occur for more than two (2) consecutive
28 or nonconsecutive hours in any one (1) day. The testing of such signal devices is prohibited for (i)
29 more than two (2) consecutive or non-consecutive hours in any one (1) day; or (ii) during the hours
30 of 9 p.m. to 7 a.m.

31
32 (q) Operation of transportation facilities between 7 a.m. and 9 p.m.

33
34 (r) Band performances or practices, athletic contests or practices and other such activities on
35 school or recreational grounds, or any activity on recreational grounds customarily associated with
36 its intended use shall not be subject to the provisions of this Chapter between 7 a.m. to 10:00 p.m. on
37 Sunday through Thursday, or between 7 a.m. and 11:00 p.m. on Friday and Saturday or the day
38 before a Federal holiday. Loudspeakers or instruments associated with such activities shall be
39 subject to the following:

40
41 (1) Notwithstanding the other provisions of this Chapter, the use of loudspeakers or instruments,
42 except for unamplified musical instruments, shall not be permitted prior to 9 a.m. on
43 Saturdays, Sundays and Federal holidays; and
44

1 (2) The overall noise levels for the loudspeakers and/or instruments and the associated activities
 2 shall not exceed 72 dBA at the property boundary of the noise source. *[The advertised range*
 3 *is between 60 and 72 dBA]*
 4

5 (s) The use of dog parks between 7 a.m. and dusk Monday through Friday, or between 8 a.m.
 6 and dusk on Saturday, Sunday and Federal holidays.
 7

8 (t) Bells, carillons, and other calls to worship shall not be subject to this chapter between 7 a.m.
 9 and 10 p.m. provided that any such sounds do not occur for more than five (5) consecutive or
 10 nonconsecutive minutes in any one (1) hour.
 11

12 **ARTICLE 6. Waivers**

13 **Section 108.1-6-1. Waivers.**

14
 15
 16
 17 (a) Any person responsible for any noise source may apply to the Director for a waiver or partial
 18 waiver from the provisions of this Chapter. The Director may grant such waiver or partial waiver if
 19 he/she finds that:
 20

21 (1) The noise does not endanger the public health, safety or welfare; or
 22

23 (2) Compliance with the provisions of this Chapter from which waiver is sought would produce
 24 serious hardship without producing equal or greater benefit to the public.
 25

26 (b) In determining whether to grant such waiver, the Director shall consider the time of day
 27 when noise will occur, duration of the noise, its loudness relative to the required limits of this
 28 Chapter, whether the noise is intermittent or continuous, its extensiveness, the technical and
 29 economic feasibility of bringing the noise into conformance with this Chapter and such other matters
 30 as are reasonably related to the impact of the noise on the health, safety and welfare of the
 31 community and the degree of hardship which may result from the enforcement of the provisions of
 32 this Chapter.
 33

34 (c) No waiver or partial waiver issued pursuant to this Section shall be granted for a period to
 35 exceed one (1) year, but any such waiver or partial waiver may be renewed for like periods if the
 36 Director shall find that such renewal is justified after again applying the standards set forth in this
 37 Section. No renewal shall be granted except upon application therefor.
 38

39 (d) Any person aggrieved by a decision of the Director made pursuant to this Section may
 40 obtain review of such decision by the County Executive by delivering a written statement of
 41 grievance to the Office of the County Executive within thirty (30) days from the date of the decision.
 42

43 The County Executive shall review all statements of grievances and shall, within sixty (60) days
 44 from the date of the Director's decision, either affirm or set it aside, making such further order as
 45 shall be necessary to effectuate the provisions of this Section.
 46

1
2 **ARTICLE 7. Proffered and Development Condition Applicability**

3
4 **Section 108.1-7-1 Proffered and Development Condition Applicability.**

5
6 The provisions of this Chapter shall not negate any applicable proffered condition, development
7 condition, special permit or special exception condition pertaining to noise or sound. In the event of
8 any conflict between the conditions and this Chapter, the text of the Noise Ordinance in effect at the
9 time the conditions were approved shall govern.

10
11
12 **ARTICLE 8. Severability**

13
14 **Section 108.1-8-1. Severability.**

15
16 If any of the Articles, Sections, Paragraphs, sentences, clauses, or phrases of this Chapter shall
17 be declared unconstitutional or invalid by the valid judgment or decree of a court of competent
18 jurisdiction, such unconstitutionality or invalidity shall not affect the validity of the Chapter in its
19 entirety or any of the remaining Articles, Sections, Paragraphs, sentences, clauses, and phrases.

ATTACHMENT B

APPLICABILITY OF PROPOSED NOISE ORDINANCE

SOURCE OF SOUND	PROHIBITIONS	EXCEPTIONS (Not Subject to Noise Ordinance)	MAX DECIBELS (Pursuant to Proposed Maximum Sound Level Chart)
1. Outdoor Loudspeakers	Unless otherwise regulated: 1. Between 10 p.m. and 7 a.m. on Sun. – Thurs.; or 2. Between *10 p.m. and 9 a.m. on Fri, Sat., and the day before Fed. Holidays.	Use of certain loudspeakers that: 1. Are required by state or federal regulations; or 2. Provide a public service announcement, such as train or bus arriving.	Unless otherwise regulated: 1.*7 a.m. to 10 p.m. Mon. – Fri. 2. 9 a.m. to 10 p.m. Sat, Sun, Fed. Holidays
2. Outdoor Construction	Between 9 p.m. and 7 a.m. on Sun. – Thurs.; or Between 9 p.m. and 9 a.m. on Fri.*, Sat, and the day before a Fed. Holiday.	7 a.m. to 9 p.m. Mon. – Fri. 9 a.m. to 9 p.m. Sat*, Sun, Fed. Holidays provided that a maximum decibel level of 90 dBA is not exceeded in residential areas.	
3. Outdoor Motor Vehicle or Mechanical Device Repair	Between 9 p.m. to 7 a.m.		*7 a.m. to 9 p.m.
4. Operation of Powered Model Vehicles	Between 9 p.m. to 7 a.m.		*7 a.m. to 9 p.m.
5. Outdoor Trash and Recycling Collection	In residential districts and/or within 100 yards of a residential dwelling prohibited from 9 p.m. to 6 a.m.	1. At any location from 6 a.m. to 9 p.m. and, 2. When located 100 yards or more from a residential dwelling and not in a residential district, from 9 p.m. to 6 a.m.	
6. *Land Fill Operation	Within 100 yards of a residential dwelling prohibited from 9 p.m. to 6 a.m.	1. At any location from 6 a.m. to 9 p.m. and, 2. When located 100 yards or more from a dwelling, from 9 p.m. to 6 a.m.	
7. Outdoor Truck Loading/ Unloading	When located within 100 yards of a residential dwelling prohibited from 9 p.m. to 6 a.m.		*1. At any location between 6 a.m. and 9 p.m.; and 2. When located 100 yards or more from a residential dwelling between 9 p.m. and 6 a.m.

SOURCE OF SOUND	PROHIBITIONS	EXCEPTIONS (Not Subject to Noise Ordinance)	MAX DECIBELS (Pursuant to Proposed Maximum Sound Level Chart)
8. *Lawn Equipment Operation	<p>Unless otherwise excepted or prohibited</p> <ol style="list-style-type: none"> 1. When operated within 100 yards from a residence, between 9 p.m. and 7 a.m.; or 2. When operated 100 yards or more from a residence, between 9 p.m. and 6 a.m.; or 3. Between 9 p.m. & 5:30 a.m. for golf course maintenance when operated 50 yards or more from a residence; or 4. Between 9 p.m. and 7 a.m. for golf course maintenance when operated less than 50 yards from a residence. <p>Notwithstanding the above, the operation of leaf blowers on all property, including on golf courses, is prohibited between 9 p.m. and 7 a.m.</p>	<ol style="list-style-type: none"> 1. When operated within 100 yards from a residence, between 7 a.m. and 9 p.m., or, 2. When operated 100 yards or more from a residence, between 6 a.m. and 9 p.m., or 3. Between 5:30 a.m. and 9 p.m. for golf course maintenance when operated 50 yards or more from a residence, or 4. Between 7 a.m. and 9 p.m. for golf course maintenance when operated less than 50 yards from a residence. 	
9. *Operation of Mechanical Devices for cleaning outdoors	<p>When located within 100 yards of a residential dwelling, between 9 p.m. to 7 a.m., unless otherwise excepted.</p>	<ol style="list-style-type: none"> 1. At any location from 7 a.m. to 9 p.m. and, 2. When located 100 yards or more from a residential dwelling from 9 p.m. to 7 a.m. 	
10. *Person, Motor Vehicle or Instrument	<p>Unless otherwise excepted, prohibited when plainly audible inside a residential dwelling with doors and window closed, and the sound must be discernible regardless of whether such doors and windows are closed:</p> <ol style="list-style-type: none"> 1. Between 10 p.m. & 7 a.m. on Sun.-Thurs., or between 11 p.m. & 7 a.m. on Fri., Sat., and the day before a Fed. Holiday; or 2. Between 1 a.m. & 7 a.m. on Sat., Sun. and Fed. Holidays when the residence is located in a mixed use area and the sound is emanating from a nonresidential use. 		<ol style="list-style-type: none"> 1. Within any residential area between 7 a.m. to 10 p.m. on Sun. – Thurs; or from 7 a.m. to 11 p.m. on Fri, Sat., and day before a Fed holiday. 2. When the residence is located in a mixed use area and the sound is emanating from a nonresidential use, then 7 a.m. to 1 a.m. on Fridays, Saturdays and the day before a Fed holiday.
11. *Animals	Animal noise:	1. When the animal is	

SOURCE OF SOUND	PROHIBITIONS	EXCEPTIONS (Not Subject to Noise Ordinance)	MAX DECIBELS (Pursuant to Proposed Maximum Sound Level Chart)
	<ol style="list-style-type: none"> 1. Between 10 p.m. and 7 a.m. that is plainly audible in any other persons residence with doors and windows closed and the source of source of sound generation is discernible regardless of whether such doors or windows are closed; or 2. Between 7 a.m. and 10 p.m. when the animal noise is plainly audible and discernible across property boundaries or through partitions common to residential dwellings and such sound can be heard for more than 2 consecutive or nonconsecutive minutes in any 10 minute period. Animal sounds that can be heard for less than 2 consecutive or non-consecutive minutes in any 10 minute period shall not be subject to the Noise Ordinance. 	<ol style="list-style-type: none"> responding to pain or injury or is protecting itself, its kennel, its offspring, a person from a real threat, or 2. When the animal is a police dog that is engaged in the performance of its duties at the time of making the noise. 3. When part of a bona fide agricultural operation. 	
12. Emergency Work		Any time	
13. *Alarms		<ol style="list-style-type: none"> 1. Emission of sound for purpose of alerting people to the existence of an emergency, provided that such alarm signals cease when any such threat is no longer imminent. 2. The routine testing of plainly audible alarms for fire, emergency, theft or imminent danger between 7 a.m. to 9 p.m., provided that such testing does not occur for more than 2 consecutive or nonconsecutive hours in any one day. The testing of such signal devices is prohibited for (i) more than 2 consecutive or nonconsecutive hours in any one day; or (ii) during the hours of 9 p.m. to 7 a.m. 	<ol style="list-style-type: none"> 1. Emergency alarm testing between 9 p.m. and 7 a.m.; and 2. Routine testing that occurs between 7 a.m. and 9 p.m. and for more than 2 consecutive or nonconsecutive hours in any one day.

SOURCE OF SOUND	PROHIBITIONS	EXCEPTIONS (Not Subject to Noise Ordinance)	MAX DECIBELS (Pursuant to Proposed Maximum Sound Level Chart)
14. *Preempted Activities		Activities for the regulation of sound that have been preempted by Federal or State law.	
15. *Snow and Ice Removal		Any time	
16. *Motor Vehicles		Motor vehicles on the road right-of-way - any time	
17. Airplanes and Helicopters		Airplanes and helicopter flying overhead - any time	
18. Trains		Anytime, trains traveling on tracks located in railroad right-of-way or easements, and rail road track maintenance.	
19. *Heat Pumps/Air Conditioners		Use of heat pumps/air conditioners on single family dwelling lots when operating in accordance with the manufacturer's specifications.	<ol style="list-style-type: none"> 1. Use of heat pump/air conditioner on a single family dwelling lot not operating in accordance with the manufacturer's specifications; and 2. Use of heat pump/air conditioner on all non-single family dwelling lots
*20. Back-Up Generators		<ol style="list-style-type: none"> 1. Use of back-up generators during power outages resulting from storms and other emergencies. 2. Routine testing and maintenance of back-up generators between 7 a.m. and 9 p.m. provided that such testing does not occur for more than 2 consecutive or nonconsecutive hours in any one day. The testing and maintenance of such generators is prohibited for (i) more than 2 consecutive or non-consecutive hours in any one day; or during the hours of 9 p.m. to 7 a.m. 	<ol style="list-style-type: none"> 1. Use of generators during power outages not caused by a storm or other emergency; 2. Routine testing and maintenance of back-up generators between 7 p.m. and 9 a.m.; and 3. Routine testing that occurs between 7 a.m. and 9 p.m. and for more than 2 consecutive or nonconsecutive hours in any one day.
21. *Impulse Sound		Impulse sound that does not exceed the maximum decibels listed in the Maximum Sound Level Chart.	Anytime

SOURCE OF SOUND	PROHIBITIONS	EXCEPTIONS (Not Subject to Noise Ordinance)	MAX DECIBELS (Pursuant to Proposed Maximum Sound Level Chart)
22. Transportation Facility		7 a.m. to 9 p.m.	9 p.m. to 7 a.m.
23. *Bells, Carillons and other Calls to Worship		7 a.m. to 10 p.m., provided that any such sounds do not occur for more than 5 consecutive or nonconsecutive minutes in any one hour.	1. 10 p.m. to 7 a.m., and 2. Between 7 a.m. to 10 p.m. when the sounds last for more than 5 consecutive or nonconsecutive minutes in any one hour.
24. *Band performances or practices, athletic contests or practices and other such activities on school or recreational grounds	Notwithstanding the other provisions of this Chapter, the use of loudspeakers or instruments, except for unamplified musical instruments, shall not be permitted prior to 9 a.m. on Saturdays, Sundays and Fed. Holidays. The overall noise levels for the loudspeakers and/or instruments and the associated activities shall not exceed 72 dBA at the property boundary of the noise source. <i>[The advertised range is between 60 and 72 dBA.]</i>	7 a.m. to 10 p.m. Sun. – Thurs and Fed. Holidays; or 7 a.m. to 11 p.m. Fri. Sat, and the day before a Fed. Holiday	10 p.m. to 7 a.m. Sun. – Thurs., Fed. Holidays 11 p.m. to 7 a.m. Fri., Sat. and day before a Fed. holiday
25. Dog Parks	Notwithstanding the other provisions, the use of dog parks between dusk and 7 a.m. on Sun. – Thurs.; or between dusk and 8 a.m. on Fri. Sat. and the day before a Fed. Holiday	Notwithstanding the other provisions, the use of dog parks between 7 a.m. and dusk Mon. – Fri., and between 8 a.m. and dusk on Sat., Sun. and Fed. Holidays	
26. All Other Sound Sources Not Listed Above			All other sound sources not listed above.

ATTACHMENT C

PROPOSED COUNTY CODE AMENDMENT

April 7, 2015

1 Amend Chapter 108, Noise, by repealing it in its entirety.

2
3 **ARTICLE 1. General Provisions.**

4
5 **Section 108-1-1. Short title.**

6
7 This Chapter may be referred to as the "Noise Ordinance" of the County of Fairfax.
8 (~~24-75-16A; 1-1-76~~)

9
10 **Section 108-1-2. Declarations of findings and policy.**

11
12 It is hereby declared to be the public policy of Fairfax County, in cooperation with Federal,
13 State and local governments and regional agencies, to promote an environment for its citizens free
14 from noise that jeopardizes their health or welfare or degrades the quality of life. Nothing contained
15 in this Chapter shall be construed to authorize or direct any action which shall result in any
16 substantial increase in noise levels from any noise source in Fairfax County.

17 (~~24-75-16A; 1961 Code, § 16A.1.2.~~)

18
19 **Section 108-1-3. Penalties.**

20
21 Any violation of any provision of this Chapter shall constitute a misdemeanor and any person
22 violating this Chapter shall, upon conviction, be punishable by imprisonment not to exceed thirty
23 (30) days or by a fine not to exceed one thousand dollars (\$1,000.00), or both. Each separate act on
24 the part of the person violating the Chapter shall be deemed a separate offense, and each day a
25 violation is permitted to continue unabated shall be deemed to constitute a separate offense.

26 (~~24-75-16A; 1961 Code, § 16A.1.3.~~)

27
28 **Section 108-1-4. Severability.**

29
30 If any of the Articles, Sections, Paragraphs, sentences, clauses, or phrases of this Chapter shall
31 be declared unconstitutional or invalid by the valid judgment or decree of a court of competent
32 jurisdiction, such unconstitutionality or invalidity shall not affect the validity of the Chapter in its
33 entirety or any of the remaining Articles, Sections, Paragraphs, sentences, clauses, and phrases.

34 (~~24-75-16A; 1961 Code, § 16A.1.4.~~)

35
36 **Section 108-1-5. Enforcement.**

37
38 (a) Whenever the Zoning Administrator has reason to believe that a violation of any provision of
39 this Chapter or a rule or regulation issued pursuant thereto has occurred, he may give notice of

1 such violation to the person failing to comply with this Chapter and order said person to take
 2 such corrective measures as are necessary within a reasonable time thereafter.

3
 4 Such notice and order shall be in writing and shall be served personally upon the person to
 5 whom directed, or if he be not found, by mailing a copy thereof by certified mail to his usual
 6 place of abode and conspicuously posting a copy at the premises, if any, affected by the notice
 7 and order.

8
 9 If such person fails to comply with the order issued hereunder, the Zoning Administrator may
 10 institute such actions as are necessary to terminate the violation, including obtaining criminal
 11 warrants, and applying to courts of competent jurisdiction for injunctive relief.

12
 13 Failure on the part of such person to take steps to comply with such order within the time
 14 provided for therein shall constitute a separate violation of this Chapter. If such person
 15 complies with such order promptly, no further action to terminate the violation shall be
 16 required, but compliance shall not be deemed to inhibit prosecution of such person for the
 17 violation.

18
 19 (b) If the noise source is a motor vehicle moving on a public right of way, violation of this Chapter
 20 shall be cause for the Zoning Administrator to obtain a criminal warrant forthwith.

21
 22 (c) Except as hereinbefore provided in Subparagraph (a) of this Section, a warrant may be obtained
 23 for the violation of any provision of Article 5 of this Chapter only upon the sworn complaint of
 24 a police officer or two (2) persons who are not members of the same household alleging the
 25 specific violation complained of, that either or both of the complainants requested or made
 26 reasonable attempt to request abatement of the violation and that the violation continued after
 27 such request. Provided, however, that if there be no more than one household within one half
 28 mile of the noise source, a warrant may be issued upon the sworn complaint of one person
 29 making the foregoing allegations.

30
 31 (d) Section 108-5-2(b) shall also be enforced by the Director of the Department of Animal Control,
 32 or his duly authorized agent.
 33 (~~7-17-68, § 17-5; 24-75-16A; 1961 Code, § 16A.1.5; 3-75-108.~~)

34
 35
 36 **ARTICLE 2. Definitions.**

37
 38 **Section 108-2-1. Definitions.**

39
 40 (a) The following words and phrases, when used in this Chapter, shall for the purposes of this
 41 Chapter, have the meanings respectively ascribed to them in this Section, except in those
 42 situations where the context clearly indicates a different meaning:

43
 44 (1) *A-weighted sound pressure level* shall mean the sound pressure level as measured on a
 45 sound level meter using the A-weighted network. The level so read shall be postscripted
 46 dB(A) or dBA.

- 1
2 (2) *Decibel* shall mean a unit which describes the sound pressure level or intensity of sound.
3 The sound pressure level in decibels is twenty (20) times the logarithm to the base ten (10)
4 of the ratio of the pressure of the sound in microbars to a reference pressure of 0.0002
5 microbar, abbreviated dB.
6
7 (3) *Device* shall mean any mechanism which is intended to, or which actually produces noise
8 when operated or handled.
9
10 (4) *Disposal* shall mean the discharge, deposit, injection, dumping, spilling, leaking or placing
11 of any solid waste into or on any land.
12
13 (5) *Emergency work* shall mean work made necessary to restore property to a safe condition
14 following a public calamity, or work required to protect persons or property from
15 immediate exposure to danger, including work performed by public service companies
16 when emergency inspection, repair of facilities, or restoration of services is required for the
17 immediate health, safety, or welfare of the community.
18
19 (6) *Equivalent sound level (Leq)* shall mean the constant sound level that, in a given situation
20 and time period, conveys the same sound energy as the actual time-varying A-weighted
21 sound pressure level.
22
23 (7) *Landfill* shall mean a site used for the disposal of solid waste.
24
25 (8) *Motor vehicle* shall mean any vehicle which is self-propelled or designed for self-
26 propulsion including but not limited to, passenger cars, trucks, truck trailers, semitrailers,
27 campers, motor boats and racing vehicles; and any motorcycle (including but not limited to
28 motor scooters and mini-bikes) as defined in Paragraph 14 of § 46.1-1. Va. Code Ann.
29
30 (9) *Noise* shall mean any sound which may cause or tend to cause an adverse psychological or
31 physiological effect on human beings.
32
33 (10) *Noise disturbance* shall mean any unnecessary sound which annoys, disturbs, or perturbs
34 reasonable persons with normal sensitivities; or any unnecessary sound which reasonably
35 may be perceived to injure or endanger the comfort, repose, health, peace or safety of any
36 person.
37
38 (11) *Octave band analyzer* shall mean an instrument to measure the octave band composition of
39 a sound by means of a bandpass filter. It shall meet the specifications of the American
40 National Standards Institute publications S1.4-1961, S1.6-1967, and S1.11-1966, or their
41 successor publications.
42
43 (12) *Person* shall mean any individual, corporation, cooperative, partnership, firm, association,
44 trust, estate, private institution, group, agency, or any legal successor, representative,
45 agent, or agency thereof.
46

1 (13) ~~Powered model vehicles shall mean any mechanically powered vehicle, either airborne,~~
2 ~~waterborne or landborne, which is not designed to carry persons or property including, but~~
3 ~~not limited to, model airplanes, boats, cars and rockets.~~

4
5 (14) ~~Public right of way shall mean any street, avenue, boulevard, highway, alley or public~~
6 ~~space which is owned or controlled by a public governmental entity.~~

7
8 (15) ~~Solid waste shall mean any garbage, trash, refuse, debris, construction rubble and other~~
9 ~~discarded material.~~

10
11 (16) ~~Sound shall mean a temporal and spatial oscillation in pressure, or other physical quantity,~~
12 ~~in a medium with internal forces that causes compression and rare fraction of that medium,~~
13 ~~and which propagates at finite speed to distant points.~~

14
15 (17) ~~Sound level meter shall mean an instrument to measure sound pressure levels which shall~~
16 ~~meet or exceed performance standards for a "Type Two" meter as specified by the~~
17 ~~American National Standards Institute.~~

18
19 (18) ~~Sound pressure shall mean the instantaneous difference between the actual pressure and~~
20 ~~the average or barometric pressure at a given point in space.~~

21
22 (19) ~~Stationary noise source shall mean any equipment or facility, fixed or movable, capable of~~
23 ~~emitting sound beyond the property boundary of the property on which it is used.~~

24
25 (20) ~~Zoning Administrator shall mean the Fairfax County Zoning Administrator or his duly~~
26 ~~authorized agent.~~

27
28 (21) ~~Zoning district classification: Refers to the scheme of land use classification contained in~~
29 ~~the Fairfax County Zoning Ordinance.~~

30 ~~(7-17-68, § 17-5.2; 24-75-16~~

31
32
33 ~~ARTICLE 3. Administration, Authority and Duties.~~

34
35 ~~Section 108-3-1. Administration of the Ordinance.~~

36
37 ~~The provisions of this Chapter shall be administered and enforced by the Zoning Administrator~~
38 ~~or his duly authorized agent.~~

39 ~~(24-75-16A; 1961 Code, § 16A.3.1; 3-79-108.)~~

40
41 ~~Section 108-3-2. Authority and duties of the Zoning Administrator.~~

42
43 ~~In addition to any other authority vested in him by law, Zoning Administrator:~~

44
45 ~~(a) May conduct, or cause to be conducted, studies, research and monitoring related to noise~~
46 ~~and its prevention, abatement and control.~~

- 1
2 (b) ~~May conduct programs of public education regarding the causes and effects of noise and~~
3 ~~the means for its abatement, and encourage the participation of public interest groups in~~
4 ~~related public information efforts.~~
5
6 (c) ~~May coordinate the noise control activities of all agencies and departments of the Fairfax~~
7 ~~County government and advise, consult, cooperate and coordinate noise control activities~~
8 ~~with other local governmental units, state agencies, interstate and interlocal agencies, the~~
9 ~~Federal government, and with interested persons and groups with respect to the provisions~~
10 ~~of this Chapter.~~
11
12 (d) ~~Shall issue such orders, rules and regulations and measurement procedures and~~
13 ~~methodologies as may be necessary to effectuate the provisions of this Chapter and enforce~~
14 ~~the same by all appropriate administrative and judicial proceedings.~~
15
16 (e) ~~May make recommendations to the Board of Supervisors for changes to this Chapter to~~
17 ~~make it consistent with all preemptive State and Federal legislation.~~
18
19 (f) ~~May enter and inspect any property, premises or place at any reasonable time for the~~
20 ~~purpose of ascertaining compliance with any provision of this Chapter when granted~~
21 ~~permission by the owner, or some person with reasonably apparent authority to act for the~~
22 ~~owner. When permission is refused or cannot be obtained, a proper search warrant may be~~
23 ~~obtained from a Court of competent jurisdiction upon showing of probable cause to believe~~
24 ~~that a violation of this Chapter may exist.~~
25
26 (g) ~~May administer grants or other funds or gifts from public and private agencies, including~~
27 ~~the State and Federal governments, for the purpose of carrying out any of the provisions of~~
28 ~~this Chapter.~~
29
30 (h) ~~May secure necessary scientific, technical, administrative and operational services,~~
31 ~~including laboratory facilities, by contract or otherwise.~~
32
33 (i) ~~May obtain warrants for violations of any of the provisions of this Chapter and apply to~~
34 ~~any court of competent jurisdiction for such injunctive relief as shall be necessary to~~
35 ~~terminate continuing violations of this Chapter.~~
36
37 (j) ~~Shall make an annual report to the Board of Supervisors on the status and effectiveness of~~
38 ~~the Noise Ordinance, including the reasonableness of the noise standards prescribed~~
39 ~~therein, and shall make recommendations for improvement of this Ordinance.~~
40
41 (k) ~~May perform such other acts as may be necessary to carry out the functions of this Chapter~~
42 ~~and such other acts as may be specifically enumerated herein. (24-75-16A; 1961 Code, §~~
43 ~~16A.3.2; 3-79-108.)~~

1
2
3 **ARTICLE 4. Noises Prohibited.**
4

5 **Section 108-4-1. Specific prohibitions.**
6

7 The following acts are violations of this Chapter:
8

- 9 (a) ~~Using or operating a loudspeaker or other sound amplification device in a fixed or movable~~
10 ~~position exterior to any building, or mounted upon any motor vehicle for the purpose of~~
11 ~~commercial advertising, giving instructions, information, directions, talks, addresses,~~
12 ~~lectures, or providing entertainment to any persons or assemblage of persons on any~~
13 ~~private or public property, between the hours of 11 p.m. and 7 a.m. the following day.~~
14
15 (b) ~~Operating or causing to be operated any equipment used in construction, repair, alteration,~~
16 ~~or demolition work on buildings, structures, streets, alleys, or appurtenances thereto in the~~
17 ~~outdoors between the hours of 9 p.m. and 7 a.m. the following day, except that no such~~
18 ~~activity shall commence prior to 9 a.m. on Sundays and Federal holidays.~~
19
20 (c) ~~Repairing, rebuilding, or modifying any motor vehicle or other mechanical device in the~~
21 ~~outdoors between the hours of 9 p.m. and 7 a.m. the following day.~~
22
23 (d) ~~Operating or permitting the operation of powered model vehicles in the outdoors between~~
24 ~~the hours of 9 p.m. and 7 a.m. the following day.~~
25
26 (e) ~~The collection of trash or refuse in residential use districts between the hours of 9 p.m. and~~
27 ~~6 a.m. the following day.~~
28
29 (f) ~~Loading or unloading trucks in the outdoors within one hundred (100) yards of a residence~~
30 ~~between the hours of 9 p.m. and 6 a.m. the following day. (7-17-68, § 17.9; 24-75-16A;~~
31 ~~1961 Code, § 16A.4.1; 34-76-108; 24-98-108.)~~

32 **Section 108-4-2. Places of public entertainment or assembly.**
33

34 It shall be unlawful after the Zoning Administrator has given appropriate notice requesting
35 abatement, for any person to operate, or permit to be operated, any loudspeaker or other device for
36 the production of sound in any place of public entertainment or other place of public assembly which
37 produces sound pressure levels of 90 dB(A) or greater at any point that is normally occupied by a
38 person, as read with the slow response on a sound level meter, unless a conspicuous and legible sign
39 is located outside such place, near the entrance, stating "WARNING! PROLONGED EXPOSURE
40 TO SOUND ENVIRONMENT WITHIN MAY CAUSE HEARING IMPAIRMENT." (24-75-16A;
41 1961 Code, § 16A.4.2; 3-79-108.)
42

43 **Section 108-4-3. Quiet zone.**
44

- 45 (a) It shall be unlawful for any person to create any noise in excess of that prescribed within
46 any area designated as a "quiet zone" in conformance with the provisions of Sup paragraph

(b) of this Section; provided conspicuous signs are displayed in adjacent or continuous streets indicating that said area is a quiet zone.

(b) Whenever the protection of the public health, safety and welfare so require, after a duly advertised public hearing, the Board of Supervisors may designate any geographical area of Fairfax County as a “quiet zone.” Such designation shall include a description of the subject area, the reasons for its designation as a quiet zone, and shall prescribe the level of noise which shall be permitted in such quiet zone. (24-75-16A; 1961 Code, § 16A.4.3.)

Section 108-4.4. Maximum permissible sound pressure levels.

(a) It shall be unlawful for any person to operate, or permit to be operated, any stationary noise source in such a manner as to create a sound pressure level which exceeds the limits set forth in the table following titled “Maximum Sound Pressure Levels” when measured at the property boundary of the noise source or at any point within any other property affected by the noise. When a noise source can be identified and its noise measured in more than one zoning district classification, the limits of the most restrictive classification shall apply.

(b) Notwithstanding the provisions of the foregoing Subsection, sound created by the operation of power equipment, such as power lawn mowers and chain saws, between the hours of 7 a.m. and 9 p.m. the same day shall be permitted so long as they do not constitute a noise disturbance. (7-17-68, § 17-4-3; 24-75-16A; 1961 Code, § 16A.4.4.; 34-76-108.)

MAXIMUM SOUND PRESSURE LEVELS			
ZONING-DISTRICT CLASSIFICATION	MAXIMUM dBA	OCTAVE BAND LIMIT	CENTER FREQUENCY HERTZ (HZ)
			dB
		31.5	70
		63	69
		125	64
		250	59
RESIDENTIAL	55	500	53
		1,000	47
		2,000	42
		4,000	38
		8,000	35
		31.5	75
		63	74

		125	69
		250	64
COMMERCIAL	60	500	58
		1,000	52
		2,000	47
		4,000	43
		8,000	40
		31.5	85
		63	84
		125	79
		250	74
INDUSTRIAL	72	500	68
		1,000	62
		2,000	57
		4,000	53
		8,000	50

Section 108-4-5. Permissible motor vehicle sound pressure levels.

(a) The maximum sound pressure level emitted by motor vehicles not equipped with a muffler conforming to the requirements of §§ 46.1-301 and 46.1-302, Va. Code Ann., operated on a public right of way as measured at a point fifty (50) feet from the motor vehicle shall be as provided in the table below titled "Motor Vehicle Noise Limits."

MOTOR VEHICLE NOISE LIMITS

Vehicle Class	Sound Pressure Level, dB(A) Speed limit 35 mph or less	Speed limit above 35 mph
Any motor vehicle with a manufacturers gross vehicle rating of 10,000 pounds or more, and any combination of vehicles towed by such motor vehicle	86	90
Any motorcycle	82	86
Any other motor vehicle and any combination of vehicles towed by such motor vehicle	76	82

(24-75-16A; 1961 Code, § 16A.4.5.)

1
2 ~~Section 108-4-6. Civil transport category airplane operations; noise limitations.~~

3
4 (a) ~~No person may operate, to or from an airport wholly or partially located within Fairfax County,~~
5 ~~Virginia, any civil transport category airplane unless:~~

6
7 (1) ~~That airplane complies with the noise level requirements of the Federal Aviation~~
8 ~~Administration (14 CFR, Part 36) for subsonic transport category airplanes; or~~

9
10 (2) ~~That airplane had flight time before December 31, 1974.~~

11
12 (b) ~~This amendment shall remain in full force and effect only until such time as its provisions are~~
13 ~~superseded by FAA standards (established under § 711 of the FAA Act) which can be enforced~~
14 ~~by any citizen of Fairfax County.~~

15
16 (c) ~~Notwithstanding any other provision of this ordinance, the Zoning Administrator shall enforce~~
17 ~~the noise limitations for civil transport category airplane operations only in the following~~
18 ~~manner. He shall serve a notice of violation on any person who violates these provisions,~~
19 ~~providing a reasonable time for abatement or discontinuance of the violation. Should the person~~
20 ~~in violation of these provisions fail to take such corrective steps, the Zoning Administrator shall~~
21 ~~request the County Attorney to seek injunctive relief.~~

22 ~~(3-76-108; 21-76-208; 3-79-108.)~~

23
24 ~~Section 108-4-7. Landfills; maximum sound pressure levels.~~

25
26 It shall be unlawful for any person to operate, or permit to be operated, any motor vehicle,
27 stationary noise source or device, or any combination thereof, at a landfill in such a manner as to
28 create noise which:

29
30 (a) ~~When measured at any point within any other property affected by the noise, exceeds the~~
31 ~~following equivalent sound levels (Leq):~~

32
33 (1) ~~Property used for residential—Leq of 55 dB(A).~~

34 (2) ~~Property used for commercial—Leq of 60 dB(A).~~

35 (3) ~~Property used for industrial—Leq of 72 dB(A).~~

36 or

37
38 (b) ~~When measured at the property boundary of the landfill or at any point within any other~~
39 ~~property affected by the noise exceeds an A-weighted sound pressure level of seventy-five~~
40 ~~(75) dB(A).~~

41
42 For the purpose of this Section, a minimum test period of one (1) hour shall be used for the Leq,
43 and the survey shall be conducted in accordance with the standards and procedures specified in
44 ~~Procedural Memorandum 103.~~^{2-H}

45 ~~(37-81-108.)~~

1
2 ~~Section 108-4-8. Measurement procedures.~~

3
4 (a) ~~Field measurement procedures for the enforcement of the sound pressure levels set forth in this~~
5 ~~Chapter shall be promulgated by the Zoning Administrator.~~

6
7 (b) ~~Noise shall be measured with a sound level meter and octave band analyzer.~~
8 ~~(24-75-16A; 1961 Code, § 16A.4.6; 3-76-108; 3-79-108; 37-81-108.)~~

9
10
11 ~~ARTICLE 5. Reserved.~~

12
13
14 ~~ARTICLE 6. Variances and Exemptions Permitted.~~

15
16 ~~Section 108-6-1. Emergencies.~~

17
18 ~~An exemption from the provisions of this Chapter is granted for noise caused in the performance~~
19 ~~of emergency work. Nothing in this Section shall be construed to permit law enforcement,~~
20 ~~ambulance, fire or other emergency personnel to make excessive noise in the performance of their~~
21 ~~duties when such noise is clearly unnecessary.~~

22 ~~(24-75-16A; 1961 Code, § 16A.6.1.)~~

23
24 ~~Section 108-6-2. Undue hardship.~~

25
26 (a) ~~Any person responsible for any noise source may apply to the Zoning Administrator for a~~
27 ~~variance or partial variance from the provisions of this Chapter. The Zoning Administrator may~~
28 ~~grant such variance or partial variance if he finds that:~~

29 ~~(1) The noise does not endanger the public health, safety or welfare; or~~

30 ~~(2) Compliance with the provisions of this Chapter from which variance is sought would~~
31 ~~produce serious hardship without producing equal or greater benefit to the public.~~

32
33 (b) ~~In determining whether to grant such variance, the Zoning Administrator shall consider the time~~
34 ~~of day when noise will occur, duration of the noise, its loudness relative to the required limits of~~
35 ~~this Chapter, whether the noise is intermittent or continuous, its extensiveness, the technical and~~
36 ~~economic feasibility of bringing the noise into conformance with this Chapter and such other~~
37 ~~matters as are reasonably related to the impact of the noise on the health, safety and welfare of~~
38 ~~the community and the degree of hardship which may result from the enforcement of the~~
39 ~~provisions of this Chapter.~~

40
41 (c) ~~No variance or partial variance issued pursuant to this Section shall be granted for a period to~~
42 ~~exceed one (1) year, but any such variance or partial variance may be renewed for like periods if~~
43 ~~the Zoning Administrator shall find that such renewal is justified after again applying the~~
44 ~~standards set forth in this Section. No renewal shall be granted except upon application therefor.~~

1 (d) Any person aggrieved by a decision of the Zoning Administrator made pursuant to Article 6 of
2 this Chapter may obtain review of such decision by the County Executive by delivering a
3 written statement of grievance to the Office of the County Executive within thirty (30) days
4 from the date of the decision.

5
6 The County Executive shall review all statements of grievances and shall, within sixty (60) days
7 from the date of the Zoning Administrator's decision, either affirm or set it aside, making such
8 further order as shall be necessary to effectuate the provisions of this Section.

9 (~~24-75-16A; 1961 Code, § 16A.6.2; 3-79-108.~~)

10

11

ATTACHMENT D

PROPOSED COUNTY CODE AMENDMENT

Amend Chapter 5, Offenses, Article 6, An Ordinance to Regulate Certain Excessive Sound Generation in Residential Areas and Dwellings, by repealing it in its entirety.

~~5-6-1. Declaration of findings and policy.~~

~~The Board hereby finds and declares that certain audible and discernible sounds are a serious hazard to the public health, welfare, peace and safety and the quality of life of the citizens of Fairfax County; that the people have a right to and should be ensured an environment free from such sound that may jeopardize the public health, welfare, peace and safety or degrade the quality of life; and that it is the policy of the Board to prevent such sound to the extent such action is not inconsistent with a citizen's First Amendment rights.~~

~~5-6-2. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Audible* means the sound can be heard by the human ear with or without a medically approved hearing aid or device.~~

~~*Discernible* means that the sound is sufficiently distinct such that its source can be clearly identified.~~

~~*Emergency* means any occurrence or set of circumstances involving actual or imminent physical injury or illness or property damage that requires immediate action.~~

~~*Emergency work* means any work performed for the purpose of preventing or alleviating the physical injury or illness or property damage threatened or caused by an emergency, including work performed by public service companies when emergency inspection, repair of facilities, or restoration of services is required for the immediate health, safety, or welfare of the community.~~

~~*Instrument, machine or device* means and refers to any musical instrument, radio, phonograph, compact disc player, cassette tape player, amplifier or any other machine or device for producing, reproducing or the amplification of sound.~~

~~*Residential area* means the parcel on which a residential dwelling is located and any contiguous rights of way, roads, streets, lanes, sidewalks, or other such means of egress and ingress to any such parcel.~~

~~*Residential dwelling* means any building or other structure, including multifamily and mixed-use structures, in which one or more persons lives on a permanent or temporary basis, including, but not limited to, houses, apartments, condominiums, hotels, and motels.~~

1
2 ~~Sound means an oscillation in pressure, particle displacement, particle velocity or other physical~~
3 ~~parameter, in a medium with internal forces that causes compression and rarefaction of that~~
4 ~~medium. The description of sound may include any characteristic of such sound, including duration,~~
5 ~~intensity and frequency.~~

6
7 ~~Sound generation or to generate sound means any conduct, activity or operation, whether human,~~
8 ~~mechanical, electronic or other, including but not limited to, any animal or bird, and any~~
9 ~~instrument, machine or device, whether continuous, intermittent or sporadic, and whether stationary~~
10 ~~or ambulatory in nature, which produces or results in a sound that is audible and discernible to the~~
11 ~~human ear.~~

12
13 ~~5-6-3. Administration and enforcement.~~

- 14
15 (a) ~~The police department may issue a summons for enforcement of the noise control~~
16 ~~program established by this article and may be assisted by other County departments~~
17 ~~as required.~~
18 (b) ~~Nothing in this section shall preclude a private citizen from obtaining a magistrate's~~
19 ~~summons based upon a probable cause determination by the magistrate's office.~~

20
21 ~~5-6-4. Violations.~~

- 22
23 (a) ~~Any person who violates any provision of this article shall be deemed to be guilty of a~~
24 ~~Class 3 misdemeanor for a first offense. Any person who violates a provision of this~~
25 ~~article within one (1) year from the date of a prior conviction under this ordinance~~
26 ~~shall be guilty of a Class 2 misdemeanor.~~
27 (b) ~~The person operating or controlling the sound generation or source shall be guilty of~~
28 ~~any violation caused by that generation or source. If it cannot be determined which~~
29 ~~person is operating or controlling the sound generation or source, any owner, tenant,~~
30 ~~resident or manager physically present on the property where the violation is~~
31 ~~occurring is rebuttably presumed to be operating or controlling the sound generation~~
32 ~~or source.~~
33 (c) ~~In addition to and not in lieu of the penalties prescribed in this section, the Board may~~
34 ~~apply to the circuit court for an injunction against the continuing violation of any of~~
35 ~~the provisions of this ordinance and may seek any other remedy or relief authorized~~
36 ~~by law.~~

37
38 ~~5-6-5. Exceptions.~~

39
40 ~~No provisions of this ordinance shall apply to:~~

- 41
42 (1) ~~The emission of sound for the purpose of alerting persons to the existence of an~~
43 ~~emergency, provided that such alarm signals cease once any such threat is no longer~~
44 ~~imminent;~~
45
46 (2) ~~The emission of sound in the performance of emergency work;~~

- 1
2 (3) ~~Activities for which the regulation of noise has been preempted by federal or state~~
3 ~~law;~~
4
5 (4) ~~Motor vehicles travelling on a public right of way;~~
6
7 (5) ~~Back-up generators operating during power outages resulting from storms and other~~
8 ~~emergencies;~~
9
10 (6) ~~Heat pumps and/or air conditioners located on property containing single family~~
11 ~~detached or attached dwellings that are operating in accordance with the~~
12 ~~manufacturer's specifications;~~
13
14 (7) ~~Operation of public transportation facilities;~~
15
16 (8) ~~Work authorized by a variance or partial variance pursuant to Article 6 of Chapter 108~~
17 ~~of the Code.~~
18

19 ~~5-6-6. Sound generation and residential dwellings.~~

- 20
21 (a) ~~No person in any residential dwelling or residential area, including the common areas~~
22 ~~of multifamily dwellings or mixed use structures, shall permit, operate, or cause any~~
23 ~~source of sound or sound generation to create a sound that is audible in any other~~
24 ~~person's residential dwelling with the doors and windows to the other person's~~
25 ~~residential dwelling closed. In addition, the source of sound or sound generation must~~
26 ~~be discernible regardless of whether such doors and windows are closed.~~
27
28 (b) ~~Exemptions. The following activities or sources of sound shall be exempt during the~~
29 ~~hours of 7 a.m. to 9 p.m. from the prohibition set forth in section (a) of this section:~~
30
31 (1) ~~Activities related to the construction, repair, maintenance, remodeling or~~
32 ~~demolition, grading or other improvement of real property, except no such~~
33 ~~activities shall commence before 9 a.m. on Saturdays, Sundays, and federal~~
34 ~~holidays.~~
35 (2) ~~Gardening, lawn care, tree maintenance or removal, and other landscaping~~
36 ~~activities.~~
37 (3) ~~Refuse collection and sanitation services, except that refuse collection and~~
38 ~~sanitation services may begin at 6:00 a.m.~~
39 (4) ~~The testing of audible signal devices which are employed as warning or alarm~~
40 ~~signals in case of fire, emergency, theft, or burglary, or imminent danger.~~
41
42 (c) ~~The following activities or sources of sound shall be exempt during the hours of~~
43 ~~7 a.m. to 11 p.m. from the prohibition set forth in section (a) of this section:~~
44
45 (1) ~~Band performances or practices, athletic contests or practices and other such~~
46 ~~activities on school or recreational grounds.~~

1 (2) Bells, carillons, and other calls to worship provided that any such sounds do not
2 occur for a duration of longer than 5 minutes per hour.

3
4 (d) *Prohibitions.*

5
6 (1) Use of a loudspeaker or other sound amplification device that is mounted in a
7 fixed or movable position on the exterior of any structure between the hours of
8 11 p.m. and 7 a.m.

9
10 (2) Repairing or modifying any motor vehicle or other mechanical device in the
11 outdoors between 9 p.m. and 7 a.m.

12
13 (3) Operation of powered model vehicles in the outdoors between 9 p.m. and 7 a.m.

14
15 (4) Collection of trash in residential districts and/or within 100 yards of a residence
16 between 9 p.m. and 6 a.m.

17
18 (5) Operation of power lawn equipment between 9 p.m. and 7 a.m.

19
20 (6) Loading or unloading trucks in the outdoors within 100 yards of a residence
21 between 9 p.m. and 6 a.m.

22
23 (7) Sound generation in an area designated by the Board as a quiet zone.

24
25 ~~5-6-7. Severability.~~

26
27 ~~A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any~~
28 ~~clause, sentence, paragraph, section or part of this article shall not affect the validity of the~~
29 ~~remaining parts thereto.~~

30
31 ~~5-6-8. Effect on Chapter 108.~~

32
33 (a) ~~Article 5 of Chapter 108 of the Fairfax County Code is hereby repealed in its~~
34 ~~entirety. But see Article 6 of Chapter 5 of this Code.~~

35
36 (b) ~~To the extent that anything in this Ordinance in regard to the regulation of certain~~
37 ~~sound generation in residential areas and dwellings, conflicts with any provision of~~
38 ~~Chapter 108 of this Code entitled "Noise," this article supersedes any such provision~~
39 ~~in Chapter 108. In addition, notwithstanding anything in this article, all development~~
40 ~~conditions and proffers of any nature that refer to the Noise Ordinance shall be~~
41 ~~deemed to apply to Chapter 108 and not this article, and all such development~~
42 ~~conditions and proffers are unaffected by this article and shall remain in full force~~
43 ~~and effect. Nor shall anything in this Ordinance be construed to exempt any use~~
44 ~~from any future development conditions or proffers related to noise.~~

Fairfax County Public Schools

Public Address and Amplification System Guidelines

September 11, 2015

The following guidelines shall be followed by Fairfax County Public High Schools when using outdoor stadium (rectangle and diamond) public address (PA) systems.

- PA systems are only to be accessed under FCPS staff supervision. All announcers are to be trained on the use of the system with specific attention paid to maximum allowable volume.
- Maximum allowable volume is to be clearly marked on the PA system directly adjacent to the volume control.
- Stadium PA systems are not to be used to play music prior to or during athletic practice sessions.
- The DSA at each school will monitor the working condition of each PA system to ensure the direction of the speakers and the volume is in line with Fairfax County Noise Ordinance standards.

Issues regarding the use of PA systems on FCPS High School property can be referred to the High School in question or to the Student Activities and Athletics Program office at 571-423-1260.

Board Agenda Item
November 17, 2015

3:30 p.m.

Public Hearing on Adoption of a Proposed Amendment to the 2011 Official County Soils Map, Chapter 107 (Problem Soils) of the Code of the County of Fairfax, Virginia Related to the Extent of Naturally Occurring Asbestos (NOA)

ISSUE:

Public Hearing on a proposed amendment to the 2011 Official County Soils Map related to the extent of Naturally Occurring Asbestos (NOA). The amendment is a minor expansion of these NOA areas within Fairfax County that is mapped as potentially having NOA.

PLANNING COMMISSION RECOMMENDATION:

On Thursday October 15, 2015, the Planning Commission unanimously voted to recommend that the Board adopt the proposed Amendment to the 2011 Official County Soils Map, Chapter 107, Problem Soils, of the Code of the County of Fairfax, Virginia, related to the extent of Naturally-Occurring Asbestos (NOA), as set forth in the Staff Report, dated August 14, 2015.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the proposed amendment to the 2011 Official County Soils Map as recommended by the Planning Commission and that the amendments become effective at 12:01 a.m. on November 18, 2015.

TIMING:

Board action is requested on November 17, 2015. On September 22, 2015, the Board authorized the advertising of the public hearing. If approved, the amendment will become effective at 12:01 a.m. on November 18, 2015.

BACKGROUND:

Chapter 107 (Problem Soils) of the Code of the County of Fairfax Virginia prohibits any grading and the construction of any building or structure on land containing problem soils until adequate safeguards have been taken. Problem soils include soils and bedrock that may contain NOA. In defining problem soils, Article 2 of the ordinance references an "official map" of problem soils adopted by the Board. The 2011 Official

Board Agenda Item
November 17, 2015

County Soils Map adopted by the Board includes an overlay depicting areas of potential NOA.

The proposed amendment updates the County Soils Map to more accurately display the extent of potential areas of NOA. Naturally Occurring Asbestos (NOA) can be found within an approximately 10.5-square-mile vein of bedrock known as the Piney Branch Complex, locally known as greenstone. Since certain soil types are associated with this bedrock, the soils map makes it possible to predict the potential locations of NOA. Initial soil maps showing areas of potential NOA were created by the Fairfax County Soil Science Office and updated continuously until the office closed in 1996. About 40,000 acres of the county remained unmapped at that time, including areas immediately adjacent to identified areas of potential NOA. From 2003 to 2008, the United States Department of Agriculture-Natural Resources Conservation Service and the Northern Virginia Soil and Water Conservation District (NVSWCD) completed the soil mapping of Fairfax County. The new mapping was intended for general planning purposes and created at a less detailed scale than previous survey work. While the area of potential NOA was expanded into previously unmapped areas, recent reviews by NVSWCD have shown that additional expansion is needed. Intensive soil survey work by NVSWCD, starting in the winter of 2014, has shown that additional small areas of map pages 37-2, 38-3, 46-4, 47-2, 47-3, 47-4 and 48-1 have the potential to contain NOA. This will increase the total area of potential NOA in Fairfax County from 10.53 to 10.67 square miles.

Living in existing structures within areas of NOA is not considered to be hazardous because the asbestos fibers are within the bedrock and potentially in the very deep subsoil just above the bedrock, but are not thought to be found in the clayey surface soils. Any excavations in bedrock or earth moving activities within areas of NOA may expose the NOA minerals to the atmosphere allowing the fibers to become airborne so they can be inhaled. Construction activity in or near areas of NOA requires special precautions for dust control and worker protection measures to mitigate the potential health risk of breathing in the mineral. In addition, excavated rock materials from the Piney Branch Complex formation may not be used to make aggregate. NVSWCD, DPWES, and the Fairfax County Health Department have jointly created a guidance document that describes safe construction practices in areas of NOA. The document is available on NVSWCD's website.

PROPOSED AMENDMENT:

The proposed amendment revises the 2011 Official County Soils Map to more accurately delineate the extent of NOA in Fairfax County. The changes would slightly increase the extent of NOA depicted on the 2011 Official County Soils Map from the current 10.53 square miles to 10.67 square miles. The proposed changes to the 2011

Board Agenda Item
November 17, 2015

Official County Soils Map appear on map pages 37-2, 38-3, 46-4, 47-2, 47-3, 47-4 and 48-1. No changes to the Problem Soils Ordinance are proposed.

REGULATORY IMPACT:

Minimal. Construction in areas of NOA is not regulated by Fairfax County except for the requirement in the Problem Soils Ordinance to comply with applicable State and Federal regulations.

FISCAL IMPACT:

The proposed amendment has no anticipated fiscal impact to the County.

ENCLOSED DOCUMENT:

Attachment 1 – Staff Report (Staff Report and maps are also located at:
<http://www.fairfaxcounty.gov/dpwes/publications/pfm/amendments.htm>.)

Attachment 2 – Planning Commission Verbatim Excerpt

STAFF:

Robert A. Stalzer, Deputy County Executive

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

William D. Hicks, Director, Land Development Services (LDS), DPWES

Paul Shirey, Director, Code Development and Compliance Division, LDS, DPWES

Laura T. Grape, District Administrator/Executive Director, Northern Virginia Soil & Water Conservation District

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 2011 Official County Soils Map, Chapter 107 (Problem Soils) of the Code of the County of Fairfax, Virginia Related to the Extent of Naturally Occurring Asbestos (NOA)

Authorization to Advertise
Planning Commission Hearing
Board of Supervisors Hearing
Prepared by:

September 22, 2015
October 15, 2015
November 17, 2015
Thakur Dhakal, P.E.
SCRD, LDS, DPWES
(703) 324-2992
August 14, 2015

STAFF REPORT

A. Issue:

The adoption of a proposed amendment to the County Soils Map, Chapter 107 (Problem Soils) of *the Code of the County of Fairfax, Virginia*. Specifically, the proposed amendment revises the overlay depicting the extent of soils that may contain naturally occurring asbestos (NOA) on map pages 37-2, 38-3, 46-4, 47-2, 47-3, 47-4 and 48-1. The amendment is a minor expansion of the area within Fairfax County that is mapped as potentially having NOA.

B. Recommended Action:

Staff recommends that the Board of Supervisors (the Board) adopt the proposed amendment to the County Soils Map.

C. Timing:

Board of Supervisors authorization to advertise – September 22, 2015

Planning Commission Public Hearing – October 15, 2015

Board of Supervisors Public Hearing – November 17, 2015

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

D. Source:

Department of Public Works and Environmental Services (DPWES)

E. Coordination:

The proposed amendment has been prepared by the Department of Public Works and Environmental Services and coordinated with the Office of the County Attorney and the Northern Virginia Soil and Water Conservation District.

F. BACKGROUND:

Chapter 107 (Problem Soils) of the *Code of the County of Fairfax Virginia* prohibits any grading and the construction of any building or structure on land containing problem soils until adequate safeguards have been taken. Problem soils include soils and bedrock that may contain NOA. In defining problem soils, Article 2 of the ordinance references an “official map” of problem soils adopted by the Board. The 2011 Official County Soils Map adopted by the Board includes an overlay depicting areas of potential NOA.

Attachment 1

The proposed amendment updates the 2011 Official County Soils Map to more accurately display the extent of potential areas of NOA. Naturally Occurring Asbestos (NOA) can be found within an approximately 10.5-square-mile vein of bedrock known as the Piney Branch Complex, locally known as greenstone. Since certain soil types are associated with this bedrock, the soils map makes it possible to predict the potential locations of NOA. Initial soil maps showing areas of potential NOA were created by the Fairfax County Soil Science Office and updated continuously until the office closed in 1996. About 40,000 acres of the county remained unmapped at that time, including areas immediately adjacent to identified areas of potential NOA. From 2003 to 2008, the United States Department of Agriculture-Natural Resources Conservation Service and the Northern Virginia Soil and Water Conservation District (NVSWCD) completed the soil mapping of Fairfax County. The new mapping was intended for general planning purposes and created at a less detailed scale than previous survey work. While the area of potential NOA was expanded into previously unmapped areas, recent reviews by NVSWCD have shown that additional expansion is needed. Intensive soil survey work by NVSWCD, starting in the winter of 2014, has shown that additional small areas of map pages 37-2, 38-3, 46-4, 47-2, 47-3, 47-4 and 48-1 have the potential to contain NOA. This will increase the total area of potential NOA in Fairfax County from 10.53 to 10.67 square miles.

Living in existing structures within areas of NOA is not considered to be hazardous because the asbestos fibers are within the bedrock and potentially in the very deep subsoil just above the bedrock, but are not thought to be found in the clayey surface soils. Any excavations in bedrock or earth moving activities within areas of NOA may expose the NOA minerals to the atmosphere allowing the fibers to become airborne so they can be inhaled. Construction activity in or near areas of NOA requires special precautions for dust control and worker protection measures to mitigate the potential health risk of breathing in the mineral. In addition, excavated rock materials from the Piney Branch Complex formation may not be used to make aggregate. NVSWCD, DPWES, and the Fairfax County Health Department have jointly created a guidance document that describes safe construction practices in areas of NOA. The document is available on NVSWCD's website.

Asbestos exposure in the environment is regulated by the Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration (OSHA). Construction in areas of NOA is not prohibited by EPA or OSHA and is not regulated by Fairfax County. However, the Problem Soils Ordinance requires compliance with both State and Federal regulations. NVSWCD, DPWES, and the Fairfax County Health Department have jointly created a guidance document that describes safe construction practices in areas of NOA. The document is available on NVSWCD's website.

G. Proposed Amendment:

The proposed amendment revises the 2011 Official County Soils Map to more accurately delineate the extent of NOA in Fairfax County. The changes would slightly increase the extent of NOA depicted on the County Soils Map from the current 10.53 square miles to 10.67 square miles. The proposed changes to the 2011 Official County Soils Map appear on map pages 37-2, 38-3, 46-4, 47-2, 47-3, 47-4 and 48-1. No changes to the Problem Soils Ordinance are proposed.

H. Regulatory Impact:

Minimal. Construction in areas of NOA is not regulated by Fairfax County except for the requirement in the Problem Soils Ordinance to comply with applicable State and Federal regulations.

I. Fiscal Impact:

The proposed amendment has no anticipated fiscal impact to the County.

J. Attachments:

Attachment A – 2011 Official County Soils Map pages 37-2, 38-3, 46-4, 47-2, 47-3, 47-4 and 48-1.

FAIRFAX COUNTY CODE AMENDMENT (COUNTY SOILS MAP: EXTENT OF
NATURALLY OCCURRING ASBESTOS)

After the Close of the Public Hearing

Vice Chairman de la Fe: The public hearing is closed; Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. This is a - a pretty straightforward amendment. We are making corrections to maps to more accurately depict what we should be showing. I want to thank staff for their help: Mr. Dhakal, Ms. Leavitt, and also let me thank Mr. Schwartz and Ms. Grape for coming out tonight. The amendment has staff's support, with which I concur. Therefore, Mr. Chairman, I I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPT THE PROPOSED AMENDMENT TO THE 2011 OFFICIAL COUNTY SOILS MAP, CHAPTER 107, PROBLEM SOILS, OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, RELATED TO THE EXTENT OF NATURALLY-OCCURRING ASBESTOS (NOA), AS SET FORTH IN THE STAFF REPORT, DATE AUGUST 14, 2015.

Commissioner Sargeant: Second.

Vice Chairman de la Fe: Seconded by Commissioner Sargeant. 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. Thank you very much.

Commissioner Hart: Mr. Chairman?

Vice Chairman de la Fe: Yes.

Commissioner Hart: Secondly, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THIS AMENDMENT SHALL BECOME EFFECTIVE AT 12:01 A.M. ON NOVEMBER 18, 2015.

Commissioner Sargeant: Second.

Vice Chairman de la Fe: Seconded by Commissioner Sargeant. Is there any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

//

(Each motion carried by a vote of 9-0. Commissioners Lawrence, Murphy, Strandlie were absent from the meeting.)

JN

Board Agenda Item
November 17, 2015

3:30 p.m.

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

ISSUE:

The proposed amendment is on the 2015 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.

PLANNING COMMISSION RECOMMENDATION:

On July 8, 2015, the Planning Commission held a public hearing on the proposed Zoning Ordinance amendment and took public comments. Following these comments, the Planning Commission unanimously voted (Commissioners Lawrence, Murphy, and Strandlie were absent from the meeting) to defer decision on the amendment to a date certain of July 22, 2015, with the record remaining open until such time for written comments, and to give staff time to respond to questions raised at the public hearing.

On July 22, 2015, following review of staff's responses and a discussion of public outreach efforts the Planning Commission voted 9-0-1 (Commissioner Murphy abstained from the vote. Commissioners Lawrence and Migliaccio were absent from the meeting) to recommend adoption of the Zoning Ordinance amendment to the Board of Supervisors.

RECOMMENDATION

The County Executive concurs with the Planning Commission recommendation.

TIMING:

Board of Supervisors' authorization to advertise on June 2, 2015; Planning Commission public hearing on July 8, 2015; Planning Commission decision on July 22, 2015; Board of Supervisors' public hearing on October 6, 2015 at 4:00 p.m., which was deferred until November 17, 2015 at 3:30 p.m.

BACKGROUND:

The proposed amendment would create a definition for a donation drop-off box and regulate such structures 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 proper maintenance, the Board requested that staff 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.

Subsequent to the Planning Commission action on the amendment, staff received a request from the Mason District Supervisor to consider additional language that would 1) require a donation drop-box to be emptied as needed or within 48 hours of a request by the property owner or authorized agent; 2) require that donation drop-off box operators obtain written consent from the property owner, lessee or their authorized agent to place a donation drop-box on the property and 3) that such written consent be made available for review upon request by Fairfax County. There was testimony at the Planning Commission public hearing from citizens that many of these boxes are placed on properties without permission. While most commercial property owners effectively manage their properties and grant the appropriate permission, the added language makes it clear to the donation drop-off box operators that written permission must be obtained. Staff has prepared revised text for the Board's consideration which is set forth in Attachment 1. A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

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November 17, 2015

In addition, during the Planning Commission review of the proposed amendment, it was suggested that staff create an outreach program to explain the new regulations to commercial property owners, civic groups and donation box operators. In addition to preparing a press release upon adoption of the amendment, staff will be establishing a web page that will include a summary of the adopted regulations, and provide information on how to report violations. In addition, staff will be working with the Department of Code Compliance to prepare an informational letter to send to property owners and donation box operators, if they can be identified, upon receipt of a complaint advising the parties of the new regulations and requesting voluntary compliance. Finally, staff also proposes to reach out to local business groups such as the Chamber of Commerce, to explain the new regulations and responsibility for compliance.

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 – Proposed Amendment
Attachment 2 – Staff Report
Attachment 3 – Planning Commission Report

STAFF:

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

PROPOSED AMENDMENT

DONATION DROP-OFF BOXES – SEPTEMBER 14, 2015

Changes proposed to the recommended amendment text from that recommended by the Planning Commission are shown below with underlining.

1 Amend Article 10, Accessory Uses, Accessory Service Uses and Home Occupations, Part 1,
2 Accessory Uses and Structures, Sect. 10-102, Permitted Accessory Uses, by adding new Par.
3 34 to read as follows:
4

5 34. Donation drop-off boxes, but subject to the following:
6

7 A. Donation drop-off boxes shall be permitted:
8

- 9 (1) In the C-5 through C-9 districts on a lot containing not less than 40,000 square
10 feet;
11
12 (2) In the commercial area of a P district, when ancillary to the principal use and
13 only when shown on an approved development plan;
14
15 (3) In the R district where the principal use of the development is not residential;
16 or
17
18 (4) When the donation drop-off box is specifically identified on an approved
19 development plan that is approved in conjunction with (i) an approval by the
20 BZA of a special permit for another use or (ii) an approval by the Board of a
21 proffered rezoning or a special exception for another use.
22

23 The owner or operator of the donation drop-off box shall obtain written
24 permission from the property owner, lessee, or their authorized agent to place the
25 donation drop-off box on the property. When requested by Fairfax County, the
26 property owner, lessee, donation drop-off box operator or owner, or their
27 authorized agent shall make such written consent available for review.
28

- 29 B. A maximum of two (2) donation drop-off boxes shall be permitted on any one (1)
30 lot and shall be located within a contiguous area of not more than 120 square feet,
31 with no individual drop-off box exceeding the dimensions of seven (7) feet in
32 height, six (6) feet in width or six (6) feet in length.
33
34 C. Donation drop-off boxes shall be permitted in any yard except the minimum
35 required front yard and shall be screened from view from the first-story window
36 of any neighboring dwelling.
37
38 D. Donation drop-off boxes shall not be located in any required open space,
39 transitional screening yard, landscaped area, on any private street, sidewalk or
40 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 which shall be emptied as needed or within 48 hours of a request by the property owner or authorized agent. 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~~ their authorized 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.



FAIRFAX
COUNTY

ATTACHMENT 2

STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

Donation Drop-Off Boxes

PUBLIC HEARING DATES

Planning Commission

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

Board of Supervisors

November 17, 2015 at 3:30 p.m.

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

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 2015 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.

<i>Location</i>	<i>Regulation?</i>	<i>Method</i>	<i>Permit Required?</i>	<i>Enforcement</i>
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.

Planning Commission Meeting
July 22, 2015
Verbatim Excerpt

ZONING ORDINANCE AMENDMENT – DONATION DROP BOXES

During Commission Matters

Commissioner Hedetniemi: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE PROPOSED ZONING ORDINANCE AMENDMENT FOR DONATION DROP OFF BOXES AS SET FORTH IN THE STAFF REPORT DATED JUNE 2ND, 2015.

Commissioner Litzenberger: Second.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Mr. Flanagan. Is there a discussion of the motion? All those in favor to recommend to the Board of Supervisors that it adopt the Zoning Ordinance Amendment regarding drop off boxes, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. The chair abstains, I was not present for the public hearing and I did not have the opportunity to review the film or anything else.

//

(The motion carried by a vote of 9-0-1. Chairman Murphy abstained from the vote. Commissioners Lawrence and Migliaccio were absent from the meeting.)

TMW

Board Agenda Item
November 17, 2015

3:30 p.m.

Public Hearing on a Proposed Amendment to Chapter 41.1 of the Fairfax County Code Regarding Cruelty to Animals, Including Dog Tethering

ISSUE:

Public hearing to consider a proposed amendment to Chapter 41.1 of the Fairfax County Code, Animal Control and Care. The proposed amendment will adopt the cruelty to animals provisions of the Code of Virginia, with additional regulations concerning dog tethering.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendment to Chapter 41.1 of the Fairfax County Code.

TIMING:

On September 22, 2015, the Board authorized an advertisement for a public hearing on the proposed amendment to Chapter 41.1 of the Fairfax County Code. The public hearing was scheduled for October 20, 2015, at 4:30 p.m. On October 20, 2015, the Board of Supervisors deferred this public hearing to November 17, 2015, at 3:30 p.m. If adopted, the provisions of the amendment will become effective immediately.

BACKGROUND:

The proposed amendment will add a new Section 41.1-2-20 to the Fairfax County Code. This new section adopts the cruelty to animals provisions in the Code of Virginia, with additional regulations concerning dog tethering.

Earlier this year, the Board directed Animal Control staff to research the best practices for regulation of dog tethering, in part because several neighboring jurisdictions have recently enacted such regulations. Animal Control staff surveyed jurisdictions across the Commonwealth and determined that the City of Richmond's dog tethering ordinance provides the best model for the County. The Virginia Federation of Humane Societies and the Animal Law Unit of the Virginia Attorney General's Office both endorse the Richmond ordinance as model legislation. The Richmond ordinance limits the tethering of dogs to one cumulative hour in a twenty-four hour period, and this limitation is a sub-part of a broader cruelty to animals ordinance. The penalty for a first offense is a Class 3 misdemeanor, with subsequent offenses punished as Class 2 or Class 1 misdemeanors. The one-hour limitation provides for effective enforcement of the

Board Agenda Item
November 17, 2015

ordinance because it is a feasible amount of time for an animal control officer to remain on-site and fully observe a violation.

This proposed amendment adopts the one cumulative hour tethering limit in a twenty-four hour period and provides for the same penalty structure as in Richmond's ordinance. These provisions are incorporated into a cruelty to animals ordinance based on the current version of the cruelty to animals provisions in the Code of Virginia. Currently, Animal Control Officers charge cruelty to animals as a state law violation. On June 9, 2015, the Public Safety Committee endorsed this proposed amendment.

At the Public Safety Committee meeting, staff also presented a proposed amendment to prohibit the confinement of unattended animals in vehicles in situations where the internal vehicle temperature was above or below certain thresholds. After further consultation with the Animal Law Unit of the Virginia Attorney General's Office, and further internal discussion, staff has determined that it needs to do additional research on best practices in this area before presenting any proposed amendment.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Amendment to Chapter 41.1, Animal Control and Care

STAFF:

David Rohrer, Deputy County Executive
Colonel Edwin C. Roessler, Jr., Chief of Police
Captain John Naylor, Director of Animal Control
John W. Burton, Assistant County Attorney
Barbara Hutcherson, Acting Animal Shelter Director

1 AN ORDINANCE AMENDING
2 CHAPTER 41.1 OF THE FAIRFAX COUNTY CODE, RELATING TO
3 ANIMAL CONTROL AND CARE

4
5 Draft of August 25, 2015

6
7 AN ORDINANCE to amend the Fairfax County Code by adopting a new
8 Section 41.1-2-20, related to cruelty to animals.

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

10 1. That Section 41.1-2-20 of the Fairfax County Code is adopted as follows:

11
12 Section 41.1-2-20, Cruelty to animals, penalties.

13
14 A. Any person who: (i) overrides, overdrives, overloads, tortures, ill-treats, abandons,
15 willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical
16 experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal,
17 whether belonging to himself or another; (ii) deprives any animal of necessary food, drink,
18 shelter or emergency veterinary treatment; (iii) sores any equine for any purpose or
19 administers drugs or medications to alter or mask such sores for the purpose of sale,
20 show, or exhibition of any kind, unless such administration of drugs or medications is within
21 the context of a veterinary client-patient relationship and solely for therapeutic purposes;
22 (iv) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to
23 any animal; (v) carries or causes to be carried by any vehicle, vessel or otherwise any
24 animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary
25 suffering; or (vi) causes any of the above things, or being the owner of such animal permits
26 such acts to be done by another is guilty of a Class 1 misdemeanor.

27
28 In addition to the penalties provided in this subsection, the court may, in its discretion,
29 require any person convicted of a violation of this subsection to attend an anger
30 management or other appropriate treatment program or obtain psychiatric or psychological
31 counseling. The court may impose the costs of such a program or counseling upon the
32 person convicted.

33
34 B. Any person who: (i) tortures, willfully inflicts inhumane injury or pain not connected with
35 bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims,
36 mutilates or kills any animal whether belonging to himself or another; (ii) sores any equine
37 for any purpose or administers drugs or medications to alter or mask such sores for the
38 purpose of sale, show, or exhibit of any kind, unless such administration of drugs or
39 medications is under the supervision of a licensed veterinarian and solely for therapeutic
40 purposes; (iii) maliciously deprives any companion animal of necessary food, drink, shelter
41 or emergency veterinary treatment; (iv) instigates, engages in, or in any way furthers any

1 act of cruelty to any animal set forth in clauses (i) through (iv); or (v) causes any of the
2 actions described in clauses (i) through (iv), or being the owner of such animal permits
3 such acts to be done by another; and has been within five years convicted of a violation of
4 this subsection or subsection A, is guilty of a Class 6 felony if the current violation or any
5 previous violation of this subsection or subsection A resulted in the death of an animal or
6 the euthanasia of an animal based on the recommendation of a licensed veterinarian upon
7 determination that such euthanasia was necessary due to the condition of the animal, and
8 such condition was a direct result of a violation of this subsection or subsection A.

9
10 C. Nothing in this section shall be construed to prohibit the dehorning of cattle conducted in
11 a reasonable and customary manner.

12
13 D. This section shall not prohibit authorized wildlife management activities or hunting,
14 fishing or trapping as regulated under the Code of Virginia, including Title 29.1, or to
15 farming activities as provided under Title 3.2 or regulations adopted thereunder.

16
17 E. It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the
18 hide, fur or pelt of the dog or cat. A violation of this subsection is a Class 1 misdemeanor. A
19 second or subsequent violation of this subsection is a Class 6 felony.

20
21 F. Any person who: (i) tortures, willfully inflicts inhumane injury or pain not connected with
22 bona fide scientific or medical experimentation or cruelty and unnecessarily beats, maims
23 or mutilates any dog or cat that is a companion animal whether belonging to him or
24 another; and (ii) as a direct result causes the death of such dog or cat that is a companion
25 animal, or the euthanasia of such animal on the recommendation of a licensed veterinarian
26 upon determination that such euthanasia was necessary due to the condition of the animal,
27 is guilty of a Class 6 felony. If a dog or cat is attacked on its owner's property by a dog so
28 as to cause injury or death, the owner of the injured dog or cat may use all reasonable and
29 necessary force against the dog at the time of the attack to protect his dog or cat. Such
30 owner may be presumed to have taken necessary and appropriate action to defend his dog
31 or cat and shall therefore be presumed not to have violated this subsection. The provisions
32 of this subsection shall not overrule Section 41.1-2-7 of this Chapter or §§ 3.2-6540, 3.2-
33 6540.1 and 3.2-6552 of the Code of Virginia, as amended.

34
35 G. It shall be unlawful for any person to tether a dog for more than one hour cumulatively
36 within any twenty-four hour period, whether or not the tethered dog has been provided
37 adequate space as defined in the Code of Virginia, § 3.2-6500, as amended. Each
38 violation of this subsection constitutes a separate violation of this subsection. The first
39 violation of this subsection shall be punished as a Class 3 misdemeanor. However, a
40 second violation of this subsection, whether or not involving the same dog, within one year
41 after conviction of the first violation shall be punished as a Class 2 misdemeanor. The third
42 and each subsequent violation of this subsection, whether or not involving the same dog,

1 within one year after conviction of the first violation shall be punished as a Class 1
2 misdemeanor.

3
4 H. Any person convicted of violating this section may be prohibited by the court from
5 possession or ownership of companion animals.

6
7 **2. That the provisions of this ordinance are severable, and if any provision of**
8 **this ordinance or any application thereof is held invalid, that invalidity shall**
9 **not affect the other provisions or applications of this ordinance that can be**
10 **given effect without the invalid provision or application.**

11
12 **3. That the provisions of this ordinance shall be effective upon adoption.**

13
14 GIVEN under my hand this _____ day of October 2015.

15 _____
16 Clerk to the Board of Supervisors

Board Agenda Item
November 17, 2015

4:00 p.m.

Public Hearing on Proposed Plan Amendment S13-CW-T1, Leland Road Extension,
Located West of the Current Terminus at Pickwick Road (Sully District)

ISSUE:

Plan Amendment (PA) S13-CW-T1 considers the removal of the 0.3-mile extension of Leland Road from the Comprehensive Plan and from the Fairfax County Transportation Plan Map. The Leland Road Extension is shown to connect Leland Road from its terminus at Pickwick Road westward to intersect with Old Centreville Road at Lee Highway.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, September 30, 2015, the Planning Commission voted 10-0 (Commissioners Lawrence and Strandlie were absent from the meeting) to recommend to the Board of Supervisors the adoption of Plan Amendment PA 2013-CW-T1, as shown the Staff Report dated September 2, 2015.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation as shown on pages 5-9 of the staff report dated September 2, 2015.

TIMING:

Planning Commission public hearing – September 30, 2015
Board of Supervisors' public hearing – November 17, 2015

BACKGROUND:

On January 29, 2013, the Fairfax County Board of Supervisors (BOS) authorized Plan Amendment (PA) S13-CW-T1 to evaluate removal of the 0.3-mile extension of Leland Road from the Comprehensive Plan and from the Transportation Plan Map. The Leland Road Extension is shown to connect Leland Road from its terminus at Pickwick Road westward to intersect with Old Centreville Road at Lee Highway. The original purpose of the Leland Road Extension was to support development of a "historic village" to complement the Centreville Historic Overlay District (HOD). Since that time, concerns have been raised that the extension may not be compatible with the HOD. Additionally, subsequent expansion of the HOD and approval of updated Comprehensive Plan

Board Agenda Item
November 17, 2015

guidance for this area have emphasized the need to preserve the known and unknown historic and archaeological resources in this area.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Planning Commission Verbatim

The Staff Report for S13-CW-T1 has been previously furnished and is available online at: <http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/s13-cw-t1.pdf>

STAFF:

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

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

Leanna O'Donnell, Branch Chief, Policy and Plan Development, Planning Division, PD, DPZ

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Dan Rathbone, Division Chief, FCDOT

Leonard Wolfenstein, Section Chief, FCDOT

Kris Morley-Nikfar, Planner III, FCDOT

Planning Commission Meeting
September 30, 2015
Verbatim Excerpt

PA S13-CW-T1 – COMPREHENSIVE PLAN AMENDMENT (LELAND ROAD CONNECTOR)

After the close of the Public Hearing

Chairman Murphy: Without objection, the public hearing is closed; recognize Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman, I'll summarize for the staff. This amendment would modify the Fairfax County Comprehensive Plan and the Fairfax County Transportation Plan Map by removing the Leland Road Extension. The Leland Road Extension has been shown on the Comprehensive Plan since 1990. Staff has indicated that the Leland Road Extension was added to the Plan to support the development of an active historic village surrounding the historic resources located within the Centreville Historic Overlay District; however, a subsequent expansion of the Centreville Historic District and update to the Comprehensive Plan have emphasized the need to preserve the known and unknown historic resources in this area. In light of these overarching preservation goals, Fairfax County Department of Transportation staff recommends the removal of the Leland Road Extension from the Fairfax County Comprehensive Plan and from the Fairfax County Transportation Plan Map. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT S13-CW-T1, AS SHOWN ON THE STAFF REPORT DATED SEPTEMBER 2ND, 2015.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to represent to the Board – to – all those in favor of the motion to – to represent to – ask the Board of Supervisors to adopt S13-CW-T1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 10-0. Commissioners Lawrence and Strandlie were absent from the meeting)

TMW

4:00 p.m.

Public Hearing on Proposed Plan Amendment 2015-IV-T1, Newington Road, Located East of Cinder Bed Road and West of Telegraph Road (Mount Vernon District)

ISSUE:

Plan Amendment (PA) 2015-IV-T1 considers the removal of all planning transportation improvements for the section of Newington Road located between Cinder Bed Road and Telegraph Road.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing for PA 2015-IV-T1 was scheduled for November 5, 2015; that meeting was canceled and rescheduled for December 3, 2016. The Planning Commission recommendation will be forwarded under separate cover.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the staff recommendation as shown on page 9 of the staff report dated October 22, 2015.

TIMING:

Planning Commission public hearing – November 5, 2015
Board of Supervisors' public hearing – November 17, 2015

BACKGROUND:

On July 28, 2015, the Board of Supervisors (Board) authorized the consideration of a Comprehensive Plan amendment for Newington Road in the Springfield Planning District, Mount Vernon Magisterial Supervisor District. The adopted Plan for the subject area recommends upgrading the existing 2-lane segment, from Cinder Bed Road to Telegraph Road, to meet current safety and design standards. Improvements could include widening existing lanes, reducing curves, adding sidewalks, bicycle facilities, turn lanes, or some combination, where necessary. The existing plan does not include adding lanes to this section of Newington Road. The Board requested that staff consider the removal of all planned transportation improvements, identified in the Comprehensive Plan and policy documents, for the segment of Newington Road located between Cinder Bed Road and Telegraph Road.

Board Agenda Item
November 17, 2015

TO BE DEFERRED

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

The Staff Report for 2015-IV-T1 has been previously furnished and is available online at:

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/2015-iv-t1.pdf>

STAFF:

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Dan Rathbone, Division Chief, Long Range Planning Division, FCDOT

Leonard Wolfenstein, Section Chief, Long Range Planning Division, FCDOT

Kris Morley-Nikfar, Planner III, Long Range Planning Division, FCDOT

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

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

Leanna O'Donnell, Branch Chief, Policy and Plan Development, PD, DPZ

Clara Q. Johnson, Planner III, Policy and Plan Development, PD, DPZ

Board Agenda Item
November 17, 2015

4:00 p.m.

Public Hearing to Establish the London Towne Community Parking District (Sully District)

ISSUE:

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 London Towne Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to establish the London Towne CPD.

TIMING:

On October 20, 2015, the Board authorized advertisement of a Public Hearing to consider the proposed amendment to Appendix M, of the *Fairfax County Code* to take place on November 17, 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 or restricting the parking of watercraft; boat trailers; motor homes; camping trailers; and any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the CPD.

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

Board Agenda Item
November 17, 2015

parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting such an establishment and such petition contains the names, addresses, and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned or developed as a residential area, (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

Staff has verified that the requirements for a petition-based CPD have been satisfied.

The parking prohibition identified above for the London Towne CPD is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

The cost of sign installation is estimated at \$1,500 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to *The Fairfax County Code*, Appendix M (CPD Restrictions)

Attachment II: Area Map of Proposed London Towne CPD

STAFF:

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

Charisse Padilla, Transportation Planner, FCDOT

PROPOSED CODE AMENDMENT
THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX M

M-87 London Towne Community Parking District

(a) *District Designation.*

- (1) The restricted parking area is designated as the London Towne Community Parking District.
- (2) Blocks included in the London Towne Community Parking District are described below:

Billingsgate Lane (Route 5451)

From Wycombe Street, south to Stone Road.

Gothwaite Drive (Route 5450)

From Billingsgate Lane to Paddington Lane.

Lee Highway Service Road

From Stone Road to the western property line of parcel 53-4((2))B.

Paddington Lane (Route 4750)

From Lee Highway Service Road to Stone Road.

Regents Park Road (Route 5452)

From Wycombe Street to Billingsgate Lane.

Wycombe Street (Route 969)

From Billingsgate Lane to Stone Road.

(b) *District Provisions.*

- (1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82.
- (2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school

buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 is prohibited at all times on the above-described streets within the London Towne Community Parking District.

- (3) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public street within any such District for use by federal, state, or local public agencies to provide services.

- (c) *Signs.* Signs delineating the London Towne Community Parking District shall indicate community specific identification and/or directional information in addition to the following:

NO PARKING
Watercraft
Trailers, Motor Homes
Vehicles ≥ 3 Axles
Vehicles GVWR ≥ 12,000 lbs.
Vehicles ≥ 16 Passengers

FAIRFAX COUNTY CODE §82-5B

Fairfax County
Department of Transportation
Traffic Engineering Section
London Towne CPD
Sully District

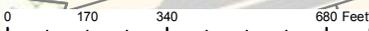


CUB RUN STREAM VALLEY PARK

Tax Map: 53-4

Tax Map: 54-3

Parcel: 53-4(2)-B



Proposed London Towne CPD Restriction

Tax Map: 65-1

Board Agenda Item
November 17, 2015

4:00 p.m.

Public Hearing on a Proposal to Prohibit Through Truck Traffic on Lewinsville Road – Eastern Portion (Dranesville District)

ISSUE:

Public hearing for the purpose of endorsing the following road to be included in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction:

- Lewinsville Road between Spring Hill Road and Dolley Madison Boulevard.

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 October 20, 2015, the Board authorized advertisement of a public hearing scheduled for November 17, 2015, 4:00 p.m.

BACKGROUND:

On August 28, 2015, Supervisor Foust requested staff to work with the Virginia Department of Transportation (VDOT) to implement a through truck traffic restriction on Lewinsville Road, due to continuing safety concerns of residents regarding through trucks utilizing this road as a shortcut between Dolley Madison Boulevard and Leesburg Pike. The increased truck traffic has exacerbated safety concerns for the neighborhood. A possible alternate route is via Dolley Madison Boulevard to the Dulles Toll Road to Spring Hill Road Road.

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 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
November 17, 2015

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Resolution to Restrict Through Truck Traffic on Lewinsville Road (Eastern Portion)

Attachment 2: Area Map of Proposed Through Truck Traffic Restriction

STAFF:

Robert A. Stalzer, Deputy County Executive

Thomas P. Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Eric M. Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
THROUGH TRUCK TRAFFIC RESTRICTION
LEWINSVILLE ROAD (EASTERN PORTION)
DRANESVILLE DISTRICT

WHEREAS, the residents who live along Lewinsville 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 Lewinsville Road starting at Lewinsville Road and Dolley Madison Boulevard to the intersection of the Dulles Toll Road and Dolley Madison Boulevard, and from the intersection of the Dulles Toll Road and Dolley Madison Boulevard to the intersection of the Spring Hill Road and Dulles Toll Road and then on to the intersection of Lewinsville Road and Spring Hill 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*;

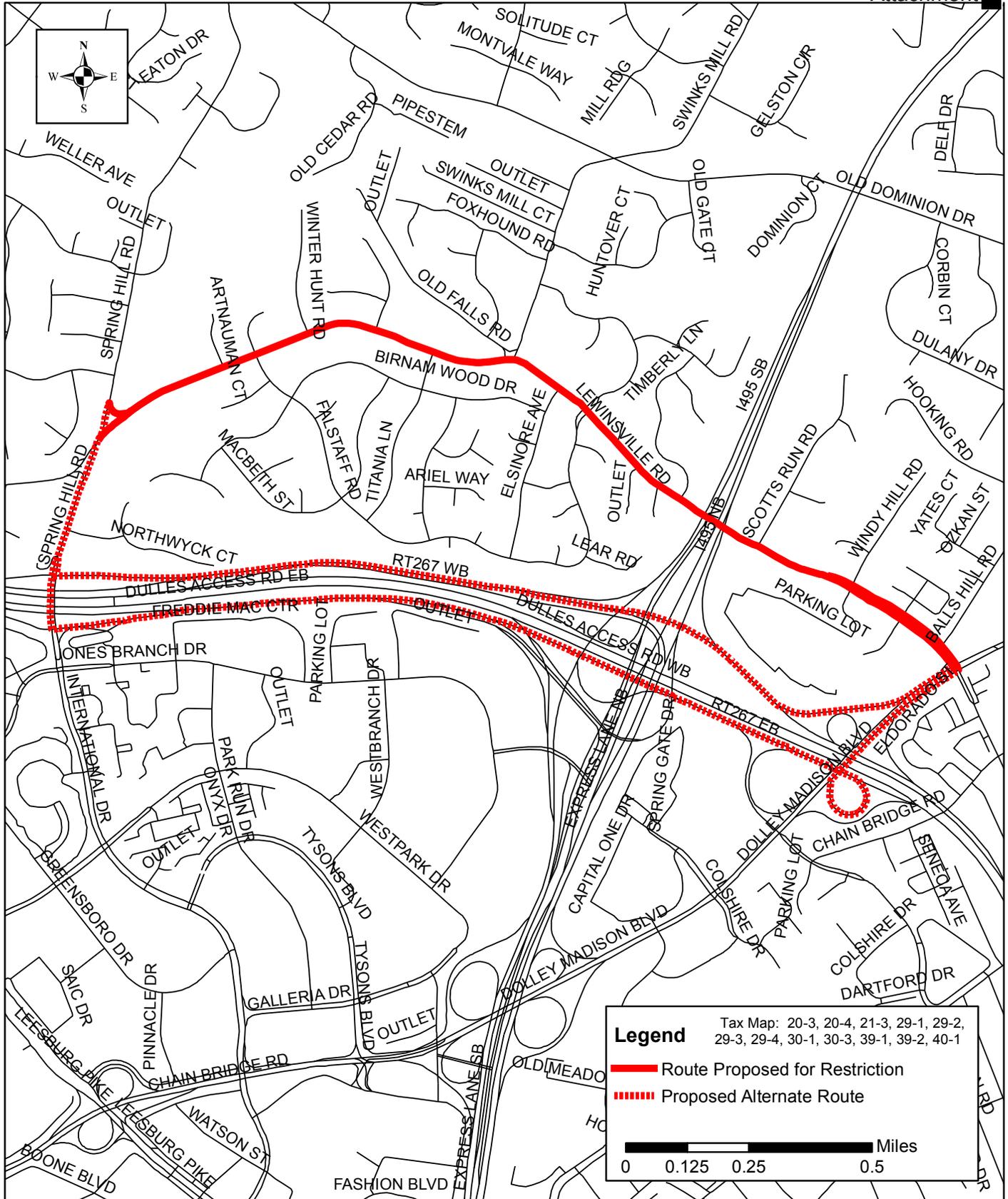
NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, has determined that in order to promote the health, safety, and general welfare of the citizens of Fairfax County, it is beneficial to prohibit through truck traffic on Lewinsville Road, between Dolley Madison Boulevard and Spring Hill 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 17th day of November, 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
LEWINSVILLE ROAD (EASTERN PORTION)
Dranesville District



Board Agenda Item
November 17, 2015

4:30 p.m.

Public Hearing on a Proposal to Prohibit Through Truck Traffic on Lewinsville Road – Western Portion (Dranesville District)

ISSUE:

Public hearing for the purpose of endorsing the following road to be included in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction:

- Lewinsville Road between Spring Hill Road and Leesburg Pike.

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 October 20, 2015, the Board authorized advertisement of a public hearing scheduled for November 17, 2015, 4:30 p.m.

BACKGROUND:

On August 28, 2015, Supervisor Foust requested staff to work with the Virginia Department of Transportation (VDOT) to implement a through truck traffic restriction on Lewinsville Road, due to continuing safety concerns of residents regarding through trucks utilizing this road as a shortcut between Dolley Madison Boulevard and Leesburg Pike. The increased truck traffic has exacerbated safety concerns for the neighborhood. A possible alternate route is via Leesburg Pike to the Dulles Toll Road to Spring Hill Road Road.

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 II) 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
November 17, 2015

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Resolution to Restrict Through Truck Traffic on Lewinsville Road (Western Portion)

Attachment 2: Area Map of Proposed Through Truck Traffic Restriction

STAFF:

Robert A. Stalzer, Deputy County Executive

Thomas P. Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Eric M. Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
THROUGH TRUCK TRAFFIC RESTRICTION
LEWINSVILLE ROAD (WESTERN PORTION)
DRANESVILLE DISTRICT

WHEREAS, the residents who live along Lewinsville 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 Lewinsville Road starting at Lewinsville Road and Leesburg Pike to the intersection of the Dulles Toll Road and Leesburg Pike, and from the intersection of the Dulles Toll Road and Leesburg Pike to the intersection of the Spring Hill Road and Dulles Toll Road and then on to the intersection of Lewinsville Road and Spring Hill 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*;

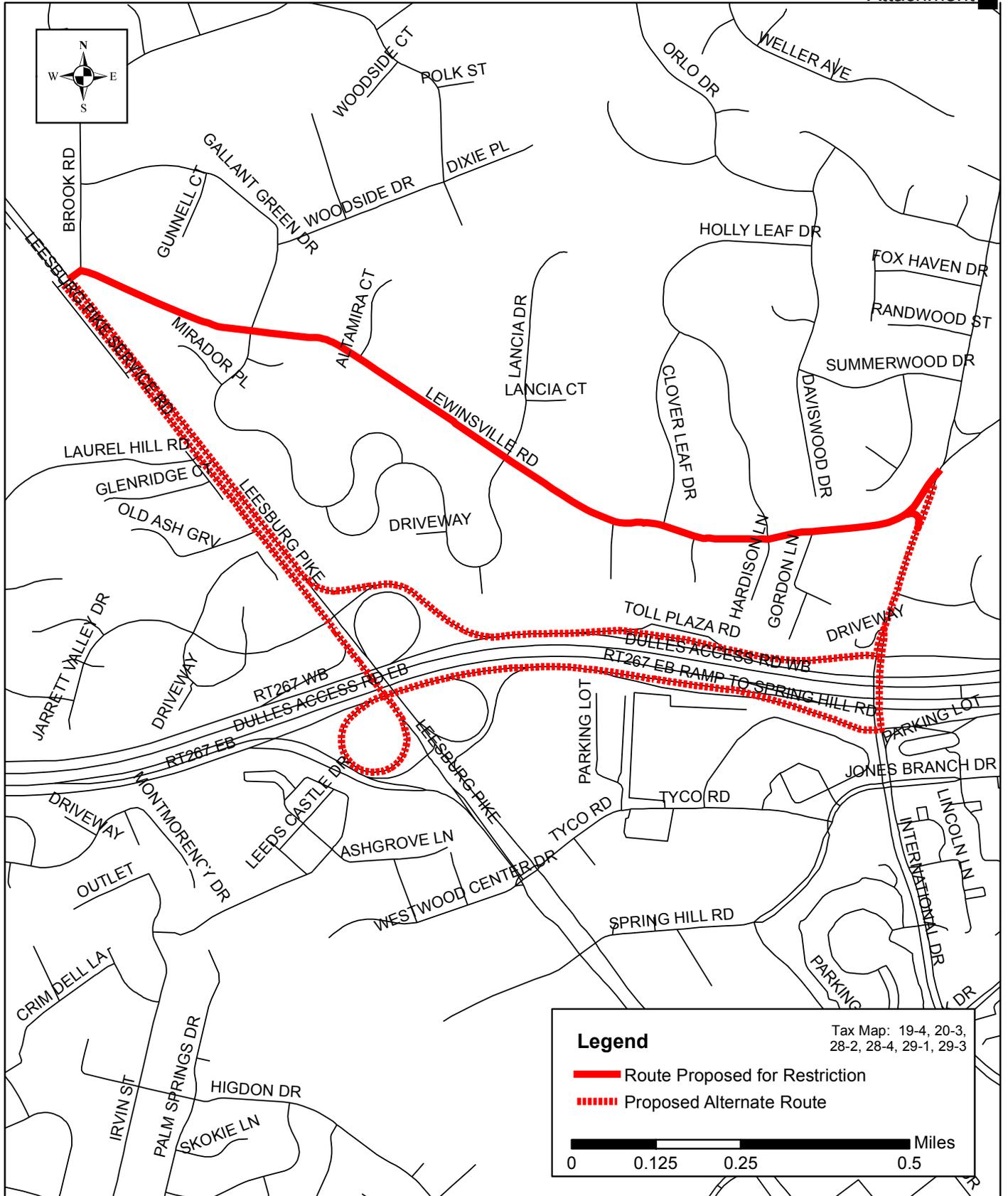
NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, has determined that in order to promote the health, safety, and general welfare of the citizens of Fairfax County, it is beneficial to prohibit through truck traffic on Lewinsville Road, between Leesburg Pike and Spring Hill 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 17th day of November, 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
LEWINSVILLE ROAD (WESTERN PORTION)
Dranesville District**



Board Agenda Item
November 17, 2015

4:30 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Alternative Lending Institutions

ISSUE:

The proposed amendment seeks to define and establish alternative lending institutions, to include motor vehicle title lenders and payday lenders, as a distinct land use in select commercial zoning districts with proposed use limitations.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, October 21, 2015, the Planning Commission voted 9-0-1 (Commissioner Murphy abstained and Commissioners Flanagan and Lawrence were absent from the meeting) to recommend to the Board of Supervisors the adoption of the proposed Zoning Ordinance Amendment entitled "Alternative Lending Institutions," as set forth in the staff report dated September 22, 2015 with an effective date of 12:01 a.m. on the day following adoption.

RECOMMENDATION:

The County Executive concurs with the Planning Commission recommendation.

TIMING:

Board of Supervisors' authorization to advertise – September 22, 2015; Planning Commission public hearing – October 21, 2015, at 8:15 p.m.; Board of Supervisors public hearing – November 17, 2015, at 4:30 p.m.

BACKGROUND:

The proposed amendment is on the 2015 Priority 1 Zoning Ordinance Amendment Work Program and is in response to a Board of Supervisor's request directing staff to research possible regulatory or land-use strategies to regulate, specifically, motor vehicle title lending companies. As proposed, the amendment will define a new principal land use of Alternative Lending Institution to include payday and motor vehicle title lenders, as regulated by the Code of Virginia; establish alternative lending institutions as a permitted use in specified Zoning Districts; and set forth those appropriate use limitations for such a use.

Currently, payday and motor vehicle title lenders do not fit squarely within an existing use classification. They have been deemed to be most similar to Financial Institutions,

Board Agenda Item
November 17, 2015

which are permitted by right, without limitations, in the C-1 through C-9 Commercial Districts and the I-2 through I-6 Industrial Districts. However, while similar to financial institutions, staff believes that the land use impacts associated with alternative lending institutions are unique in their own right, and more similar to those characteristics of a quick service retail use rather than a traditional office use. As such, the proposed amendment will amend Article 20 to define a new principal land use of Alternative Lending Institution to include payday and motor vehicle title lenders, as regulated by the Code of Virginia. In addition, the amendment will revise Article 4 to establish alternative lending institutions as a permitted use in the Regional Retail (C-7) and Highway Commercial (C-8) Districts, with specific use limitations. Staff believes that these commercial zoning districts are most appropriate for the use, since they provide for a full range of commercial service uses, from office to retail, on land that has been planned and designed for appropriate transportation access to major roadways.

Regarding the proposed use limitations, the amendment further seeks to amend Article 4 to include applicable limitations for alternative lending institutions when located in the C-7 and C-8 Zoning Districts. These include: a prohibition of the use within the designated Commercial Revitalization Districts (CRDs), as staff believes that the use is contrary to the purpose and intent of the CRDs; a requirement that the use must be located within a shopping center, as opposed to being a stand-alone use; a requirement that the use cannot be located adjacent to or across a public right-of-way from specifically identified sensitive land uses, such as a public use, a child care center or a place of worship; designated hours of operation; and a prohibition of the storage or sale of automobiles from permitted sites.

A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 1.

REGULATORY IMPACT:

No additional reviews or staff time are required by this amendment. In addition, while new alternative lending institutions will be permitted in the C-7 and C-8 Districts, subject to the proposed use limitations, the amendment will not impact existing payday and motor vehicle title lenders. Existing sites will become non-conforming uses and may continue business operations provided they are operating lawfully and not expanded or enlarged in any manner.

FISCAL IMPACT:

None.

Board Agenda Item
November 17, 2015

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

Attachment 2 – Planning Commission Report

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Leslie B. Johnson, Zoning Administrator, DPZ

Andrew B. Hushour, Deputy Zoning Administrator, DPZ



FAIRFAX
COUNTY

ATTACHMENT 1
STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

Articles 4 and 20 – Alternative Lending Institutions

PUBLIC HEARING DATES

Planning Commission

October 21, 2015 at 8:15 p.m.

Board of Supervisors

November 17, 2015 at 4:30 p.m.

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

September 22, 2015

ABH



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 2015 Priority 1 Zoning Ordinance Amendment Work Program and is in response to an October 29, 2013, Board of Supervisor's (Board) request directing staff to research possible regulatory or land-use strategies to regulate, specifically, motor vehicle title lending companies. Since that time, Zoning Administration staff has been researching the topic of car title lending, to also include similar business establishments commonly referred to as 'payday lenders', and has prepared this Zoning Ordinance Text Amendment to regulate such uses, collectively, as "alternative lending institutions". The purpose of this amendment is to define and establish *alternative lending institutions* as a distinct land use in select commercial zoning districts with proposed use limitations. The amendment was presented in a conceptual format to the Board's Development Process Committee on June 9, 2015.

Background

Staff's review and analysis of the proposed amendment includes both motor vehicle title and payday lending businesses. While the Board specifically requested information on car title lending companies, staff believes the uses are similar enough in nature to warrant review and possible regulation together, especially since both business types typically favor those same, specific land areas within the County – a trend that is also repeated in other communities nationwide. Both payday lending (*Va. Code Ann. § 6.2-1800 et seq.*) and motor vehicle title lending (*Va. Code Ann. § 6.2-2200 et seq.*) are regulated by the Code of Virginia, and require licensing statewide by the Virginia State Corporation Commission (SCC), Bureau of Financial Institutions. Staff relied on reports published by the SCC to identify the locations of payday lending and motor vehicle title lending business within Fairfax County. A review of this data, along with information compiled from County records such as the issuance date of a Non-residential Use Permit (Non-RUP), shows that starting in January 2012, there were approximately 16 establishments that offered motor vehicle title and/or payday loans operating within the County. However, in the roughly 3.5 years since then, the number of business establishments has nearly doubled, to 31 locations as of August 24, 2015. Of these 31 locations, 5 are regulated by the SCC as pay day lenders, 22 as motor vehicle title lenders and 4 locations are regulated as both payday and motor vehicle title lenders. A significant number of those new locations within the County in the last two years are the result of a single nationwide chain that began operating locations for the first time within the jurisdiction. The oldest location in Fairfax County began operating in February 1996, and new businesses opened only sporadically throughout the early 2000's with a significant increase in the number of new locations opening beginning in the 2011-2012 timeframe. A list of the existing locations within the County has been included as Attachment 1 of the Staff Report.

Current Provisions

While Alternative Lending Institutions are not specifically defined in the Zoning Ordinance, they have been deemed to be most similar to financial institutions for purposes of regulation under the Zoning Ordinance. Financial Institutions are permitted by right, without limitations, in most of the Commercial and Industrial zoning districts, specifically in the C-1 through C-9 Districts and the I-2

through I-6 Districts. Indeed, a review of the existing alternative lending institution locations shows businesses operating in almost exclusively Commercial Zoning Districts, with nearly three quarters of the locations within the C-6, C-7, or C-8 Zoning Districts. More importantly, staff has identified that 19 of the 31 locations are within a designated Commercial Revitalization District (CRD) and 28 of 31 locations are within a Highway Corridor Overlay District (HC). Staff's research has identified that this is also a similar trend that can be noted nationwide, in which both motor vehicle title lenders and payday lenders tend to select locations on major streets and/or within those areas that have been developed with what is generally characterized as highway commercial development. In addition, based on a study of payday lenders done by California State University, Northridge, in 2009, such businesses also tend to cluster disproportionately in low to moderate income areas/neighborhoods, around concentrations of lower wage workers, and also in proximity to military bases. The same study finds that not only do individual lenders tend to open locations in specific neighborhoods but multiple lenders tend to tightly collocate in the same areas. This has been evidenced in staff's research of alternative lending institutions in Fairfax County, where one can find multiple lenders doing business on heavily traveled arterial roadways such as Arlington Boulevard, Little River Turnpike and Richmond Highway, all within close proximity of one another, and some even directly adjacent to one another.

Proposed Amendment

In response to the Board's request, and acknowledging the particular land use impacts associated with the influx of these businesses that have opened in the last 3.5 years, staff believes that distinct regulations for this specific use are appropriate. Based on the locations of existing businesses within Fairfax County, as well as research into what other communities throughout the United States have proposed and/or adopted in the way of zoning based regulations for car title and/or payday lenders, staff has drafted the framework presented in this Zoning Ordinance Text Amendment – to include the newly defined land use of alternative lending institution, the zoning districts in which it is permitted by-right, and applicable use limitations.

As previously mentioned, both payday and car title lenders are governed by provisions in the Code of Virginia. However, despite these regulations, many jurisdictions in Virginia, including Fairfax County, have seen a dramatic increase in the number of such businesses that have opened in the last 3 to 5 years. According to a 2009 working paper by researchers at George Washington University and California State University, Northridge, fringe banking institutions such as payday lenders have increased significantly in recent years, locating at high concentrations in already distressed communities, and thereby adding to their hardship. As stated in the study “[m]oreover, a concentration of payday lenders may constitute a visible sign of neighborhood decline and signal to potential troublemakers that informal social control is weak at best.” When social control is weak in a community, social science studies show that one is more likely to find increases in crime, poverty and unemployment – interrelated concepts that are most often linked together by geography in that where you find one, you will likely find the others.

Definition

Staff's proposal consists of the creation of a new land use designation, referred to as an “alternative

lending institution,” which includes both motor vehicle title and payday lenders. As proposed, an alternative lending institution is defined as “[a]n establishment providing short term loans to individuals, to include, but not limited to, pay day lenders, as regulated by Chapter 18, Title 6.2, Code of Virginia, and/or motor vehicle title lenders, as regulated by Chapter 22, Title 6.2, Code of Virginia. For purposes of this Ordinance, an alternative lending institution shall not be deemed to include an OFFICE, PAWNSHOP, DRIVE-IN FINANCIAL INSTITUTION, FINANCIAL INSTITUTION or any other state or federally chartered bank, savings and loan institution, or credit union.” The proposed definition seeks to clearly distinguish between more common financial institutions, like a bank, and those businesses offering less traditional, typically short-term loan services like unsecured loans, such as a payday loan, or a motor vehicle title loan, which operates in similar fashion as a pawn shop, whereby the short-term loan is secured with collateral – the title to the borrowers vehicle. Given its similarities to both financial institutions and pawnshops, the definition includes the last sentence to qualify that alternative lending institutions are not to be deemed such uses for purposes of zoning.

Permitted Districts

As proposed, the use would only be allowed by-right in the Regional Retail (C-7) and Highway Commercial (C-8) Zoning Districts, with use limitations, and these districts have been identified because of their location adjacent to heavily traveled arterial highways, as well as to major transportation facilities – locations that seem to be preferred by these type of lending companies. It is staff’s position that a by-right use with use limitations is more appropriate than requiring legislative approval in the form of a special permit or special exception, since the land use impacts associated with alternative lending institutions, while unique in their own right as discussed in more detail below, are not so dissimilar than those of financial institutions, which are permitted by-right in the Zoning Ordinance. In addition, staff strongly recommends that while allowed in the C-7 & C-8 Districts by-right, that the use be prohibited in the Commercial Revitalization Districts (CRDs) and the Commercial Revitalization Areas (CRAs) for reasons further discussed below. Generally speaking, this is most similar to, and is really an amalgamation of, the approaches taken by both Chesterfield County and the City of Manassas to regulate alternative lending institutions. Of the two approaches, the Chesterfield County Ordinance is the most recent and was adopted in 2013. It identifies “alternative financial institutions” as:

“Any establishment, other than a bank, credit union, or savings and loan, engaged in the business of making short-maturity loans on the security of (i) a check, (ii) any form of assignment of an interest in the account of an individual at a depository institution, or (iii) any form of assignment of income payable to an individual, other than loans based on income tax refunds.”

These uses are deemed conditional uses in Chesterfield County’s General Business (C-5) District, and require approval by the Chesterfield County Board of Supervisors, subject to their review against a set of guidelines that sets forth criteria such as proximity to residential uses and separation distance between two similar uses. Most notably, the Chesterfield guidelines prohibit alternative financial institutions in identified revitalization areas. It is noted that Chesterfield County’s C-5 District is most similar to the C-8 District in Fairfax County, and a conditional use permit is what the Fairfax

County Zoning Ordinance refers to as a special exception.

Similarly, the City of Manassas identifies “short-term loan establishments” as:

“...a business licensed to make payday loans under Chapter 18 of Title 6.2, Code of Virginia, licensed to sell money orders or engage in the business of money transmission under Chapter 19 of Title 6.2, Code of Virginia, registered as a check casher under Chapter 21 of Title 6.2, Code of Virginia, or licensed to make motor vehicle title loans under Chapter 22 of Title 6.2, Code of Virginia. Under those provisions, banks, savings and loans institutions, credit unions, and retail stores, among others, are exempted and therefore are not "short-term loan establishments" for purposes of this chapter.”

For the City of Manassas, these uses are allowed by-right only in the General Commercial (B-4) District. Although allowed by-right, the use is deemed to be a “high impact business,” and is therefore subject to further use limitations that prohibit their location within a certain distance of residential uses, as well as other sensitive uses such as schools, church, etc. It is noted that Manassas’s B-4 District is its highest intensity commercial district, also similar in that respect to the C-8 District in Fairfax County.

As previously stated, the C-7 & C-8 Districts provide land area that is either directly accessible to, or in close proximity to, major roadways, criteria that appears to be preferred by alternative lending institutions throughout Virginia, and which are more appropriate to handle the traffic generated by such a use. Therefore, these zoning districts have been identified as the only appropriate by-right districts for such businesses, with specified use limitations to be discussed later in the report. In evaluating the possible districts for inclusion, staff concluded that such uses would not be appropriate in the commercial office districts, C-1 through C-4 Districts, as these districts either typically serve as transitional districts between residential areas and higher intensity non-residential uses, such as that in the C-1 and C-2 Districts, or are for predominantly office type uses, such as the C-3 and C-4 Districts. It is staff’s belief, as discussed in more detail below, that alternative lending institutions are more similar in their characteristics to a quick service retail use, than that of a traditional office, such as a financial institution. Furthermore, areas zoned to the lower commercial districts do not always possess direct frontage on preferred, high traffic volume roadways, as evidenced by the lack of existing businesses in these districts. Moreover, with regard to the higher intensity commercial districts, the C-5 to C-9 Districts, staff believes that the C-5 and C-6 Districts are also inappropriate for alternative lending institutions as these districts were established to provide commercial opportunities for smaller, neighborhood scale communities, with an emphasis on serving pedestrian oriented traffic. Therefore, such areas are encouraged to develop or redevelop as compact, unified centers, which is much different in scale and scope than those commercial centers that are promoted in the C-7 & C-8 Districts. That being said, the C-7 & C-8 Districts provide the most appropriate zoning categories, since they provide for the full range of commercial service uses on land that has been planned and designed for appropriate transportation access for a larger market.

Regarding the C-9 District, staff notes that there is no present land in Fairfax County zoned to this

particular district and, therefore, it has not been included. Regarding the Industrial Districts, the I-I and I-1 through I-6 Districts, while financial institutions are allowed by-right in certain Industrial Districts, staff maintains that alternative lending institutions are more similar in their characteristics to a quick service retail use, than that of a traditional office, such as a financial institution. Given that purely retail uses are generally prohibited in the Industrial Districts, staff believes that alternative lending institutions would also be inappropriate in these districts.

While staff believes that the C-7 & C- 8 Districts are appropriate locations for alternative lending institutions, staff believes that the use should be prohibited in the CRDs, and the similar CRAs, and a use limitation has been proposed to this effect. The purpose and intent of the CRD set forth in Section 7-1001 of the Ordinance, states, with emphasis added:

“The Commercial Revitalization Districts are established to encourage economic development activities in the older commercial areas of the County in order to provide desirable employment and enlarge the tax base consistent with the provisions of Sections 15.2-200, 2283 and 2284 of the Code of Virginia, as amended. The districts are intended to enhance the older commercial areas of the County by providing for specific regulations which are designed to facilitate the continued viability and redevelopment of these areas.”

In its research, staff has found both empirical and anecdotal evidence suggesting that particular land uses actually work contrary to the purpose and intent of the CRDs as identified above. Regarding payday lenders, specifically, there are academic studies that suggest the use is a financial drain on the local economies in which they operate. Simply put, when community members enter into a potential cycle of continued debt, the money paid in excessive interest rates is exported out of the local community. A 2003 study conducted by the Southwest Center for Economic Integrity of Pima County, Arizona, (a county with a population of nearly 1 million persons that surrounds the City of Tucson), estimated that nearly \$20 million in fees for payday loans were paid out by County citizens. More importantly, these fees were collected from those areas/neighborhoods within the County that were the subject of nearly \$8 million in federal revitalization grants. The compounding effect in such instances is that money used to service the debt is not only being sent out of the community, a community that is already economically depressed and trying to redevelop, it also means that an individual then has less income to actually spend in their local economy, thereby hurting local businesses, especially small, “mom and pop” type operations. Staff believes that this is contrary to the rationale behind the establishment of the CRDs in the first place, and, furthermore, that the introduction of a less desirable land use in such sensitive areas would in no way further the goals set forth in Section 7-1001 of the Ordinance. For these reasons, staff believes that this limitation is appropriate, for both the CRDs and the CRAs, and it is noted that this is the same approach taken by Chesterfield County.

Use Limitations

In addition to the prohibition of alternative lending institutions within the CRDs and CRAs, which is identified as the first use limitation in the draft text, staff is also proposing five other use limitations. A discussion of each use limitation follows, and for ease of reference, the discussion is presented in the format and order found in Sections 4-705 and 4-805 of the proposed text amendment language.

The main purpose of the proposed use limitations is to mitigate potential impact of the proposed land use on adjacent and surrounding areas.

Alternative lending institutions shall be permitted by right in accordance with the following:

- A. When such use is located on a lot that is not in a Commercial Revitalization District or a Commercial Revitalization Area.*

This use limitation has been discussed above.

- B. When such use is located in the building of a shopping center, with all uses within that building being connected by party walls or partitions to form one continuous structure; and*

This use limitation is similar to the provisions found in the C-7 and C-8 Districts for auto-oriented uses, such as a quick service food stores, and allows these uses to operate by-right when located in a shopping center. Staff believes that a similar use limitation is necessary for alternative lending institutions given the type and speed of the services rendered – most alternative lending institutions emphasize *ease and convenience* of borrowing to consumers. Applicants have the option to complete the loan information in person or online, and, likewise, may have the option of picking up approved funds in person or having the funds digitally transferred to their bank accounts. For customers that seek service in person, there is a minimum of a single visit and possibly an additional, brief visit to pick up approved loan funds if there is any wait period to process the loan. Given this “quick stop” characteristic, allowing the use only within a shopping center and not as a freestanding use is appropriate to minimize the potential negative impact of frequent vehicle trips on parcels with direct access to high traffic volume roadways.

- C. The shopping center is not located adjacent to or across a public right-of-way from land developed with any public use, place of worship, child care center, private school of general education, or quasi-public athletic fields and related facilities; and*

The main purpose of any use limitation is to mitigate the potential negative impacts of a single land use on other adjacent land uses, and this particular provision explicitly seeks to address issues of incompatibility. Staff has selected these specific land uses due to their sensitive nature and this approach is similar to that taken by the City of Manassas.

- D. The daily hours of operation for such uses shall be limited to between 8:00 AM and 6:00 PM; and*

As mentioned above, there has been little discussion at this point as to the impact of alternative lending institutions on residentially zoned and/or developed areas. Proximity to and impact of any non-residential land use on residential uses requires little discussion, as it is the theoretical hallmark of zoning. However, in this particular instance staff has opted for an alternative means to address potential incompatibility concerns by limiting the hours of operation of alternative lending institution. In evaluating the location of existing businesses in the County, as well as identifying those areas in which future businesses are likely to operate, staff found that much of the property zoned to the C-8

District located along heavily traveled Richmond Highway tends to be only a single lot in depth – meaning that many of the parcels zoned to these commercial districts are adjacent to residentially zoned land. Therefore, by adopting a use limitation that seeks to prohibit alternative lending institutions on property adjacent to residentially zoned areas, the amount of viable C-7 and C-8 zoned land area outside of the CRDs is greatly reduced. In order to aid in countering this effect, staff is proposing the limits on hours of operation, as this will provide some needed mitigation for adjacent residentially zoned and/or developed areas. As proposed, the hours of operation are limited to 8:00 AM until 6:00 PM, which are customary hours of many business operations and represents a window of time when residents are less likely to be at home.

E. There shall be no storage and/or sale of automobiles on site.

This specific use limitation is intended to address potential activity of motor vehicle title lenders in particular. When such a loan is taken out, the consumer typically offers the title of the vehicle as collateral. While staff has not found specific examples in which the lender actually takes physical possession of the vehicle itself, requiring that the vehicle be stored throughout the duration of the loan cycle should default occur and a new loan is not taken out, the lender is in a legal position to take ownership of the vehicle and resell it. In the current Zoning Ordinance, this activity would be deemed to be a vehicle sale, rental and ancillary service establishment, which requires a special exception in the C-7 and C-8 Districts. In order to ensure that this activity does not occur on the site of an alternative lending institution, staff believes this use limitation is essential.

Other Considerations

As part of Staff's ongoing research and discussion with the Board, the issue of signage for alternative lending institutions, and its possible regulation, has been identified as an item for consideration. The Chesterfield County Ordinance includes some limitations for signage as part of its accompanying guidelines but these are limited to restrictions on neon signage and a provision that any signage conform to the approved sign plan for the shopping center in which the uses are located. Neither of these provisions appears to be addressing any unique characteristic of alternative lending institutions. For this reason, staff has not included any such limitations at this time, as signage for this particular use does not appear to be distinguishable from that of any other commercial business that may be operating in the C-7 or C-8 Districts, all of which would be uniformly regulated by the current Article 12, Signs, of the Zoning Ordinance. Therefore, staff believes that this discussion would be more appropriate as part of the Sign Ordinance amendment, for which staff will begin working on in early 2016.

Staff also considered whether additional transitional screening and barrier requirements were necessary for alternative lending institutions. For existing land uses, these requirements are found in Sect.13-300 of the Zoning Ordinance, and its accompanying matrix. As proposed, since alternative lenders are to be located as part of a shopping center, staff does not believe use-specific transitional screening and barrier requirements are necessary, as the center itself would be already regulated since the presence of land uses such as retail, office or personal services have triggered the prescribed screening and barrier elements for those uses. Therefore, additional provisions would be redundant.

Currently, motor vehicle title and payday lenders do not fit squarely within an existing use classification and are deemed to be most similar to financial institutions. They have been permitted to establish their operations by-right in the zoning districts in which financial institutions are permitted, including those parcels within a Commercial Revitalization District. If the proposed text amendment is adopted, most of the existing alternative lenders' sites, which are currently prevalent in the Commercial Revitalization Districts, will become non-conforming uses and may continue business operations provided they are operating lawfully and not expanded or enlarged in any manner.

Conclusion

The proposed amendment seeks to establish *alternative lending institutions* as a distinct land use in select commercial zoning districts with proposed use limitations. Staff believes the definition of the term, its by-right inclusion in only the C-7 and C-8 Districts and prohibition in the Commercial Revitalization Districts and Commercial Revitalization Areas, and the proposed use limitations are appropriate given the nature of the use and its potential impacts. 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 September 22, 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.

1 **Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, Definitions,**
 2 **by adding a new ALTERNATIVE LENDING INSTITUTION definition in its proper**
 3 **alphabetical sequence to read as follows:**

4
 5 ALTERNATIVE LENDING INSTITUTION: An establishment providing short term loans to
 6 individuals, to include, but not limited to, pay day lenders, as regulated by Chapter 18, Title 6.2,
 7 Code of Virginia, and/or motor vehicle title lenders, as regulated by Chapter 22, Title 6.2, Code of
 8 Virginia. For purposes of this Ordinance, an alternative lending institution shall not be deemed to
 9 include an OFFICE, PAWNSHOP, DRIVE-IN FINANCIAL INSTITUTION, FINANCIAL
 10 INSTITUTION or any other state or federally chartered bank, savings and loan institution, or credit
 11 union.

12
 13 **Amend Article 4, Commercial District Regulations, Part 7, Regional Retail Commercial**
 14 **District, Sect. 4-700, and Part 8, Highway Commercial District, Section 4-800, as follows:**

15
 16 - **Amend Sections 4-702 and 4-802, Permitted Uses, by placing Alternative Lending**
 17 **Institution in its appropriate alphabetical sequence as a new Par. 2, and renumbering all**
 18 **subsequent paragraphs accordingly, as follows:**

19
 20 2. Alternative Lending Institution, limited by the provisions of Sect. 705 or 805
 21 below.

22
 23 - **Amend Sect. 4-705, Use Limitations, by adding a new Par. 15, and Sect. 4-805, Use**
 24 **Limitations, by adding a new Par. 16, both to read as follows:**

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 26 15. and 16. Alternative lending institutions shall be permitted by right in accordance with
 27 the following:

28 A. When such use is located on a lot that is not in a Commercial Revitalization
 29 District or a Commercial Revitalization Area; and

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- B. When such use is located in the building of a shopping center, with all uses within that building being connected by party walls or partitions to form one continuous structure; and

- C. The shopping center is not located adjacent to or across a public right-of-way from land developed with any public use, place of worship, child care center, private school of general education, or quasi-public athletic fields and related facilities; and

- D. The daily hours of operation for such uses shall be limited to between 8:00 AM and 6:00 PM; and

- E. There shall be no storage and/or sale of automobiles permitted from the site.

Staff Report - Attachment 1

LENDER/DBA	ADDRESS	ZONING	MAGESTERIAL DISTRICT	CRD	HC
Advance America	6244-J Little River Turnpike	C-6	Mason	No	Yes
Advance America	14260-C Centreville Square	C-7	Sully	No	Yes
Advance America	2855 Gallows Road	C-6	Providence	No	Yes
Advance America	7289 Commerce Street	C-6	Lee	Yes	Yes
LoanMax	2401 Fairhaven Avenue	C-8	Mount Vernon	yes	yes
LoanMax	7109 Columbia Pike	C-6	Mason	Yes	Yes
LoanMax	7221 Little River Turnpike	C-6	Mason	Yes	yes
LoanMax	4004 Walney Road	C-8	Sully	No	Yes
LoanMax	7181 Lee Highway	C-8	Providence	No	Yes
Fast Auto Loans, Inc.	8368 Richmond Highway	C-8	Lee	Yes	Yes
Fast Auto Loans, Inc.	7345 Little River Turnpike	C-6	Mason	Yes	Yes
Fast Auto Loans, Inc.	6541 Arlington Boulevard	C-5	Mason	No	Yes
Fast Auto Loans, Inc.	7185 Lee Highway	C-8	Providence	No	Yes
EZ Title Loan	8218 Richmond Highway	C-8	Mount Vernon	Yes	Yes
Prime Auto Loan, Inc.	6715-C Backlick Road	C-6	Lee	Yes	Yes
TitleMax	6325 Richmond Highway	C-8	Mount Vernon	Yes	Yes
TitleMax	7516 Richmond Highway	C-8	Lee	Yes	Yes
TitleMax	8723-A Cooper Road	C-8	Mount Vernon	Yes	Yes
TitleMax	7409 Little River Turnpike	C-8	Mason	Yes	Yes
TitleMax	6030 Burke Commons Road	PRC	Braddock	No	No
TitleMax	5870 Leesburg Pike	C-6	Mason	Yes	Yes
TitleMax	8213 Lee Highway	I-5	Providence	No	Yes
TitleMax	6198-C Arlington Boulevard	C-7	Mason	Yes	No
TitleMax	6526 Arlington Boulevard	C-3	Providence	No	Yes
TitleMax	6802 Commerce Street	C-8	Lee	Yes	Yes
TitleMax	8200 Leesburg Pike	C-7	Providence	No	Yes
ACE Cash Express	2254 Huntington Avenue	C-5	Mount Vernon	No	No
ACE Cash Express	6911 Richmond Highway	C-3	Mount Vernon	Yes	Yes
ACE Cash Express	5624 Columbia Pike	C-8	Mason	Yes	Yes
Advance America	5100 Leesburg Pike	C-2	Mason	Yes	Yes
Advance America	7611-C Richmond Highway	C-8	Mount Vernon	Yes	Yes

ZONING ORDINANCE AMENDMENT (ALTERNATIVE LENDING INSTITUTIONS)
(Countywide)

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed – Mr. Sargeant.

Commissioner Sargeant: Mr. Chairman, I am prepared to move on this Zoning Ordinance Amendment this evening. I think this has been a very, very candid – very helpful and useful discussion. I want to thank both witnesses who attended, who contributed tremendously to this discussion. I think I still continue to support the hours of operation we are proposing within this Zoning Ordinance Amendment, simply because it does not prevent current – the 32 current car title lender operations from operating beyond those hours for the foreseeable future. So I'm going to go ahead and – but if you want to propose that as a separate amendment or not, so be it – but thank you. Let me begin by thanking Drew Hushour and Leslie Johnson for their very meticulous research and preparation for this Zoning Ordinance Amendment. And many thanks as well to Beth Teare in the County Attorney's office for contributing to a very thorough review of the legal and regulatory issues surrounding this proposed Amendment. Let me also thank those citizens and organizations who have participated in this process through letters and public comment. As Planning Commissioners, we do not have the authority to determine whether a particular use should be outlawed or banned. That authority rests, at least, with the General Assembly. What we can do is define and establish alternative lending institutions as a distinct land use in certain commercial zoning districts with recommended use limitations. That is what this proposed Zoning Ordinance Amendment does and, I believe, does well. The proposed Amendment distinguishes alternative lending establishments from more common financial institutions for the purposes of zoning and charts a regulatory course that reflects the experience of other jurisdictions. As highlighted in the staff report and presentation, there has been a proliferation of alternative lending institutions in Fairfax County. And as academic studies referenced in the staff report suggest, these types of use can be a financial drain on the local economies in which they operate. That is certainly contrary to the vision that the County for its Commercial Revitalization Districts and Commercial Revitalization Areas. As such, I support this Zoning Ordinance Amendment to prohibit these uses in CRDs and CRAs. I believe this is a positive step forward as we plan for the future of Fairfax County. And with that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT ENTITLED "ALTERNATIVE LENDING INSTITUTIONS," AS ADVERTISED.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by –

Commissioner Strandlie: Second. I'd like to second –
Chairman Murphy: Pardon?

ZONING ORDINANCE AMENDMENT (ALTERNATIVE LENDING INSTITUTIONS)

Commissioner Strandlie: Second.

Commissioner Hedetniemi: She wants to second it.

Chairman Murphy: Seconded by Mr. Migliaccio and Ms. Strandlie. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt the proposed Zoning Ordinance Amendment Articles 4 and 20, Alternative Lending Institutions, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Chair abstains, as I said before. I said I didn't know enough about it. Now I know too much about it and I'm still going to abstain.

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(The motion carried by a vote of 9-0-1. Commissioner Murphy abstained. Commissioners Flanagan and Lawrence were absent from the meeting.)

JLC

Board Agenda Item
November 17, 2015

4:30 p.m.

Public Hearing to Establish the Twinbrook Community Parking District (Braddock District)

ISSUE:

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 Twinbrook Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to establish the Twinbrook CPD.

TIMING:

On October 20, 2015, the Board authorized advertisement of a Public Hearing to consider the proposed amendment to Appendix M, of the *Fairfax County Code* to take place on November 17, 2015, at 4:30 p.m.

BACKGROUND:

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

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

Board Agenda Item
November 17, 2015

parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting such an establishment and such petition contains the names, addresses, and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned, or developed as a residential area, (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

Staff has verified that the requirements for a petition-based CPD have been satisfied.

The parking prohibition identified above for the Twinbrook CPD is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

The cost of sign installation is estimated at \$400 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to *The Fairfax County Code*, Appendix M (CPD Restrictions)

Attachment II: Area Map of Proposed Twinbrook CPD

STAFF:

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

Charisse Padilla, Transportation Planner, FCDOT

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX M

M-88 Twinbrook Community Parking District

(a) *District Designation.*

- (1) The restricted parking area is designated as the Twinbrook Community Parking District.
- (2) Blocks included in the Twinbrook Community Parking District are described below:

Twinbrook Run Drive (Route 5628)

From Boyett Court to the northern property line of parcel 69-3((9))-C, west side only, and from Boyett Court to Head Court, east side only.

(b) *District Provisions.*

- (1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82.
- (2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 is prohibited at all times on the above-described streets within the Twinbrook Community Parking District.
- (3) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public street

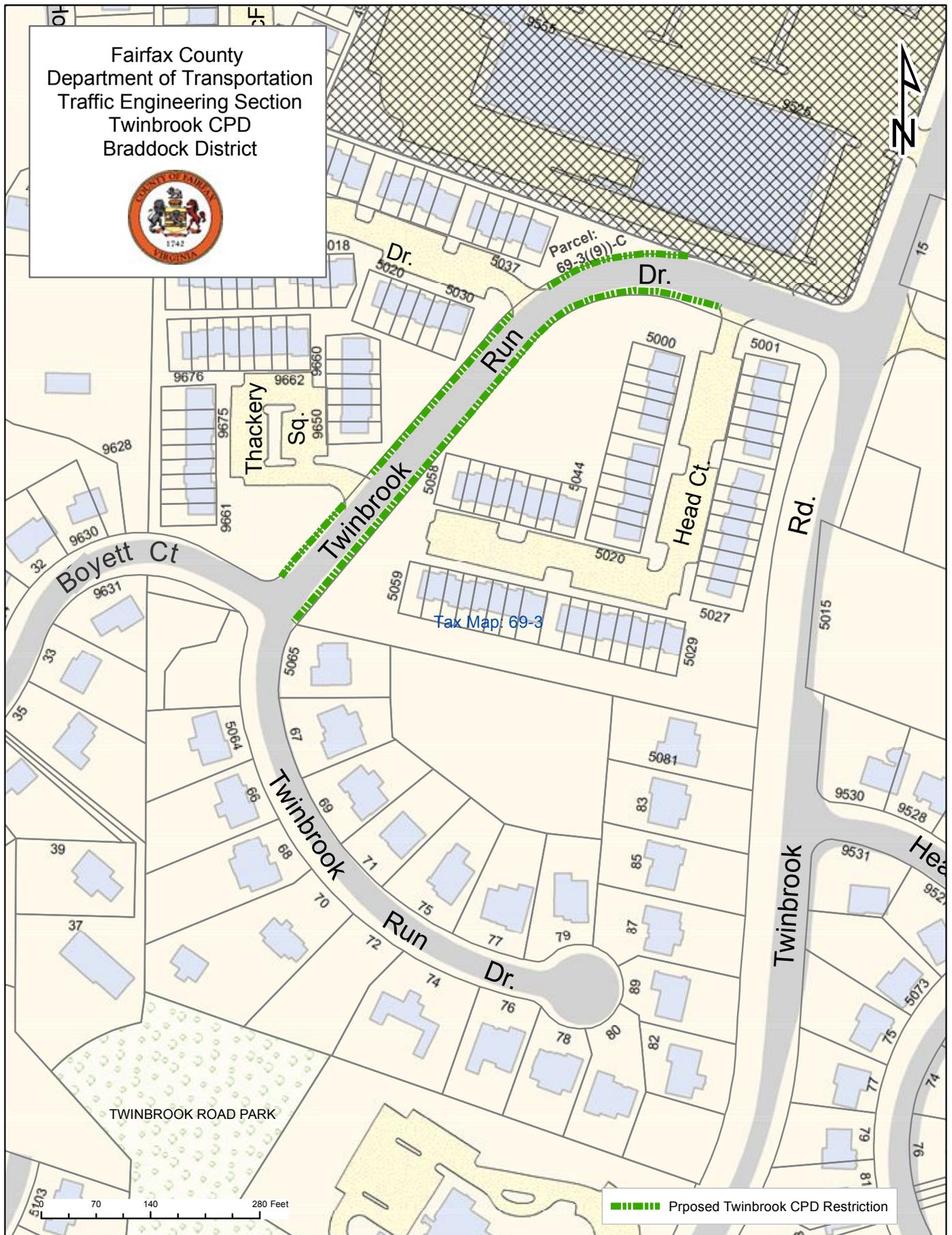
within any such District for use by federal, state, or local public agencies to provide services.

- (c) *Signs.* Signs delineating the Twinbrook Community Parking District shall indicate community specific identification and/or directional information in addition to the following:

NO PARKING
Watercraft
Trailers, Motor Homes
Vehicles \geq 3 Axles
Vehicles GVWR \geq 12,000 lbs.
Vehicles \geq 16 Passengers

FAIRFAX COUNTY CODE §82-5B

Fairfax County
Department of Transportation
Traffic Engineering Section
Twinbrook CPD
Braddock District



Board Agenda Item
November 17, 2015

TO BE DEFERRED to January 12, 2016

4:30 p.m.

Public Hearing to Consider Parking Restrictions on Port Royal Road, Woodruff Court, Forbes Place (Braddock District)

ISSUE:

Public Hearing to consider a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish parking restrictions on Port Royal Road, Woodruff Court and Forbes Place in the Braddock District.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment to Appendix R, of the Fairfax County Code, to prohibit commercial vehicles, recreational vehicles and all trailers as defined in Chapter 82 of the Fairfax County Code from parking on Port Royal Road, Woodruff Court and Forbes Place from 7:00 p.m. to 6:00 a.m., seven days per week, excluding areas designated as “No Parking” by the Virginia Department of Transportation (VDOT).

TIMING:

The public hearing was authorized on October 20, 2015, for November 17, 2015, at 4:30 p.m.

BACKGROUND:

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

Members of the Port Royal business community contacted the Braddock District office requesting assistance regarding the long term parking of large out of the area vehicles on Port Royal Road, Woodruff Court and Forbes Place to allow parking for their customers. They are specifically requesting a parking restriction for all commercial vehicles, recreational vehicles, and all trailers along the entire length of these roadways from 7:00 p.m. to 6:00 a.m., seven days per week, excluding areas not already designated as “No Parking” by the Virginia Department of Transportation (VDOT).

Staff has reviewed this area on several occasions over a period of time in excess of 30 days and verified that long term parking of large commercial vehicles, recreational

Board Agenda Item
November 17, 2015

TO BE DEFERRED to January 12, 2016

vehicles, and trailers is occurring.

FISCAL IMPACT:

The cost of sign installation is estimated at \$1,500 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed amendment to Fairfax County Code, Appendix R (General Parking Restrictions)

Attachment II: Area Map of Proposed Parking Restriction

STAFF:

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Eric Teitelman, Chief, Capital Projects and Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX R

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

Forbes Place (Route 3613).

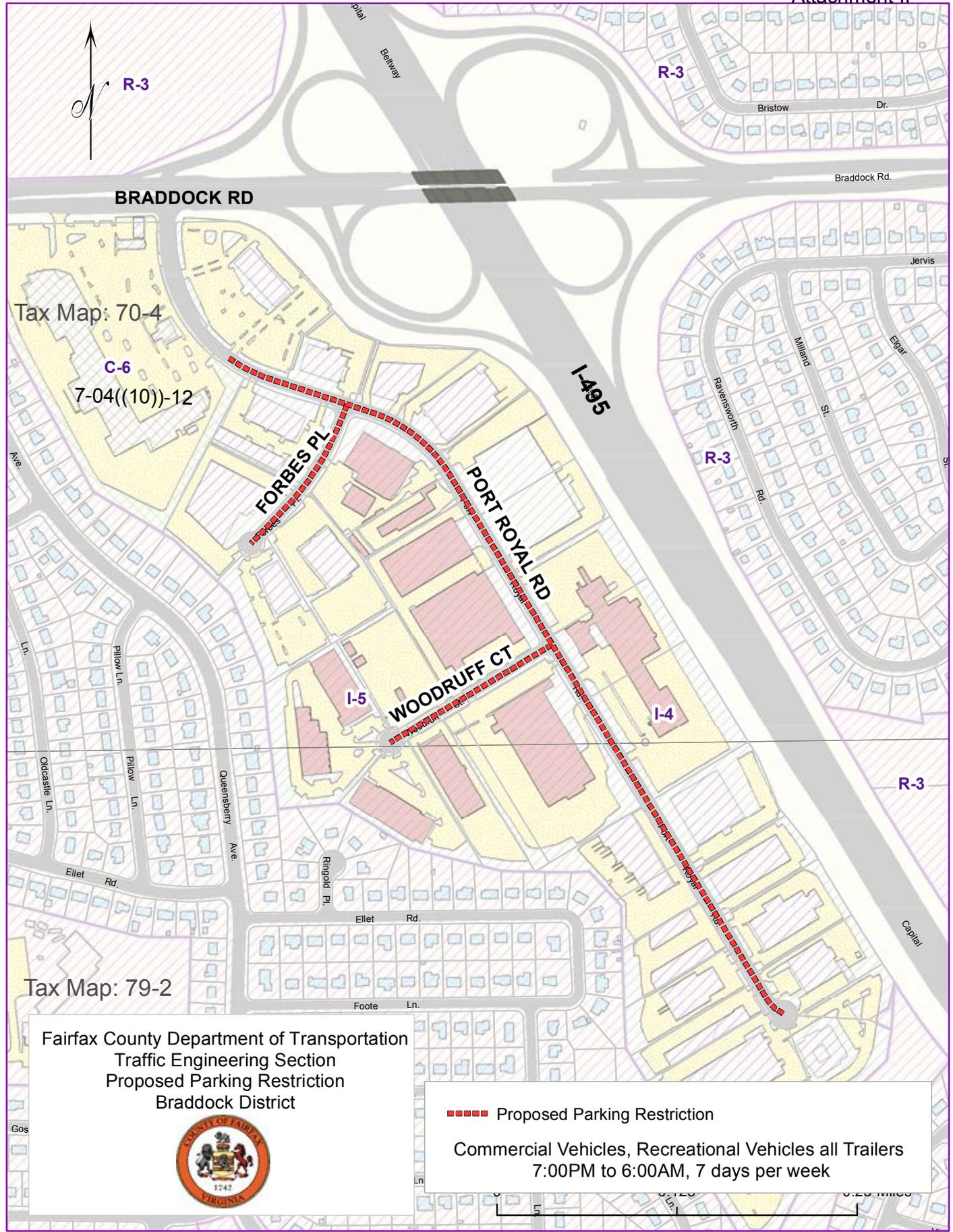
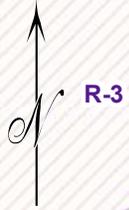
Commercial vehicles, recreational vehicles, and trailers as defined in Chapter 82 of the Fairfax County Code shall be restricted from parking on Forbes Place from Port Royal Road to the cul-de-sac inclusive from 7:00 p.m. to 6:00 a.m., seven days per week, excluding areas designated as “No Parking” by the Virginia Department of Transportation (VDOT).

Port Royal Road (Route 3090).

Commercial vehicles, recreational vehicles, and trailers as defined in Chapter 82 of the Fairfax County Code shall be restricted from parking on Port Royal Road from the southern boundary of parcel 7-04((10))-12 to the cul-de-sac inclusive from 7:00 p.m. to 6:00 a.m., seven days per week, excluding areas designated as “No Parking” by the Virginia Department of Transportation (VDOT).

Woodruff Court (Route 4124).

Commercial vehicles, recreational vehicles, and trailers as defined in Chapter 82 of the Fairfax County Code shall be restricted from parking on Woodruff Court from Port Royal Road to the cul-de-sac inclusive from 7:00 p.m. to 6:00 a.m., seven days per week, excluding areas designated as “No Parking” by the Virginia Department of Transportation (VDOT).



Tax Map: 70-4
C-6
7-04((10))-12

Tax Map: 79-2

Fairfax County Department of Transportation
Traffic Engineering Section
Proposed Parking Restriction
Braddock District



----- Proposed Parking Restriction
Commercial Vehicles, Recreational Vehicles all Trailers
7:00PM to 6:00AM, 7 days per week

Board Agenda Item
November 17, 2015

4:30 p.m.

Public Hearing to Consider Parking Restrictions on Sullyfield Circle and Parke Long Court (Sully District)

ISSUE:

Public Hearing to consider a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish parking restrictions on Parke Long Court and a portion of Sullyfield Circle in the Sully District.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment to Appendix R, of the Fairfax County Code, to prohibit commercial vehicles, recreational vehicles and all trailers as defined in Fairfax County Code Chapter 82 from parking on Parke Long Court and a portion of Sullyfield Circle from 9:00 p.m. to 6:00 a.m., seven days per week.

TIMING:

The public hearing was authorized on October 20, 2015, for November 17, 2015, at 4:30 p.m.

BACKGROUND:

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

The property owners along Parke Long Court, the entire inner circle of Sullyfield Circle and the outer circle at 14280 Sullyfield Circle contacted the Sully District office seeking relief from the long term parking that is occurring and impacting their businesses. They are specifically requesting a parking restriction for all commercial vehicles, recreational vehicles, and all trailers along the entire length of Parke Long Court, and the portions of Sullyfield Circle as shown on the attached map (Attachment II) from 9:00 p.m. to 6:00 a.m., seven days per week.

Staff has viewed this area over a period of time in excess of 30 days and has observed long term parking of out-of-area large commercial vehicles, recreational vehicles and trailers. Such long term parking results in a lack of parking for the customers and

Board Agenda Item
November 17, 2015

employees of the businesses located on these streets.

FISCAL IMPACT:

The cost of sign installation is estimated at \$3,000 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed amendment to Fairfax County Code, Appendix R (General Parking Restrictions)

Attachment II: Area Map of Proposed Parking Restriction

STAFF:

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Eric Teitelman, Chief, Capital Projects and Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX R

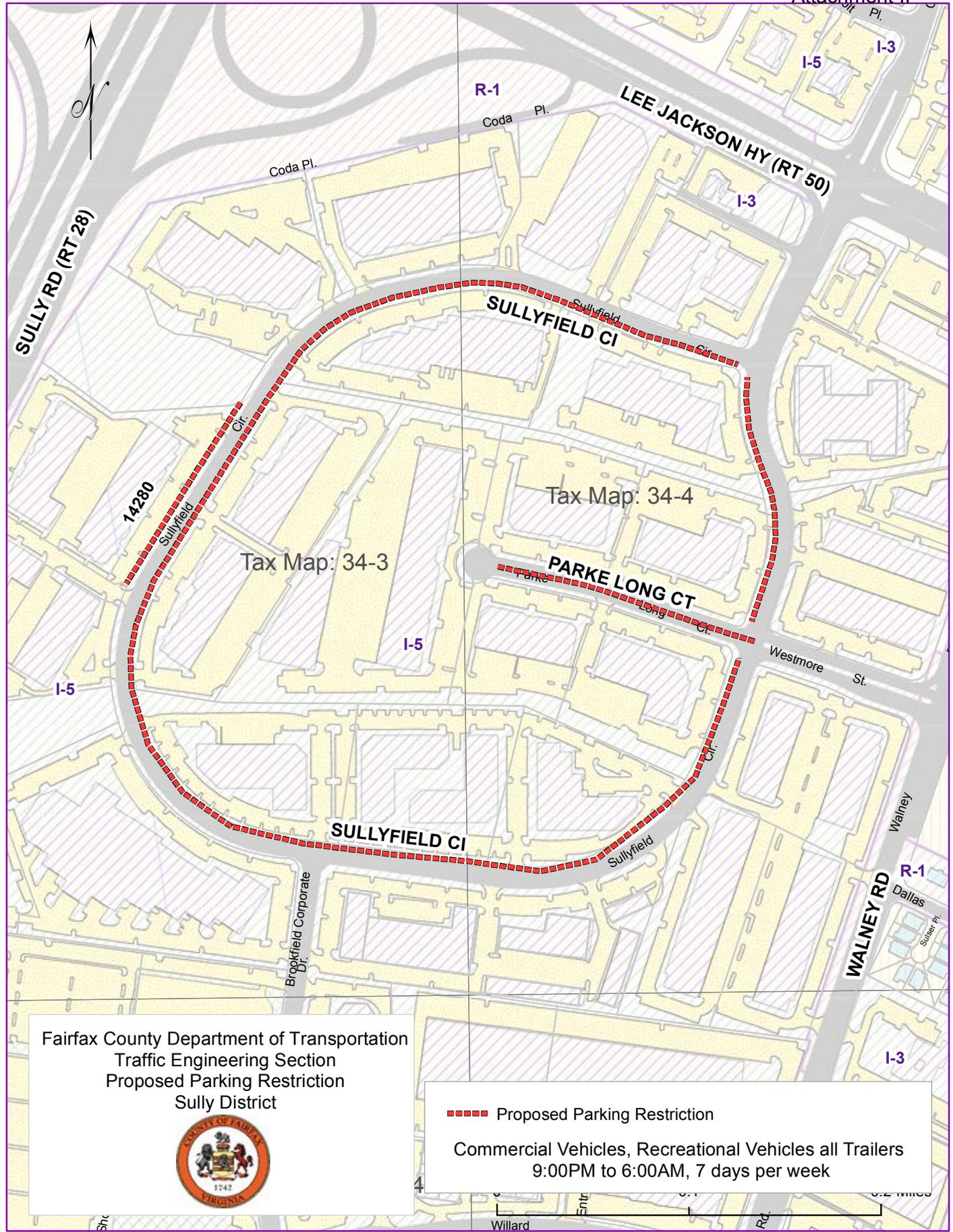
Amend *The Code of the County of Fairfax, Virginia*, by adding the following to Appendix R, in accordance with Section 82-5-37:

Parke Long Court (Route 3575).

Commercial vehicles, recreational vehicles, and trailers as defined in Fairfax County Code Chapter 82 shall be restricted from parking on Parke Long Court from Sullyfield Circle to the cul-de-sac inclusive from 9:00 p.m. to 6:00 a.m., seven days per week.

Sullyfield Circle (Route 7680).

Commercial vehicles, recreational vehicles, and trailers as defined in Fairfax County Code Chapter 82 shall be restricted from parking on the entire inner circle of Sullyfield Circle, and the outer circle of Sullyfield Circle along the entire road frontage with 14280 Sullyfield Circle, from 9:00 p.m. to 6:00 a.m., seven days per week.



Fairfax County Department of Transportation
 Traffic Engineering Section
 Proposed Parking Restriction
 Sully District



----- Proposed Parking Restriction

Commercial Vehicles, Recreational Vehicles all Trailers
 9:00PM to 6:00AM, 7 days per week