FAIRFAX COUNTY
BOARD OF SUPERVISORS
April 5, 2016

AGENDA

8:30		Reception for Sexual Assault Awareness Month Proclamation, Lambert Conference Center Reception Area
9:30		Presentations
10:00		Items Presented by the County Executive
	ADMINISTRATIVE ITEMS	
1		Authorization to Advertise a Public Hearing on the Approval of Financing for the Purchase of a New Fire Engine by the Burke Volunteer Fire and Rescue Department, Inc. (Springfield District)
2		Streets into the Secondary System (Dranesville, Mount Vernon, Springfield and Sully Districts)
3		Extension of Review Period for 2232 Applications (Providence, Dranesville, and Hunter Mill Districts)
4		Additional Time to Obtain a Non Residential Use Permit (Non-RUP) for Special Exception SE 2012-DR-003, TD Bank, N.A. (Dranesville District)
5		Additional Time to Commence Construction for Special Exception SE 2013-MV-011, Kimberly B. and Kelly P. Campbell (Mount Vernon District)
6		Authorization to Advertise a Public Hearing to Consider Amendments to The Code of the County of Fairfax, Virginia - Chapter 3 (County Employees), Article 5 (Financial Disclosures), Section 3-5-2.1 (Disclosures of Financial Interest)
	ACTION ITEMS	
1		Resolution Approving the Issuance by the Industrial Development Authority of its Health Care Revenue Bonds (Inova Health System Project) Series 2016 Refunding Bond Issue
2		Project Agreement Between the Department of Rail and Public Transportation (DRPT) and Fairfax County to Provide Federal Highway Administration (FHWA) Congestion Mitigation and Air Quality Improvement (CMAQ) Program Funds for Operation of Five Connector Stores

FAIRFAX COUNTY
BOARD OF SUPERVISORS
April 5, 2016

ACTION ITEMS (Continued)

3	Authorization for the Department of Transportation to Apply for and Accept Funding from the Fostering Advancements in Shipping and Transportation for the Long-Term Achievement of National Efficiencies (FASTLANE) Grant Program (FY 2016)
4	Endorsement of Design Plans for Bridge Replacement at Hunter Mill Road over Difficult Run (Hunter Mill District)
5	Approval of Memorandums of Understanding (MOU) Authorizing Fairfax County to Bill and Collect Local Registration Fees for the Towns of Herndon and Clifton
10:10	Matters Presented by Board Members
11:00	Closed Session

PUBLIC HEARINGS

2:30	Public Hearing on PCA 2011-PR-023/CDPA 2011-PR-023 (Cityline Partners LLC) (Providence District)
3:00	Public Hearing on the FY 2017 Effective Tax Rate Increase
3:00	Public Hearing for a Sewer Ordinance Amendment to Revise the Sewer Service Charges, Base Charges and the Equivalent Flow Factor and to Maintain the Availability Charges and Fixture Unit Charge
3:30	Public Hearing on PCA-A-936-03 (2222 Colts Neck Road, L.L.C.) (Hunter Mill District)
3:30	Public Hearing on PRCA-A-936 (2222 Colts Neck Road, L.L.C.) (Hunter Mill District)
3:30	Public Hearing on DPA-A-936-05 (2222 Colts Neck Road, L.L.C.) (Hunter Mill District)
3:30	Public Hearing on SEA 97-V-061 (ARA, Inc. T/A Gunston Shell Service Station) (Mount Vernon District)
4:00	Public Hearing on the County Executive's Proposed FY 2017 Advertised Budget Plan, the Advertised Capital Improvement Program for Fiscal Years 2017-2021 (CIP) (With Future Fiscal Years to 2026) and the Current Appropriation in the FY 2016 Revised Budget Plan

Fairfax County, Virginia

BOARD OF SUPERVISORS AGENDA

Tuesday
April 5, 2016

9:30 a.m.

ANNOUNCEMENT OF GRANT AWARDEES

Cox Communications Virginia will announce local nonprofits in the community it has awarded grants to further the academic achievement and development of young people in the areas of science, technology, mentoring and literacy.

DESIGNATIONS

- PROCLAMATION – To designate May 15-21, 2016, as Police Week and May 15, 2016, as Peace Officers Memorial Day in Fairfax County. Requested by Supervisor McKay.

- PROCLAMATION – To designate April 2016 as Child Abuse Awareness Month in Fairfax County. Requested by Supervisor Cook.

- PROCLAMATION – To designate April 2016 as Sexual Assault Awareness Month in Fairfax County. Requested by Chairman Bulova.

- PROCLAMATION – To designate May 2016 as Break the Silence on Ovarian Cancer Month in Fairfax County. Requested by Chairman Bulova.

- PROCLAMATION – To designate April 2016 as Donate Life Month in Fairfax County. Requested by Supervisor Cook.

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

Board Agenda Item
April 5, 2016

10:00 a.m.

Items Presented by the County Executive

Board Agenda Item
April 5, 2016

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing on the Approval of Financing for the Purchase of a New Fire Engine by the Burke Volunteer Fire and Rescue Department, Inc. (Springfield District)

ISSUE:
Authorization to advertise a public hearing to approve the financing of an amount of up to $680,000 for the purchase of a 2016 Pierce Velocity Class A Pumper by the Burke Volunteer Fire and Rescue Department, Inc. ("BVFRD"). In order to utilize favorable tax-exempt financing for this purchase, the United States Internal Revenue Code requires a governmental unit, such as the County, to approve of this purchase and financing arrangement.

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing to approve this purchase and financing arrangement.

TIMING:
Board action is requested on April 5, 2016, to provide sufficient time to advertise the proposed public hearing on April 26, 2016, at 4:00 p.m.

BACKGROUND:
BVFRD seeks to purchase a new 2016 Pierce Velocity Class A Pumper and to finance that purchase using tax-exempt bonds with a private bank. Such a purchase will reduce costs for BVFRD. In order for those bonds to be exempt from federal income taxes, such bonds must be approved by a governmental unit, and the volunteer fire department must be "a qualified volunteer fire department," which means it is organized to provide firefighting or emergency rescue services. BVFRD meets the statutory requirements to be a qualified department. Approval of this financing by the Board will not make the County responsible for repayment of this financing.

FISCAL IMPACT:
None to Fairfax County

Board Agenda Item
April 5, 2016

ENCLOSED DOCUMENTS:
Attachment 1 – Draft Board Resolution

STAFF:
David M. Rohrer, Deputy County Executive
Fire Chief Richard Bowers, Fire and Rescue Department
Jeffrey F. Katz, Volunteer Liaison, Fire and Rescue Department

ATTACHMENT 1

RESOLUTION OF THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, APPROVING THE FINANCING OF THE PURCHASE OF CERTAIN RESCUE APPARATUS BY THE BURKE VOLUNTEER FIRE AND RESCUE DEPARTMENT, INC.

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the County Government Center at 12000 Government Center Parkway in Fairfax, Virginia, on Tuesday, April 26, 2016, at which a quorum was present and voting, the following resolution was adopted in public session, after giving notice by publication and after conducting a public hearing to approve the proposed financing of up to $680,000 for the purchase of a Class "A" Pumper by the Burke Volunteer Fire and Rescue Department, Inc.

WHEREAS, the Burke Volunteer Fire and Rescue Department , Inc. ("BVFRD"), is located at 9501 Old Burke Lake Road in Fairfax County, Virginia; and

WHEREAS, BVFRD is organized and operates to provide firefighting and emergency medical services pursuant to written agreements to the Burke service area of Fairfax County, Virginia; and

WHEREAS, BVFRD has decided to purchase and place into service a new 2016 Pierce Class "A" Pumper and to finance an amount of up to $680,000 for that purchase; and

WHEREAS, BVFRD seeks to finance the purchase of that Pumper with a bank using private activity bonds that are accorded tax-exempt status under federal law; and

WHEREAS, on March 21, 2016 BVFRD conducted a public hearing on the purchase and financing of that Pumper; and

WHEREAS, Section 147(f) of the United States Internal Revenue Code require that such bonds be given public approval by a governmental unit, and BVFRD has requested the Board of Supervisors to approve this transaction; and

WHEREAS, approval by a governmental unit of the financing of this purchase using tax-exempt bonds will not make Fairfax County, Virginia, responsible for the repayment of such bonds; now therefore, be it

RESOLVED, that the Fairfax County Board of Supervisors, the governing body of a political subdivision of Virginia, hereby approves the proposed purchase and financing of the previously described Pumper using tax-exempt bonds in an amount of up to $680,000; and now be it

FURTHER RESOLVED, that the Clerk to the Board shall provide a certified copy of this resolution to BVFRD.

GIVEN under my hand this 26th day of April 2016.

By: _____
Catherine A. Chianese, Clerk

Board Agenda Item
April 5, 2016

ADMINISTRATIVE – 2

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

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

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

Subdivision	**District**	**Street**
Shaker Knolls	Dranesville	Shaker Knolls Court
		Shaker Woods Road (Route 680) (Supplemental Right-of-Way Only)
Belmont Park Estates	Mt. Vernon	Haislip Lane
		Belmont Landing Road
Westbrook (Autumn Willow Drive)	Springfield	Autumn Willow Drive
		Marshal Farm Court
Chantilly Green Section Two	Sully	Lowe Street
		Louise Avenue

TIMING:
Routine.

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

Board Agenda Item
April 5, 2016

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Street Acceptance Forms

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

Print Form

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA

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

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

BY: Nadia Alphonso

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: 7416-SD-005

SUBDIVISION PLAT NAME: Shaker Knolls

COUNTY MAGISTERIAL DISTRICT: Dranesville

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 01/20/2016

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Shaker Knolls Court	CL Shaker Woods Road (Route 680) - 391' N CL Admiral Zumwalt Lane (Route 8186)	987' NW to End of Cul-de-Sac	0.19
Shaker Woods Road (Route 680) (Supplemental Right-of-Way Only)	142' N CL Admiral Zumwalt Lane (Route 8186)	953' N to End of Dedication	0.0
		TOTALS:	0.19

NOTES:

Shaker Knolls Court: 5' Concrete Sidewalk on the East Side to be maintained by VDOT.

Print Form

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA

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

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

BY: Nadia Alphonse

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

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

PLAN NUMBER: 7037-PI-001

SUBDIVISION PLAT NAME: Belmont Park Estates

COUNTY MAGISTERIAL DISTRICT: Mount Vernon

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 01/11/2016

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Haislip Lane	CL Belmont Boulevard (Route 601) - 514' NE CL Rio Vista Drive (Route 6726)	501' NE to CL Belmont Landing Road	0.10
Belmont Landing Road	CL Haislip Lane - 501' NE CL Belmont Boulevard (Route 601)	289' NW to Beginning of Temporary Turnaround (0.06)& 633' SE to Beginning of Temporary Turnaround (0.12)	0.18
		TOTALS:	0.28

NOTES:

Print Form

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA

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

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

BY: Nadia Alphonse

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

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

PLAN NUMBER: 9207-SD-003

SUBDIVISION PLAT NAME: Westbrook (Autumn Willow Drive)

COUNTY MAGISTERIAL DISTRICT: Springfield

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 01/07/2016

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Autumn Willow Drive	Existing Autumn Willow Drive (Route 7988) - 172' NE CL Myrtle Leaf Drive (Route 8037)	847' NE to Existing Lincoln Drive (Route 10197)	0.16
Marshal Farm Court	CL Autumn Willow Drive - 691' NE CL Myrtle Leaf Drive (Route 8037)	438' N to End of Cul-de-Sac	0.08
		TOTALS:	0.24

NOTES:

Autumn Willow Drive: 5' Concrete Sidewalk on Both Sides to be maintained by VDOT.

Marshal Farm Court: 5' Concrete Sidewalk on Both Sides to be maintained by VDOT.

Print Form

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA

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

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

BY: Nadia Alphense

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: 457-PI-001 (457-SD-02)

SUBDIVISION PLAT NAME: Chantilly Green Section Two

COUNTY MAGISTERIAL DISTRICT: Sully

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 01/19/2016

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Lowe Street	Existing Lowe Street (Route 2528) - 184' SE CL Louise Avenue (Route 2530)	108' SE to End of Cul-de-Sac	0.02
Louise Avenue	Existing Louise Avenue (Route 2530) - 544' SW CL Lowe Street (Route 2528)	104' SW to End of Cul-de-Sac	0.02
		TOTALS:	0.04

NOTES:
Lowe Street: 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.

Board Agenda Item
April 5, 2016

ADMINISTRATIVE – 3

Extension of Review Period for 2232 Applications (Providence, Dranesville, and Hunter Mill Districts)

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

RECOMMENDATION:
The County Executive recommends that the Board extend the review period for the following applications: FS-P15-21, FS-D15-22, FS-P15-20, 2232-H15-27

TIMING:
Board action is required on April 5, 2016, to extend the review period of the applications noted above before their expiration date.

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

The review period for the following applications should be extended:

FS-P15-21	Verizon Wireless 8293 Watson Street Tysons, VA Providence District Accepted January 15, 2016 Extend to June 13, 2016

Board Agenda Item
April 5, 2016

FS-D15-22	Verizon Wireless I-495 @ Va. Rt. 123 Tysons, VA Dranesville District Accepted January 15, 2016 Extend to June 13, 2016
FS-P15-20	Verizon Wireless 8334 Leesburg Pike Tysons, VA Providence District Accepted January 17, 2016 Extend to June 15, 2016
2232-H15-27	Verizon Wireless 11300 Sunset Hills Road Reston, VA Hunter Mill District Accepted January 21, 2016 Extend to June 19, 2016

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
None

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

Board Agenda Item
April 5, 2016

ADMINISTRATIVE - 4

Additional Time to Obtain a Non Residential Use Permit (Non-RUP) for Special Exception SE 2012-DR-003, TD Bank, N.A. (Dranesville District)

ISSUE:
Board consideration of additional time to obtain a Non-RUP for SE 2012-DR-003, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:
The County Executive recommends that the Board approve twenty-four months additional time for SE 2012-DR-003 to March 11, 2018.

TIMING:
Routine.

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

On September 11, 2012, the Board of Supervisors approved Special Exception SE 2012-DR-003, subject to development conditions. The application was filed in the name of TD Bank, N.A. for the purpose of permitting a drive-in financial institution and a waiver of the minimum lot size requirements within the C-5 zoning district for property located at 6256 and 6260 Old Dominion Drive, Tax Map 31-3 ((1)) 112A and 116A pt. (see Locator Map in Attachment 1). The drive-in financial institution, a Category 5 special exception use, is permitted pursuant to Section 4-504 of the Fairfax County Zoning Ordinance. The waiver of minimum lot size requirements, a Category 6 special exception use, is permitted pursuant to Section 9-601 of the Zoning Ordinance and is subject to the additional submission requirements of Section 9-610. SE 2012-DR-003 was approved with a condition that the use be established as evidenced by the issuance of a Non-RUP

for the drive-in financial institution use within thirty months of the approval date unless the Board grants additional time. The development conditions for SE 2012-DR-003 are included as part of the Clerk to the Board's letter contained in Attachment 2.

On April 7, 2015, the Board of Supervisors approved twelve months of additional time, to March 11, 2016. On December 23, 2015, the Department of Planning and Zoning (DPZ) received a letter dated December 22, 2015, from Mark M. Viani, agent for the Applicant, requesting twelve months of additional time. On February 16, 2016, a subsequent letter dated February 12, 2016, was received revising the request to twenty-four (24) months of additional time (See Attachment 3). The approved Special Exception will not expire pending the Board's action on the request for additional time.

As part of the justification for the April 7, 2015 request for additional time, it was noted that internal operational issues within TD Bank had necessitated the reassignment of construction management teams to other projects within the company, and TD Bank was not ready to begin construction on the Old Dominion Drive location at that time. As part of the current request, Mr. Viani states TD Bank is considering certain design changes to the building and is still not ready to proceed with construction. These issues are internal to TD Bank and not associated with the Fairfax County permitting and site approval process. In addition, the language contained within the September 12, 2012 Clerk's letter for SE 2012-DR-003 more specifically states the establishment of the use is contingent upon the issuance of a Non-RUP as opposed to the commencement of construction trigger noted by Section 9-015. The request for twenty-four months of additional time will allow for the commencement and completion of construction prior to the issuance of a final Non-RUP.

Staff has reviewed Special Exception SE 2012-DR-003 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a drive-in financial institution and a waiver of the minimum lot size requirements in the C-5 district. Further, staff knows of no change in land use circumstances that affects compliance of SE 2012-DR-003 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for the property has not changed since approval of the Special Exception. Finally, the conditions associated with the Board's approval of SE 2012-DR-003 are still appropriate and remain in full force and effect. Staff believes that approval of the request for twenty-four months additional time is in the public interest and recommends that it be approved.

Board Agenda Item
April 5, 2016

FISCAL IMPACT:
None

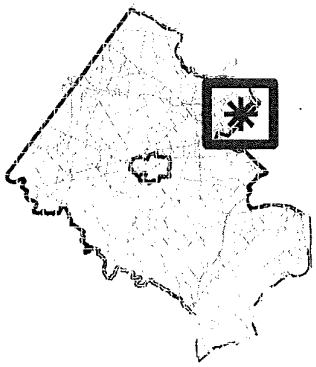
ENCLOSED DOCUMENTS:
Attachment 1: Locator Map
Attachment 2: Letter dated September 12, 2012, to Lori K. Murphy
Attachment 3: Letters dated December 22, 2015, and February 12, 2016, to Leslie B. Johnson

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

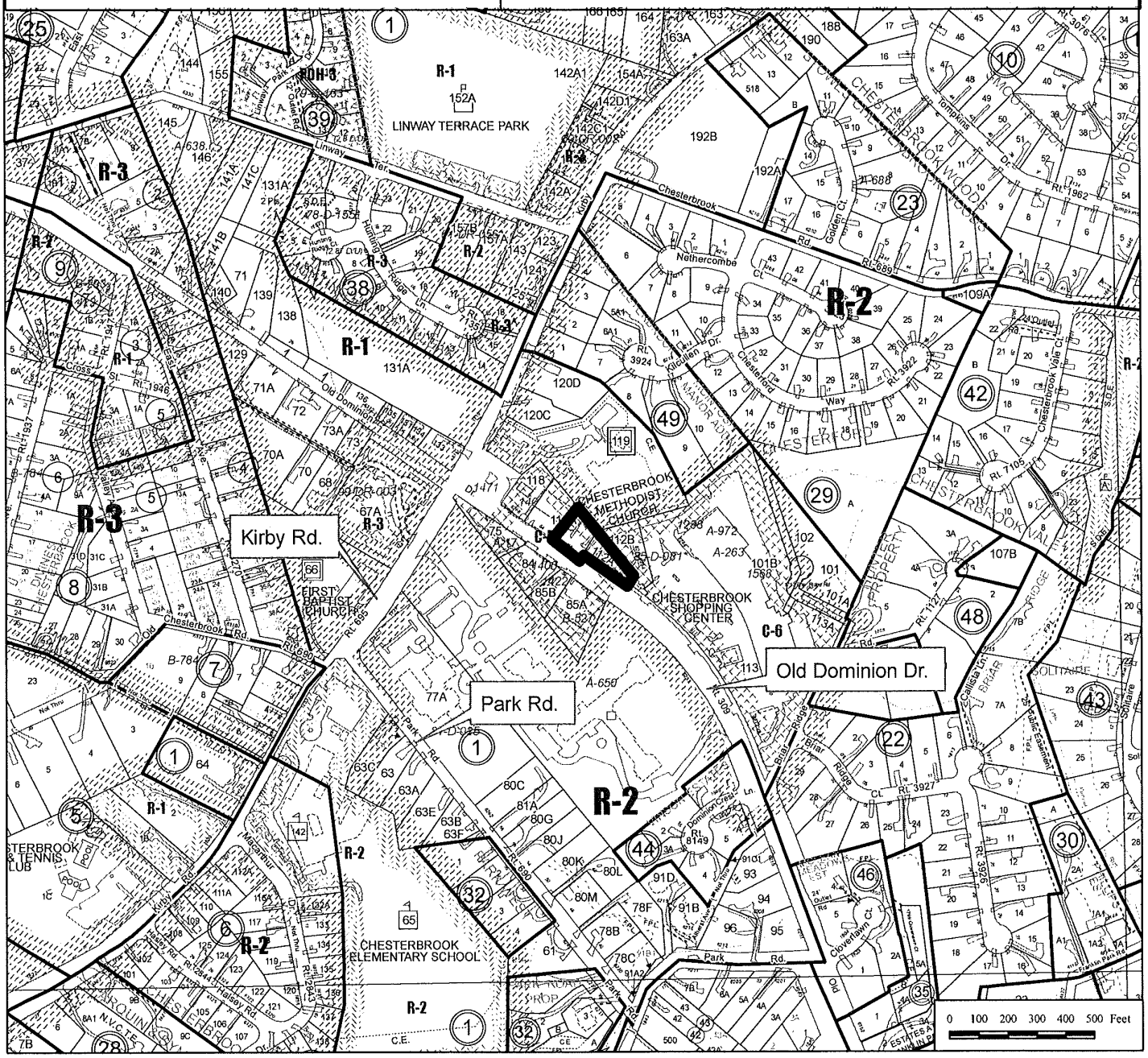
Special Exception

SE 2012-DR-003

ATTACHMENT 1



Applicant:	TD BANK, N.A.
Accepted:	03/28/2012
Proposed:	DRIVE-IN FINANCIAL INSTITUTION AND WAIVER OF MINIMUM LOT SIZE REQUIREMENTS
Area:	29,595 SF OF LAND; DISTRICT - DRANESVILLE ZIP - 22101
Zoning Dist Sect:	09-0610, 04-0504
Art 9 Group and Use:	6-06 5-06
Located:	6256 AND 6260 OLD DOMINION DRIVE
Zoning:	C- 5
Plan Area:	2
Map Ref Num:	031-3- /01/ /0112A /01/ /0116A pt.



ATTACHMENT 2

County of Fairfax, Virginia

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

September 12, 2012

Lori K. Murphy
Bean, Kinney & Korman, P.C.
2300 Wilson Boulevard, 7th Floor
Arlington, VA 22201

Re: Special Exception Application SE 2012-DR-003

Dear Ms. Murphy:

At a regular meeting of the Board of Supervisors held on September 11, 2012, the Board approved Special Exception Application SE 2012-DR-003 in the name of TD Bank, N.A. The subject property is located at 6256 and 6260 Old Dominion Drive on approximately 25,595 square feet of land, zoned C-5 in the Dranesville District [Tax Map 31-3 ((1)) 112A and 116A pt.]. The Board's action permits a drive-in financial institution and waiver of minimum lot size requirement, pursuant to Sections 4-504 and 9-610 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

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

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

3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat (SE Plat) prepared by Bohler Engineering, dated June 18, 2012, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

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

4. Architecture of the drive-in financial institution shall be in substantial conformance with that shown on the SE Plat, as determined by the Zoning Administrator.

5. The applicant shall maintain the existing and proposed sidewalks across the site's frontage along Old Dominion Drive. Prior to the issuance of the Non-RUP for the drive-in financial institution, a license agreement, such as a covenant of perpetual maintenance, shall be entered into by the applicant with the Virginia Department of Transportation (VDOT) to permit the landscaping and sidewalk shown on the SE Plat to be provided and maintained by the applicant in the right-of-way along Old Dominion Drive.

6. Prior to final site plan approval, the applicant shall submit throat length exceptions to VDOT for the access points along Old Dominion Drive. If approved by VDOT, the applicant shall implement any conditions associated with such exception. If the throat length exceptions are not approved, the applicant shall satisfy the applicable throat length requirements as determined by VDOT.

7. The applicant shall provide striping to clearly delineate the vehicular route from the point at which a vehicle exits the drive-in canopy to the stop bar at the drive-in exit, as shown on the SE Plat.

8. The applicant shall provide an additional storm filter or facility equivalent in phosphorus removal efficiency as determined by DPWES to treat the stormwater runoff in the area generally bounded by the grass median adjacent to the remote drive-through; the VDOT right-of-way along Old Dominion Drive; and, the two site entrances serving the SE area (treating a total area of at least 0.12 acres). The additional storm filter shall be installed prior to the issuance of a Non-RUP.

9. The loading space shall only be used for temporary loading purposes. The applicant shall provide signage that clearly identifies the space as such.

10. The applicant shall retain the services of a certified arborist or landscape architect. The limits of clearing and grading shall be marked with a continuous line of flagging prior to construction. Prior to commencement of any land disturbing activities, the applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a representative from UFMD to determine where adjustments to the clearing limits can be made to increase the size of the area to be left undisturbed, and to increase the survivability of trees to be preserved that occur near the edge of the limits of clearing and grading. Any adjustments agreed to by the applicant and UFMD shall be agreed upon and memorialized in writing by both the applicant and UFMD before any such adjustments are implemented, and such adjustments shall be implemented.

11. The applicant shall attempt to preserve the five trees along the rear property line of parcel 112A currently shown on the SE Plat as "subject to removal w/permission of adjacent property owner" by taking the following measures. All individual trees to be preserved and all areas designated to be left undisturbed shall be protected by tree protection fencing and signage. Tree protection fencing shall be erected at the drip line of individual trees to be preserved and at the limits of clearing and grading. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist or landscape architect and accomplished in a manner that does not harm existing vegetation to be preserved. Prior to final bond release, a representative from UFMD shall inspect the condition of these five trees to determine if they are hazardous or dying and should be removed. If UFMD recommends that these trees be removed and the trees are determined to be on the application property, the applicant shall remove these trees. If UFMD recommends that these trees be removed and the trees are determined to be on the adjacent property, the applicant shall attempt to enter into an agreement with the adjacent property owner to remove and replace these trees. The selection of the species and the placement of these replacement trees shall be subject to the review and approval by UFMD.

12. The applicant shall provide supplemental plantings along the rear property line of parcel 112A, as depicted on the SE Plat.

13. Prior to final site plan approval, the applicant shall provide supplemental plantings such as small shrubs or groundcover throughout the tree preservation area shown at the eastern boundary of parcel 112A. The selection of these plantings shall be subject to approval by UFMD.

14. Irrespective of any signs shown on the SE plat, all signage shall comply with the provisions of Article 12 of the Zoning Ordinance.

15. The applicant shall remove the existing chain link fence along the rear property line of parcel 112A.

16. The dumpster on the application site shall be enclosed with a brick wall. All doors to the dumpster shall remain closed when not in use.

17. A. The Applicant shall include, as part of the site plan submission and building plan submission for the building, a list of specific credits within the most current version of the U. S. Green Building Council's Leadership in Energy and Environmental Design for Commercial Interiors - (LEED® -CI) rating system, or other LEED rating system determined to be applicable to the financial institution by the U. S. Green Building Council (USGBC), that the Applicant anticipates attaining. At least one principal participant of the Applicant's project team shall be a LEED Accredited Professional, and such professional shall provide certification statements at both the time of site plan review and the time of building plan

review confirming that the items on the list are expected to meet at least the minimum number of credits necessary to attain LEED certification for the financial institution.

B. Prior to building plan approval for the building, the Applicant shall submit, to the Environment and Development Review Branch of DPZ, documentation from the U. S. Green Building Council demonstrating that LEED precertification has been attained for that building. Prior to release of the bond for that building, the Applicant shall provide documentation to the Environment and Development Review Branch of DPZ demonstrating the status of attainment of LEED Certification from the U. S. Green Building Council for the financial institution.

C. If the Applicant fails to attain LEED precertification or certification prior to submission of the application for a Non-RUP, the Applicant shall, prior to issuance of a Non-RUP, execute a separate agreement and post a "green building escrow," in the form of a cash or a letter of credit from a financial institution acceptable to DPWES as defined in the Public Facilities Manual, in the amount of $15,000. This escrow shall be in addition to and separate from other bond requirements and shall be released upon demonstration of attainment of certification, by the U.S. Green Building council, under the most current version of the LEED-CI rating system or other LEED rating system determined, by the U.S. Green Building council, to be applicable to the financial institution. The provision to the Environment and Development Review Branch of DPZ of documentation from the U.S. Green Building Council that the financial institution has attained LEED certification shall be sufficient to satisfy this commitment. If the applicant fails to provide documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification within two years (or such longer time if the Applicant provided documentation to the satisfaction of the Environment and Development Review Branch of DPZ that USGBC review of the LEED certification has been delayed through no fault of the Applicant) of issuance of the first Non-RUP for the drive-in financial institution, the escrow shall be released to Fairfax County and shall be posted to a fund within the county budget supporting implementation of environmental initiatives within the Dranesville District.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as evidenced by the issuance of a Non-RUP for the drive-in financial institution use. The Board of Supervisors may grant additional time to establish

the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

The Board also:

- Waived the minimum lot size requirements to permit a lot area of 29,595 square feet instead of the required 40,000 square feet.
- Modified the transitional screening and waived the barrier requirements along the site's southern boundary along Old Dominion Drive in favor of that shown on the SE Plat.
- Modified the transitional screening and barrier requirements along the site's northern and northeastern boundaries in favor of that shown on the SE plat.
- Modified the trail requirement along Old Dominion Drive in favor of the sidewalks shown on the SE plat.
- Waived the loading space requirement for the drive-in financial institution use.

Sincerely,

Catherine A. Chianese

Catherine A. Chianese
Clerk to the Board of Supervisors

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

ATTACHMENT 3

BEAN KINNEY & KORMAN PC
ATTORNEYS

2300 WILSON BOULEVARD
7TH FLOOR
ARLINGTON, VA 22201
PHONE 703.525.4000
FAX 703.525.2207

FAIRFAX COUNTY
RECEIVED
FEB 16 2016
DIVISION OF
ZONING ADMINISTRATION

2016-0213

RECEIVED
Department of Planning & Zoning
FEB 17 2016
Zoning Evaluation Division

Mark M. Viani, Esq.
Admitted: VA, MD, and DC
mviani@beankinney.com

February 12, 2016

Leslie B. Johnson, Zoning Administrator
County of Fairfax
12055 Government Center Parkway
Fairfax VA 22035-5508

Re: **REQUEST FOR ADDITIONAL TIME (REVISED)**
Special Exception SE 2012-DR-003; TD Bank, NA
6256 and 6260 Old Dominion Drive
Tax Map 31-3 ((1)) 112A and 116A pt.
Zoning District C-5

Dear Ms. Johnson:

On behalf of TD Bank, the Applicant for the above-referenced approved Special Exception, I am writing to request an extension of two years of additional time from the time that this Special Exception would otherwise expire on March 11, 2016. This Special Exception was approved on September 11, 2012. One previous extension of time of one year was requested on January 20, 2015. We now request that the expiration of the Special Exception be extended until March 11, 2018.

The development conditions that accompanied approval of this Special Exception state that, pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire thirty (30) months after the date of approval unless a Non-RUP has been issued for the drive-in financial use. Given that this condition appears to conflict with Section 9-015, which precludes expiration of the Special Exception upon the commencement of construction, we now respectfully request an extension of the Special Exception until March 11, 2018.

I have coordinated this request with Supervisor Foust's office, which is supportive. If you have any questions or need any other exhibits, please call me.

Very truly yours,

Mark M. Viani, Esq.

cc: Michael Powell, TD Bank
Fred Taylor, Esq.

BEAN KINNEY & KORMAN PC
ATTORNEYS

2300 WILSON BOULEVARD
7TH FLOOR
ARLINGTON, VA 22201
PHONE 703.525.4000
FAX 703.525.2207

RECEIVED
Department of Planning & Zoning
DEC 28 2015
Zoning Evaluation Division

Mark M. Viani, Esq.
Admitted: VA, MD, and DC
mviani@beankinney.com

December 22, 2015

FAIRFAX COUNTY
RECEIVED
DEC 23 2015
DIVISION OF
ZONING ADMINISTRATION
2015-1771

VIA FEDERAL EXPRESS
Leslie B. Johnson, Zoning Administrator
County of Fairfax
12055 Government Center Parkway
Fairfax VA 22035-5508

Re: **REQUEST FOR ADDITIONAL TIME**
Special Exception SE 2012-DR-003; TD Bank, NA
6256 and 6260 Old Dominion Drive
Tax Map 31-3 ((1)) 112A and 116A pt.
Zoning District C-5

Dear Ms. Johnson:

On behalf of TD Bank, the Applicant for the above-referenced approved Special Exception, I am writing to request an extension of one year of additional time from the time that this Special Exception would otherwise expire on March 11, 2016. This Special Exception was approved on September 11, 2012. One previous extension of time of one year was requested on January 20, 2015. We now request that the expiration of the Special Exception be extended until March 11, 2017.

TD Bank remains committed to this site and intends to proceed with the project, however, will not be in a position to commence construction of the building by March 11, 2016. TD Bank is currently considering a certain design changes and other matters that may impact construction. Therefore, we respectfully request an extension of the Special Exception until March 11, 2017.

I have coordinated this request with Supervisor Foust's office, which is supportive. If you have any questions or need any other exhibits, please call me.

Very truly yours,

Mark M. Viani / by ZGW w/permission

Mark M. Viani, Esq.

cc: Michael Powell, TD Bank
Fred Taylor, Esq.

Board Agenda Item
April 5, 2016

ADMINISTRATIVE - 5

Additional Time to Commence Construction for Special Exception SE 2013-MV-011, Kimberly B. and Kelly P. Campbell (Mount Vernon District)

ISSUE:
Board consideration of additional time to commence construction for SE 2013-MV-011, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:
The County Executive recommends that the Board approve six months additional time for SE 2013-MV-011 to May 13, 2016.

TIMING:
Routine.

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

On May 13, 2014, the Board of Supervisors approved Special Exception SE 2013-MV-011, subject to development conditions. This application was filed in the name of Kimberly B. and Kelly P. Campbell for the purpose of permitting uses in the floodplain within the R-E (Residential Estate) zoning district for property located at 11727 River Drive, Tax Map 122-2 ((2)) 7 (See Locator Map in Attachment 1). Uses in the floodplain, a Category 6 special exception use, are permitted pursuant to Section 9-601. and Section 2-904 of the Fairfax County Zoning Ordinance and are subject to the use limitations of Section 2-905. Concurrent with the Special Exception, the Board of Supervisors also approved a Resource Protection Area Exception and Water Quality Impact Assessment for the proposed uses. SE 2013-MV-011 was approved with a condition that the use be established or construction commenced and diligently

prosecuted within twelve months of the approval date unless the Board grants additional time. The development conditions for SE 2013-MV-011 are included as part of the Clerk to the Board's letter contained in Attachment 2.

On July 28, 2015, the Board of Supervisors approved six months of additional time, to November 13, 2015. On November 12, 2015, the Department of Planning and Zoning (DPZ) received a letter dated November 11, 2015, from Jason E. Hickman, agent for the Applicant, requesting additional time be granted until May 15, 2016 (See Attachment 3). Based on the current expiration date of November 13, 2015, and discussion with staff, Mr. Hickman has indicated his agreement that six months of additional time be requested until May 13, 2016. The Special Exception will not expire pending the Board's action on the request for additional time.

As part of the justification for the July 28, 2015 request, it was stated that applicable permits were dependent upon Wetlands Board approval for the revetment. Mr. Hickman now states County approval of the Deed of Easement is pending, following which all work can be completed within two or three weeks. Staff has consulted with the Department of Public Works and Environmental Services (DPWES) and would note that, as of this writing, the Infill Grading Plan and a Record Plat are both on administrative hold as a result of certain development conditions not being satisfied and outstanding review fees which have not been paid.

Staff has reviewed Special Exception SE 2013-MV-011 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit uses in a floodplain. Further, staff knows of no change in land use circumstances that affects compliance of SE 2013-MV-011 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for the property has not changed since approval of the Special Exception. Finally, the conditions associated with the Board's approval of SE 2013-MV-011 are still appropriate and remain in full force and effect. Staff believes that approval of the request for six months additional time is in the public interest and recommends that it be approved.

FISCAL IMPACT:
None

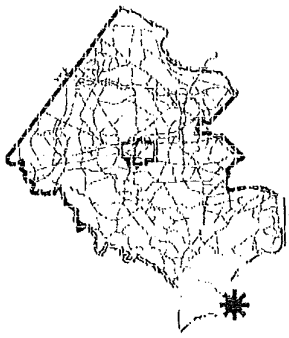
Board Agenda Item
April 5, 2016

ENCLOSED DOCUMENTS:
Attachment 1: Locator Map
Attachment 2: Letter dated May 14, 2014, to Mark D. Crain
Attachment 3: Letter dated November 11, 2015, to Leslie B. Johnson

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

Special Exception

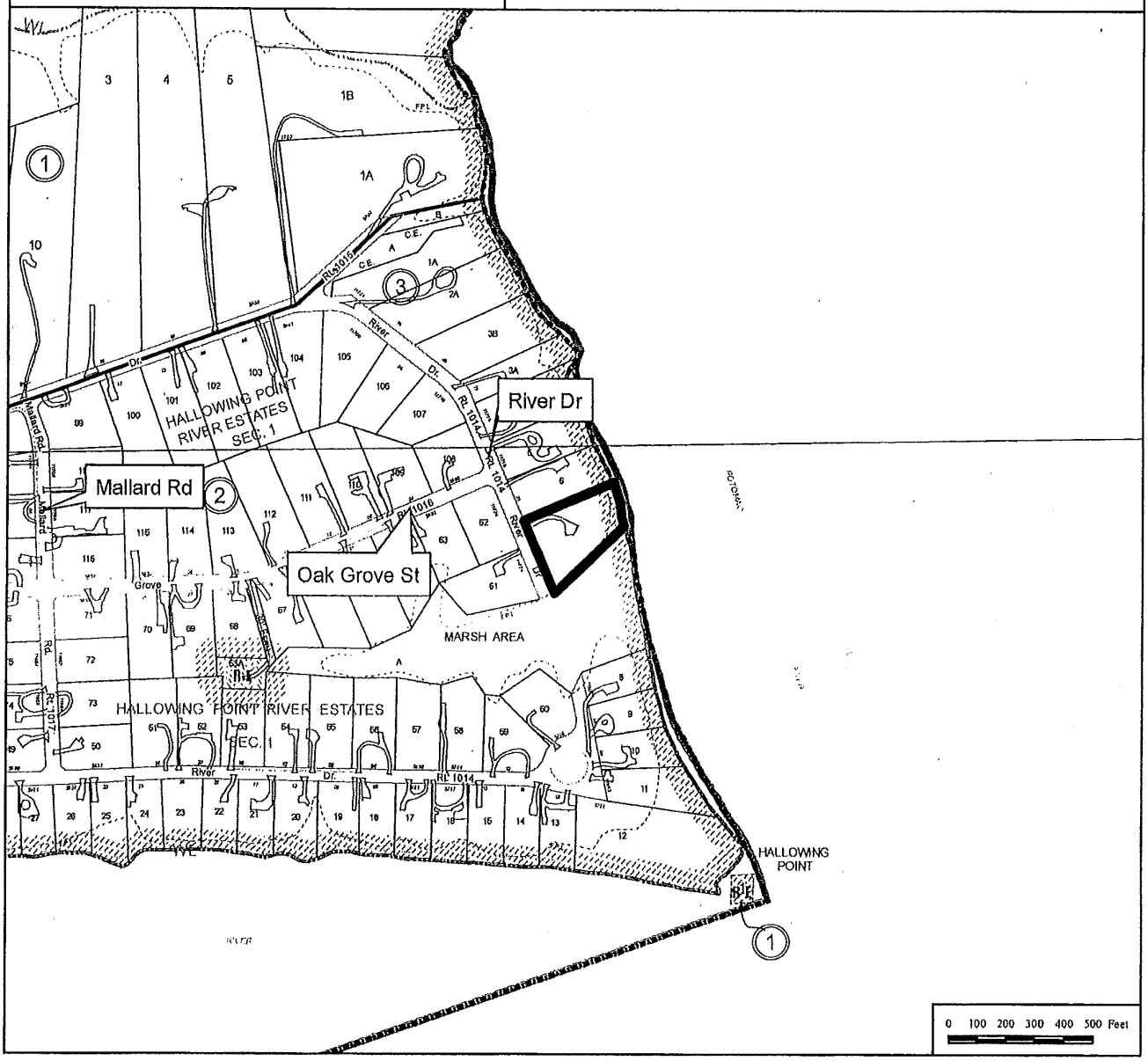
SE 2013-MV-011



Applicant: KIMBERLY B. & KELLY P. CAMPBELL
Accepted: 07/02/2013
Proposed: USES IN A FLOODPLAIN
Area: 1.56 AC OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect: 02-0904
Art 9 Group and Use: 6-2
Located: 11727 RIVER DRIVE, MASON NECK, VA 22079

Zoning: R- E
Plan Area: 4,
Overlay Dist:
Map Ref Num: 122-2- /02/ /0007



ATTACHMENT 2

County of Fairfax, Virginia

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

May 14, 2014

Mark D. Crain
9114 Industry Drive
Manassas Park, VA 20111

Re: Special Exception Application SE 2013-MV-011

Dear Mr. Crain:

At a regular meeting of the Board of Supervisors held on May 13, 2014, the Board approved Special Exception Application SE 2013-MV-011 in the name of Kimberly B. and Kelly P. Campbell and the accompanying Resource Protection Area Encroachment Exception #5203-WRPA-010-2 and Water Quality Impact Assessment #5203-WQ-019-2. The subject property is located at 11727 River Drive, on 1.56 acres of land, zoned R-E in the Mount Vernon District [Tax Map 122-2 ((2)) 7]. The Board's action permits uses in a flood plain, pursuant to Section 2-904 of the Fairfax County Zoning, by requiring conformance with the following development conditions:

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

2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions. Notwithstanding the structures and uses indicated on the Special Exception Plat, the applicants may disturb land, demolish existing structures, and/or construct improvements outside of the 100-year floodplain and Resource Protection Area (RPA) without submitting a Special Exception (SE) application as long as the applicants comply with all applicable local, state and federal ordinances. However, the applicants may not allow any new structures or impervious areas to extend into the RPA without submitting and obtaining the approval of a Special Exception Amendment and an RPA Exception.

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

3. This Special Exception is subject to the provisions of Article 17, Site Plans as may be determined by the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Special Exception Plan Hallowing Point River Estates Lot 7 – Section One" prepared by Harold A. Logan Associates P.C., which is dated December 31, 2012, as revised through February 28, 2014, and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

4. Prior to the approval of a grading plan, site plan, or minor site plan, a Hold Harmless agreement shall be executed with Fairfax County for any adverse effects resulting from the location of the site within a floodplain area.

5. The final location and species of the proposed plantings shall be subject to the review and approval of the Urban Forest Management Division (UFMD) at the time of grading plan review. The applicants shall incorporate measures to support the long term maturity of any new landscaping, subject to the review and approval of UFMD. Landscaping in the RPA shall be installed within 90 days of grading plan approval unless the UFMD determines a later planting date is necessary to ensure the health of the landscaping.

6. The applicants shall incorporate appropriate engineering practices to address slope stabilization issues as recommended by the Geotechnical Review Board (GRB) and DPWES. The applicants shall achieve a factor of safety of not less than 1.25 for the entire area of the slope, as determined by DPWES in consultation with the GRB.

7. Within 60 days of approval of the SE, the applicants shall submit a grading plan to DPWES. The applicants shall obtain grading plan approval within 180 days of approval of the SE.

8. Within 60 days of approval of the SE, the applicants shall obtain all required permits for the existing dock. Extensions of up to 60 days may be granted by the Zoning Administrator if the applicants can demonstrate they have diligently pursued permit approvals.

9. The applicants must demonstrate to DPWES that all necessary federal, state, and county approvals have been obtained prior to any additional land disturbing activity.

10. Prior to grading plan approval, the applicants shall delineate the limits of the 100-year floodplain and record a floodplain easement, subject to review and approval by DPWES.

11. Concurrent with the first submission of any grading plan, site plan, or minor site plan, the applicants shall submit an additional copy of the plan to the Fairfax County FEMA Floodplain Administrator (Stormwater Planning Division) to determine whether the base flood elevation or limits of the floodplain in any Special Flood Hazard Area (SFHA) depicted on the County's Flood Insurance Rate Map (FIRM) would be altered as a result of any new construction, substantial improvements, or other development shown on the plan, including fill. If the County FEMA Floodplain Administrator determines that the base flood elevation or limits of the floodplain would be altered, the applicants shall submit technical or scientific data to FEMA for a Letter of Map Revision. If the projected increase in the base flood elevation is greater than one foot, the applicants shall also obtain approval of a Conditional Letter of Map Revision from the Federal Insurance Administrator prior to the approval of any construction. If the applicants are required to submit either a Letter of Map Revision and/or Conditional Letter of Map Revision as outlined above, the applicants shall submit a copy of the approval letter from FEMA to the Department of Planning and Zoning (DPZ).

12. The final location of the detached garage shall be subject to review and approval by the Fairfax County Health Department at the time of grading plan review.

13. Within 60 days of approval of the Special Exception the applicants shall provide all necessary information to DPWES in order to determine if the disturbance to the adjacent Hallowing Point Association property (HOA property) requires the approval of a WRPA, WQIA, SE, grading plan or other plans or permits. If it is determined that additional permits are needed for the grading on the HOA property, then the applicants shall work with the HOA to submit the proper applications within 90 days of such determination.

14. The limits of clearing and grading shown on the Plat shall be strictly observed and enforced and all existing vegetation shown as to be preserved on the SE Plat shall be preserved. Any encroachment into, and/or disturbance of, the RPA not shown on the approved Plat will be considered a violation of the Chesapeake Bay Preservation Ordinance (CBPO) and is subject to the penalties of the CBPO Article 9.

15. Within 30 days of the Special Exception's approval, the applicant shall submit an agreement or suitable documents to the County Attorney's office for review and approval. The agreement or suitable documents shall be recorded prior to grading plan approval. The agreement shall notify future owners of Tax Map 122-2 ((2)) 7 that the land is subject to an approved Special Exception (SE 2013-MV-011).

16. Any replanting or maintenance of landscaping shown on the approved grading plan shall be in accordance with the Chesapeake Bay Preservation Ordinance (Chapter 118 of the Fairfax County Code).

This approval, contingent on the above noted conditions, shall not relieve the applicants from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicants shall be themselves responsible for obtaining the required Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, twelve (12) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of an approval for a grading plan, site plan, or minor site plan. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Sincerely,

Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor Gerry Hyland, Mount Vernon District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Transportation Planning Division
Donald Stephens, Transportation Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Jill Cooper, Executive Director, Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

RECEIVED
Department of Planning & Zoning

NOV 12 2015

Zoning Evaluation Division

ATTACHMENT 3

COMPTON & DULING LC
ATTORNEYS AT LAW

FAIRFAX COUNTY
RECEIVED

NOV 12 2015

DIVISION OF
ZONING ADMINISTRATION

2015-1516

November 11, 2015

(703) 565-5137
jeh@comptonduling.com

VIA FEDERAL EXPRESS
Leslie B. Johnson
Zoning Administrator
Department of Planning and Zoning
12055 Government Center Pkwy, Suite 250
Fairfax, VA 22035

RE: SE 2013-MV-011
Tax Map 122-2((2))7
Address: 11727 River Drive
Owners: Kimberly B. Campell and Kelly P. Campbell

Dear Ms. Johnson,

Please consider the following as a request for additional time to establish the use to permit uses in the floodplain as part of SE 2013-MV-011.

The applicant/owners have received all necessary approvals, save the signed Deed of Easement, which we have just received from the Trustees and have forwarded the original documents to Paul Emerick, Esq. for approval. Once we have the Deed of Trust signed by Mr. Emerick, the contractor for the applicant/owner estimates that he will have all work completed within 2-3 weeks.

The current extension of the SE expires on November 13, 2015, therefore, the applicant/owner is respectfully requesting an extension of time to complete all work. We estimate that this will be complete by year-end; however, some planting may need to be finalized in the spring. For that reason, the applicant/owner is requesting an extension until May 15, 2016.

Please feel free to contact the undersigned if you have additional questions. Thank you for your anticipated cooperation.

Very truly yours,

COMPTON & DULING, L. C.

Jason E. Hickman

JEH/jlom

cc: Paul Emerick, Esq.
Marcia Hanson
Megan Duca
Kelly Campbell

Board Agenda Item
April 5, 2016

ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Consider Amendments to The Code of the County of Fairfax, Virginia - Chapter 3 (County Employees), Article 5 (Financial Disclosures), Section 3-5-2.1 (Disclosures of Financial Interest)

ISSUE:
Authorization to advertise a public hearing to consider amendments to *The Code of the County of Fairfax*, Chapter 3, Article 5, Section 3-5-2.1.

RECOMMENDATION:
The County Executive recommends that the Board authorize the advertisement of the public hearing on April 26, 2016, at 3:30 p.m., to consider adoption of these amendments.

TIMING:
Board action is requested on April 5, 2016, to provide sufficient time to advertise an April 26, 2016, public hearing on the proposed amendments.

BACKGROUND:
The General Assembly amended the Virginia State and Local Government Conflict of Interests Act (the "Act") in both the 2014 and 2015 sessions. The most recent state law amendments went into effect on January 1, 2016. A 2016 bill approved by the General Assembly would amend the law to require only an annual filing if the governor signs the bill into law.

The Act requires elected local officials and the governing bodies of certain local authorities to file disclosures of their financial interests. The Act also requires the members of the Planning Commission and the Board of Zoning Appeals, as well as the County Executive and all real estate assessors, to disclose their interests in real estate located in the County. Otherwise, the Act leaves to the Board of Supervisors ("Board") the discretion to decide whether, and which, County employees and officials should file financial disclosures.

Under the Act, the Board may designate persons the Board has appointed to positions of trust and persons employed by the Board to file the Statement of Economic Interests form (known as the "long" form). Those designations must be made by ordinance. The Act also allows the Board to designate nonsalaried citizen members of local boards, commissions and councils to file the financial disclosure form (known as the "short" form). Those designations do not have to be made by ordinance.

Currently, all such designations are effected by Fairfax County Code Section 3-5-2.1. Between 1988 through 2005, the financial disclosure ordinance was amended approximately every five years. However, the ordinance has not been amended since 2005, over 10 years ago. The ordinance is now out of date in several respects. First, the ordinance does not incorporate the recent changes to the Act. The ordinance says that the designated persons must file annually, although the Act now requires semi-annual filing, and the ordinance contains an obsolete citation to the state law. Additionally, during this period, the number of filers has expanded, primarily as a result of upward pay pressure in the local job market, which in turn drove up pay grade increases– a factor that has no bearing on whether those employees operate in environments that could subject them to potential conflicts of interest.

Employee designations

Staff researched and reviewed disclosure policies of the Commonwealth, other Virginia localities, and other states and localities. As a result, staff concluded that the most relevant, detailed, and workable policies require disclosure by employees with substantive decision-making responsibility. Substantive decision-making responsibilities are those in which the employee makes decisions that:

- Are primarily independent in nature or not otherwise subject to extensive review; and
- Have a monetary value to outside businesses, operations, or parties that exceeds or can reasonably be anticipated to exceed an established threshold amount; staff recommended using a working threshold of $5,000 per year in evaluating which positions should file.

These criteria focus on employees in positions that may be operating in environments where conflicts of interest could exist. Unlike the credit check policy, financial disclosures are not designed to gauge where personal financial circumstances could lead to theft or misappropriation of funds. A conflict of interest occurs when a transaction or relationship influences or could influence an officer or employee in carrying out his or her job or professional duties, or could interfere with his or her judgment or ability to act in the best interests of the County. For that reason, the proposed ordinance is intended to capture the senior staff members who are the “deciders” rather than the “doers” or “recommenders.”

Currently the County Executive, all Deputy County Executives, all assistant county executives, all assistants to the County Executive, the County Attorney and all deputy and assistant county attorneys, all County Department heads, and all employees who hold positions classified as pay grade S-29, P-27, F-29, C-28, and O-28 and above, except psychiatrists who are employed as such by the Fairfax-Falls Church Community Services Board, as well as a number of other individually identified positions, are required to file a Statement of Economic Interests.

At its November 24, 2015 meeting, the Board's Personnel Committee authorized staff, working in concert with department heads, to evaluate coverage criteria and determine which incumbents should be required to file the Statements of Economic Interest. After completing this process, staff believes the current filing designations include positions for which disclosure is not necessary to protect the public from potential conflicts of interest.

Additionally, a limited number of employees whose job responsibilities do not subject them to conflicts of interest will continue to file. However, with more than 800 unique job classifications, establishing a cut off by pay grade, and then listing exceptions, proved to be the most feasible way to craft the designations, and staff erred on the side of inclusion. Four job classes (with fewer than 15 incumbents) at pay grades under S-32 are included because employees in those positions were determined to have sufficient independent authority and fiduciary responsibility to warrant their being designated to file.

The draft ordinance does not include the Board of Supervisors in the designation because state law, not the County ordinance, requires Board members to file. Therefore, removing members of the Board of Supervisors from the ordinance has no effect on their filing obligations. Likewise, the ordinance does not identify all positions that must file the Real Estate Holdings disclosure form, because that requirement is imposed by state law. Finally, the draft ordinance deletes from the filing requirement certain employee positions that are not appointed by the Board of Supervisors.

<u>BAC designations</u>
Staff also reviewed which BACs the Board of Supervisors has currently designated to file disclosures. State law requires the members of a governing body of any authority that has the power to issue bonds or to expend funds in excess of $10,000 in any fiscal year to file the short form, and gives the governing body of the jurisdiction that appoints those members the power to require the members to file the long form. Other than that requirement, the state law does not require any other BAC members to file financial disclosures. The Act only requires the members of the Planning Commission and the Board of Zoning Appeals (as well as the County Executive and all real estate assessors) to disclose their interests in real estate located in the County.

Currently, there are 84 BACs. The County Code requires members of 24 of these BACs to file disclosures. Members of eleven BACs file the Statement of Economic Interests (the "long" form), two of which also file the Real Estate Holdings form (the "green" form), and members of 13 BACs file the Financial Disclosure form (the "short" form). As a result of the General Assembly's 2014 amendments to the state law, the BAC members who file the Statement of Economic Interests form are required to file twice annually; members who file the Financial Disclosure form file once annually; and the members of the Planning Commission and Board of Zoning Appeals file the Statement of Economic Interests form twice annually and the Real Estate Holdings form once annually.

Staff reviewed principles articulated in prior board items governing BAC financial disclosures and, coupled with the filing requirements set forth in the Act and the guiding principles used to determine the appropriate employees that should file, determined that a BAC member should file the long form if 1) the BAC has the independent authority to expend funds or issue bonds in excess of $10,000 in any fiscal year, or to directly manage assets valued at more than $10,000 or if 2) the BAC has statutory authority to either provide the Board of Supervisors with recommendations on, or to make decisions on, future land development, land use plans or land use zoning.

The draft ordinance does not designate the nonsalaried BAC members who file the short form, because the Act does not require the Board to designate nonsalaried BAC members by ordinance. Staff will present an Action Item for the Board's consideration on April 26 that designates those BACs. Designating them by Action Item rather than by ordinance allows the Board more flexibility to designate (or undesignate) BAC members. If or when the Board creates additional BACs, the Board can designate them to file if the Board so chooses at the time they are created.

Procedural Memorandum
Finally, the proposed ordinance authorizes and directs the County Executive to issue procedural memoranda that include a current listing of all standing BACs and all active ad hoc committees the Board has designated to file disclosure forms. Upon final action by the Board, staff will prepare such a procedural memorandum for consideration by the County Executive.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: Code of Virginia Title § 2.2-3115.
Attachment 2: Proposed Amendments to *The Code of the County of Fairfax*, Chapter 33, Article 5, Section 3-5-2.1 (with amendments tracked)
Attachment 3: Proposed Amendments to *The Code of the County of Fairfax*, Chapter 33, Article 5, Section 3-5-2.1 (clean version without strikeouts)

STAFF:
Catherine Spage, Acting Director, Department of Human Resources (DHR)
Leslie Amiri, Manager, Employee Relations and Policy Administration, DHR
Catherine A. Chianese, Assistant County Executive and Clerk for the Board of Supervisors
Erin C. Ward, Senior Assistant County Attorney
Daniel Robinson, Assistant County Attorney

Va. Code § 2.2-3115. (Effective January 1, 2016) Disclosure by local government officers and employees.

Bills amending this Section

A. The members of every governing body and school board of each county and city and of towns with populations in excess of 3,500 shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.

The members of the governing body of any authority established in any county or city, or part or combination thereof, and having the power to issue bonds or expend funds in excess of $10,000 in any fiscal year, shall file, as a condition to assuming office, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such a statement annually on or before December 15, unless the governing body of the jurisdiction that appoints the members requires that the members file the form set forth in § 2.2-3117 semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.

Persons occupying such positions of trust appointed by governing bodies and persons occupying such positions of employment with governing bodies as may be designated to file by ordinance of the governing body shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.

Persons occupying such positions of trust appointed by school boards and persons occupying such positions of employment with school boards as may be designated to file by an adopted policy of the school board shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.

B. Nonsalaried citizen members of local boards, commissions and councils as may be designated by the governing body shall file, as a condition to assuming office, a disclosure form of their

personal interests and such other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such form annually on or before December 15.

C. No person shall be mandated to file any disclosure not otherwise required by this article.

D. The disclosure forms required by subsections A and B shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline, and the clerks of the governing body and school board shall distribute the forms to designated individuals at least 20 days prior to the filing deadline. Forms shall be filed and maintained as public records for five years in the office of the clerk of the respective governing body or school board. Forms filed by members of governing bodies of authorities shall be filed and maintained as public records for five years in the office of the clerk of the governing body of the county or city. Such forms shall be made public no later than six weeks after filing.

E. Candidates for membership in the governing body or school board of any county, city or town with a population of more than 3,500 persons shall file a disclosure statement of their personal interests as required by § 24.2-502.

F. Any officer or employee of local government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112 or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental or advisory agency.

G. In addition to any disclosure required by subsections A and B, in each county and city and in towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers or executive officers shall make annual disclosures of all their interests in real estate located in the county, city or town in which they are elected, appointed, or employed. Such disclosure shall include any business in which such persons own an interest, or from which income is received, if the primary purpose of the business is to own, develop or derive compensation through the sale, exchange or development of real estate in the county, city or town. Such disclosure shall be filed as a condition to assuming office or employment, and thereafter shall be filed annually with the clerk of the governing body of such county, city, or town on or before December 15. Such disclosures shall be filed and maintained as public records for five years. Such forms shall be made public no later than six weeks after filing. Forms for the filing of such reports shall be made available by

the Virginia Conflict of Interest and Ethics Advisory Council to the clerk of each governing body.

H. An officer or employee of local government who is required to declare his interest pursuant to subdivision A 2 of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. The officer or employee shall also orally disclose the existence of the interest during each meeting of the governmental or advisory agency at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

I. An officer or employee of local government who is required to declare his interest pursuant to subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

1987, Sp. Sess., c. 1, § 2.1-639.14; 1988, c. 849; 1995, c. 495; 1996, c. 526; 2000, c. 317; 2001, cc. 217, 844; 2003, c. 694; 2012, c. 429; 2014, cc. 792, 804; 2015, cc. 763, 777.

AN ORDINANCE AMENDING ARTICLE 5 OF CHAPTER 3 OF THE FAIRFAX COUNTY CODE, RELATING TO FINANCIAL DISCLOSURES

Draft of March 23, 2016

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Section 3-5-2.1 relating to financial disclosures.

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

1. That Section 3-5-2.1 is amended and readopted as follows:

Article 5. – Financial Disclosures.

Section 3-5-2.1. Disclosures of financial interest.

(a) ~~Annually by January 15 of each year or otherwise within 21 days of formal notification of appointment,~~As a condition to assuming or holding office or employment, members appointed by the Board of Supervisors to the following entities shall file a disclosure statement of their personal interests and other information as is specified in the form or forms identified in Virginia Code §§ 2.2-3115 and 2.2-3117 at such times and for such periods as is required by state law: ~~the members of~~ (1) ~~the Board of Supervisors, (2)~~ the Planning Commission, (2~~3~~) ~~the Animal Services Advisory Commission, (4) the Board of Building Code Appeals, (5) the Board of Equalization, (6)~~ the Board of Zoning Appeals, (3~~7~~) ~~the Chesapeake Bay Preservation Ordinance Exception Review Committee, (8) the Civil Service Commission, (9) the Fairfax-Falls Church Community Services Board, (10) the Fairfax County Convention and Visitors Corporation Board of Directors, (11)~~ the Fairfax County Economic Development Authority, ~~(12) the Fairfax County History Commission,~~ (4~~13~~) the Fairfax County Industrial Development Authority, (5~~14~~) the Fairfax County Library Board, (6~~15~~) the Fairfax County Employees' Retirement System Board of Trustees, (7~~16~~) the Fairfax County Police Officers Retirement System Board of Trustees, (8~~17~~) the Fairfax County Uniformed Retirement System Board of Trustees, (9~~18~~) the Fairfax County Park Authority, (10~~19~~) the Fairfax County Redevelopment and Housing Authority, (11~~20~~) the Fairfax County Water Authority, (12) the Mosaic District Community Development Authority, (13) the Fairfax County Wetlands Board, and (14) ~~, (21) the Governing Board of the McLean Community Center, (22) the Governing Board of the Reston Community Center, (23)~~ the Upper Occoquan Sewage Authority.~~, (24) any other temporary or permanently-established board, authority, or commission that has been appointed by the Board of Supervisors and which was formed for the purpose of providing the Board of Supervisors with recommendations on (a) future land development, land use plans, or land use zoning, or (b) the location or character of any public facility or facilities that would require review by the Planning Commission under Virginia Code § 15.2-2232, and (25) any Board-appointed members of all standing Board-appointed boards, authorities, commissions and committees and all active ad hoc committees, which have been specifically~~

~~required by ordinance to file annual financial disclosures, shall file, as a condition to assuming or holding office, the appropriate disclosure form and such other information as required on the form or forms specified in Virginia Code §§ 2.2-3115 and either 2.2-3117, and 2.2-3118, as specified herein. Members of (1) the Board of Supervisors, (2) the Planning Commission, (3) the Board of Zoning Appeals, (4) the Fairfax County Economic Development Authority, (5) the Fairfax County Industrial Development Authority, (6) the Fairfax County Library Board, (7) the Fairfax County Employees Retirement System Board of Trustees, (8) the Fairfax County Police Officers Retirement System Board of Trustees, (9) the Fairfax County Uniformed Retirement System Board of Trustees, (10) the Fairfax County Park Authority, (11) the Redevelopment and Housing Authority, and (12) the Fairfax County Water Authority shall complete and file the form required by Virginia Code § 2.2-3117, and those members of the Planning Commission, the Board of Zoning Appeals shall make those additional disclosures required by Virginia Code § 2.2-3115(F). Members of all other standing boards, authorities, commissions and committees and all active ad hoc committees appointed by the Board, which have been specifically required by this section or by a separate ordinance to file annual financial disclosures, shall complete and file the form required by Virginia Code § 2.2-3118.~~

The individuals designated in this subsection (a) shall file a completed disclosure form, as required by this subsection, with the Clerk for the Board of Supervisors within 21 days of formal notification of appointment. No person described in this subsection shall enter office and participate or vote as a member of any board, authority, or commission until a completed disclosure form, as required by this subsection, has been filed with the Clerk for the Board of Supervisors. For purposes of this subsection~~Section~~, the word "appointment" shall include any person who is appointed directly by the Board of Supervisors or any person whose appointment is confirmed after being elected, nominated, or recommended by any community group or group of employees for any of the boards, authorities, and commissions listed above, and formal notification of appointment for appointees to boards, authorities, and commissions is deemed to be the date that the Clerk for~~to~~ the Board of Supervisors mails notice of appointment and blank disclosure forms to the appointee.

(b) ~~Annually by January 15 of each year or otherwise within 21 days of formal notification of employment, t~~As a condition to assuming or holding office or employment, the following persons shall file a disclosure statement of their personal interests and other information as is specified on the form or forms identified in Virginia Code §§ 2.2-3115 and 2.2-3117 at such times and for such periods as is required by state law: the County Executive, all Deputy County Executives, ~~all assistants to the~~the Assistant County Executive, the County Attorney and all deputy, senior assistant, and assistant county attorneys, all County Department heads, and County employees~~,~~ who hold positions classified at or above the following ~~as~~ pay grades: S-32~~29~~, P-27, F-29, ~~C-28,~~ and O-28~~ and above~~, except psychiatrists who are employed as such by the Fairfax-Falls Church Community Services Board~~, together with the employees listed below in subsection (c), shall file, as a condition to assuming or holding office or employment, the appropriate disclosure form and such other information as required by Virginia Code §§ 2.2-3115 and 2.2-3117. Formal notification of employment for employees is deemed to be the date the financial disclosure form is distributed to the employee by his or her appointing authority.~~

(c) As a condition to assuming or holding employment, ~~T~~the following employees also shall~~will also be required to~~ file a disclosure statement of their personal interests and other information as is specified on the form or forms identified in ~~the appropriate disclosure form and such other information as required by~~ Virginia Code §§ 2.2-3115 and 2.2-3117 at such times and for such periods as is required by state law ~~in compliance with subsection (b) above~~:

(1) ~~Department of Facilities Management: All Leasing Agents and Management Analyst III (for leased properties).~~Health Department: -Public Health Laboratory Director.

(2) ~~Department of Family Services (Office for Children): Management Analyst III and Child Care Administrator I (Grants Manager).~~

~~(3)~~ Department of Finance: ~~All Management Analysts III; all Accountants III; all Investment Analysts; the Claims Manager;~~ ~~T~~the Insurance Manager~~, the Safety Manager; all Risk Analysts, and all Business Analysts III~~.

~~(4) Department of Fire and Rescue: Management Analyst III (Grants Coordinator) and Captain II (Contracts Manager).~~

~~(5) Department of Housing and Community Development: the Chief Accounting Fiscal Officer, and all Management Analysts III.~~

~~(6) Department of Planning and Zoning: All Planners.~~

~~(7) Department of Public Works and Environmental Services: All Senior Right-of-Way Agents and all Right-of-Way Agents.~~

~~(8) Department of Purchasing and Supply Management: All Buyers; all Purchasing Supervisors; and All Property Management Supervisors.~~

~~(9) Department of Tax Administration: All Auditors, all Business Tax Specialists II, all Real Estate Appraisers; Accountant III (Chief, Cashiering), Management Analyst III (Chief, Delinquent Accounts), and Management Analyst II (Chief, Tax Relief).~~

~~(10) Department of Cable Communications and Consumer Protection: All Management Analysts III; all Utilities Analysts; and Accountant III.~~

(3~~11~~) Department of Transportation: All Transportation Planners V~~III~~; all Engineers V.

(4) Retirement Administration Agency: All Senior Investment Managers.

~~(12) Economic Development Authority: All Management Analyst II (Administration) and all Planners.~~

~~(13) Elections: All members of the Fairfax County Electoral Board and the General Registrar.~~

~~(14) Fairfax-Falls Church Community Services Board: Management Analyst III (Residential Development), Housing and Community Developer IV (Residential Development), Mental Health Supervisor/Specialist (Contract Manager), Mental Retardation Specialist III (Contract Manager), and Substance Abuse Counselor III.~~

~~(15) Park Authority: All planners.~~

~~(16) Planning Commission: All Management Analysts III.~~

~~(17) Police Department: Chief Accounting Fiscal Officer.~~

~~(18) Retirement Administration Agency: Senior Investment Manager.~~

(d) ~~No person described in subsection (a) shall enter office and participate or vote as a member of any board, authority, or commission until a completed disclosure form, as required by subsection (a), has been filed with the Clerk to the Board, and no person described in subsections (b) or (c) shall enter paid status as an officer or employee of the County until a completed disclosure form, as required by subsections (b) or (c), has been filed with~~Within 21 days of formal notification of the filing requirement, the individuals listed in subsections (b) and (c) shall file a completed disclosure form, as required by subsections (b) and (c), with the Clerk for~~to~~ the Board of Supervisors. Formal notification of the filing requirement is deemed to be the date the financial disclosure form is distributed to the employee by his or her appointing authority.

(e) The County Executive is hereby authorized and directed to issue procedural memoranda governing the administration of the filing of the Statement of Economic Interests forms identified in Va. Code § 2.2-3117, the financial disclosure forms identified in Va. Code § 2.2-3118, and the real estate disclosure forms required under Va. Code § 2.2-3115(G). The procedural memoranda shall address the filing of such forms by any individual required to file by ~~provisions of~~ this Article, by designation by the Board of Supervisors or by state law. ~~Such memoranda shall include a current listing of all standing Board-appointed boards, authorities, commissions and committees and all active ad hoc committees whose members are required to file financial disclosure forms.~~

2. That the provisions of this ordinance are severable, and if any provision of this ordinance or any application thereof is held invalid, that invalidity shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid provision or application.

3. That this ordinance's requirements for the Fairfax County Wetlands Board, the Mosaic District Community Development Authority, and the Upper Occoquan Sewage Authority become effective on June 16, 2016, and that the remainder of this ordinance is effective upon adoption.

GIVEN under my hand this _____ day of _____, 2016

_____

Clerk for the Board of Supervisors

AN ORDINANCE AMENDING ARTICLE 5 OF CHAPTER 3 OF THE FAIRFAX COUNTY CODE, RELATING TO FINANCIAL DISCLOSURES

Draft of March 23, 2016

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Section 3-5-2.1 relating to financial disclosures.

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

1. That Section 3-5-2.1 is amended and readopted as follows:

Article 5. – Financial Disclosures.

Section 3-5-2.1. Disclosures of financial interest.

(a) As a condition to assuming or holding office or employment, members appointed by the Board of Supervisors to the following entities shall file a disclosure statement of their personal interests and other information as is specified in the form or forms identified in Virginia Code §§ 2.2-3115 and 2.2-3117 at such times and for such periods as is required by state law: (1) the Planning Commission, (2) the Board of Zoning Appeals, (3) the Fairfax County Economic Development Authority, (4) the Fairfax County Industrial Development Authority, (5) the Fairfax County Library Board, (6) the Fairfax County Employees' Retirement System Board of Trustees, (7) the Fairfax County Police Officers Retirement System Board of Trustees, (8) the Fairfax County Uniformed Retirement System Board of Trustees, (9) the Fairfax County Park Authority, (10) the Fairfax County Redevelopment and Housing Authority, (11) the Fairfax County Water Authority, (12) the Mosaic District Community Development Authority, (13) the Fairfax County Wetlands Board, and (14) the Upper Occoquan Sewage Authority.

The individuals designated in this subsection (a) shall file a completed disclosure form, as required by this subsection, with the Clerk for the Board of Supervisors within 21 days of formal notification of appointment. No person described in this subsection shall enter office and participate or vote as a member of any board, authority, or commission until a completed disclosure form, as required by this subsection, has been filed with the Clerk for the Board of Supervisors. For purposes of this subsection, the word "appointment" shall include any person who is appointed directly by the Board of Supervisors or any person whose appointment is confirmed after being elected, nominated, or recommended by any community group or group of employees for any of the boards, authorities, and commissions listed above, and formal notification of appointment for appointees to boards, authorities, and commissions is deemed to be the date that the Clerk for the Board of Supervisors mails notice of appointment and blank disclosure forms to the appointee.

(b) As a condition to assuming or holding office or employment, the following persons shall file a disclosure statement of their personal interests and other information as is specified on the

form or forms identified in Virginia Code §§ 2.2-3115 and 2.2-3117 at such times and for such periods as is required by state law: the County Executive, all Deputy County Executives, the Assistant County Executive, the County Attorney and all deputy, senior assistant, and assistant county attorneys, all County Department heads, and County employees who hold positions classified at or above the following pay grades: S-32, P-27, F-29, and O-28, except psychiatrists who are employed as such by the Fairfax-Falls Church Community Services Board.

(c) As a condition to assuming or holding employment, the following employees also shall file a disclosure statement of their personal interests and other information as is specified on the form or forms identified in Virginia Code §§ 2.2-3115 and 2.2-3117 at such times and for such periods as is required by state law:

(1) Health Department: Public Health Laboratory Director.

(2) Department of Finance: The Insurance Manager.

(3) Department of Transportation: All Transportation Planners V; all Engineers V.

(4) Retirement Administration Agency: All Senior Investment Managers.

(d) Within 21 days of formal notification of the filing requirement, the individuals listed in subsections (b) and (c) shall file a completed disclosure form, as required by subsections (b) and (c), with the Clerk for the Board of Supervisors. Formal notification of the filing requirement is deemed to be the date the financial disclosure form is distributed to the employee by his or her appointing authority.

(e) The County Executive is hereby authorized and directed to issue procedural memoranda governing the administration of the filing of the Statement of Economic Interests forms identified in Va. Code § 2.2-3117, the financial disclosure forms identified in Va. Code § 2.2-3118, and the real estate disclosure forms required under Va. Code § 2.2-3115(G). The procedural memoranda shall address the filing of such forms by any individual required to file by this Article, by designation by the Board of Supervisors or by state law.

2. That the provisions of this ordinance are severable, and if any provision of this ordinance or any application thereof is held invalid, that invalidity shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid provision or application.

3. That this ordinance's requirements for the Fairfax County Wetlands Board, the Mosaic District Community Development Authority, and the Upper Occoquan Sewage Authority become effective on June 16, 2016, and that the remainder of this ordinance is effective upon adoption.

CLEAN VERSION OF PROPOSED AMENDMENTS TO FAIRFAX COUNTY CODE SECTION 3-5-2.1

GIVEN under my hand this _____ day of _____, 2016

_____

Clerk for the Board of Supervisors

CLEAN VERSION OF PROPOSED AMENDMENTS TO FAIRFAX COUNTY CODE SECTION 3-5-2.1

Board Agenda item
April 5, 2016

ACTION – 1

Resolution Approving the Issuance by the Industrial Development Authority of its Health Care Revenue Bonds (Inova Health System Project) Series 2016 Refunding Bond Issue

ISSUE:
Board adoption of a resolution approving the issuance by the Industrial Development Authority ("IDA") of Fairfax County of its Health Care Revenue Bonds (Inova Health System Project) Series 2016 (the "Bonds"), in multiple series in an aggregate principal amount not to exceed $305,000,000.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors approve the issuance of the Bonds by adopting the resolution that is set forth as Attachment 1 (the "County Resolution").

TIMING:
Board action is requested on April 5, 2016, so that Inova may proceed to sell and close the bonds to take advantage of favorable market conditions.

BACKGROUND:
In order for Inova to sell the Bonds, this action is required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 15.2-4906 of Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"). Proceeds of the Bonds will be used by the Inova Health System Foundation and its affiliates ("Inova") for the purpose of the refunding of all or a portion of currently outstanding health care revenue bonds previously issued by the IDA for the benefit of Inova consisting of Health Care Revenue Bonds, Series 2009A (the "Series 2009 Bonds") and Health Care Revenue Bonds, Series 2012C (the "Series 2012 Bonds", and collectively with the Series 2009 Bonds, the "Prior Bonds"). The issuance of the Bonds and the refunding of the Prior Bonds is being done to take advantage of the favorable interest rate environment.
The Bonds may also support funding for a debt service reserve for the Bonds if in the opinion of Inova at the time of the sale of the Bonds a debt service reserve fund is warranted, and paying all or a portion of the costs of issuance. Pursuant to the Act, a copy of the resolution (the "IDA Resolution") adopted by the IDA on March 24, 2016, after the holding of a public hearing, constituting the recommendation of the IDA that the Board of Supervisors approve the issuance of the Bonds is submitted to the County.

Upon adoption of the Resolution, the Chairman of the Board of Supervisors and the County Executive will be authorized to execute a letter evidencing the approval of the Board of Supervisors of the issuance of the Bonds. No further action will be required of the Board of Supervisors for the issuance of the Bonds. The public hearing referred to above was held by the IDA at 8:00 A.M. on March 24, 2016, at 8110 Gatehouse Road, Atrium Conference Room, First Floor, Falls Church, Virginia.

FISCAL IMPACT:
As set forth in the Fiscal Impact Statement (Attachment 3 hereto), the issuance of the Bonds is expected to have no incremental economic fiscal impact. This action does not constitute a debt obligation of the County or the Board and therefore has no impact on the County's financial statements. The Bonds will be entirely supported by the revenues of Inova.

ENCLOSED DOCUMENTS:
The following documents are attached in substantially final form:
Attachment 1 - County Resolution Approving the Issuance of the Bonds
Attachment 2 - IDA Resolution
Attachment 3 - Fiscal Impact Statement

STAFF:
Joe Mondoro, Chief Financial Officer
Joseph LaHait, County Debt Coordinator, Department of Management and Budget
Richard Magenheimer, Chief Financial Officer, Inova Health System Foundation

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, April 5, 2016, at which meeting a quorum was present and voting, the following resolution was adopted:

RESOLUTION OF THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, APPROVING, AMONG OTHER THINGS, A PLAN OF FINANCING AND THE ISSUANCE OF NOT EXCEEDING $305,000,000 AGGREGATE PRINCIPAL AMOUNT OF INDUSTRIAL DEVELOPMENT AUTHORITY OF FAIRFAX COUNTY, VIRGINIA, REVENUE BONDS (INOVA HEALTH SYSTEM PROJECT) SERIES 2016 TO BE ISSUED IN ONE OR MORE SERIES; AND DELEGATING CERTAIN POWERS TO THE COUNTY EXECUTIVE

WHEREAS, Fairfax County, Virginia (the "County") is a political subdivision of the Commonwealth of Virginia exercising public and essential governmental functions pursuant to the Constitution and laws of the Commonwealth of Virginia; and

WHEREAS, on October 28, 1974, the Board of Supervisors of Fairfax County, Virginia (the "Board") adopted by ordinance (the "Ordinance") an emergency amendment to the 1961 Code of the County of Fairfax, Virginia, as amended, providing a new Chapter 15F creating the Industrial Development Authority of Fairfax County, Virginia (the "Authority"), and appointing the initial members thereof and said Ordinance having been duly readopted on December 9, 1974, as required by law; and

WHEREAS, the Ordinance authorizes the Authority to exercise all the powers granted by the Industrial Development and Revenue Bond Act, being Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), including the power to issue revenue bonds of the Authority for the purpose of providing funds to pay the cost of certain projects required or useful for health care purposes; and

WHEREAS, Inova Health Care Services ("Inova Health Care") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which operates Inova Fairfax Hospital, Inova Fair Oaks Hospital and Inova Mount Vernon Hospital located in Fairfax County, Virginia, and Inova Alexandria Hospital located in the City of Alexandria, Virginia; and

WHEREAS, Loudoun Hospital Center ("Inova Loudoun Hospital") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which operates Inova Loudoun Hospital located in Loudoun County, Virginia; and

WHEREAS, Inova Health System Foundation ("Inova") is the controlling member of Inova Health Care and Inova Loudoun Hospital (collectively with Inova, the "Inova Obligated Group"); and

WHEREAS, the Authority has previously issued its (i) Industrial Development Authority of Fairfax County, Virginia, Health Care Revenue Bonds (Inova Health Care System Project), Series 2009A, and (ii) Industrial Development Authority of Fairfax County, Virginia, Health Care Revenue Bonds (Inova Health System Project), Series 2012C (collectively the "Prior Bonds"); and

WHEREAS, the Authority has, by resolution adopted on March 24, 2016 (the "Authority Resolution"), approved a plan of financing and refinancing (the "Plan of Financing") which will entail the issuance by the Authority from time to time of one or more series of its revenue bonds (the "Bonds") for the purpose of providing funds to undertake any or all of the following: (a) refund, convert or restructure all or any portion of the Prior Bonds; (b) fund a debt service reserve fund for the Bonds, if in the opinion of Inova at the time of the sale of the Bonds, a debt service reserve fund is warranted; and (c) pay certain expenses incurred in connection with the authorization, issuance and sale of the Bonds; the Bonds shall be issued in an aggregate principal amount not to exceed $305,000,000 for the refunding of the Prior Bonds; and

WHEREAS, the Authority has delivered or caused to be delivered to the Board the following: (i) a reasonably detailed summary of the comments expressed at the public hearing held by the Authority in connection with the Plan of Financing, the issuance of the Bonds and the refunding of the Prior Bonds; (ii) a fiscal impact statement concerning the Bonds in the form specified in Section 15.2-4907 of the Act; and (iii) a copy of the Authority Resolution setting forth the recommendation of the Authority that the Board approve the Plan of Financing including the issuance of the Bonds; and

WHEREAS, the Board has determined that it is necessary at this time to approve the Plan of Financing, including the issuance of the Bonds, in an aggregate principal amount set forth above to promote the improvement of the health and living conditions of the people of the County and the Commonwealth of Virginia, improve health care and otherwise aid in improving the prosperity and welfare of the County and the Commonwealth of Virginia and its inhabitants;

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

Section 1. The Board hereby approves the Plan of Financing, including the issuance by the Authority of the Bonds in one or more series in an aggregate principal amount not exceeding Three Hundred Five Million Dollars ($305,000,000) as described herein for the purpose of providing funds to (a) undertake the refunding of all or any portion of the Prior Bonds; (b) fund a debt service reserve fund for the Bonds, if in the opinion of Inova at the time of the sale of the Bonds, a debt service reserve fund is warranted; and (c) pay certain expenses incurred in connection with the authorization, issuance and sale of the Bonds.

Section 2. The Chairman of the Board of Supervisors and the County Executive or his designee are hereby authorized and directed, on behalf of the Board, to take any and all actions necessary, including the execution of any documents, to carry out the Plan of Financing and to consummate the issuance and sale of the Bonds in conformity with the provisions of this resolution.

Section 3. The approval of the Plan of Financing and the issuance of the Bonds and the refunding of all or any portion of the Prior Bonds, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and the Act, does not constitute an endorsement to any prospective purchaser of the Bonds of the creditworthiness of Inova, or any of its affiliates, and, as required by the Act, the Bonds shall provide that neither the Commonwealth of Virginia, the County nor the Authority shall be obligated to pay the principal of, the redemption premium, if any, or the interest on the Bonds or other costs incident thereto except from the revenues and funds pledged therefor and neither the faith or credit nor the taxing power of the Commonwealth of Virginia, the County or the Authority shall be pledged thereto.

Section 4. The approval by the Board of the Plan of Financing, including the issuance by the Authority of the Bonds in one or more series, from time to time, and the refunding, conversion or restructuring of all or a portion of the Prior Bonds as provided herein, does not constitute the granting of approval for purposes of, or the waiver or rights, or rights of approval, with respect to any other regulatory functions of the County concerning any of the facilities financed or refinanced with the proceeds of the Bonds that lie within the County, including but not limited to permits, zoning, and availability fees.

Section 5. This Resolution shall take effect immediately.

A Copy Teste:

_____

Catherine A. Chianese, Clerk

SERIES RESOLUTION OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF FAIRFAX COUNTY, VIRGINIA, AUTHORIZING, AMONG OTHER THINGS, THE ISSUANCE OF INDUSTRIAL DEVELOPMENT AUTHORITY OF FAIRFAX COUNTY, VIRGINIA, HEALTH CARE REVENUE BONDS (INOVA HEALTH SYSTEM PROJECT), SERIES 2016 TO BE ISSUED IN ONE OR MORE SERIES, AND APPROVAL OF THE PLAN OF FINANCING

WHEREAS, the Industrial Development Authority of Fairfax County, Virginia (the "Authority") is a political subdivision of the Commonwealth of Virginia and is authorized under Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), to enter into loan agreements, contracts, deeds and other instruments for the purpose of financing or refinancing certain facilities, including medical facilities and other facilities owned and operated or used by organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, to the end that the Authority may protect and promote the health and welfare of the inhabitants of the Commonwealth of Virginia, and to issue its revenue bonds for the purpose of carrying out any of its powers; and

WHEREAS, Inova Health Care Services ("Inova Health Care") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which operates Inova Fairfax Hospital, Inova Fair Oaks Hospital and Inova Mount Vernon Hospital, located in Fairfax County, Virginia, and Inova Alexandria Hospital, located in the City of Alexandria, Virginia; and

WHEREAS, Loudoun Hospital Center ("Inova Loudoun Hospital") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which operates Inova Loudoun Hospital, located in Loudoun County, Virginia; and

WHEREAS, Inova Health System Foundation ("Inova") is the controlling member of Inova Health Care and Inova Loudoun Hospital (collectively with Inova, the "Inova Obligated Group"); and

WHEREAS, the Authority has previously issued its Health Care Revenue Bonds (Inova Health System Project), Series 2009A, on April 16, 2009 (the "Series 2009 Bonds"), for the benefit of the Inova Obligated Group bearing interest at either fixed rates or variable rates from time to time; and

WHEREAS, the Authority has previously issued its Health Care Revenue Bonds (Inova Health System Project), Series 2012C, on August 23, 2012 (the "Series 2012 Bonds" and, together with the Series 2009 Bonds, the "Outstanding Bonds"), for the benefit of the Inova Obligated Group bearing interest at either fixed rates or variable rates from time to time; and

WHEREAS, the Authority has been requested to consider the approval of a plan of financing and refinancing (the "Plan of Financing") which will entail the issuance by the

Authority from time to time of one or more series of its revenue bonds (the "Bonds") in an aggregate principal amount not exceeding $305,000,000 for the purpose of providing funds to: (a) refund all or a portion of the Outstanding Bonds; (b) fund a debt service reserve fund for the Bonds, if in the opinion of Inova at the time of the sale of the Bonds, a debt service reserve fund is warranted; and (c) pay certain expenses incurred in connection with the authorization, issuance and sale of the Bonds; and

WHEREAS, given the current interest rate environment, Inova is actively monitoring each series of Outstanding Bonds for the purpose of determining potential maturities of such series that may be refunded or for which interest rates may be converted, for the purpose of achieving debt service savings, reducing variable rate exposure, maximizing efficiency of variable rate structures or achieving another valid corporate purpose (such Outstanding Bonds are referred to as the "Refunded Bonds"); and

WHEREAS, Inova has described the benefits of the Plan of Financing, including the pursuing of refinancing or otherwise restructuring or conversion of the Refunded Bonds, and has requested that the Authority take action, including the issuance of revenue bonds under the Act in such amount or amounts as may be necessary to provide funds to undertake the Plan of Financing, including the refunding or restructuring or conversion of the Refunded Bonds; and

WHEREAS, the Board of Directors (the "Board") of the Authority has determined that the Plan of Financing and the issuance of its Health Care Revenue Bonds (Inova Health System Project) Series 2016 in one or more series from time to time (the "Bonds") will accomplish the purposes of the Act and promote the safety, health, welfare, convenience and prosperity of the inhabitants of the Commonwealth of Virginia and Fairfax County and surrounding areas; and

WHEREAS, the Bonds may be issued in multiple series from time to time at either fixed interest rates or variable interest rates, as further described herein; and

WHEREAS, the Board of Supervisors of Fairfax County, Virginia, is required under federal and state law to approve the Plan of Financing and the issuance of the Bonds by the Authority; and

WHEREAS, there have been presented at this meeting draft copies of the following documents relating to the issuance of the Bonds:

(a) one or more Contracts of Purchase, including the Letter of Representations of the Inova Obligated Group attached thereto (collectively, the "Contract of Purchase"), by and between the Authority and Morgan Stanley & Co. LLC., as representative of the purchasers referred to in the Contract of Purchase (collectively, the "Underwriters"), relating to the Bonds;

(b) one or more Trust Agreements (collectively, the "Trust Agreement"), between the Authority and U.S. Bank National Association, as Bond Trustee (the "Bond Trustee"), securing the Bonds;

(c) one or more Loan Agreements (collectively, the "Loan Agreement"), between the Authority and Inova Health System Foundation ("Inova"), relating to the Bonds; and

(d) one or more Preliminary Official Statements or Official Statements of the Authority in connection with the offering and sale of the Bonds (collectively, the "Preliminary Official Statement"); and collectively with the documents referred to in paragraphs (a) through (c) above, the "Financing Documents".

WHEREAS, the Authority has determined that adequate provision has been made for the payment of the principal and purchase price (if applicable) of, redemption premium, if any, and interest on the Bonds; and

WHEREAS, the Authority hereby finds that the use of the proceeds of the Bonds to finance and refinance the Project and refund, convert or restructure the Refunded Bonds will accomplish the public purposes set forth in the Act being the promotion of the health and welfare of the residents of Fairfax County, Virginia and surrounding areas, will be in the public interest and will be consistent with the purposes of the Act.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF FAIRFAX COUNTY, VIRGINIA DOES HEREBY RESOLVE, AS FOLLOWS:

Section 1. Capitalized words and terms used in this Series Resolution and not defined herein shall have the same meanings in this Series Resolution as such words and terms are given in the Trust Agreement or the Loan Agreement.

Section 2. Pursuant to the authority granted to it by the Act, the Authority hereby approves the Plan of Financing and hereby authorizes the issuance of the Bonds for the purpose of providing funds to (a) provide for the refunding or restructuring or conversion of all or any portion of the Refunded Bonds; (b) fund a debt service reserve fund for the Bonds, if in the opinion of Inova at the time of the sale of the Bonds, a debt service reserve fund is warranted; and (c) pay certain expenses incurred in connection with the authorization, issuance and sale of the Bonds.

The Bonds shall be issued as fully registered bonds in denominations permitted by the provisions of the Trust Agreement. The Bonds shall be issuable in book-entry form, as provided in the Trust Agreement. The Bonds shall bear interest and be payable as provided in the Trust Agreement. Payments of principal of and interest on the Bonds shall be made by the Bond Trustee to the registered owners of the Bonds in such manner as is set forth in the Trust Agreement.

The Bonds are hereby authorized to be issued in multiple series from time to time bearing the series designation of the year of issuance and a letter designation to be established prior to or concurrently with the issuance thereof, and may be issued in fixed or variable rates of interest.

Section 3. The Bonds shall be subject to optional, extraordinary optional and mandatory redemption, and in the case of Bonds bearing interest at variable rates, optional and mandatory tender for purchase at the times, upon the terms and conditions, and at the prices set forth in the Trust Agreement.

Section 4. The Board hereby delegates to the Chairman and Vice-Chairman of the Authority, subject to the limitations and guidelines contained herein, the power to determine and carry out the following with respect to the Bonds:

(A) To determine the aggregate principal amount of the Bonds; the aggregate principal amount of all series of Bonds authorized hereunder for the purposes described in the preamble to this Series Resolution, not to exceed $305,000,000 for the purpose of providing for the refinancing, restructuring or conversion of the Refunded Bonds;

(B) To determine the maturities and maturity amounts of, and the Sinking Fund Requirements for, the Bonds, no such maturity to extend beyond April 1, 2056;

(C) To approve the sale of the Bonds in accordance with the provisions of Section 9 of this Series Resolution, provided that the purchase price for the Bonds shall not be less than ninety-seven percent (97.00%) of the par amount of the Bonds; and

(D) To determine any other terms or provisions for the Bonds deemed advisable and not in conflict with the terms and provisions of this Series Resolution.

The execution and delivery of the Trust Agreement, the Loan Agreement, and the Contract of Purchase, pursuant to Sections 6 and 7, respectively, of this Series Resolution, shall be conclusive evidence of the determinations or other actions taken by the Chairman or Vice-Chairman of the Authority pursuant to the authority granted in this Series Resolution.

Section 5. The proceeds of the Bonds shall be applied as provided in Section 2.07 of the Trust Agreement and in a closing certificate of the Authority.

Section 6. The forms, terms and provisions of the Trust Agreement and the Loan Agreement are hereby approved in all respects, and the Chairman or Vice-Chairman and the Secretary or any Assistant Secretary of the Authority are hereby authorized and directed to execute and deliver the Trust Agreement and the Loan Agreement in substantially the forms presented to this meeting, together with such changes, modifications and deletions as they, with the advice of counsel, may deem necessary or appropriate, including but not limited to changes, modifications and deletions necessary to incorporate the final terms of the Bonds as shall be set forth in the Contract of Purchase; and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Authority.

Section 7. The form, terms and provisions of the Contract of Purchase are hereby approved in all respects, and the Chairman or Vice-Chairman of the Authority is hereby authorized and directed to execute and deliver the Contract of Purchase in substantially the form presented to this meeting, together with such changes, modifications, insertions and deletions as the Chairman or Vice-Chairman, with the advice of counsel, may deem necessary or appropriate; and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Authority.

Section 8. The forms of the Bonds set forth in the Trust Agreement are hereby approved in all respects, and the Chairman or Vice-Chairman and the Secretary or any Assistant Secretary of the Authority are hereby authorized and directed to execute, by manual or facsimile signature, as provided in such forms of the Bonds, and to deliver to the Bond Trustee for authentication on behalf of the Authority, the Bonds in definitive form, which shall be in substantially the forms presented to this meeting together with such changes, modifications and deletions as they, with the advice of counsel, may deem necessary, appropriate and consistent with the Trust Agreement; and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Authority.

Section 9. The Authority hereby approves the award of the Bonds to the Underwriters at a price of not less than ninety-seven percent (97.00%) of the principal amount of the Bonds, subject to the approval thereof by the Chairman of the Authority or, in his absence, the Vice-Chairman of the Authority.

Section 10. Upon their execution in the forms and manner set forth in the Trust Agreement, the Bonds shall be deposited with the Bond Trustee for authentication, and the Bond Trustee is hereby authorized and directed to authenticate the Bonds and the Bond Trustee shall deliver the Bonds to the Underwriters against payment therefor, subject to the provisions of Section 2.07 of the Trust Agreement.

Section 11. The Preliminary Official Statement (including any draft final Official Statement for Series 2016 Bonds to be issued in a variable rate of interest) is hereby approved in the form presented at this meeting, and the Chairman or Vice-Chairman is hereby authorized to execute, on behalf of the Authority, one or more Official Statements in substantially the form of the Preliminary Official Statement (collectively, the "Official Statement"), together with such changes, modifications and deletions as the Chairman or Vice-Chairman, with the advice of counsel, may deem necessary or appropriate; and such execution shall be conclusive evidence of the approval thereof by the Authority. The Authority hereby approves and authorizes the distribution and use of copies of the Preliminary Official Statement, the Official Statement, the Trust Agreement, the Loan Agreement and the other Financing Documents by the Underwriters in connection with such sale.

Section 12. U.S. Bank National Association, Richmond, Virginia, is hereby appointed Bond Trustee for the Bonds.

Section 13. The Depository Trust Company ("DTC"), New York, New York is hereby appointed as the initial Securities Depository for the Bonds, with Cede & Co., a nominee thereof, being the initial Securities Depository Nominee and initial registered owner of the Bonds.

Section 14. Leigh Ann Arnold, Chairman of the Authority, and Robert Surovell, Secretary of the Authority, are each hereby appointed an Authority Representative, with full power to carry out the duties set forth in the Trust Agreement and the Loan Agreement.

Section 15. The Chairman, the Vice-Chairman, the Secretary and any Assistant Secretary of the Authority alone or together are authorized and directed (without limitation except as may be expressly set forth herein) to take such action and to execute and deliver any such documents, certificates, undertakings, agreements, letters of instructions, tax regulatory agreements, escrow agreements, or other instruments, including any such documents, certificates, undertakings, agreements, letters of instructions, tax regulatory agreements, escrow agreements, or other instruments to be entered into by the Authority in connection with the issuance of the Bonds and the redemption, restructuring, conversion, or purchase thereof and of the Refunded Bonds, as they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by the Trust Agreement, the Loan Agreement, the Contract of Purchase and the Official Statement, and such execution and delivery shall be conclusive evidence of the authorization and approval thereof by the Authority.

Section 16. The Authority hereby recommends that the Board of Supervisors of Fairfax County, Virginia (the "Board") approve the Plan of Financing and the issuance of the Bonds.

Section 17. The Chairman or Vice-Chairman and the Secretary or any Assistant Secretary of the Authority are hereby authorized and directed to deliver to the Board (a) a reasonably detailed summary of the comments expressed at the public hearing held in connection with the Plan of Financing, including the issuance of the Bonds and the refunding of the Refunded Bonds, (b) a fiscal impact statement concerning the Bonds in the form specified in Section 15.2-4907 of the Act and (c) a copy of this Series Resolution, which constitutes the recommendation of the Authority that the Board approve the Plan of Financing including the issuance of the Bonds.

Section 18. All costs and expenses in connection with the refunding or restructuring or conversion of the Refunded Bonds, including the fees and expenses of bond counsel, shall be paid from the proceeds of the Bonds to the extent permitted by law. If for any reason the Bonds are not issued, it is understood that all such expenses shall be paid by the Inova Obligated Group and that the Authority shall have no responsibility therefor.

Section 19. On the date hereof the Authority will hold a public hearing in connection with the Plan of Financing. The Authority hereby ratifies all actions in connection with the giving of notice for such hearing pursuant to Section 15.2-4906 of the Act and Section 147(f) of the Internal Revenue Code of 1986.

Section 20. The Authority shall perform such other acts and adopt such further resolutions as may be required to implement its undertakings as hereinabove set forth.

Section 21. This Series Resolution shall take effect immediately upon its passage.

Attachment 2

CERTIFICATE

The undersigned Chairman of the Industrial Development Authority of Fairfax County, Virginia (the "Authority") certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Directors of the Authority present and voting at a meeting duly called and held on March 24, 2016, 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.

Dated: March __, 2016

_____
Chairman of Industrial Development Authority
of Fairfax County, Virginia

Attachment 3

FISCAL IMPACT STATEMENT
FOR PROPOSED BOND FINANCING*

Date: March 24, 2016

To the Board of Supervisors
of Fairfax County, Virginia

Applicant: Inova Health System Foundation and Affiliates
Facility: Health Care Facilities in Fairfax County, Including Refunding Bonds Related to Health Care Facilities in Fairfax County, Loudoun County and the City of Alexandria, Virginia

			Fairfax County	Loudoun County	City of Alexandria	Total All Jurisdictions
1.		Maximum amount of financing sought.				$305,000,000
2.		Estimated taxable value of the facility's real property to be constructed in the locality.	0	0	0	0
3.		Estimated real property tax per year using present tax rates.	0	0	0	0
4.		Estimated personal property tax per year using present tax rates.	0	0	0	0
5.		Estimated merchants' capital tax per year using present tax rates.	0	0	0	0
6.	(a)	Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality.	N/A	N/A	N/A	N/A
	(b)	Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality.	N/A	N/A	N/A	N/A
	(c)	Estimated dollar value per year of services that will be purchased from Virginia companies within the locality.	N/A	N/A	N/A	N/A
	(d)	Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality.	N/A	N/A	N/A	N/A
7.		Estimated number of regular employees on year round basis.	N/A	N/A	N/A	N/A
8.		Average annual salary per employee.	N/A	N/A	N/A	N/A

_____
Chairman, Industrial Development Authority
of Fairfax County, Virginia

* The bond financing is limited to refunding existing bonds and refinancing previously financed projects which projects were the subject of Fiscal Impact Statements submitted to the Board of Supervisors.

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Board Agenda Item
April 5, 2016

ACTION – 2

Project Agreement Between the Department of Rail and Public Transportation (DRPT) and Fairfax County to Provide Federal Highway Administration (FHWA) Congestion Mitigation and Air Quality Improvement (CMAQ) Program Funds for Operation of Five Connector Stores

ISSUE:
The Fairfax County Department of Transportation (FCDOT) is seeking the Board's approval of a project agreement between DRPT and the County to provide CMAQ program funds for the operation of five Connector Stores.

RECOMMENDATION:
The County Executive recommends that the Board approve the attached Project Agreement with DRPT and authorize the Director of the Department of Transportation to execute the finalized agreement in substantially the form of Attachment I on behalf of Fairfax County.

TIMING:
Board action is requested on April 5, 2016, so DRPT can reimburse the County for its expenses associated with this project.

BACKGROUND:
With passage of the Clean Air Act Amendments of 1990, Congress implemented strategies to attain the National Ambient Air Quality Standards (NAAQS). The 1990 amendments required reductions in the amount of allowable vehicle tailpipe emissions, initiated more stringent control measures in areas that still failed to meet the NAAQS, known as nonattainment areas, and provided for a stronger, more rigorous link between transportation and air quality planning. Further establishing this link, Congress passed the Intermodal Surface Transportation Efficiency Act-the ISTEA of 1991. This legislation brought transportation into the multi-modal arena and also set the stage for an unprecedented focus on environmental programs. Part of this approach was the newly authorized CMAQ Program. The CMAQ program was implemented to support surface transportation projects and other related efforts that contribute air quality improvements and provide congestion relief.

Jointly administered by the FHWA and the Federal Transit Administration (FTA), the CMAQ Program provides a flexible funding source for transportation projects and

programs that help improve air quality and reduce congestion. State and local governments can use the funding to support efforts to meet NAAQS under the Clean Air Act in both nonattainment and maintenance areas for carbon monoxide, ozone, and particulate matter.

As of January 2015, the Washington DC metropolitan area was designated by the Environmental Protection Agency (EPA) as “Marginal” nonattainment for the 2008 ozone standard. The Connector Stores grant is used to help fund the operating costs of five Fairfax Connector Stores. The stores provide information to potential riders of the Fairfax Connector bus system and various other transit systems in Northern Virginia. They distribute schedules and help plan trips using public transportation with the end result of reducing congestion on the roads and vehicle emissions. This grant has been awarded to the County for several years.

FISCAL IMPACT:
Funding from the Commonwealth is provided on a reimbursement basis after the purchase and/or project is completed. These funds are already included Fairfax County’s FY 2016 Adopted Budget. There will be no fiscal impact, if this item is approved and no local match is required. These funds, totaling $520,000, are available through November 30, 2016.

ENCLOSED DOCUMENTS:
Attachment 1: Agreement for the Use of Federal Highway Administration Congestion Mitigation Air Quality Program Funds, FY 2016
Attachment 2: Project Agreement between the Virginia Department of Rail and Public Transportation and Fairfax County for the Provision of Funding for the Connector Transit Stores

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Todd Wigglesworth, Division Chief, Coordination and Funding Division, FCDOT
Dwayne Pelfrey, Division Chief, Transit Services Division
Malcolm Watson, Transportation Planner, FCDOT
Judy Carleton, Coordination and Funding, FCDOT

AGREEMENT

FOR THE USE OF

FEDERAL HIGHWAY ADMINISTRATION

CONGESTION MITIGATION AIR QUALITY PROGRAM FUNDS

FISCAL YEAR 2016

PROJECT 47016-04

CM 5A01 (698)

UPC T207

FAIRFAX COUNTY

Section No.	Description
	Introduction
1	Purpose and Source of Funds
2	Project Budget
3	Requisitions and Payments
4	Termination
5	Contracts of the Grantee
6	Restrictions, Prohibitions, Controls, and Labor Provisions
7	Liability Waiver
8	Compliance with Title VI of the Civil Rights Act of 1964
9	Incorporation of Provisions
10	Special Provisions
Appendix A	Project Description and Budget
Appendix B	Restrictions, Prohibitions, Controls, and Labor Provisions
Appendix C	Title VI
Appendix D	Audit Guidelines

This Project Agreement ("Agreement"), effective November 23, 2015, by and between the Commonwealth of Virginia Department of Rail and Public Transportation ("Department") and Fairfax County ("Grantee") (collectively, the "Parties"), is for the provision of funding for the Fairfax Connector Transit Stores ("Project").

WHEREAS, under provisions set forth under 23 U.S.C. § 149, the Congestion Mitigation and Air Quality Improvement ("CMAQ") program was established to fund transportation projects or programs that are likely to contribute to attainment of national ambient air quality standards or maintain national ambient air quality standards in maintenance areas; and

WHEREAS, the Parties desire to secure and utilize these grant funds; and

WHEREAS, on November 23, 2015, the Federal Highway Administration ("FHWA") approved funding for the Project.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the Parties agree as follows:

SECTION 1. <u>Purpose and Source of Funds</u>

Provided the requirements of this Agreement are met, the Department agrees to make available to the Grantee the sum of $416,000 in 23 U.S.C. § 149 CMAQ Federal funds. These amounts are provided to carry out the work activities described in the approved Project scope of work in Appendix A, attached and made a part of this Agreement. The Project is contained in the approved Transportation Improvement Plans of both the urbanized area of which the Grantee is a part and the Commonwealth of Virginia ("Commonwealth").

SECTION 2. Project Budget

The Project Budget is the latest requested by the Grantee and approved by the Department, and is in Appendix A. The Grantee shall carry out the Project and shall incur obligations against and make disbursements of the Project funds only in conformity with the latest approved budget for the Project. Indirect costs are an allowable expense if they are based on a cost allocation plan that has been approved by the Department.

Federal funds provided in this Agreement are contingent upon FHWA funding. In no event shall the Department be liable to the Grantee for any portion of the Federal share of the Project cost. The Department's responsibility for the Project cost shall be limited to the cost of coordination and processing of the Grantee's reimbursement requests to the FHWA.

SECTION 3. Requisitions and Payments

a. Requests for Payment by the Grantee. The Grantee will make requests for payment of eligible costs as defined in 23 U.S.C. § 601. The request for payment will be for the Federal share of the total Project cost at the rate of Federal participation shown in the Project Budget. In order to receive payments, the Grantee must:

   1. Submit a reimbursement request in the OLGA Grants Management System to the Department; and
   2. Identify the source or sources of the non-Federal share of financial assistance under this Project from which the payment is to be derived.

b. Upon receipt of satisfactory documentation, the Department will use all reasonable means to electronically transfer funds for the Federal share of allowable costs to the Grantee within 30 days.

SECTION 4. Termination

For convenience. The Department may terminate this Agreement at any time without cause by providing written notice to the Grantee of such termination. Termination shall be effective on the date of the receipt of notice by the Grantee. In the event of such termination, the Grantee shall be compensated for allowable costs as defined by the State Master Agreement, through the date of receipt of the written termination notice from the Department.

SECTION 5. Contracts of the Grantee

Without prior written authorization by the Department, the Grantee shall not: (1) assign any portion of the work to be performed under this Agreement; (2) execute any contract, amendment, or change order concerning this Agreement; or (3) obligate itself in any manner with any third party with respect to its rights and responsibilities under this Agreement. Further, the Grantee may not issue a Request for Proposal ("RFP") that uses 23 U.S.C. § 149 CMAQ funds without prior review and approval of the RFP by the Department.

SECTION 6. Restrictions, Prohibitions, Controls, and Labor Provisions

The Grantee shall comply with all of the restrictions, prohibitions, controls, and labor provisions set forth in Appendix B, attached and made a part of this Agreement.

SECTION 7. Liability Waiver

The Grantee hereby certifies that it is covered by and will keep in force a risk management policy from the Division of Risk Management or an insurance policy, or their equivalent, which protects the Commonwealth, the Department, and their officers, agents and

employees, against damage, injury, or any other loss caused by the negligence of the Grantee or its officers, agents or employees, which arise from the use of funds provided under this Agreement.

SECTION 8. Compliance with Title VI of the Civil Rights Act of 1964

The Grantee shall comply with the provisions of Title VI of the Civil Rights Act of 1964, and the provisions in Appendix C, attached and made a part of this Agreement.

SECTION 9. Incorporation of Provisions

The Grantee shall make all covenants and provisions of this Agreement a part of any contracts and subcontracts relating to the Project which utilize the funds provided in this Agreement. These covenants and provisions shall be made binding on any contractor, subcontractor, and their agents and employees. In addition, the following required provision shall be included in any advertisement for procurement for the Project:

> Statement of Financial Assistance: This contract is subject to a financial assistance contract between the Commonwealth of Virginia and the United States Department of Transportation ("U.S. DOT").

SECTION 10. Special Provisions

a. **Special Condition Pertaining to Financing CMAQ Projects.**

Sufficient funds must be available from the U.S. DOT and an adequate liquidating cash appropriation must have been enacted into law before payments may be made to the Grantee under this Agreement.

b. All funds made available by this Agreement are subject to audit by the Department or its designee, and by the FHWA or its designee. Current audit guidelines for the Department are set forth in Appendix D, attached and made a part of this Agreement.

c. Nothing in this Agreement shall be construed as a waiver of the Grantee's or the Commonwealth's sovereign immunity.

This area intentionally left blank

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by their duly authorized officers, all as of the day, month, and year first written.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix A: <u>Project Description and Budget</u>

Grantee: Fairfax County

Project: Funding for the Fairfax Connector Transit Stores

FHWA Grant CM 5A01 (698)

UPC T207

Project Number: 47016-04
Project Start Date: November 23, 2015
Project Expiration Date: November 30, 2016

Fund Code		Item Amount
401	Federal Grant Amount (share of Project cost - 80%)	$416,000
472	State expense (share of Project cost - 20%)	$104,000
	Total Project Expense	$520,000

In no event shall this grant exceed $416,000.

Appendix B: <u>Restrictions, Prohibitions, Controls, and Labor Provisions</u>

a. The Grantee, its agents, employees, assigns, or successors, and any persons, firms, or agency of whatever nature with whom it may contract or make agreement, in connection with this Agreement, shall not discriminate against any employee or applicant for employment because of age, race, religion, handicap, color, sex, or national origin. The Grantee shall take affirmative action to ensure that applicants are employed and that employees are treated during their employment without regard to their age, race, religion, handicap, color, sex, or national origin. Such actions shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

b. Disadvantaged Business Enterprises ("DBE"). It is the policy of the U.S. DOT that DBEs, as defined in 49 C.F.R. pt. 26, have the maximum opportunity to participate in the performance of contracts financed in whole or in part with the Federal funds under this Agreement. Consequently, the DBE requirements of 49 C.F.R. pt. 26 apply to this Agreement.

   The recipient or its contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. DOT-assisted contract or in the administration of its DBE program or the requirements of 49 C.F.R. pt. 26. The recipient shall take all necessary and reasonable steps under 49 C.F.R. pt. 26 to ensure nondiscrimination in the award and administration of U.S. DOT-assisted contracts. The recipient will utilize the Virginia Department of Transportation's DBE program, as required by 49 C.F.R. pt. 26 and as approved by the U.S. DOT, which is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. § 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. § 3801 *et seq*.).

   Pursuant to the requirements of 49 C.F.R. pt. 26, the following clause must be inserted in each third party contract:

   > "The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 C.F.R. pt. 26 in the award and administration of U.S. DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to: (1) withholding monthly progress payments; (2) assessing

sanctions; (3) liquidated damages; and/or (4) disqualifying the contractor from future bidding as non-responsible."

c. Interest of Member of, or Delegates to, Congress. No member of, or delegate to, the Congress of the United States shall be admitted to any share or part of this Agreement or to any benefit arising therefrom.

d. Conflict of Interest. The Grantee and its officers and employees shall comply with the provisions of the State and Local Government Conflict of Interests Act, §§ 2.2-3100 *et seq*. of the *Code of Virginia* (1950), as amended.

e. The Grantee, its agents, employees, assigns, or successors, and any persons, firm, or agency of whatever nature with whom it may contract or make an agreement, shall comply with the provisions of the Fair Employment Contracting Act, §§ 2.2-4200 *et seq*. of the *Code of Virginia* (1950), as amended.

Appendix C: Title VI

During the performance of this Agreement, the Grantee, for itself, its assignees, and successors in interest, agrees as follows:

a. **Compliance with Regulations**: The Grantee shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (U.S. DOT), 49 C.F.R. pt. 21, as amended ("Regulations").

b. **Nondiscrimination**: The Grantee, with regard to the work performed by it during the term of this Agreement, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Grantee shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations.

c. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment**: In all solicitations, either by competitive bidding or negotiation, made by the Grantee for work to be performed under a subcontract, including procurements of materials, leases, or equipment, each potential subcontractor or supplier shall be notified by the Grantee of the Grantee's obligations under this Agreement and the Regulations relative to nondiscrimination on the grounds of race, color, sex, or national origin.

d. **Information and Reports**: The Grantee shall provide all information and reports developed as a result of or required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the Grantee is in the exclusive possession of another who fails or refuses to furnish this information, the Grantee shall so certify to the Department or the FHWA, as appropriate, and shall set forth the efforts it has made to obtain this information.

e. **Sanctions for Noncompliance**: In the event of the Grantee's noncompliance with the nondiscrimination provisions of this Agreement, the Department shall impose such Agreement sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

    1. Withholding of payments to the Grantee under the Agreement until the Grantee complies; and/or
    2. Cancellation, termination, or suspension of the Agreement in whole or in part.

f. **Incorporation of Provisions**: The Grantee shall include the requirements of paragraphs a through f in every subcontract (making clear that the requirements on the Grantee are in turn required of all subcontractors), including procurements of materials and leases of equipment, unless exempt by the regulations or directives issued pursuant thereto. The Grantee shall take such action with respect to any subcontract or procurement as the Department or the FHWA may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event the Grantee becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Grantee must immediately notify the Department so that steps can be taken to protect the interests of the Department and the United States.

Appendix D: <u>Audit Guidelines</u>

a. OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations," was issued pursuant to the Single Audit Act of 1984, Pub. L. 98-502, and the Single Audit Act Amendments of 1996, Pub. L. 104-156. It sets forth standards for obtaining consistency and uniformity among Federal agencies for the audit of States, local governments, and non-profit organizations expending Federal awards. A-133 is applicable to recipients of funds under this Agreement. U.S. DOT regulations implementing A-133 are contained in 2 C.F.R. pt. 1201 and 23 C.F.R. pt. 420. In addition, other regulations/publications that are applicable and should be referred to as necessary are:

    1. OMB Circular A-87 Revised, "Cost Principles for State, Local and Indian Tribal Governments."

    2. 2 C.F.R. pt. 1201, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards."

    3. Government Auditing Standards - "Yellow Book" - 2011 Revision.

    4. "Compliance Supplement for Single Audits of State and Local Governments."

    In preparing the audit reports, Part 6 of OMB Circular A-133 should be referenced and complied with.

b. Additional guidance is as follows:

    1. Eligibility of costs is stressed for expenditures made within the grants. OMB Circular A-87 Revised should be referenced and applied. Generally, some of the problems encountered are:
        A. Unacceptable or no cost allocation plan, usually for "indirect costs."
        B. Arbitrary allocation of costs.
        C. Failure to maintain time and attendance records.
        D. Failure to keep accurate track of employee time spent on each of several grants.
        E. Improper documentation.

    2. The report should have sufficient schedules, either main or supplementary, that identify beginning balances, revenues, expenditures by line item and individual grants, and fund balances. Department-issued grants should be separated. A schedule of ineligible costs should also be included if such costs are found.

    3. The report should present a schedule of indirect costs and be presented in a manner that indicates the method of developing the costs (including

fringe benefits). Indirect costs should be analyzed for eligibility of costs included (interest, taxes, etc.).

4. Costs should be classified to identify expenditures by the Grantee in contrast to disbursements actually passed through to subrecipients. The scope of the audit should include expenditures made by the subrecipients and be identified in the audit report. This includes consultants, subconsultants, and any other recipient of pass through funds.

5. Generally speaking, it is left up to the auditor's professional judgment to determine materiality in selection of parameters for sample testing and recognition of errors. However, it is suggested that the size of each individual grant in the entity be considered when selecting parameters rather than total overall operation of the entity.

6. The following groups should be sent copies of the audit reports:

   A. Two copies of the audit reports and two copies of the OIG Review of the Report are to be sent to:

      Virginia Department of Rail and Public Transportation
      Attention: Donald Karabaich, Audit Manager
      600 East Main Street, Suite 2102
      Richmond, VA 23219

   B. Grantees expending more than $500,000 a year in Federal assistance must forward a copy of the audit to a central clearinghouse designated by OMB.

      Federal Audit Clearinghouse
      Bureau of the Census
      1201 E. 10th St.
      Jefferson, IN 47132

   C. If your independent annual single audit contains U.S. DOT program findings, a copy of the entire audit report must be submitted to your FHWA Regional Office. If your agency receives funds from more than one U.S. DOT agency and the FHWA is your point of contact for all DBE program issues, then you must submit the entire audit report if it contains any findings related to any U.S. DOT program.

   D. If your independent annual single audit report contains no U.S. DOT program findings, a copy of only the Federal Clearinghouse transmittal sheet must be submitted to your FHWA Regional Office.

Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2016
Six Year Improvement Program Approved Project
Federal Highway Administration Grant CM 5A01 (698)
Grant Number 47016-04

This Project Agreement ("Agreement"), effective November 23, 2015, by and between the Commonwealth of Virginia Department of Rail and Public Transportation ("Department") and Fairfax County ("Grantee") (collectively, the "Parties"), is for the provision of funding for the Fairfax Connector Transit Stores ("Project").

WHEREAS, on June 17, 2015, the Commonwealth Transportation Board ("CTB") allocated funding for the Project; and

WHEREAS, on November 23, 2015, the Federal Highway Administration ("FHWA") approved funding for the Project; and

WHEREAS, the Department provides state matching funds to Federal funds for approved projects in the Six Year Improvement Program; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of each Party, the manner of performing the necessary Work, the method and time of payment, and to set out additional conditions associated with the Project.

NOW, THEREFORE, in consideration of the covenants and agreements set forth, and other good and valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. The Work under the terms of this Agreement is as follows:

    a. Funding for the Fairfax Connector Transit Stores.

2. The Department agrees to provide funding as detailed below:

    a. State grant funding in the amount of $104,000 to match Federal funds for the Project approved in the Fiscal Year 2016 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, attached and made a part of this Agreement.

3. The Grantee acknowledges that state grant funding for this grant cannot exceed the amount allocated by the CTB and that state grant funding is contingent upon appropriation by the General Assembly of Virginia.

ARTICLE 2. INCORPORATION OF MASTER AGREEMENT FOR USE OF COMMONWEALTH FUNDS

The Parties agree to incorporate the Master Agreement for Use of Commonwealth Transportation Funds, dated May 30, 2012, as if set out in full herein.

This space intentionally left blank

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by their duly authorized officers, all as of the day, month, and year first written.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: Funding for the Fairfax Connector Transit Stores

FHWA Grant CM 5A01 (698)
UPC T207

Project Number: 47016-04
Project Start Date: November 23, 2015
Project Expiration Date: November 30, 2016

Fund Code		Item Amount
472	Grant Amount (State share of Project cost - 20%)	$104,000
401	Federal Expense (share of Project cost - 80%)	$416,000
	Total Project Expense	$520,000

In no event shall this grant exceed $104,000.

REVISED

Board Agenda Item
April 5, 2016

ACTION - 3

Authorization for the Department of Transportation to Apply for and Accept Funding from the Fostering Advancements in Shipping and Transportation for the Long-Term Achievement of National Efficiencies (FASTLANE) Grant Program (FY 2016); and Endorsement of the Virginia Department of Transportation's Atlantic Gateway FASTLANE Grant Application (Dranesville, Hunter Mill, Lee, Mason and Mount Vernon Districts)

ISSUE:
Board authorization is requested for the Department of Transportation to apply for FY 2016 FASTLANE program funds, made available under the Fixing America's Surface Transportation Act (FAST Act) and the Nationally Significant Freight and Highway Projects (NSFHP) program. The total County request for funding is $49.2 million for the construction of the Route 7 Widening project.

The Virginia Department of Transportation seeks the Board's endorsement of the Atlantic Gateway project, which extends from the Pentagon to Fredericksburg, Virginia (See Attachment 1). The FASTLANE grant will leverage private investments and Virginia transportation funds to:

- Extend the I-95 Express Lanes for seven miles north and ten miles south;
- Construct 14 miles of new rail track to support additional freight, commuter, and passenger rail service while also planning to better connect the Northeast and Southeast rail networks through an expanded Long Bridge over the Potomac River; and
- Expand bus service in the corridor to ensure that all populations have access to key employment, education and healthcare services.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors authorize the Department of Transportation to apply for $49.2 million in FASTLANE program grant funds.

The County Executive also recommends that the Board of Supervisors endorse VDOT's Atlantic Gateway application for FASTLANE program grant funds. (Attachment 1).

REVISED

Board Agenda Item
April 5, 2016

TIMING:
Board of Supervisors' authorization is requested on April 5, 2016, to meet the U. S. Department of Transportation's April 14, 2016, submission deadline.

BACKGROUND:
On March 2, 2016, the United States Department of Transportation (USDOT) solicited applications for the FASTLANE program. USDOT will divide grants under this program into large and small projects. For large projects, the FAST Act specifies that grants must be at least $25 million. For small projects, the grants must be at least $5 million. For both large and small projects, maximum awards may not exceed 60 percent of future eligible project costs.

The NSFHP program provides an opportunity to address nationally or regionally significant challenges across the nation's transportation system, including improving the safety, efficiency, and reliability of the movement of freight and people; generating national or regional economic benefits and increasing the United States' global competitiveness; reducing highway congestion and bottlenecks; enabling more efficient intermodal connections; minimizing delays at international borders; improving inadequate first and last mile segments; modernizing port facilities to meet 21st Century demands, including connections between ports and their surface transportation systems; enhancing the resiliency of critical intermodal infrastructure and helping protect the environment; improving grade crossings; improving roadways vital to national energy security; and addressing the impact of population growth on the movement of people and freight. The program also offers resources to advance highway and bridge projects on the National Highway System, including those that improve mobility through added capacity on the Interstate or address needs in a national scenic area.

USDOT will prioritize projects that also enhance personal mobility and accessibility. Such projects include, but are not limited to, investments that better connect people to essential services such as employment centers, health care, schools and education facilities, healthy food, and recreation; remove physical barriers to access; strengthen communities through neighborhood redevelopment; mitigate the negative impacts of freight movement on communities; and support workforce development, particularly for disadvantaged groups, which include low-income groups, persons with visible and hidden disabilities, elderly individuals, and minority persons and populations.

FCDOT staff has reviewed criteria for awarding FASTLANE funding and has determined that the Route 7 Widening Project is the Fairfax County project best suited to meet those criteria. The widening project consists of two construction phases that extend from Jarrett Valley Drive to Reston Avenue. Route 7 Widening Project is part of

the Tysons-wide Improvements approved by the Board in June 2010. The project includes the widening from four to six lanes as well as pedestrian and bicycle enhancements.

Subsequent to the original submission of this Board Item, VDOT requested that the County endorse its Atlantic Gateway FASTLANE application. A project description is provided in Attachment 2.

FISCAL IMPACT:
The total project estimate for the Route 7 Widening project is $264 million. Grant funding of $49.2 million is being requested from the FASTLANE program to support construction activities on Phase II of the project. Maximum FASTLANE awards may not exceed 60 percent of future eligible project costs; therefore, a 40 percent cost share match of $32.8 million is required. Phase I and the remainder of Phase II (including the cost share match) are expected to be funded through other sources, including federal Regional Surface Transportation Program, state HB2, and Northern Virginia Transportation Authority regional funds. There is no impact to the General Fund. Should Fairfax County be awarded funds from the FASTLANE program, staff will return to the Board for concurrence on a grant agreement for project.

ENCLOSED DOCUMENTS:
Attachment 1 – Atlantic Gateway Letter of Support
Attachment 2 – Atlantic Gateway Project Information

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT
Brent Riddle, Senior Transportation Planner, Coordination and Funding, FCDOT
Ray Johnson, Senior Transportation Planner, Coordination and Funding, FCDOT

ATTACHMENT 1

COMMONWEALTH OF VIRGINIA
County of Fairfax
BOARD OF SUPERVISORS

12000 GOVERNMENT CENTER PKWY
SUITE 530
FAIRFAX, VIRGINIA 22035-0071

TELEPHONE: 703/324-2321
FAX: 703/324-3955
TTY: 711

chairman@fairfaxcounty.gov

SHARON BULOVA
CHAIRMAN

April 6, 2016

The Honorable Anthony Foxx
Secretary
United States Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary Foxx:

On behalf of the Fairfax County Board of Supervisors, I am writing to express support for the United States Department of Transportation (USDOT) FASTLANE grant application for the Atlantic Gateway project being submitted by the Commonwealth of Virginia. This project, which extends from the Pentagon in Arlington County to Fredericksburg, Virginia, will leverage private investments and Virginia transportation funds to:

- Extend the current I-95 Express lanes for seven miles north to the Pentagon and ten miles south to Fredericksburg;
- Construct 14 miles of a third railroad track to support additional freight, commuter, and passenger rail service while also planning to connect the Northeast and Southeast rail networks through an expanded Long Bridge over the Potomac River between Virginia and the District of Columbia; and
- Expand bus service in the corridor to ensure that all populations have access to key employment, education and healthcare services

The project aims to expand, enhance, and create additional freight and personal mobility choices in one of the Nation's most congested multi-modal corridors, and combine efforts by private, local, state, regional, and national stakeholders to improve the overall multi-modal transportation system. These projects will expand access to employment opportunities by adding highway (HOV, SOV, and Express) capacity and increases access to commuter rail, Metrorail, and bus services for residents and travelers that utilize the corridor. These improvements will also accelerate key freight movements along the East Coast and between East Coast ports and the Midwest; and will also assist to link the Northeast and Southeast high speed rail corridors. When combined with significant private and state investments, this funding will help address the persistent highway and rail congestion throughout the region and along the greater I-95 corridor, and provide significant, long term economic benefits to the greater Metropolitan Washington region and beyond.

DRAFT

As the USDOT evaluates funding under the FASTLANE program, we would appreciate your consideration of this grant application. If you have any questions or need additional information, please do not hesitate to contact me at (703) 324-2321 or Noelle Dominguez with the Fairfax County Department of Transportation at (703) 877-5665. Thank you for your consideration of this application.

Sincerely,

Sharon Bulova
Chairman
Fairfax County Board of Supervisors

cc: Members, Fairfax County Board of Supervisors
Edward L. Long Jr., County Executive
Robert A. Stalzer, Deputy County Executive
Catherine Chianese, Assistant County Executive
Tom Biesiadny, Director, Department of Transportation
Claudia Arko, Legislative Director

Attachment 2

March 23, 2016

I-95/I-395 Corridor Initiative
FASTLANE & TIGER Grant Program Narrative

Vision – Expand, enhance and create additional freight and personal mobility choices in one of the Nation's most congested multi-modal corridors.

- Expands access to employment opportunities leveraging significant private investment
- Increases commuter rail, Metrorail, highway (HOV, SOV and Express) and bus choices
- Accelerates key East Coast highway and rail freight improvements, including National Gateway
- Initiates link between Northeast and Southeast high speed rail programs

Corridor-Wide Program –FASTLANE and TIGER applications to leverage Private Investment and funding from Virginia's Transportation Program to improve I-95/I-395 from Fredericksburg to the Pentagon

- Highway
  - I-95/I-395 Enhancements (HOT extension north to Pentagon, south to Fredericksburg)
  - Private Investment in HOT lanes extensions

- Freight, Intercity, and Commuter Rail Improvements
  - Phase I of Long Bridge (the East Coast rail chokepoint)
  - Construction of 14 miles of additional rail track within existing ROW
  - Private Investment in Rail Improvements

- Transit
  - Enhanced Bus Service (employment access)
  - Two additional VRE roundtrips (I-66 & I-95)
  - Additional Park and Ride Options (Stafford County)

- Innovation and Technology
  - Corridor-wide upgrades (TDM, ramp metering, etc.)

Program supports goals of FASTLANE and TIGER

- Generates national and regional economic, mobility and safety benefits
- Aligns with *all 7* National Goals and Performance Measures
  (Safety; Infrastructure Condition; Congestion Reduction; System Reliability; Freight Movement & Economic Vitality; Environmental Sustainability; and Reduced Project Delivery Delays)
- Program is ready for construction; much of the upfront environmental and engineering is complete and/or underway

Board Agenda Item
April 5, 2016

ACTION - 4

Endorsement of Design Plans for Bridge Replacement at Hunter Mill Road over Difficult Run (Hunter Mill District)

ISSUE:
Board endorsement of the Virginia Department of Transportation (VDOT) design plans to replace the temporary bridge on Hunter Mill Road (Route 674) over Difficult Run from approximately 0.160 miles south of Hunter Station Road (Route 677) to approximately 0.226 miles south of Hunter Station Road (Route 677), for a total length of 0.066 miles along Hunter Mill Road. The new precast pre-stressed concrete structure will be built to accommodate two 11- foot lanes and four foot shoulders, one on each side. VDOT Standard Concrete Kansas Corral type bridge railings will be provided.

Aesthetic features compatible with the scenic and historic character of Hunter Mill Road, such as architectural stone facing and gateway pillars, will be incorporated into the new bridge.

RECOMMENDATION:
The County Executive recommends that the Board endorse the VDOT design plans for the replacement of the temporary bridge on Hunter Mill Road (Route 674) over Difficult Run including two 11- foot lanes, one in each direction, and a four foot shoulder on each side of the bridge as presented at the June 17, 2015, public hearing.

TIMING:
The Board should take action on April 5, 2016, to allow VDOT to proceed with final approval by the Chief Engineer.

BACKGROUND:
This bridge will replace the temporary Hunter Mill Road Bridge over Difficult Run with a new permanent bridge. This segment of Hunter Mill Road carries approximately 20,000 vehicles per day. The existing temporary bridge was installed in 2011 to replace a structurally deficient bridge and to ensure the safety of the traveling public until the new permanent bridge is designed and constructed.

The permanent bridge alternatives have been developed taking into consideration the Hunter Mill corridor as a Virginia Byway with local historical significance. Design was

coordinated with the Hunter Mill District Supervisor and The Hunter Mill Road Defense League (HMRDL). VDOT and County staff have coordinated the design plans with the Fairfax County Public Schools; Fire and Rescue; Department of Public Works and Environmental Services; Fairfax County Park Authority; community members; and citizens of Hunter Mill District. The plans were presented at the public hearing held on June 17, 2015.

A copy of the public hearing brochure is attached.

Environmental Considerations

Pursuant to the National Environmental Policy Act (NEPA), and 2013 Agreement between the Federal Highway Administration and VDOT, a Programmatic Categorical Exclusion (PCE) was prepared for this project.

VDOT Northern Virginia District Office environmental section reviewed the social, economic, and environmental impacts of the project on the local community and surrounding area. The project was coordinated with the appropriate federal, state, and local officials. As a result of the review, VDOT determined that construction of the project will not result in any significant impacts.

Public Hearing Comments

A public hearing was held on June 17, 2015. Twelve people attended the public hearing. Fifteen written comments were received. No oral comments were received for the record. Of the 15 comments received, 13 supported the project as proposed, one supported the project with modification, and one was opposed.

The following represents a summary of the major concerns expressed at the public hearing for the project:

- Concerns regarding roadway flooding and VDOT decision to match existing roadway grade.
- Concern regarding the “decorative” aesthetic stone concrete finish which is supported by Hunter Mill Road Defense League.
- Concern regarding the detour plan during construction.
- Suggestions to incorporate bike lanes into design of the bridge.

Project Cost and Schedule

The current estimated project cost is $2.225 million, which includes $390,000 for engineering of the bridge and roadway plans, $435,000 for the right-of-way acquisition and utilities relocation, and $1.4 million for construction. The project includes federal

funds and is not fully funded for right-of-way acquisition and construction at this time.

Assuming VDOT is able to identify funding for this project, the latest schedule is:

Design	Currently Underway
Begin land acquisition	Summer 2016
Advertisement for Construction	January 2018
Construction	Summer 2018 (late July to mid-August)

FISCAL IMPACT:
There is no impact to the General Fund.

ENCLOSED DOCUMENTS:
Attachment I: Location and Design Public Hearing Brochure

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Karyn Moreland, Chief, Capital Projects Section, FCDOT
Jane Rosenbaum, Capital Projects Section, FCDOT

VDOT Virginia Department of Transportation

www.VirginiaDOT.org
NovaInfo1@VDOT.Virginia.gov

Design Public Hearing

Hunter Mill Road (Route 674)
Fairfax County

Wednesday, June 17, 2015, 6:30 – 8:00 p.m.
Flint Hill Elementary School Cafeteria
2444 Flint Hill Road, Vienna, VA 22181

Public Meeting

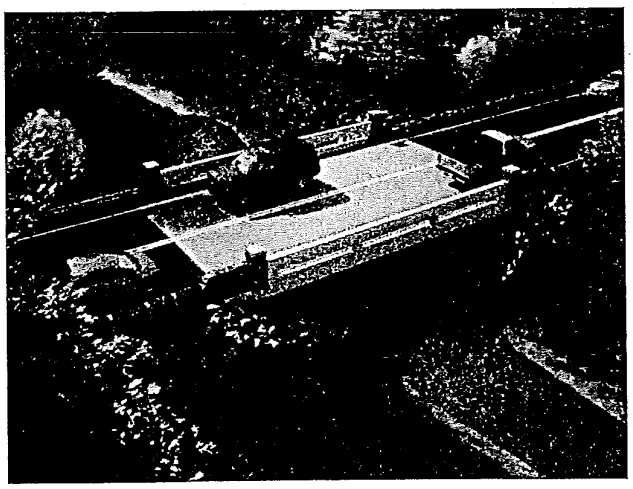
Welcome to the Virginia Department of Transportation's (VDOT) Design Public Hearing on the proposed reconstruction of the Hunter Mill Road Bridge over Difficult Run in Fairfax County.

This public hearing is held to provide an opportunity for any person, acting on his/her own behalf or representing a group or governing agency, to give the department his or her comments and/or suggestions concerning the proposed project after reviewing the project information.

Representatives from VDOT are on hand to discuss the project and answer your questions. It is the responsibility of VDOT to ensure that all members of the community are afforded the opportunity to participate in public decisions on transportation systems and projects affecting them.

A comment sheet is included in the handouts provided for this meeting, and your input is encouraged. All oral and written comments received will be included in a transcript for review by VDOT personnel, interested citizens and all other interested parties. Concerns raised as a result of this meeting will be evaluated by staff prior to consideration for approval of the project by the chief engineer.

Project Overview



The proposed Route 674 bridge over Difficult Run.

Cost – $2.225 million
Purpose – Replace the temporary bridge with a permanent bridge, replace and widen abutments and modify foundations.
From – about 0.160 miles south of Route 677 (Hunter Station Road)
To – about 0.226 miles south of Route 677 (Hunter Station Road)
Total length – 0.066 miles along Hunter Mill Road
Improvements – New, wider permanent bridge that meets current VDOT design standards.

State Project – 0674-029-989, P101, R201, M501, B633, UPC – 102691

Project Description

This project will replace the temporary Hunter Mill Road (Route 674) Bridge over Difficult Run in Fairfax County with a new permanent bridge. The existing temporary bridge was installed in 2011 to replace a structurally deficient bridge to ensure the safety of the traveling public until the new permanent bridge is designed and constructed.

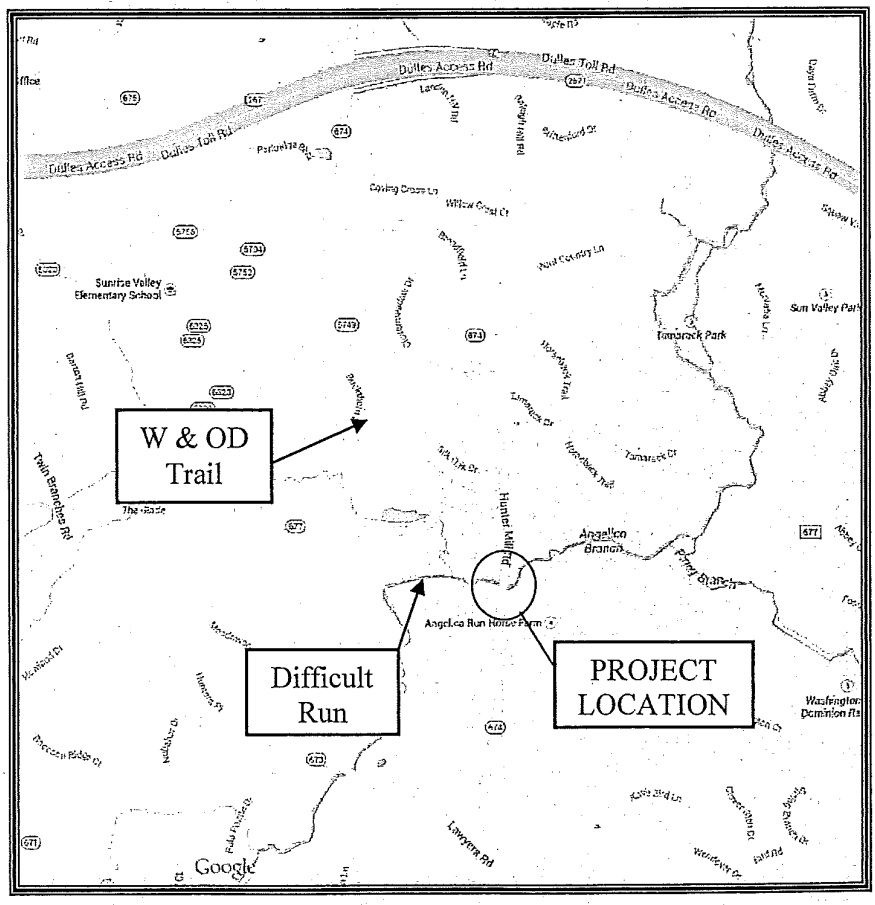
The proposed bridge superstructure will be precast prestressed concrete voided slab units overlaid with a 7.5" thick reinforced concrete slab. The bridge roadway width will be widened by 6 feet to 30'-8", to accommodate two 11 foot lanes and 4 foot shoulders. The single span bridge length of 49'-6" will be maintained. VDOT Standard Concrete Kansas Corral type bridge railings will be provided.

The substructure will be precast concrete abutments on drilled shaft foundations. Two new drilled shafts at each abutment will be added to supplement the two existing shafts. The use of precast concrete slab units, high early strength concrete slab overlay, precast concrete abutments and incorporating existing drilled shaft foundations will facilitate accelerated construction and reduce the duration of the road closure.

Aesthetic features compatible with the scenic and historic character of Hunter Mill Road, such as architectural stone facing and gateway pillars will be incorporated in the new bridge.

Hunter Mill Road will be closed to through traffic at the bridge during construction and a detour will be provided. It is anticipated that the duration of the road closure will be 21 days. According to 2013 traffic counts, the Hunter Mill Road Bridge carries 17,000 vehicles per day.

Map



Estimated Project Cost

Total Cost:
$2.225 Million
Construction Plan Engineering: $390,000
Right of Way Acquisition, Relocation Assistance and Utility Relocation: $435,000
Construction: $1.4 Million

Because development of the project is in early design stages, this cost is subject to change. This project is not fully funded through right of way acquisition or construction and includes federal funds.

Environmental Review

Pursuant to the National Environmental Policy Act (NEPA), 23 CFR 771, and the 2013 Agreement between the Federal Highway Administration and VDOT, a Programmatic Categorical Exclusion was prepared for this project and is available for review at tonight's meeting.

In compliance with the National Historic Preservation Act, Section 106 and 36 CFR Part 800, information concerning the potential effects of the proposed improvements on properties listed in or eligible for listing in the National Register of Historic Places is for review at tonight's meeting.

All subsequent environmental conditions and commitments resulting from regulatory approvals will be adhered to during project construction.

Anticipated Schedule

The following schedule has been proposed:
Public Hearing – June 2015
End of Public Hearing Comment period – June 29, 2015
Right of Way Acquisition – Fall 2015
Utility Relocation – Spring/Summer 2016
Advertisement – January 2018
Construction – Summer 2018 (late July to mid-August road closure).

Civil Rights

VDOT ensures non-discrimination in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you need more information or special assistance for persons with disabilities or limited English proficiency, contact VDOT's Northern Virginia Office of Civil Rights, 4975 Alliance Drive, Fairfax, VA 22030 or at 800-FOR-ROAD (367-7623) or TTY/TDD 711.

Right of Way

The construction of this project will not require the displacement of any families, businesses or non-profit organizations. Based on best available information, it is currently expected that four properties would be impacted by the project. The proposed construction will require purchase of approximately 0.18 acres of right of way. Displays presented as part of this Public Hearing show the extent of right of way that may be needed for the project as currently proposed. As the design is further developed, additional easements may be required beyond what is shown in the preliminary plans. Property owners will be informed of the exact location of the easements during the right of way acquisition process and prior to construction. Easements for utility relocation are required beyond the proposed right of way. The anticipated utility owners are Dominion Virginia Power, Cox Communications, Fairfax Water and Fiberlight. Information about right of way acquisition is discussed in VDOT's brochure entitled, "Right of Way and Utilities: A Guide for Property Owners and Tenants." Copies of this brochure are available from a VDOT right of way agent.

After this meeting, information regarding right of way may be obtained from the right of way contact listed on this brochure.

Get Involved

VDOT representatives will review and evaluate all applicable information received as a result of this Public Hearing. The comment sheet in this brochure is provided to assist in making your comments. You may leave the sheet and/or any other written comments in the comment box at the meeting, provide verbal comments to the court reporter tonight or mail/email your comments.

Comments may be mailed to Brian Morrison, P.E. at the address below or emailed to meeting_comments@vdot.virginia.gov. Please include "Hunter Mill Road Bridge Replacement" in the email subject line. Comments must be postmarked, e-mailed or delivered to VDOT within 10 calendar days of today's hearing (no later than June 29, 2015) in order to be included in the public hearing transcript.

Project information shared here, including a summary of comments received during the comment period, will be available at www.virginiadot.org/projects and at VDOT's Northern Virginia District Office located at 4975 Alliance Drive, Fairfax, VA 22030.

Contact Information

Primary Contact: **Brian Morrison, P.E.**	VDOT Northern Virginia Project Manager	4975 Alliance Drive Fairfax, VA 22030	703-259-2606	Brian.Morrison@ vdot.virginia.gov
Gary Runco, P.E.	VDOT Northern Virginia Bridge Engineer	4975 Alliance Drive Fairfax, VA 22030	703-259-3341	Gary.Runco@ vdot.virginia.gov
Brian Costello	VDOT Northern Virginia Right of Way & Utilities	4975 Alliance Drive Fairfax, VA 22030	703-259-2986	Brian.Costello@ vdot.virginia.gov
Jennifer McCord	VDOT Northern Virginia Public Affairs Manager	4975 Alliance Drive Fairfax, VA 22030	703-259-1779	Jennifer.McCord@ vdot.virginia.gov

VDOT Virginia Department of Transportation

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Board Agenda Item
April 5, 2016

ACTION – 5

Approval of Memorandums of Understanding (MOU) Authorizing Fairfax County to Bill and Collect Local Registration Fees for the Towns of Herndon and Clifton

ISSUE:
Board authorization for the Department of Tax Administration (DTA) to bill and collect local vehicle registration fees for the towns of Herndon and Clifton pursuant to MOUs provided in Attachment 1.

RECOMMENDATION:
The County Executive recommends that the Board authorize the Director of DTA to sign the attached MOUs, which will permit the County to bill and collect local vehicle registration fees for the towns of Herndon and Clifton should those jurisdictions likewise sign the MOUs and adopt local ordinance amendments consistent with the terms of the proposed MOUs.

TIMING:
Board action is required on April 5, 201,6 in order to provide time for each town to execute their respective MOU and adopt local ordinance amendments prior to DTA's mailing of 2016 Car Tax bills this summer.

BACKGROUND:
Pursuant to Va. Code Ann. § 46.2-752(M), as amended in 2015, counties and towns are now authorized to enter into mutual agreements allowing one jurisdiction to bill and collect local vehicle registration fees on behalf of the other. Attachment 2 provides a copy of this statute for reference.

Last September, following a request by the Mayor of the Town of Herndon, the Board approved a motion by Supervisor Foust for staff to consider the process for implementing this statute whereby DTA would perform this service for the Town of Herndon. Town and County staff have been discussing this matter since that time. Moreover, following a letter from the Mayor of the Town of Clifton, on March 15, 2016 the Board also approved a motion by Supervisor Herrity directing staff to consider a similar request from the Town of Clifton.

Town residents are not liable for and do not pay the County's local vehicle registration fee. They instead pay this fee to their respective town. However, town residents are indeed liable for the County's Car Tax and DTA already sends annual

Car Tax bills to taxpayers residing within each town. The towns have therefore proposed the logical option that the County include these town fees on the bills already being mailed by DTA.

However, both the Town of Herndon and the Town of Clifton still sell physical decals. This would significantly complicate the process since the County no longer sells decals. Fortunately, based on preliminary discussions it appears that both towns are now poised to adopt amendments that conform their town vehicle registration ordinance to match Fairfax County's (which would also include abolishing their physical decal). Based on the County's experience, this would not only save the towns considerable cost and staff efforts, but it would also improve customer service. At the same time, such changes would significantly simplify the local registration process such that DTA could begin to bill and collect town registration fees with little effort.

In order to implement this change, the Board would need to authorize the Director of DTA to sign the MOUs presented in Attachment 1 and initiate the billing process upon the adoption of appropriate ordinance amendments by each town conforming their ordinances to Fairfax County's, to include abolishing the physical decal. While the ordinances would need to be conformed, each town can continue to charge fees at their own rates. The rates themselves do not need to match the Fairfax County rates.

Based on staff discussions, and assuming action by the Board, the Town of Clifton is expected to consider the MOU on the evening of April 5, 2016, and a public hearing on conforming its ordinance would tentatively be planned for May 4, 2016. Similarly, it is anticipated the Town of Herndon would consider the MOU at a work session on May 3, 2016, and a proposed ordinance amendment would be considered for adoption later in May.

This timing would permit DTA to work with the Department of Information Technology (DIT) to make relatively minor programming changes and begin billing the town fees on the 2016 Car Tax bills. Any significant delays in the adoption of the conforming ordinances could delay implementation until tax year 2017; however that is not anticipated at this time.

DTA would bill and collect these fees, deposit funds to the credit of each town and provide an electronic file accounting for the funds collected. Any of the three jurisdictions can withdraw from this MOU upon written agreement, the timing of any such withdrawal to be determined by the Director of DTA depending on where the County is in its current billing cycle.

FISCAL IMPACT:
Implementation costs are expected to be negligible. Programming should not take more than a few weeks and can be accomplished within existing resources. Since the County is already billing town residents, DTA will not incur additional postage or printing costs. There will presumably be additional questions and customer service impact during the initial transition. DTA anticipates it can handle such inquiries and will include additional information on its website and with the town bills. The volume is not significant according to DTA standards. The Town of Herndon has approximately 19,500 vehicles and the Town of Clifton has just over 300. While staff anticipates that related costs, if any, would be less than $10,000, the MOU does allow the County to bill each town for any respective costs. Each town will of course also field inquiries during the transition period and will assist in publicly communicating this change.

The County has not received a request from the Town of Vienna at this time, but should this change in the future DTA is positioned to accommodate them in similar fashion. The Town of Vienna already abolished its physical decal at the same time the County abolished its decal. For perspective, according to the Weldon Cooper Center for Public Service at the University of Virginia, 70 Virginia counties have abolished their physical decal, along with 26 Virginia cities and 66 Virginia towns.

ENCLOSED DOCUMENTS:
Attachment 1 - Memorandums of Understanding with Towns of Herndon and Clifton
Attachment 2 - Va. Code Ann. § 46.2-752(M)
Attachment 3 - Letter from the Hon. Lisa C. Merkel, Mayor, Town of Herndon
Attachment 4 - Letter from the Hon. William R. Hollaway, Mayor, Town of Clifton
Attachment 5 - Herndon Decal PowerPoint, 2015 Herndon Town Council Work Session

STAFF:
Joseph M. Mondoro, Chief Financial Officer
Kevin C. Greenlief, Director, Department of Tax Administration
E. Scott Sizemore, Director, Revenue Collection Division, DTA
Juan B. Rengel, Director, Personal Property & Business License Division, DTA
Charles R. Spencer, Branch Chief, Business Systems Division, DIT
Daniel Robinson, Assistant County Attorney

ATTACHMENT 1

MEMORANDUM OF UNDERSTANDING BETWEEN THE

FAIRFAX COUNTY BOARD OF SUPERVISORS AND THE TOWN OF HERNDON

This Memorandum of Understanding (MOU) is made and entered into this _____ day of _____2016, by the FAIRFAX COUNTY BOARD OF SUPERVISORS ("County") and the TOWN OF HERNDON ("Town") located within the County of Fairfax. The County and the Town are referred to herein as "the Parties" to this MOU.

The County currently assesses, bills and collects vehicle personal property taxes from the residents of the Town of Herndon. The Town of Herndon bills and collects vehicle license fees from the Town residents.

The parties desire to enter into this MOU pursuant to the authority conferred by Virginia Code Ann. §46.2-752(M), to effect this MOU, upon approval of both governing bodies, permitting the County Department of Tax Administration (DTA) to collect current, non-delinquent license fees for the Town. Upon execution of this MOU by the parties, and upon compliance with the terms hereinafter stated, the County agrees to accept accounts submitted by the Town for collection and shall account for and pay over such amounts to the Town in the same manner as provided by law.

The parties agree as follows:

AMENDMENT OF HERNDON TOWN CODE

The Town agrees to draft and bring before the Herndon Town Council an ordinance to amend Article VI of Chapter 42 of the Herndon Town Code regarding Vehicle Licenses to conform to Article 17.2 of Chapter 4 of the Fairfax County Code regarding Vehicle Licenses. Unless and until the Herndon Town Council amends Article VI of Chapter 42 of the Herndon Town Code regarding Vehicle Licenses to conform to Article 17.2 of Chapter 4 of the Fairfax County Code regarding Vehicle Licenses then the County shall have no obligations under this MOU. If the Herndon Town Council does not amend Article VI of Chapter 42 of the Herndon Town Code regarding Vehicle Licenses to conform to Article 17.2 of Chapter 4 of the Fairfax County Code regarding Vehicle Licenses in a timely manner sufficient to permit the County to perform its obligations under this MOU for the tax year effective as of the date of amendment, then the County's obligations under this MOU shall not accrue until the next tax year.

DRAFT

COOPERATION BETWEEN THE PARTIES

The parties each agree that they will cooperate to achieve the intent of this MOU and in the provision and exchange of information. The Town agrees to timely provide all information and documents requested by the Director of DTA, or his designee, that the Director of DTA deems necessary to comply with the provisions of this MOU. If the Town fails to timely provide all such requested information and documents, then the County shall have no obligations under this MOU for the applicable tax year; provided, however, that within ten (10) days of the discovery of the absence of any requested information, the Director of DTA shall notify the Town of the missing information and documents necessary for the County to perform its obligations. If the Town fails to provide the missing information and documents after such notification in a timely manner sufficient to permit the County to perform its obligations under this MOU, then the County shall have no obligation to perform its obligations for the applicable tax year.

REIMBURSEMENT OF EXPENSES

The Director of DTA will provide the Town with a written estimate of expenses to be incurred, if any, in performance of its obligations under the MOU. The Town shall notify the Director of DTA in writing within 10 business days of receipt of said notice of whether the Town agrees to pay such anticipated expenses. If the Town agrees to pay the anticipated expenses, then the County will perform its obligations under this MOU. If the Town declines to pay the anticipated expenses, or fails to provide written notice of acceptance within the time period set forth above, then the County shall have no further obligations under this MOU for the applicable tax year.

CONTACT PERSON(S)

For purposes of communication between the County and the Town with regard to the administration of this MOU, the respective contact persons are as follows:

DRAFT

Town of Herndon Contact: Director of Finance (Mary K. Tuohy)

Mailing Address: Town of Herndon, PO Box 427_____

City: Herndon_____ State ____VA_____ Zip ___20172____

Telephone Number: 703-435-6810_____ Fax Number: _____

Email Address: Mary.Tuohy@Herndon-Va.gov_____

Fairfax County Contact: Director of Tax Administration (Kevin C. Greenlief)

Mailing Address: 12000 Government Center Parkway, Suite 357_____

City: Fairfax_____ State ____VA_____ Zip __22035_____

Telephone Number: 703-324-4804_____ Fax Number: __703-324-4935_____

Email Address: Kevin.Greenlief@fairfaxcounty.gov_____

TERMINATION

This MOU may be terminated by the governing body of either the County of Fairfax or the Town of Herndon upon written notice to the other party, which shall be effective when the non-terminating party actually receives the written notice of termination, subject to the qualifying provisions set forth in the remainder of this paragraph. If written notice of termination is received during the tax year, the Director of DTA, in consultation with the Town's Director of Finance, shall be responsible for determining whether there is sufficient time to change the billing process in the current tax year, or whether the MOU termination becomes effective in the following tax year.

Board of Supervisors of Fairfax County, Virginia

By_____
Kevin C. Greenlief, Director
Department of Tax Administration

Date _____

DRAFT

Attest:

_____
Clerk of the Board

Approved as to form:

_____
County Attorney

Town of Herndon, Virginia

By _____
Lisa C. Merkel, Mayor

Date _____

Attest:

_____
Town Clerk

Approved as to form:

_____
Town Attorney

DRAFT

MEMORANDUM OF UNDERSTANDING BETWEEN THE

FAIRFAX COUNTY BOARD OF SUPERVISORS AND THE TOWN OF CLIFTON

This Memorandum of Understanding (MOU) is made and entered into this _____ day of _____2016, by the FAIRFAX COUNTY BOARD OF SUPERVISORS ("County") and the TOWN OF CLIFTON ("Town") located within the County of Fairfax. The County and the Town are referred to herein as "the Parties" to this MOU.

The County currently assesses, bills and collects vehicle personal property taxes from the residents of the Town of Clifton. The Town of Clifton bills and collects vehicle license fees from the Town residents.

The parties desire to enter into this MOU pursuant to the authority conferred by Virginia Code Ann. §46.2-752(M), to effect this MOU, upon approval of both governing bodies, permitting the County Department of Tax Administration (DTA) to collect current, non-delinquent license fees for the Town. Upon execution of this MOU by the parties, and upon compliance with the terms hereinafter stated, the County agrees to accept accounts submitted by the Town for collection and shall account for and pay over such amounts to the Town in the same manner as provided by law.

The parties agree as follows:

AMENDMENT OF CLIFTON TOWN CODE

The Town agrees to draft and bring before the Clifton Town Council an ordinance to amend Chapter 7 of the Clifton Town Code regarding Vehicle Licenses to conform to Article 17.2 of Chapter 4 of the Fairfax County Code regarding Vehicle Licenses. Unless and until the Clifton Town Council amends Chapter 7 of the Clifton Town Code regarding Vehicle Licenses to conform to Article 17.2 of Chapter 4 of the Fairfax County Code regarding Vehicle Licenses then the County shall have no obligations under this MOU. If the Clifton Town Council does not amend Chapter 7 of the Clifton Town Code regarding Vehicle Licenses to conform to Article 17.2 of Chapter 4 of the Fairfax County Code regarding Vehicle Licenses in a timely manner sufficient to permit the County to perform its obligations under this MOU for the tax year effective as of the date of amendment, then the County's obligations under this MOU shall not accrue until the next tax year.

DRAFT

COOPERATION BETWEEN THE PARTIES

The parties each agree that they will cooperate to achieve the intent of this MOU and in the provision and exchange of information. The Town agrees to timely provide all information and documents requested by the Director of DTA, or his designee, that the Director of DTA deems necessary to comply with the provisions of this MOU. If the Town fails to timely provide all such requested information and documents, then the County shall have no obligations under this MOU for the applicable tax year; provided, however, that within ten (10) days of the discovery of the absence of any requested information, the Director of DTA shall notify the Town of the missing information and documents necessary for the County to perform its obligations. If the Town fails to provide the missing information and documents after such notification in a timely manner sufficient to permit the County to perform its obligations under this MOU, then the County shall have no obligation to perform its obligations for the applicable tax year.

REIMBURSEMENT OF EXPENSES

The Director of DTA will provide the Town with a written estimate of expenses to be incurred, if any, in performance of its obligations under the MOU. The Town shall notify the Director of DTA in writing within 10 business days of receipt of said notice of whether the Town agrees to pay such anticipated expenses. If the Town agrees to pay the anticipated expenses, then the County will perform its obligations under this MOU. If the Town declines to pay the anticipated expenses, or fails to provide written notice of acceptance within the time period set forth above, then the County shall have no further obligations under this MOU for the applicable tax year.

CONTACT PERSON(S)

For purposes of communication between the County and the Town with regard to the administration of this MOU, the respective contact persons are as follows:

DRAFT

Town of Clifton Contact: Amanda Christman, Town Clerk

Mailing Address: P.O Box 309

City: Clifton State Virginia Zip 20124

Telephone Number: 202-415-0377 Email Address: cliftonclerkva@gmail.com

Fairfax County Contact: Director of Tax Administration (Kevin C. Greenlief)

Mailing Address: 12000 Government Center Parkway, Suite 357

City: Fairfax State VA Zip 22035

Telephone Number: 703-324-4804 Fax Number: 703-324-4935

Email Address: Kevin.Greenlief@fairfaxcounty.gov

TERMINATION

This MOU may be terminated by the governing body of either the County of Fairfax or the Town of Clifton upon written notice to the other party, which shall be effective when the non-terminating party actually receives the written notice of termination, subject to the qualifying provisions set forth in the remainder of this paragraph. If written notice of termination is received during the tax year, the Director of DTA, in consultation with the Town's Clerk, shall be responsible for determining whether there is sufficient time to change the billing process in the current tax year, or whether the MOU termination becomes effective in the following tax year.

Board of Supervisors of Fairfax County, Virginia

By_____
Kevin C. Greenlief, Director
Department of Tax Administration

Date _____

DRAFT

Attest:

_____
Clerk of the Board

Approved as to form:

_____
County Attorney

Town of Clifton, Virginia

By _____
William R. Hollaway, Mayor

Date _____

Attest:

_____
Town Clerk

Approved as to form:

_____
Town Attorney

DRAFT

ATTACHMENT 2

Code of Virginia
Title 46.2. Motor Vehicles
Chapter 6. Titling and Registration of Motor Vehicles

§ 46.2-752. Taxes and license fees imposed by counties, cities, anc towns; limitations on amounts; disposition of revenues; requiring evidence of payment of personal property taxes and certain fines; prohibiting display of licenses after expiration; failure to display valid local license required by other localities; penalty.

A. Except as provided in § 46.2-755, counties, cities, and towns may levy and assess taxes and charge license fees on motor vehicles, trailers, and semitrailers. However, none of these taxes and license fees shall be assessed or charged by any county on vehicles owne residents of any town located in the county when such town constitutes a separate school district if the vehicles are already subject town license fees and taxes, nor shall a town charge a license fee to any new resident of the town, previously a resident of a county within which all or part of the town is situated, who has previously paid a license fee for the same tax year to such county. The amou the license fee or tax imposed by any county, city, or town on any motor vehicle, trailer, or semitrailer shall not be greater than the annual or one-year fee imposed by the Commonwealth on the motor vehicle, trailer, or semitrailer. The license fees and taxes shall imposed in such manner, on such basis, for such periods, and subject to proration for fractional periods of years, as the proper local authorities may determine.

Owners or lessees of motor vehicles, trailers, and semitrailers who have served outside of the United States in the armed services of United States shall have a 90-day grace period, beginning on the date they are no longer serving outside the United States, in which comply with the requirements of this section. For purposes of this section, "the armed services of the United States" includes active service with the regular Armed Forces of the United States or the National Guard or other reserve component.

Local licenses may be issued free of charge for any or all of the following:

1. Vehicles powered by clean special fuels as defined in § 46.2-749.3, including dual-fuel and bi-fuel vehicles,

2. Vehicles owned by volunteer emergency medical services agencies,

3. Vehicles owned by volunteer fire departments,

4. Vehicles owned or leased by active members or active auxiliary members of volunteer emergency medical services agencies,

5. Vehicles owned or leased by active members or active auxiliary members of volunteer fire departments,

6. Vehicles owned or leased by auxiliary police officers,

7. Vehicles owned or leased by volunteer police chaplains,

8. Vehicles owned by surviving spouses of persons qualified to receive special license plates under § 46.2-739,

9. Vehicles owned or leased by auxiliary deputy sheriffs or volunteer deputy sheriffs,

10. Vehicles owned by persons qualified to receive special license plates under § 46.2-739,

11. Vehicles owned by any of the following who served at least 10 years in the locality: former members of volunteer emergency me services agencies, former members of volunteer fire departments, former auxiliary police officers, members and former members of authorized police volunteer citizen support units, members and former members of authorized sheriff's volunteer citizen support u former volunteer police chaplains, and former volunteer special police officers appointed under former § 15.2-1737. In the case of a members of volunteer emergency medical services agencies and active members of volunteer fire departments, applications for suc licenses shall be accompanied by written evidence, in a form acceptable to the locality, of their active affiliation or membership, an member of an emergency medical services agency or member of a volunteer fire department shall be issued more than one such lice free of charge,

12. All vehicles having a situs for the imposition of licensing fees under this section in the locality,

ATTACHMENT 2, CONT'D

13. Vehicles owned or leased by deputy sheriffs; however, no deputy sheriff shall be issued more than one such license free of charg

14. Vehicles owned or leased by police officers; however, no police officer shall be issued more than one such license free of charge,

15. Vehicles owned or leased by officers of the State Police; however, no officer of the State Police shall be issued more than one suc license free of charge,

16. Vehicles owned or leased by salaried firefighters; however, no salaried firefighter shall be issued more than one such license free charge,

17. Vehicles owned or leased by salaried emergency medical services personnel; however, no salaried emergency medical services personnel shall be issued more than one such license free of charge,

18. Vehicles with a gross weight exceeding 10,000 pounds owned by museums officially designated by the Commonwealth,

19. Vehicles owned by persons, or their surviving spouses, qualified to receive special license plates under subsection A of § 46.2-74 and

20. Vehicles owned or leased by members of the Virginia Defense Force; however, no member of the Virginia Defense Force shall be issued more than one such license free of charge.

The governing body of any county, city, or town issuing licenses under this section may by ordinance provide for a 50 percent reduc in the fee charged for the issuance of any such license issued for any vehicle owned or leased by any person who is 65 years old or ol No such discount, however, shall be available for more than one vehicle owned or leased by the same person.

The governing body of any county, city, or town issuing licenses free of charge under this subsection may by ordinance provide for (limitation, restriction, or denial of such free issuance to an otherwise qualified applicant, including without limitation the denial of issuance to a taxpayer who has failed to timely pay personal property taxes due with respect to the vehicle and (ii) the grounds for s limitation, restriction, or denial.

The situs for the imposition of licensing fees under this section shall in all cases, except as hereinafter provided, be the county, city, town in which the motor vehicle, trailer, or semitrailer is normally garaged, stored, or parked. If it cannot be determined where the personal property is normally garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the n vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided t student has presented sufficient evidence that he has paid a personal property tax on the motor vehicle in his domicile.

B. The revenue derived from all county, city, or town taxes and license fees imposed on motor vehicles, trailers, or semitrailers shall applied to general county, city, or town purposes.

C. A county, city, or town may require that no motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been and satisfactory evidence that any delinquent motor vehicle, trailer, or semitrailer personal property taxes owing have been paid wh have been properly assessed or are assessable against the applicant by the county, city, or town. A county, city, or town may also pr that no motor vehicle license shall be issued unless the tangible personal property taxes properly assessed or assessable by that loca on any tangible personal property used or usable as a dwelling titled by the Department of Motor Vehicles and owned by the taxpay have been paid. Any county and any town within any such county may by agreement require that all personal property taxes assesse either the county or the town on any vehicle be paid before licensure of such vehicle by either the county or the town.

C1. The Counties of Dinwiddie, Lee, and Wise may, by ordinance or resolution adopted after public notice and hearing and, with the consent of the treasurer, require that no license may be issued under this section unless the applicant has produced satisfactory evi that all fees, including delinquent fees, payable to such county or local solid waste authority, for the disposal of solid waste pursuan the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.), or pursuant to § 15.2-2159, have been paid in full. For purposes this subsection, all fees, including delinquent fees, payable to a county for waste disposal services described herein, shall be paid to treasurer of such county; however, in Wise County, the fee shall be paid to the county or its agent.

D. The Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within them and any city may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction unless all fines owed to the jurisdiction by the owner of the vehic trailer, or semitrailer for violation of the jurisdiction's ordinances governing parking of vehicles have been paid. The provisions of tl subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

E. If in any county imposing license fees and taxes under this section, a town therein imposes like fees and taxes on vehicles of own resident in the town, the owner of any vehicle subject to the fees or taxes shall be entitled, on the owner's displaying evidence that l has paid the fees or taxes, to receive a credit on the fees or taxes imposed by the county to the extent of the fees or taxes he has paic

ATTACHMENT 2, CONT'D

the town. Nothing in this section shall deprive any town now imposing these licenses and taxes from increasing them or deprive any town not now imposing them from hereafter doing so, but subject to the limitations provided in subsection D. The governing body of county and the governing body of any town in that county wherein each imposes the license tax herein provided may provide mutual agreements so that not more than one license plate or decal in addition to the state plate shall be required.

F. Notwithstanding the provisions of subsection E, in a consolidated county wherein a tier-city exists, the tier-city may, in accordance with the provisions of the agreement or plan of consolidation, impose license fees and taxes under this section in addition to those and taxes imposed by the county, provided that the combined county and tier-city rates do not exceed the maximum provided in subsection A. No credit shall be allowed on the fees or taxes imposed by the county for fees or taxes paid to the tier-city, except as may be provided by the consolidation agreement or plan. The governing body of any county and the governing body of any tier-city in such county wherein each imposes the license tax herein may provide by mutual agreement that no more than one license plate or decal in addition to the state license plate shall be required.

G. Any county, city, or town may by ordinance provide that it shall be unlawful for any owner or operator of a motor vehicle, trailer, semitrailer (i) to fail to obtain and, if any required by such ordinance, to display the local license required by any ordinance of the county, city or town in which the vehicle is registered, or (ii) to display upon a motor vehicle, trailer, or semitrailer any such local license, required by ordinance to be displayed, after its expiration date. The ordinance may provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor and may, in the case of a motor vehicle registered to a resident of the locality where such vehicle is registered, authorize the issuance by local law-enforcement officers of citations, summonses, parking tickets, or uniform traffic summonses for violations. Any such ordinance may also provide that a violation of the ordinance by the registered owner of the vehicle may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained. Nothing in this section shall be construed to require a county, city, or town to a decal or any other tangible evidence of a local license to be displayed on the licensed vehicle if the county's, city's, or town's ordinance does not require display of a decal or other evidence of payment. No ordinance adopted pursuant to this section shall require the display of any local license, decal, or sticker on any vehicle owned by a public service company, as defined in § 56-76, having a fleet of at least 2,500 vehicles garaged in the Commonwealth.

H. Except as provided by subsections E and F, no vehicle shall be subject to taxation under the provisions of this section in more than one jurisdiction. Furthermore, no person who has purchased a local vehicle license, decal, or sticker for a vehicle in one county, city or town and then moves to and garages his vehicle in another county, city, or town shall be required to purchase another local license, decal, or sticker from the county, city, or town to which he has moved and wherein his vehicle is now garaged until the expiration date of the local license, decal, or sticker issued by the county, city, or town from which he moved.

I. Purchasers of new or used motor vehicles shall be allowed at least a 10-day grace period, beginning with the date of purchase, during which to pay license fees charged by local governments under authority of this section.

J. The treasurer or director of finance of any county, city, or town may enter into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes to such county, city or town local vehicle license fees or delinquent tangible personal property tax or parking citations. Before being issued any vehicle registration or renewal of such license or registration by the Commissioner, the applicant shall first satisfy all such local vehicle license fees and delinquent taxes or parking citations and present evidence satisfactory to the Commissioner that all such local vehicle license fees and delinquent taxes or parking citations have been paid in full. The Commissioner shall charge a reasonable fee to cover the costs of such enforcement action, and the treasurer or director of finance may add the cost of this fee to the delinquent tax bill or the amount of the parking citation. The treasurer or director of finance of any county, city, or town seeking to collect delinquent taxes or parking citations through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the debtor whose registration or renewal is to be denied. Any agreement entered into pursuant to the provisions of this subsection shall provide the debtor notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department of Motor Vehicles shall be deemed sufficient. In the case of parking violations, the Commissioner shall only refuse to issue or renew the vehicle registration of any applicant therefor pursuant to this subsection for the vehicle that incurred the parking violations. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

K. The governing bodies of any two or more counties, cities, or towns may enter into compacts for the regional enforcement of local motor vehicle license requirements. The governing body of each participating jurisdiction may by ordinance require the owner or operator of any motor vehicle, trailer, or semitrailer to display on his vehicle a valid local license issued by another county, city, or town that is a party to the regional compact, provided that the owner or operator is required by the jurisdiction of situs, as provided in § 58.1-3511, to obtain and display such license. The ordinance may also provide that no motor vehicle, trailer, or semitrailer shall be

ATTACHMENT 2, CONT'D

locally licensed until the applicant has produced satisfactory evidence that (i) all personal property taxes on the motor vehicle, trail semitrailer to be licensed have been paid to all participating jurisdictions and (ii) any delinquent motor vehicle, trailer, or semitraile personal property taxes that have been properly assessed or are assessable by any participating jurisdiction against the applicant ha been paid. Any city and any county having the urban county executive form of government, the counties adjacent to such county an towns within them may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction or any other jurisdiction in the compact unless all fines owed to any participating jurisdiction by the owner of the vehicle for violation of any participating jurisdiction's ordinances governing parking of vehicles have been paid. The ordinance may further provide that a viola shall constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor. Any such ordinance may also provide that a violation of the ordinance by the owner of the vehicle may not be discharged by payment of a fine and applicable cou costs except upon presentation of satisfactory evidence that the required license has been obtained. The provisions of this subsectic shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

L. In addition to the taxes and license fees permitted in subsection A, counties, cities, and towns may charge a license fee of no mor than $1 per motor vehicle, trailer, and semitrailer. Except for the provisions of subsection B, such fee shall be subject to all other provisions of this section. All funds collected pursuant to this subsection shall be paid pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund to the accounts of all members of the Fund who are volunteers for fire departments or emergency medical services agencies within the jurisdiction of the particular county, city, or town.

M. In any county, the county treasurer or comparable officer and the treasurer of any town located wholly or partially within such c may enter into a reciprocal agreement, with the approval of the respective local governing bodies, that provides for the town treasu collect current, non-delinquent license fees or taxes on any motor vehicle, trailer, or semitrailer owed to the county or for the count treasurer to collect current, non-delinquent license fees or taxes owed to the town. A treasurer or comparable officer collecting any license fee or tax pursuant to an agreement entered into under this subsection shall account for and pay over such amounts to the locality owed such license fee or tax in the same manner as provided by law. As used in this subsection, with regard to towns, "treas means the town officer or employee vested with authority by the charter, statute, or governing body to collect local taxes.

Code 1950, § 46-64; 1950, p. 240; 1952, c. 169; 1954, cc. 491, 594; 1956, cc. 66, 549, 570; 1958, c. 541, § 46.1-65; 1959, Ex. Sess., cc. 55; 1962, c. 574; 1964, c. 218; 1972, c. 200; 1974, c. 621; 1975, c. 105; 1977, c. 166; 1979, c. 185; 1980, c. 105; 1982, c. 85; 1984, cc. 3 630, 695; 1986, c. 123; 1987, cc. 208, 243; 1989, cc. 321, 706, 727; 1990, cc. 181, 187, 188, 455; 1991, c. 622; 1992, cc. 226, 355, 794, 1993, cc. 50, 63, 175, 565; 1994, cc. 528, 962; 1995, cc. 91, 412, 449, 460, 479, 659; 1996, cc. 89, 562; 1997, cc. 246, 499, 905, 911; 199 649; 1999, c. 236; 2000, c. 303; 2001, cc. 338, 471, 605, 606; 2002, cc. 206, 553; 2003, c. 326; 2004, cc. 689, 723; 2005, c. 317; 2006, c. 2007, cc. 213, 230, 813, 865; 2008, cc. 163, 457, 591; 2009, cc. 366, 756, 843; 2010, cc. 125, 131; 2013, c. 82; 2014, c. 543; 2015, cc. 69 503.

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Virginia Law Library
The Code of Virginia, Constitution of Virginia, Charters, Authorties, Compacts and Uncodified Acts are now available in both EPub and MOBI eBook formats.

Helpful Resources
Virginia Code Commission
Virginia Register of Regulations
U.S. Constitution

For Developers
The Virginia Law website data is available via a web service.

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TOWN OF Herndon VIRGINIA

Lisa C. Merkel
MAYOR
T (703) 435-6805
F (703) 787-7325
mayor.lisa@herndon-va.gov

TOWN COUNCIL
Lisa C. Merkel, Mayor
Jennifer Baker, Vice Mayor
David A. Kirby
Steven Lee Mitchell
Sheila A. Olem
Jasbinder Singh
Grace Han Wolf

August 21, 2015

The Honorable John W. Foust
Member, Fairfax County Board of Supervisors
Dranesville District
john.foust@fairfaxcounty.gov
dranesville@fairfaxcounty.gov

VIA EMAIL

Re: Town Vehicle Decal Fee Collections

Dear Supervisor Foust:

This past year the Town of Herndon initiated legislation, HB 1966, which was supported by Fairfax County which allows towns and counties to enter into a cooperative agreement to collect vehicle decal fees on behalf of a town. The legislation passed and became effective on July 1, 2015.

On behalf of the Town of Herndon, I am requesting that the Fairfax County Board of Supervisors authorize county staff to work with town staff to develop a cooperative agreement to accomplish this legislation. I would like to propose that this be developed and implemented in time for the distribution to residents of the 2016 Personal Property and Vehicle Decal Sales bills.

We appreciate your cooperation and the county's assistance in working with the town on this matter.

Regards,

Lisa C. Merkel
Mayor

c. Members of the Herndon Town Council
Honorable Sharon Bulova, Chairman, Fairfax County Board of Supervisors
Arthur A. Anselene, Town Manager
Jennifer Phipps, Legislative Aide

777 Lynn Street, Herndon, VA 20170-4602 | P.O. Box 427, Herndon, VA 20172-0427
herndon-va.gov

TOWN OF CLIFTON, VIRGINIA
12641 CHAPEL ROAD
CLIFTON, VA 20124

Via Email and U.S. Mail

March 14, 2016

The Honorable Pat Herrity
Member, Fairfax County Board of Supervisors
Springfield District
springfield@fairfaxcounty.gov
patherrity@outlook.com

Re: Town Vehicle Decal Fee Collections

Dear Supervisor Herrity:

Last year the Town of Herndon initiated legislation, HB 1966, which was supported by Fairfax County, which allows towns and counties to enter into a cooperative agreement to collect vehicle decal fees on behalf of a town. The legislation passed and became effective on July 1, 2015. The Town of Herndon is now working with the County on a Memorandum of Understanding ("MOU") under which the County will collect such fees on behalf of the town.

On behalf of the Town of Clifton, I am requesting that the Board of Supervisors also direct County staff to work with the Town of Clifton on a similar MOU, and that the Board approve such an MOU between the County and the Town of Clifton. I would like to propose that this be developed and implemented in time for the distribution to residents of the 2016 Personal Property and Vehicle Decal Sales bills. To that end, the Town of Clifton intends to approve and adopt a resolution approving an MOU modeled on the draft MOU currently being developed by County staff and the Town of Herndon, with the intent to revise the MOU as necessary to reflect the final version approved by the Board of Supervisors.

We appreciate the County's assistance in working with the Town on this matter.

Respectfully submitted,

William R. Hollaway
Mayor, Town of Clifton, Virginia

cc: Members of the Clifton Town Council
Honorable Sharon Bulova, Chairman, Fairfax County Board of Supervisors
Kevin Greenlief, Director, Fairfax County Department of Tax Administration
Ed Long, Executive, Fairfax County

WRH/AC

TOWN OF Herndon VIRGINIA

Town of Herndon Motor Vehicle Decal Process – Current and Proposed

Herndon Town Council – Work Session Discussion

December 1, 2015

ATTACHMENT 5

TOWN OF Herndon

Current Motor Vehicle Decal Process

- End of August - Mail out approximately 12,000 notices to vehicle owners of record
- Sell approximately 10,000 decals between mid-September through November 15 (due date for display)
- Costs:
  - Printing and mailing notices (including postage); and other supplies - $9,500
  - Purchase of approx. 15,000 decals (windshield and motorcycle/ trailer) - $4,500

Current Motor Vehicle Decal Process (continued)

- Staff time to process and sell decals at HMC and HCC counters and process/return requests through mail – approx. 670 hours /$21,400

Total Costs: $35,400

Total FY 2015 motor vehicle decal revenue:

- Sold 15,552 decals (including transfers) for total revenue of $365,163.

Enabling Legislation Adopted by 2015 VA General Assembly--- House Bill 1966

VIRGINIA ACTS OF ASSEMBLY -- 2015 SESSION -- CHAPTER 69

- *An Act to amend and reenact § 46.2-752 of the Code of Virginia, relating to local motor vehicle taxes and license fees.* [H 1966]

That § 46.2-752 of the Code of Virginia is amended and reenacted as follows:

***

Adds new paragraph *M*

Proposed Changes to Motor Vehicle Decal Process

- Overall Premise – Fairfax County includes town motor vehicle decal fee on the County's personal property tax bills. Then, remit fees collected to town.
- In October, town staff met with Fairfax County Dept. of Tax Admin. staff to begin discussing how to implement such a program.
- County would incur one-time programming costs which town would need to pay – costs not known at this time.

Proposed Changes to Motor Vehicle Decal Process (continued)

- Costs to County depend on whether town decides to eliminate decal itself and just assess a "vehicle registration fee" or continue to retain the decal.
- If town retains decal, County would transmit paid list with remittance and town would continue to be responsible for mailing out/ disseminating vehicle decals.
- County staff WILL NOT sell/ distribute town decals (could pose a problem for taxpayers who pay close to display deadline of 11-15).

Proposed Changes to Motor Vehicle Decal Process (continued)

- Deciding to retain decal under proposed process would yield minimal out-of-pocket savings. Staff resources would shift from counter sales to decal fulfillment via mailing.

- If decal is eliminated, town could save $14,000 in out-of-pocket costs (decals/notices /mailing) and redirect staff time to other revenue projects, such as upcoming Phase III of Munis implementation (Cash receipts/ Taxes/ Fees).

Proposed Changes to Motor Vehicle Decal Process (continued)

- Unlike years ago, display of vehicle decal is no longer a critical tool for collection of personal property taxes.
- VA Dept. of Motor Vehicles "vehicle registration withholding" program and outside collection agencies have good tract record toward encouraging on-time payment and in collecting delinquent taxes.
- Not imperative for other town departments to have vehicle decals for proof of residency or enforcement activities.

Proposed Changes to Motor Vehicle Decal Process (continued)

- Fairfax County eliminated its vehicle decal effective July 1, 2010. Town of Vienna followed suit shortly thereafter. Recently, Prince William County eliminated its vehicle decal.

- Based on an informal survey by the Treasurers' Assoc. of VA (TAV), more than 50% of counties, several cities and some towns have eliminated their vehicle decals.

Conclusions and Town Council Direction

- Both town and County staff are prepared to move forward with collection plan that will provide enhanced customer service to our mutual constituents.

- County needs to know if the town will retain the vehicle decal or join the County and Town of Vienna (as well as several other localities across Virginia) by eliminating the decal.

Conclusion and Town Council Direction

- If Town Council wants to proceed with County collection of vehicle decal fees, some modifications to town's current motor vehicle license ordinances to bring them into conformity with the County's would be desirable and ensure a more seamless process.

- Also at a later date, Town Council will need to review and take action on the proposed agreement which would allow the County to collect and remit these fees on behalf of the town.

Board Agenda Item
April 5, 2016

10:10 a.m.

Matters Presented by Board Members

Board Agenda Item
April 5, 2016

11:00 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. U.S. Environmental Protection Agency (EPA) Request to Show Cause and Investigation of Leak Detector Sensor Testing at 37 County Department of Vehicle Services (DVS) Sites

2. *Gregory Shawn Mercer v. Fairfax County Child Protective Services, Alicia Wasklewics, Tanya E. Powers, Fairfax County Department of Code Compliance, Elizabeth Perry, Jack Blair, LaTycia Tanks, Kerry S. Allander, Kenneth S. Houtz, Kathleen H. MacKay, Walter S. Felton, Jr., Larry G. Elder, Elizabeth A. McClanahan, Leroy R. Hassell, Sr., Barbara M. Keenan, Lawrence L. Koontz, Donald W. Lemons, Leroy F. Millette, S. Bernard Goodwyn, and Cynthia D. Kinser,* Case No. 1:15-CV-302 (E.D. Va.) (Providence District)

3. *Jeffrey Luster v. Jonathan D. Lowery; Universal Protection Service GP. Inc., Universal Protection Service LLC, Taubman Centers Inc., Taubman Company LLC., and LT Fair Oaks LLC.*, Case No. 1:15cv1622 (E.D. Va.)

4. In Re: April 15, 2015, Decision Of The Fairfax County Board of Zoning Appeals In BZA Appeal No. A 2012-HM-020, Case No. CL-2015-0006478 (Fx. Co. Cir. Ct.) (Hunter Mill District)

5. *WM/Olayan Holdings, LLC v. Board of Supervisors of Fairfax County, Virginia, and Fairfax Ridge Condominium Unit Owners Association* AND *Board of Supervisors of Fairfax County, Virginia v. WM/Olayan Holdings, LLC*, Consolidated Case Nos. CL-2015-0009480 and CL-2015-0013847 (Fx. Co. Cir. Ct.) (Providence District)

6. *WM Recycle America, L.L.C. v. Fairfax County, Virginia, Department of Purchasing and Supply Management*, Case No. CL-2015-0015820 (Fx. Co. Cir. Ct.)

7. *Sharon Messina v. Adam Nicholas Thomas*, Case No. CL-2015-0010574 (Fx. Co. Cir. Ct.)

8. *Cheneana R. Barnes v. Tom Champ*, Case No. JA 419244-01-00 (Fx. Co. Juv. Dom. Rel. Dist. Ct.)

9. *Poplar Place Homeowners Association, Inc. v. Fairfax County and the Office of the Fire Marshal for Fairfax County*, Case No. CL-2015-0013197 (Fx. Co. Cir. Ct.) (Dranesville District)

10. *Peter Anthony Jabaly v. Fairfax County Police Department*, Case No. GV16-003410 (Fx. Co. Gen. Dist. Ct.)

11. *Huixuan Zhou v. David Klass*, Case No. GV16-004344 (Fx. Co. Gen. Dist. Ct.)

12. *Tarsha S. Warren v. Officer Ryan Wever*, Case No. GV15-024483 (Fx. Co. Gen. Dist. Ct.)

13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Catherine Macorol and Sharon Macorol*, Case No. CL-2015-0001083 (Fx. Co. Cir. Ct.) (Lee District)

14. *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)

15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jesus Livia Castillo Ullauri and Neri K. Solis*, Case No. CL-2008-0011678 (Fx. Co. Cir. Ct.) (Providence District)

16. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Christopher D. Schoonmaker and Brandi Lyn Trijo*, Case No. CL-2015-0007440 (Fx. Co. Cir. Ct.) (Lee District)

17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Joseph K. Kim and Joon Kwon Park*, Case No. CL-2015-0014971 (Fx. Co. Cir. Ct.) (Mason District)

18. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Raleigh W. Knight and Joyce M. Knight*, Case No. CL-2015-0011438 (Fx. Co. Cir. Ct.) (Providence District)

19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Santos E. Gomez and Llecica E. Pulex Perez*, Case No. CL-2016-0004086 (Fx. Co. Cir. Ct.) (Lee District)

20. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Donald W. Major, Richard B. Major, and Dennis G. Major*, Case No. GV16-004579 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District/Town of Vienna)

21. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph G. Seeber and Francine B. Seeber*, Case Nos. GV15-015624 and GV16-004925 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

22. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Gregory Miklasiewicz*, Case Nos. GV15-028913 and GV15-028914 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Renee C. Beerman, Patrick M. Beerman, and BK Tech Contractor, LLC*, Case No. GV16-003603 (Fx. Co. Gen. Dis. Ct.) (Dranesville District)

24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Katherine Safly*, Case No. GV16-004581 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Larry L. Fary*, Case No. GV16-004601 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

26. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Michael P. Galson and Charlotte M. Wilkes*, Case No. GV16-004602 (Fx. Co. Gen. Dist. Ct.) (Mason District)

27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ester F. Lopes*, Case No. GV16-004580 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Philip J. Smith*, Case No. GV16-004923 (Fx. Co. Gen. Dist. Ct.) (Providence District)

29. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Janice T. McCallum*, Case No. GV16-004924 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

30. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. William S. Pournaras*, Case No. GV16-004926 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

31. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. David D. Phung and Pauline B. Phung*, Case No. GV16-005108 (Fx. Co. Gen. Dist. Ct.) (Providence District)

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Board Agenda Item
April 5, 2016

2:30 p.m.

Public Hearing on PCA 2011-PR-023/CDPA 2011-PR-023 (Cityline Partners LLC) to Amend the Proffers and the Conceptual Development Plan Associated with RZ 2011-PR-023, Previously Approved for Mixed-Use Development (Hotel and Retail), to Permit Mixed-Use Development (Multi-Family Residential and Retail) and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 3.09, Located on Approximately 2.0 Acres of Land Zoned PTC (Providence District)

This property is located on the South side of Westpark Drive, at its intersection with Jones Branch Drive. Tax Map 29-4 ((7)) 2A.

The Board of Supervisors deferred this public hearing from the February 16, 2016, meeting until March 1, 2016, at 3:30 p.m., at which time it was deferred to March 15, 2016 at 3:30 p.m.; and deferred to April 5, 2016 at 2:30 p.m.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, March 16, 2016, the Planning Commission voted 11-0 (Commissioner Murphy was absent from the meeting) to recommend to the Board of Supervisors approval of PCA/CDPA 2011-PR-023.

In a related motion, the Planning Commission voted 11-0 (Commissioner Murphy was absent from the meeting) to approve FDP 2011-PR-023-04 subsequent to the Board of Supervisors' approval of PCA/CDPA 2011-PR-023.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Transcript
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4513469.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
Suzanne Wright, Planner, DPZ

FDP 2011-PR-023-04 AND PCA/CDPA 2011-PR-023 – RENAISSANCE CENTRO TYSONS, LLC AND CITYLINE PARTNERS LLC

Decision Only During Commission Matters
(Public Hearing held on February 4, 2016)

Commissioner Lawrence: Thank you, Mr. Chairman. Mr. Chairman, I'm going to ask to do something unusual tonight. Ordinarily, at the end of a deferral period, the motion is made – up or down on the application. Tonight, I would like to take a few minutes, with your indulgence, to detail the highlights – the key points of what has happened in proffer revisions. If that's okay, I'd like to do it that way.

Vice Chairman de la Fe: Okay.

Commissioner Lawrence: It will take me a few minutes. Everybody should now have a copy of the – what the applicant sent in on March the 15th. It's the redline version of proffers – including the proffer in question, which is 92.2. What I'm going to do is to look at the key points of that revision and a couple of subsequent changes – I will say that I was on the phone today with staff on this. I – I ask your patience because I believe we have solved the problems. I will make a motion at the end of this explanation. Commissioners will remember we had the public hearing on February 4th and the application received very good support, except for one thing – which was that the applicant claimed bonus density for including WDUs, but the proffers read such that we could end up – the County could end up with no WDUs and instead money. What that amounts to or – it's a crude way of putting it, but what that would have amounted to is dollars for density. And that is not what the Plan contemplates at all. The Plan states specifically that money is not desired. We spent some time working to get that out of the proffer and I think I can demonstrate tonight that we have done that. If you look at the – the printouts you got of the – of the proffer in question – it begins on page 9 of quite a few pages – but don't worry, I'll be doing high points only. The applicant has now moved from a – I think it was a 16 percent bonus density to 20 percent, which is – from my point of view – okay in this situation. They're going to build a range of units from 110 to 140 and if they convert some of the live/work units to residential units, it could go to 150. On page 9, there's a – an example – I think it shows up in blue – I hope it does on you all's copies – at the bottom of 92.1 – showing how the 20 percent would be calculated. It's calculated off the base units, right – and not off the total units that would be constructed. And that's okay. That's how the Plan envisions it. So that's all right. What that means is they'll end up with some calculated number of WDUs to be provided. If we go to the next page – page 10 – we get into a lot of red lines and blue lines. And what they're saying there is that these units may be in the building, not in the building, or in some combination. If they're not in the building, they will be in Tysons, okay? And probably, it could end up with them all being not in the building, but we would still get the WDUs and they would still be in Tysons and that's the whole point. Notice the big letter B there, about two-thirds of the way down the page. The applicant shall provide no less than 65 percent of the proffered 20 percent – now that proffered 20 percent is the number they got by dividing their total number of units by 1.2 – so they're going to provide 65 percent of that either on-site or off-site or a combination. No qualification. It's a complete commitment – a complete statement. Let's see, the next point that matters – there is a reference

in the statement – a statement made earlier on that the 20 percent is going to be 20 percent, as may be adjusted. There was formerly in this proffer – and I think it's in your copy – a little Roman three – Romanette three – and what it talks about is the idea of redistributing, among the various income stages, these units. And in that happening, there would be a reduction of units – one unit for these redistributions. That's gone. There will be no reduction of the number of units once calculated – none. We have, then, a – the rest of the proffer really concerns itself with – okay, how are we going to know that we're going to get these units that you've committed to? And there are several different methods to be employed. One method is if it's going to be off-site, then it's going to be in a building that has been entitled – in other words, it will be in a future building that does not yet have its entitlement in Tysons. It'll be in a building that has been zoned and there will be contractual arrangement – a four-cornered contractual arrangement with the builders of that building to include a number of WDUs in satisfaction of this proffer for this building. And there are various assurances that those kinds of things will be for life. There are several events in the proffer that matter. One of them is at site plan. So if they get entitlement, then the next big event is going to be at site plan. And at site plan, they need to be able to demonstrate what they've done in the way of WDUs. If, at the time of site plan, they can demonstrate that they've got all 20 percent of it – however they got it – to the County's satisfaction, then they're done. More realistically, they'll probably be somewhere in process at site plan so the proffer continues with, "Okay, what if we haven't got them all by site plan time?" And under those circumstances, the applicant proffers to do a diligence for the remainder of the WDUs and to come to arrangements, which – when furnished with the evidence they describe in the proffer – should satisfy the County that, in fact, there will be a WDU. Then, we have – at prior to the first RUP being issued – so site plan is in now – probably a year or so from entitlement, maybe more, and the first RUP might be issued – maybe two years after that for construction. So we're talking about a fairly extended period of time for them to do their searching. And prior to first RUP, they need to be able to demonstrate that they have what units they have and they need to provide the bonifides for each of these units that they say they're going to provide to the County. If they get all 20 percent at that point, prior to the first RUP, then they're done. But if they don't have all 20 percent at that point, then the search goes on. And what happens then is – if they end up after a period of three years with something less than 80 percent of that number we ended up with – if it was 20 units, then it would be 80 percent of 20. They end up with something less than 80 percent of that number we arrived at, then they're going to give a demurrage to the County in the amount of – I think it's $85,000 per unit that they haven't provided. Now that – it's 80 percent of 20. We're talking about maybe seven units that are left so if it's less than 80 percent, it would be 7 times the – times the amount demurrage. Suppose they did better than that. Suppose they got 80 percent, but not 100 percent. If they got 80 percent but not 100 percent, then the demurrage goes down. It would be $75,000 per unit, according to the proffer. So in the event that we don't get WDUs, we do get money, but there is no situation in which they get the density and we get nothing but money. And there's fairly good reason to believe that they're incentivized to produce – not money for us because we don't want that – but WDUs. The proffer spends a lot of words making that clear. I went over it as best I could. We have also looked at it with staff. I had a conversation today with the County Attorney. I think I haven't said anything that isn't true, per the proffer. I believe I condensed it and church-leagued it, but I think I've done that accurately. I think we have every reason to believe that this will take care of the apparent conflict we had with McLean. Also, this applies only to steel-and-concrete, high-rise condominiums in Tysons in the magic circle. So this is not a – this is not a – we're not creating that's going to – people are going to come in from all over the County and say,

"Well you did this here, why can't you do that with us. So, I know this is very last minute and I don't very easily – or like – take any position that is different from the staff's. Please understand that the staff has had essentially zero tolerance to fully assess the proffer. So when I make my motion, it's going to be – it's going to contain a proviso that staff will continue its assessment between this time and the Board date of this proffer and may well have additional comments and suggestions. We are not leaving it here altogether. Now I need a couple of things from the applicant's representatives. Ms. Strobel, thank you.

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Good evening. Mr. Chairman, members of the Commission, my name is Lynne Strobel. I represent Renaissance.

Commissioner Lawrence: First, have I presented a reasonable depiction of the new Proffer 92.2?

Ms. Strobel: Yes, sir.

Commissioner Lawrence: Thank you. Secondly, will your client agree to this proffer? We don't have a signed example of it. We need to have that by the time it gets to the Board.

Ms. Strobel: Yes, sir. That is understood.

Commissioner Lawrence: Thirdly, do you understand that staff needs to continue its assessment of this proffer between now and the Board date?

Ms. Strobel: Yes, sir.

Commissioner Lawrence: Fourthly, do you accept the development conditions that are included with this – this package.

Ms. Strobel: Yes. The applicant accepts the development conditions.

Commissioner Lawrence: Thank you very much.

Ms. Strobel: Thank you.

Commissioner Lawrence: I'm going to do something that's not ordinarily done. I'd like to acknowledge the efforts of the applicant and the applicant's representatives. We have had – we've formed a late Friday evening let's-peruse-proffers-and-burn-the-midnight-oil club at one point. They have done good work in – in converting the thing. I'd like also to recognize the efforts that have been put in by key members of staff that are here present tonight, whose faces I'm sure you're all familiar with – and a couple of faces that aren't here tonight and they are Suzanne Wright and Cathy Lewis. This is not a small matter, but I think we have reached a reasonable position on the matter. I will differ from staff's conclusion that they recommend denial. That recommendation is there because they have no time to assess what we have here, but they have seen and have had time to be exposed to it – what it is we have here – and I haven't heard anyone jumping from the eighth floor window. So I think we're – I think we've got what the Planning Commission needs to have to make a sensible recommendation to the Board. Okay, does anybody have any questions?

Commissioner Hart: Mr. Chairman?

Vice Chairman de la Fe: Yes, Mr. Hart.

Commissioner Hart: Yes, thank you. Before we – before we go on the verbatim – or are we on it?

Vice Chairman de la Fe: We are.

Commissioner Hart: Two minor edits. On page 13 at the top in that Paragraph X, first line – there's a misplaced apostrophe – it's the Board of Supervisors. On page 15, toward the bottom, that Paragraph little I – in the first line, the comma should be deleted. I hope somebody else has gone through every bit of this, but I did want to say one other thing following on Commissioner Lawrence's comments. I think we appreciate, collectively, Commissioner Lawrence's efforts and patience to straighten this out before we send it up to the Board. I thought the night of the public hearing, we had some pretty tense moments. This was a – it's – it puts us in a difficult situation to make a decision on a very complicated issue where we don't have all the information. I think we depend on staff and an applicant both – two applicants, in this case – to work constructively together to try to – to resolve the differences. It doesn't always work out. On this one, I wasn't sure that it would, but it seems to have and I think that's thanks to Commissioner Lawrence's patient efforts and his reliable wisdom on this sort of thing. And I certainly appreciate that and I think the rest of us do as well. Thank you.

Vice Chairman de la Fe: Okay. Anything else?

Commissioner Lawrence: Along the line of typos, in the beginning of the proffer, you liked the big A so well, you used it twice so you may want to check your outline again when you go through to finalize.

Commissioner Flanagan: Mr. Chairman?

Vice Chairman de la Fe: Yes, Commissioner Flanagan.

Commissioner Flanagan: I listened as carefully as I could, but I thought I heard a contradiction so I'd like to have that clarified, if you would, please. You originally stated that it was unacceptable to have dollars for density. That was stated, I believe.

Commissioner Lawrence: I did. I did say that.

Commissioner Flanagan: And we're doing is not – will not result in dollars for density.

Commissioner Lawrence: That's right.

Commissioner Flanagan: But then, later on, you said in the event that we only wind up with cash – could you explain that last statement? Why – if we – is it possible we could only wind up with cash?

Commissioner Lawrence: Thank you, Commissioner Flanagan. If I said that, I misspoke. In fact, I think the last correction – major correction we did to this proffer was to eliminate some language, which could be construed in such a way that we would only end up only with cash. There is now no way – I think I did say that – in which we will end up only with cash. They get the density all right, but we get at least 65 percent – and hopefully better than that – of WDUs – maybe not in the building, but in Tysons.

Commissioner Flanagan: Thank you. I think that answers that.

Vice Chairman de la Fe: Anything else? Yes, Commissioner Ulfelder.

Commissioner Ulfelder: I would like to second Commissioner Hart's remarks and just say this appears complicated, but the thrust is clear, which is to honor the WDU policy that is in effect for Tysons and do it in the context of a – what I think everyone agreed at the time of the public hearing – is an exciting and very positive project that will come into Tysons. And to try to keep that process moving while we are also going to be engaging in a review of the WDU policy for Tysons specifically, as it relates to these kinds of buildings – this kind of situation. And I very much appreciate Commissioner Lawrence's very hard work to try to get us to this – to get us to this point and I will be supporting the motion.

Commissioner Lawrence: Mr. Chairman?

Vice Chairman de la Fe: Yes.

Commissioner Lawrence: Thank you, Commissioner Ulfelder. And you've touched on a subject that I'd like to speak on a little bit. There is, in fact, a committee, which is engaged in revisiting the proffer so – I'm sorry, the WDU policy in Tysons. It's headed by someone who nobody here ever knew. It's a man named Walter Alcorn, who had nothing to do with the Tysons Plan whatsoever. That committee has started its work, but – of course – there's no way they're going to finish by the time – it's time to do something about this work here, which is why it was so important to get this resolved now rather than simply say, "Well, we'll just wait a few months and keep deferring." I couldn't do that. It wouldn't have been fair to the applicant at all. But it is in process and there will be some result from that. That's – there's language in the proffer you may have noticed that says the applicant can enter into new policies and that's what that refers to. Thank you, Mr. Chairman.

Vice Chairman de la Fe: Okay. Are you ready? Oh, I'm sorry.

Commissioner Keys-Gamarra: And I do appreciate all the hard work. I know we have been talking about this process and I know that we've come a long way. You did mention that the staff will continue to work with, I believe, the applicant and there may well have – they may well have additional requirements. Can you give me – or anyone give me some explanation of how those requirements, if staff does have additional concerns, will be handled.

Commissioner Lawrence: What they will do is work through their suggestions and comments with the applicant – and along with the Supervisor – and make sure that the proffers, by the time the thing gets to the Board, reflect staff's considered judgment.

Vice Chairman de la Fe: Okay.

Commissioner Lawrence: Now there may be issues on which they agree to disagree and that has happened in the past and will in the future, but that gives staff a chance to way-in on the thing – which they have not had because everything has happened so fast and so late.

Vice Chairman de la Fe: Anything else? Okay.

Commissioner Lawrence: All right. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS OF FDP 2011-PR-023-04 AND, IN THE EVENT OF SUCH APPROVAL, PCA/CDPA 2011-PR-023 FROM RENAISSANCE CENTRO AND CITYLINE PARTNERS, RESPECTIVELY.

Commissioner Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Commissioner Hedetniemi. Is there any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

Commissioner: Thank you all very much. And I repeat, thanks to the applicant. Thanks to staff. We have preserved the integrity of the Plan. Well done.

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(The motion carried by a vote of 11-0. Commissioner Murphy was absent from the meeting.)

JLC

Board Agenda Item
April 5, 2016

3:00 p.m.

Public Hearing on the FY 2017 Effective Tax Rate Increase

ISSUE:
Because the assessed value of existing property has increased by one percent or more, Virginia Code Section 58.1-3321 requires the Board to hold a public hearing on the real estate tax rate.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors increase the real estate tax rate to $1.13 per $100 of assessed value. The County Executive's proposed budget is essentially balanced based on a real estate tax rate of $1.12, which is an increase of $0.03 over the current rate for FY 2016. However, increasing the real estate tax rate to $1.13 per $100 of assessed value would give the Board of Supervisors flexibility during their deliberations on the FY 2017 budget. Action on the tax rate is recommended to take place on April 26, 2016 as part of the annual adoption of the tax rate resolution, after the public hearings on the FY 2017 Advertised Budget Plan beginning on April 5, 2016, and the Board markup on April 19, 2016.

TIMING:
On March 1, 2016, the Board authorized advertisement of a public hearing to be held on April 5, 2016, at 3:00 PM.

BACKGROUND:
The FY 2017 Advertised Budget Plan is essentially balanced based on a real estate tax rate of $1.12 per $100 of assessed value. However, in order to provide flexibility during budget deliberations, the Board of Supervisors has authorized advertisement of a tax rate of $1.13 per $100 of assessed value. Advertising an increase in the rate does not prevent the Board from lowering any advertised tax rate, but a higher tax rate cannot be imposed without advertising the higher rate. Based on the total assessed value of existing property, the effective tax rate has increased by more than one percent. Under such circumstances, Virginia Code Section 58.1-3321 requires that the Board advertise a public hearing and take action to adopt the proposed FY 2017 rate rather than the rate computed by the statutory formula. It should be noted that the total increase in assessed value of existing properties is expected to be 1.94 percent, including an increase of 1.64 percent for residential real property and an increase of 2.87 percent for non-residential real property. As a result, most property owners will experience an increase in their real estate tax bill.

The following language, based on Virginia Code, describes the effective tax increase due to appreciation and a constant tax rate.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 1.94 percent.

2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be $1.0692 per $100 of assessed value. This rate will be known as the "lowered tax rate."

3. Effective Rate Increase: Fairfax County, Virginia, proposes to adopt a tax rate of $1.13 per $100 of assessed value. The difference between the lowered tax rate and the proposed rate would be $0.0608 per $100, or 5.69 percent. This difference will be known as the "effective tax rate increase."

   Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of Fairfax County, Virginia, will exceed last year's by 4.79 percent[1].

FISCAL IMPACT:
The advertised FY 2017 real estate tax rate of $1.13 per $100 of assessed value results in the revenue projections outlined in the FY 2017 Advertised Budget Plan. If the tax rate is lowered to a rate of $1.0692 per $100 of assessed value as described by Virginia Code Section 58.1-3321, then the revenue projection set forth in the FY 2017 Advertised Budget Plan would decrease by $141.7 million.

ENCLOSED DOCUMENTS:
None

STAFF:
Edward L. Long Jr., County Executive
Joe Mondoro, Chief Financial Officer
Kevin C. Greenlief, Director, Department of Tax Administration
Corinne Lockett, Senior Assistant County Attorney

[1] The total budget increase is based on all revenues received by the General Fund of Fairfax County. Projected FY 2017 disbursements as shown in the FY 2017 Advertised Budget Plan reflect an increase of 2.41 percent over the FY 2016 level.

Board Agenda Item
April 5, 2016

3:00 p.m.

Public Hearing for a Sewer Ordinance Amendment to Revise the Sewer Service Charges, Base Charges and the Equivalent Flow Factor and to Maintain the Availability Charges and Fixture Unit Charge

ISSUE:
The Board of Supervisors' adoption of the proposed sewer ordinance amendment is requested to revise the Base Charges, the Sewer Service Charges, and the Equivalent Flow Factor for Significant Industrial Users and other industrial or commercial users deemed by the Director, Department of Public Works and Environmental Services (DPWES) to have processes generating significant wastewater flows, and to maintain Availability Charges for both Residential and Nonresidential uses and Fixture Unit Charge for Nonresidential uses. This is consistent with the Wastewater Management Program's "Revenue Sufficiency and Rate Analysis" (the Rate Study) for the Sewer System, prepared in cooperation with its consultant, Public Resources Management Group, Inc. (PRMG). The effects of these revisions are as follows:

1. To re-affirm and establish the Sewer Service Charge for FY 2016 through FY 2020
2. To re-affirm and establish the Base Charge for FY 2016 through FY 2020
3. To re-affirm and establish the Availability Charges for FY 2016 through FY 2020
4. To re-affirm and establish the Fixture Unit Charge for FY 2016 through FY 2020
5. To reduce the equivalent unit flow rate of 320 gallons per day to 300 gallons per day

Although the sewer charges in the sewer ordinance are multi-year, all sewer charges are reviewed, adjusted as necessary, and adopted annually to ensure sewer charges are accurately priced.

RECOMMENDATION:
The County Executive recommends that the Board adopt the proposed sewer ordinance amendment.

TIMING:
Public Notices of the sewer ordinance revisions were advertised March 4, 2016 and March 11, 2016. Decision on the sewer rate revisions will coincide with the markup and adoption of the FY 2017 Advertised Budget Plan. FY 2017 new charges will become effective on July 1, 2016.

BACKGROUND:
In December 2015, the Wastewater Management Program and its consultants, Public Resources Management Group, completed the Rate Study. To adequately support the Program, $194,471,344 in revenues will be needed to allow the Program to continue to meet all of the regulatory requirements, maintain competitive rates with neighboring utilities, maintain financial targets, and continue to preserve AAA sewer revenue bond rating. A 3.6 percent revenue increase will be needed in FY 2017 to meet the revenue requirements of the Program. This will result in an increase of $20.24 in the annual cost to a typical residential customer.

The following proposed rate amendments will meet the revenue requirements by increasing both the Base Charge and Sewer Service Charge, which is the industry practice. This allows for recovering a portion of the Program's fixed costs through the Base Charge and recovering the remaining required revenues through the Sewer Service charge, based on the volume of water consumed.

The current Base Charge of $20.15 per bill for residential customers recovers 13.6 percent of the Program's fixed costs. Fixed cost recovery through Base Charge is equitably shared by all customers, as the system is available for use by all customers regardless of the amount of water consumed. It is proposed to increase the residential Base Charge by $4.53 per quarter for FY 2017 for a total Base Charge of $24.68 per quarterly bill. The proposed Base Charge will recover 16.2 percent of the fixed cost in FY 2017. Industry practice is to recover 25 to 30 percent of the total fixed costs through a Base Charge. In order to strive towards such recovery rate, a phase-in approach is being proposed through FY 2020, as shown in the following table.

To generate the remaining amount of required revenues, it is proposed to increase the Sewer Service Charge by $0.03 from the current rate of $6.65 to $6.68 per 1,000 gallons of water consumed. The proposed rate increase will fund inflationary increases and the cost of rehabilitating facilities at wastewater treatment plants to maintain compliance with discharge requirements imposed by the state and the Chesapeake Bay Program.

Year	Current and Proposed Sewer Service Charge Per 1,000 gallons water consumed	Proposed Increase in Base Charge Per Quarterly Bill	New Base Charge Per Quarterly Bill	Percent Fixed Cost Recovered
2016	$6.65 current	-	$20.15	13.6%
2017	$6.68	$ 4.53	$24.68	16.2%
2018	$6.75	$ 2.94	$27.62	18.0%
2019	$6.85	$ 2.76	$30.38	19.3%
2020	$7.05	$ 3.04	$33.42	20.5%

Base Charges for customers who require larger water meter than the standard ¾" meter for residential connections, would be based on meter size because the meter size determines how much capacity the sewer system has to reserve for that customer. Despite the increase in Base Charge, customers with larger meters should not see a significant difference in their overall bill because Sewer Service Charges will increase only nominally.

The County's Sewer Service Charges, Base Charges and Availability Charges remain very competitive on a local basis. Below are average annual sewer service billings and Availability Charges per Single Family Residential Equivalent (SFRE) for Fairfax County compared to other regional jurisdictions, as of January 2016 (FY 2016). Average sewer service billings for the other regional jurisdictions have been developed by applying each jurisdiction's equivalent base charge and sewer service rate to appropriate SFRE water usage determined from Fairfax Water's average water usage for SFREs.

Comparison of Average Service Charges and Availability Charges for SFREs as of January 2016 (FY 2016)
***Based on 18,000 gallons per quarter for all jurisdictions**

Jurisdiction*	Average Annual Sewer Service Billing	Sewer Availability Fees
DCWASA	821	----
City of Alexandria	678	7,937
Arlington County	652	4,732
WSSC	607	3,500
Prince William County	570	10,300
Fairfax County	559	7,750
Loudoun Water	438	7,658

The table below outlines base charges by other regional utilities for comparison to Fairfax County's current Base Charge of $20.15 and the proposed Base Charge of $24.68 per quarter, as of January 2016 (FY 2016):

Quarterly Base Charges for Sewer Service for Residential Customers	
DC Water	$ 66.69
Loudoun Water	$ 30.60
Prince William County Service Authority	$ 26.70
Alexandria Renew Enterprises	$ 25.15
Washington Suburban Sanitation Commission	$ 21.51
Fairfax County	**$ 20.15**
Neighboring Utilities Average	**$ 34.13**

PROPOSED BASE CHARGE AND SEWER SERVICE CHARGE SCHEDULES

BASE CHARGE SCHEDULE Cost ($) per Quarterly Bill Proposed New and Revised Rates in **Bold**					
Type of Connection	Current Rate	Previously Adopted and **Revised Rates**			**New Rate**
	FY 2016	FY 2017	FY 2018	**FY 2019**	**FY 2020**
Residential (3/4" meter)	$20.15	$24.68	$27.62	**$30.38**	**$33.42**
All customers based on meter size					
3/4" and smaller, or no meter	$20.15	$24.68	$27.62	**$30.38**	**$33.42**
1"	$50.38	$61.70	$69.05	**$75.95**	**$83.55**
1 1/2"	$100.75	$123.40	$138.10	**$151.90**	**$167.10**
2"	$161.20	$197.44	$220.96	**$243.04**	**$267.36**
3"	$302.25	$370.20	$414.30	**$455.70**	**$501.30**
4"	$503.75	$617.00	$690.50	**$759.50**	**$835.50**
6"	$1,007.50	$1,234.00	$1,381.00	**$1,519.00**	**$1,671.00**
8"	$1,612.00	$1,974.40	$2,209.60	**$2,430.40**	**$2,673.60**
10" and larger	$2,317.25	$2,838.20	$3,176.30	**$3,493.70**	**$3,843.30**

SEWER SERVICE CHARGE SCHEDULE Per 1,000 gallons of water consumption Proposed New and Revised Rates in **Bold**					
	Current Rate	Previously Adopted and **Revised Rates**			**New Rate**
	FY 2016	FY 2017	FY 2018	**FY 2019**	**FY 2020**
Sewer Service Charge	$6.65	$6.68	$6.75	**$6.85**	**$7.05**

PROPOSED AVAILABILITY CHARGE SCHEDULE

The County has completed reviewing the adequacy of the amount of the Availability Charge. Based upon the results of this review, the Availability Charge will remain the same as the FY 2015 rate. The revised, five-year rate schedule for the Availability Charge for a single-family residence is as follows:

Availability CHARGE SCHEDULE Proposed New and Revised Rates in **Bold**					
	Current Rate	Previously Adopted Rates			**New Rate**
	FY 2016	FY 2017	FY 2018	FY 2019	**FY 2020**
Availability Charge	$7,750	$7,750	$7,750	$7,750	**$7,750**

Availability Charges for all nonresidential uses will be computed as the number of fixture units (including roughed-in fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code, Section 101.2, Note 1, which incorporates by reference the 2012 International Plumbing Code (Chapter 7, Section 709), times the fixture unit rate with a minimum charge equivalent to one (1) single family detached dwelling per premises.

The revised, five-year rate schedule for the fixture unit charge for nonresidential uses is as follows:

Fixture CHARGE SCHEDULE Proposed New and Revised Rates in **Bold**					
	Current Rate	Previously Adopted Rates			**New Rate**
Commercial and all other uses:	FY 2016	FY 2017	FY 2018	FY 2019	**FY 2020**
Fixture unit rate	$401	$401	$401	$401	**$401**

The availability charge for Significant Industrial users and other industrial and commercial users deemed by the Director, DPWES, to have processes generating significant wastewater flows is calculated on the basis of "equivalent units," rather than fixture units. The current one equivalent flow factor of 320 gallons per day is proposed to be reduced to 300 gallons per day within Section 67.1-10-2(a) (2) Commercial and all other uses. This change is based on a reduction by 20 gallons per day in the current level of service for the average single family residence, as derived from water consumption data.

FISCAL IMPACT:
In FY 2017, assuming a water usage for a typical residential customer of 18,000 gallons/quarter (or 72,000 gallons/year), the annual sewer bill will be approximately $580 per year, which is an increase of $20.24 (or $1.69 per month) over the FY 2016 sewer
bill. In FY 2017, approximately $6.7 million in additional revenues will be generated with the proposed Sewer Service Charge and the Base Charge. Revenues from the collection of Sewer Service Charges, Base Charges, and Availability Charges are recorded in Fund 690-C69000, Sewer Revenue Fund.

ENCLOSED DOCUMENTS:
Attachment I: The Proposed Amendment to Chapter 67.1 Article 10 (Charges), Section 2 of the Code of the County of Fairfax

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Randy W. Bartlett, Deputy Director, Stormwater and Wastewater Management Divisions, DPWES
Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES

Fairfax County Code

CHAPTER 67.1. - Sanitary Sewers and Sewage Disposal.

ARTICLE 10. Charges.

Section 67.1-10-1. Generally.

Any person who is connected or who shall hereafter connect the sewerage facilities of any premises to the Facilities of the County shall pay or cause to be paid sums as hereinafter provided for the availability of, connection to, and/or use of such Facilities of the County. (39-93-67.1; 36-95-67.1; 6-98-67.1; 15-99-67.1; 16-00-67.1; 12-01-67.1; 21-02-67.1; 19-03-67.1; 15-04-67.1; 19-05-67.1; 09-06-67.1; 13-07-67.1; 29-08-67.1; 28-09-67.1; 11-10-67.1.)

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

(a) *Availability Charges.*

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

		Fiscal Year (July 1-June 30)				
	Customer Class	FY ~~2015~~2016	FY ~~2016~~2017	FY ~~2017~~2018	FY ~~2018~~2019	FY ~~2019~~2020
(A)	Single Family Detached	$7,750	$7,750	$7,750	$7,750	$7,750
(B)	Lodging House, Hotel, Inn or Tourist Cabin	7,750	7,750	7,750	7,750	7,750
(C)	Townhouse	6,200	6,200	6,200	6,200	6,200
(D)	Apartment	6,200	6,200	6,200	6,200	6,200
(E)	Mobile Home	6,200	6,200	6,200	6,200	6,200
(F)	Any other residential dwelling unit	6,200	6,200	6,200	6,200	6,200
(G)	Hotel, Motel, or Dormitory rental unit	1,938	1,938	1,938	1,938	1,938

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

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

	Fiscal Year (July 1-June 30)				
	FY ~~2015~~2016	FY ~~2016~~2017	FY ~~2017~~2018	FY ~~2018~~2019	FY ~~2019~~2020
Fixture unit rate	$401	$401	$401	$401	$401

The availability charge will be computed as the number of fixture units (including roughed-in fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code (as amended), Section 101.2, Note 1, which incorporates by reference the 2012 International Plumbing Code (Chapter 7, Section 709) ("VUSBC"), times the fixture unit rate with a minimum charge equivalent to one single-family detached dwelling per premises. For Significant Industrial Users with wastewater discharge permits authorizing discharge into the Integrated Sewer System and other industrial or commercial Users determined by the Director to have processes generating significant wastewater flows, the availability fee will be calculated on the basis of equivalent units. One equivalent unit is equal to ~~320~~ 300 gallons per day and rated equal to one single-family detached dwelling unit. Therefore, the availability charge for Significant Industrial Users and other industrial or commercial Users determined by the Director to have processes generating significant flow will be equal to the current rate for a single family detached dwelling unit times the number of equivalent units associated with the permitted flow. The number of equivalent units is equal to the permitted or projected flow in gallons per day divided by ~~320~~ 300 gallons per day. Fixture unit counts, for Users having fixtures discharging continuously or semi-continuously to drainage system leading to the County sanitary sewer facilities, shall be increased by two fixture units for each gallon per minute of such continuous or semi-continuous discharge. The rate of such discharge shall be deemed to be that rate certified by the manufacturer of the fixture or other equipment, or such other rates as the Director shall determine.

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

(b) *Connection Charges.*

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

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

however, the Director may extend the deadline for connection to Facilities of the County from July 1, 2012, to December 31, 2012, if the Director determines that for reasons beyond the control of the owner of the premises, at least one of the following conditions are met:

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

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

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

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

(v) The delays have been caused by an Act of God.

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

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

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

(iii) connections to the Facilities of the County are made by no later than June 30, 2012, or within one year from the completion of the construction of the E&I project, whichever comes last, provided, however, the Director shall have [the] power to extend this deadline [by up to six months] for the hardship reasons set forth in subsections (A)(i) through (A)(v), above [, provided, however, that in lieu of the date June 30, 2012, the operative date for such extensions shall be one year from the date of completion of construction of the E&I project for which a connection is requested].

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

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

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

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

(d) *Service charges:* There are hereby established and imposed the following sanitary sewer service charges:

Sewer Service Charges - Fiscal Year (July 1 - June 30)

Fairfax County Code

CHAPTER 67.1. - Sanitary Sewers and Sewage Disposal.

ARTICLE 10. Charges.

	FY ~~2015~~2016	FY ~~2016~~2017	FY ~~2017~~2018	FY ~~2018~~2019	FY ~~2019~~2020
Sewer Service Charge, $/1,000 gallons	$~~6.62~~6.65	$~~6.65~~6.68	$~~6.68~~6.75	$~~6.75~~6.85	$~~6.82~~7.05

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

BASE CHARGE Cost ($) per Quarterly Bill Proposed New and Revised Rates in Bold					
	Current Rate	Revised Rates			New Rate
	FY ~~2015~~2016	FY ~~2016~~2017	FY ~~2017~~2018	FY ~~2018~~2019	FY ~~2019~~2020
Residential Base Charge	$20.15~~$15.86~~	$24.68~~$20.15~~	$27.62~~$24.68~~	$30.38~~$27.62~~	$33.42~~$29.83~~
Commercial: (meter size)					
¾" and smaller, or no meter	$20.15~~$15.86~~	$24.68~~**$20.15**~~	$27.62~~**$24.68**~~	$30.38~~**$27.62**~~	$33.42~~**$29.83**~~
1"	$50.38~~$39.65~~	$61.70~~**$50.38**~~	$69.05~~**$61.70**~~	$75.95~~**$69.05**~~	$83.55~~**$74.58**~~
1½"	$100.75~~$79.30~~	$123.40~~**$100.75**~~	$138.10~~**$123.40**~~	$151.90~~**$138.10**~~	$167.10~~**$149.15**~~
2"	$161.20~~$126.88~~	$197.44~~**$161.20**~~	$220.96~~**$197.44**~~	$243.04~~**$220.96**~~	$267.36~~**$238.64**~~
3"	$302.25~~$237.90~~	$370.20~~**$302.25**~~	$414.30~~**$370.20**~~	$455.70~~**$414.30**~~	$501.30~~**$447.45**~~

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4"	$503.75~~$396.50~~	$617.00~~$503.75~~	$690.50~~$617.00~~	$759.50~~$690.50~~	$835.50~~$745.75~~
6"	$1,007.50~~$793.00~~	$1,234.00~~$1,007.50~~	$1,381.00~~$1,234.00~~	$1,519.00~~$1,381.00~~	$1,671.00~~$1,491.50~~
8"	$1,612.00~~$1,268.80~~	$1,974.40~~$1,612.00~~	$2,209.60~~$1,974.40~~	$2,430.40~~$2,209.60~~	$2,673.60~~$2,386.40~~
10" and larger	$2,317.25~~$1,823.90~~	$2,838.20~~$2,317.25~~	$3,176.30~~$2,838.20~~	$3,493.70~~$3,176.30~~	$3,843.30~~$3,430.45~~

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

(1) *Effective date:* The Service charges and Base charges will change on July 1st of each new fiscal year. For metered accounts, the change is effective with meter readings beginning October 1st of each year. For unmetered accounts, the change is effective with billings beginning October 1st of each year.

(2) *Premises having a metered water supply:*

Category of Use	Service Charges
(A) Single-family detached and single-family attached dwellings such as townhouses, duplexes, multiplexes, semi-detached, rowhouses, garden court and patio houses with a separate water service line meter.	For each 1,000 gallons of water, based on winter-quarter consumption or current quarterly consumption, as measured by the service line meter, whichever is lower, a charge equal to the effective unit cost rate ($/1,000 gallons).
(B) All other uses.	For each 1,000 gallons of water as measured by the water service line, a charge equal to the effective unit cost rate ($/1,000 gallons).
(C) All users.	Base charge per billing as established in Section 67.1-10-2(e).

(D) The winter-quarter-maximum consumption is determined as follows:

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

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

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

(iv) All water delivered to the premises, as measured by the winter quarter-consumption for single-family dwellings and townhouses or the meter of all other Users, shall be deemed to have been discharged to the Facilities of the County. However, any person may procure the installation of a second water service line meter. Such person may notify the Director of such installation, in which event the Director shall make such inspection or inspections as may be necessary to ascertain that no water delivered to the premises or only the water delivered through any such additional meter may enter the Facilities of the County. If the Director determines that water delivered through an additional meter may not enter the Facilities of the County, no charge hereunder shall be based upon such volume of water delivery. If the Director determines that only the water delivered through an additional meter may enter the Facilities of the County, only the water recorded on the additional meter shall be charged. In the alternative, any person may procure the installation of a sewage meter which shall be of a type and installed in a manner approved by the Director, who shall make periodic inspection to ensure accurate operation of said meter; in such event, the charge imposed hereunder shall be based upon the volume measured by such meter. The cost of all inspections required by the foregoing provisions for elective metering, as determined by normal cost accounting methods, shall be an additional charge for sanitary sewer service to the premises on which such meter or meters are installed.

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

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

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

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

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

ARTICLE 10. Charges.

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

TABLE I. Table of Fixture Units

Type of Fixture or Group of Fixtures	DrainageFixture Unit Value(d.f.u.)
Commercial automatic clothes washer (2" standpipe)	3
Bathroom group consisting of water closet, lavatory and bathtub or shower stall (Residential):	
Tank type closet	6
Bathtub (with or without overhead shower)	2
Combination sink-and-tray with food disposal unit	2
Combination sink-and-tray with 1½" trap	2
Dental unit or cuspidor	1
Dental lavatory	1
Drinking fountain	½
Dishwasher, domestic	2
Floor drains with 2" waste	2
Kitchen sink, domestic, with one 1½" waste	2
Kitchen sink, domestic, with food waste grinder and/or dishwasher	2

Lavatory with 1¼" waste	1
Laundry tray (1 or 2 compartments)	2
Shower stall	2
Sinks:	
Surgeon's	3
Flushing rim (with valve)	6
Service (trap standard)	3
Service (P trap)	2
Pot, scullery, etc.	4
Urinal, pedestal, syphon jet blowout	6
Urinal, wall lip	4
Urinal stall, washout	4
Urinal trough (each 6-ft. section)	2
Wash sink (circular or multiple) each set of faucets	2
Water closet, tank-operated	4
Water closet, valve-operated	6
Fixture drain or trap size:	
1¼ inches and smaller	1

1½ inches	2
2 inches	3
2½ inches	4
3 inches	5
4 inches	6

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

Fixture Units	Load Factor	~~2015~~2016	~~2016~~2017	~~2017~~2018	~~2018~~2019	~~2019~~2020
20 or less	1.00	166.25 ~~165.50~~	167.00 ~~166.25~~	168.75 ~~167.00~~	171.25 ~~168.75~~	176.25 ~~170.50~~
21 to 30	1.25	207.81 ~~206.88~~	208.75 ~~207.81~~	210.94 ~~208.75~~	214.06 ~~210.94~~	220.31 ~~213.13~~
31 to 40	1.45	241.06 ~~239.98~~	242.15 ~~241.06~~	244.69 ~~242.15~~	248.31 ~~244.69~~	255.56 ~~247.23~~
41 to 50	1.60	266.00 ~~264.80~~	267.20 ~~266.00~~	270.00 ~~267.20~~	274.00 ~~270.00~~	282.00 ~~272.80~~
51 to 60	1.75	290.94 ~~289.63~~	292.25 ~~290.94~~	295.31 ~~292.25~~	299.69 ~~295.31~~	308.44 ~~298.38~~
61 to 70	1.90	315.88 ~~314.45~~	317.30 ~~315.88~~	320.63 ~~317.30~~	325.38 ~~320.63~~	334.88 ~~323.95~~

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71 to 80	2.05	340.81 ~~339.28~~	342.35 ~~340.81~~	345.94 ~~342.35~~	351.06 ~~345.94~~	361.31 ~~349.53~~
81 to 90	2.20	365.75 ~~364.10~~	367.40 ~~365.75~~	371.25 ~~367.40~~	376.75 ~~371.25~~	387.75 ~~375.10~~
91 to 100	2.30	382.38 ~~380.65~~	384.10 ~~382.38~~	388.13 ~~384.10~~	393.88 ~~388.13~~	405.38 ~~392.15~~
101 to 110	2.40	399.00 ~~397.20~~	400.80 ~~399.00~~	405.00 ~~400.80~~	411.00 ~~405.00~~	423.00 ~~409.20~~
111 to 120	2.55	423.94 ~~422.03~~	425.85 ~~423.94~~	430.31 ~~425.85~~	436.69 ~~430.31~~	449.44 ~~434.78~~
121 to 130	2.65	440.56 ~~438.58~~	442.55 ~~440.56~~	447.19 ~~442.55~~	453.81 ~~447.19~~	467.06 ~~451.83~~
131 to 140	2.75	457.19 ~~455.13~~	459.25 ~~457.19~~	464.06 ~~459.25~~	470.94 ~~464.06~~	484.69 ~~468.88~~
141 to 150	2.85	473.81 ~~471.68~~	475.95 ~~473.81~~	480.94 ~~475.95~~	488.06 ~~480.94~~	502.31 ~~485.93~~
151 to 160	2.95	490.44 ~~488.23~~	492.65 ~~490.44~~	497.81 ~~492.65~~	505.19 ~~497.81~~	519.94 ~~502.98~~
161 to 170	3.05	507.06 ~~504.78~~	509.35 ~~507.06~~	514.69 ~~509.35~~	522.31 ~~514.69~~	537.56 ~~520.03~~
171 to 180	3.15	523.69 ~~521.33~~	526.05 ~~523.69~~	531.56 ~~526.05~~	539.44 ~~531.56~~	555.19 ~~537.08~~
181 to 190	3.25	540.31 ~~537.88~~	542.75 ~~540.31~~	548.44 ~~542.75~~	556.56 ~~548.44~~	572.81 ~~554.13~~

191 to 200	3.35	556.94 ~~554.43~~	559.45 ~~556.94~~	565.31 ~~559.45~~	573.69 ~~565.31~~	590.44 ~~571.18~~
201 to 210	3.45	573.56 ~~570.98~~	576.15 ~~573.56~~	582.19 ~~576.15~~	590.81 ~~582.19~~	608.06 ~~588.23~~
211 to 220	3.55	590.19 ~~587.53~~	592.85 ~~590.19~~	599.06 ~~592.85~~	607.94 ~~599.06~~	625.69 ~~605.28~~
221 to 230	3.65	606.81 ~~604.08~~	609.55 ~~606.81~~	615.94 ~~609.55~~	625.06 ~~615.94~~	643.31 ~~622.33~~
231 to 240	3.75	623.44 ~~620.63~~	626.25 ~~623.44~~	632.81 ~~626.25~~	642.19 ~~632.81~~	660.94 ~~639.38~~
241 to 250	3.85	640.06 ~~637.18~~	642.95 ~~640.06~~	649.69 ~~642.95~~	659.31 ~~649.69~~	678.56 ~~656.43~~
251 to 260	3.90	648.38 ~~645.45~~	651.30 ~~648.38~~	658.13 ~~651.30~~	667.88 ~~658.13~~	687.38 ~~664.95~~
261 to 270	4.00	665.00 ~~662.00~~	668.00 ~~665.00~~	675.00 ~~668.00~~	685.00 ~~675.00~~	705.00 ~~682.00~~
271 to 280	4.05	673.31 ~~670.28~~	676.35 ~~673.31~~	683.44 ~~676.35~~	693.56 ~~683.44~~	713.81 ~~690.53~~
281 to 290	4.10	681.63 ~~678.55~~	684.70 ~~681.63~~	691.88 ~~684.70~~	702.13 ~~691.88~~	722.63 ~~699.05~~
291 to 300	4.15	689.94 ~~686.83~~	693.05 ~~689.94~~	700.31 ~~693.05~~	710.69 ~~700.31~~	731.44 ~~707.58~~
301 to 310	4.20	698.25 ~~695.10~~	701.40 ~~698.25~~	708.75 ~~701.40~~	719.25 ~~708.75~~	740.25 ~~716.10~~

311 to 320	4.30	714.88 ~~711.65~~	718.10 ~~714.88~~	725.63 ~~718.10~~	736.38 ~~725.63~~	757.88 ~~733.15~~
321 to 330	4.40	731.50 ~~728.20~~	734.80 ~~731.50~~	742.50 ~~734.80~~	753.50 ~~742.50~~	775.50 ~~750.20~~
331 to 340	4.50	748.13 ~~744.75~~	751.50 ~~748.13~~	759.38 ~~751.50~~	770.63 ~~759.38~~	793.13 ~~767.25~~
341 to 350	4.60	764.75 ~~761.30~~	768.20 ~~764.75~~	776.25 ~~768.20~~	787.75 ~~776.25~~	810.75 ~~784.30~~
351 to 360	4.70	781.38 ~~777.85~~	784.90 ~~781.38~~	793.13 ~~784.90~~	804.88 ~~793.13~~	828.38 ~~801.35~~
361 to 370	4.80	798.00 ~~794.40~~	801.60 ~~798.00~~	810.00 ~~801.60~~	822.00 ~~810.00~~	846.00 ~~818.40~~
371 to 380	4.90	814.63 ~~810.95~~	818.30 ~~814.63~~	826.88 ~~818.30~~	839.13 ~~826.88~~	863.63 ~~835.45~~
381 to 390	5.00	831.25 ~~827.50~~	835.00 ~~831.25~~	843.75 ~~835.00~~	856.25 ~~843.75~~	881.25 ~~852.50~~
391 to 400	5.10	847.88 ~~844.05~~	851.70 ~~847.88~~	860.63 ~~851.70~~	873.38 ~~860.63~~	898.88 ~~869.55~~
401 to 410	5.20	864.50 ~~860.60~~	868.40 ~~864.50~~	877.50 ~~868.40~~	890.50 ~~877.50~~	916.50 ~~886.60~~
411 to 420	5.30	881.13 ~~877.15~~	885.10 ~~881.13~~	894.38 ~~885.10~~	907.63 ~~894.38~~	934.13 ~~903.65~~
421 to 430	5.40	897.75 ~~893.70~~	901.80 ~~897.75~~	911.25 ~~901.80~~	924.75 ~~911.25~~	951.75 ~~920.70~~

431 to 440	5.50	914.38 ~~910.25~~	918.50 ~~914.38~~	928.13 ~~918.50~~	941.88 ~~928.13~~	969.38 ~~937.75~~
441 to 450	5.60	931.00 ~~926.80~~	935.20 ~~931.00~~	945.00 ~~935.20~~	959.00 ~~945.00~~	987.00 ~~954.80~~
451 to 460	5.70	947.63 ~~943.35~~	951.90 ~~947.63~~	961.88 ~~951.90~~	976.13 ~~961.88~~	1,004.63 ~~971.85~~
461 to 470	5.80	964.25 ~~959.90~~	968.60 ~~964.25~~	978.75 ~~968.60~~	993.25 ~~978.75~~	1,022.25 ~~988.90~~
471 to 480	5.90	980.88 ~~976.45~~	985.30 ~~980.88~~	995.63 ~~985.30~~	1,010.38 ~~995.63~~	1,039.88 ~~1,005.95~~
481 to 490	6.00	997.50 ~~993.00~~	1,002.00 ~~997.50~~	1,012.50 ~~1,002.00~~	1,027.50 ~~1,012.50~~	1,057.50 ~~1,023.00~~
491 to 500	6.10	1,014.13 ~~1,009.55~~	1,018.70 ~~1,014.13~~	1,029.38 ~~1,018.70~~	1,044.63 ~~1,029.38~~	1,075.13 ~~1,040.05~~
501 to 525	6.25	1,039.06 ~~1,034.38~~	1,043.75 ~~1,039.06~~	1,054.69 ~~1,043.75~~	1,070.31 ~~1,054.69~~	1,101.56 ~~1,065.63~~
526 to 550	6.50	1,080.63 ~~1,075.75~~	1,085.50 ~~1,080.63~~	1,096.88 ~~1,085.50~~	1,113.13 ~~1,096.88~~	1,145.63 ~~1,108.25~~
551 to 575	6.75	1,122.19 ~~1,117.13~~	1,127.25 ~~1,122.19~~	1,139.06 ~~1,127.25~~	1,155.94 ~~1,139.06~~	1,189.69 ~~1,150.88~~
576 to 600	7.00	1,163.75 ~~1,158.50~~	1,169.00 ~~1,163.75~~	1,181.25 ~~1,169.00~~	1,198.75 ~~1,181.25~~	1,233.75 ~~1,193.50~~
601 to 625	7.25	1,205.31 ~~1,199.88~~	1,210.75 ~~1,205.31~~	1,223.44 ~~1,210.75~~	1,241.56 ~~1,223.44~~	1,277.81 ~~1,236.13~~

626 to 650	7.50	1,246.88 ~~1,241.25~~	1,252.50 ~~1,246.88~~	1,265.63 ~~1,252.50~~	1,284.38 ~~1,265.63~~	1,321.88 ~~1,278.75~~
651 to 675	7.75	1,288.44 ~~1,282.63~~	1,294.25 ~~1,288.44~~	1,307.81 ~~1,294.25~~	1,327.19 ~~1,307.81~~	1,365.94 ~~1,321.38~~
676 to 700	8.00	1,330.00 ~~1,324.00~~	1,336.00 ~~1,330.00~~	1,350.00 ~~1,336.00~~	1,370.00 ~~1,350.00~~	1,410.00 ~~1,364.00~~
701 to 725	8.20	1,363.25 ~~1,357.10~~	1,369.40 ~~1,363.25~~	1,383.75 ~~1,369.40~~	1,404.25 ~~1,383.75~~	1,445.25 ~~1,398.10~~
726 to 750	8.40	1,396.50 ~~1,390.20~~	1,402.80 ~~1,396.50~~	1,417.50 ~~1,402.80~~	1,438.50 ~~1,417.50~~	1,480.50 ~~1,432.20~~
751 to 775	8.60	1,429.75 ~~1,423.30~~	1,436.20 ~~1,429.75~~	1,451.25 ~~1,436.20~~	1,472.75 ~~1,451.25~~	1,515.75 ~~1,466.30~~
776 to 800	8.80	1,463.00 ~~1,456.40~~	1,469.60 ~~1,463.00~~	1,485.00 ~~1,469.60~~	1,507.00 ~~1,485.00~~	1,551.00 ~~1,500.40~~
801 to 825	9.00	1,496.25 ~~1,489.50~~	1,503.00 ~~1,496.25~~	1,518.75 ~~1,503.00~~	1,541.25 ~~1,518.75~~	1,586.25 ~~1,534.50~~
826 to 850	9.20	1,529.50 ~~1,522.60~~	1,536.40 ~~1,529.50~~	1,552.50 ~~1,536.40~~	1,575.50 ~~1,552.50~~	1,621.50 ~~1,568.60~~
851 to 875	9.35	1,554.44 ~~1,547.43~~	1,561.45 ~~1,554.44~~	1,577.81 ~~1,561.45~~	1,601.19 ~~1,577.81~~	1,647.94 ~~1,594.18~~
876 to 900	9.50	1,579.38 ~~1,572.25~~	1,586.50 ~~1,579.38~~	1,603.13 ~~1,586.50~~	1,626.88 ~~1,603.13~~	1,674.38 ~~1,619.75~~
901 to 925	9.65	1,604.31 ~~1,597.08~~	1,611.55 ~~1,604.31~~	1,628.44 ~~1,611.55~~	1,652.56 ~~1,628.44~~	1,700.81 ~~1,645.33~~

926 to 950	9.80	1,629.25 ~~1,621.90~~	1,636.60 ~~1,629.25~~	1,653.75 ~~1,636.60~~	1,678.25 ~~1,653.75~~	1,727.25 ~~1,670.90~~
951 to 975	9.95	1,654.19 ~~1,646.73~~	1,661.65 ~~1,654.19~~	1,679.06 ~~1,661.65~~	1,703.94 ~~1,679.06~~	1,753.69 ~~1,696.48~~
976 to 1,000	10.15	1,687.44 ~~1,679.83~~	1,695.05 ~~1,687.44~~	1,712.81 ~~1,695.05~~	1,738.19 ~~1,712.81~~	1,788.94 ~~1,730.58~~
1,001 to 1,050	10.55	1,753.94 ~~1,746.03~~	1,761.85 ~~1,753.94~~	1,780.31 ~~1,761.85~~	1,806.69 ~~1,780.31~~	1,859.44 ~~1,798.78~~
1,051 to 1,100	10.90	1,812.13 ~~1,803.95~~	1,820.30 ~~1,812.13~~	1,839.38 ~~1,820.30~~	1,866.63 ~~1,839.38~~	1,921.13 ~~1,858.45~~
1,101 to 1,150	11.30	1,878.63 ~~1,870.15~~	1,887.10 ~~1,878.63~~	1,906.88 ~~1,887.10~~	1,935.13 ~~1,906.88~~	1,991.63 ~~1,926.65~~
1,151 to 1,200	11.70	1,945.13 ~~1,936.35~~	1,953.90 ~~1,945.13~~	1,974.38 ~~1,953.90~~	2,003.63 ~~1,974.38~~	2,062.13 ~~1,994.85~~
1,201 to 1,250	12.00	1,995.00 ~~1,986.00~~	2,004.00 ~~1,995.00~~	2,025.00 ~~2,004.00~~	2,055.00 ~~2,025.00~~	2,115.00 ~~2,046.00~~
1,251 to 1,300	12.35	2,053.19 ~~2,043.93~~	2,062.45 ~~2,053.19~~	2,084.06 ~~2,062.45~~	2,114.94 ~~2,084.06~~	2,176.69 ~~2,105.68~~
1,301 to 1,350	12.70	2,111.38 ~~2,101.85~~	2,120.90 ~~2,111.38~~	2,143.13 ~~2,120.90~~	2,174.88 ~~2,143.13~~	2,238.38 ~~2,165.35~~
1,351 to 1,400	13.00	2,161.25 ~~2,151.50~~	2,171.00 ~~2,161.25~~	2,193.75 ~~2,171.00~~	2,226.25 ~~2,193.75~~	2,291.25 ~~2,216.50~~
1,401 to 1,450	13.25	2,202.81 ~~2,192.88~~	2,212.75 ~~2,202.81~~	2,235.94 ~~2,212.75~~	2,269.06 ~~2,235.94~~	2,335.31 ~~2,259.13~~

1,451 to 1,500	13.50	2,244.38 ~~2,234.25~~	2,254.50 ~~2,244.38~~	2,278.13 ~~2,254.50~~	2,311.88 ~~2,278.13~~	2,379.38 ~~2,301.75~~
1,501 to 1,600	14.05	2,335.81 ~~2,325.28~~	2,346.35 ~~2,335.81~~	2,370.94 ~~2,346.35~~	2,406.06 ~~2,370.94~~	2,476.31 ~~2,395.53~~
1,601 to 1,700	14.60	2,427.25 ~~2,416.30~~	2,438.20 ~~2,427.25~~	2,463.75 ~~2,438.20~~	2,500.25 ~~2,463.75~~	2,573.25 ~~2,489.30~~
1,701 to 1,800	15.15	2,518.69 ~~2,507.33~~	2,530.05 ~~2,518.69~~	2,556.56 ~~2,530.05~~	2,594.44 ~~2,556.56~~	2,670.19 ~~2,583.08~~
1,801 to 1,900	15.70	2,610.13 ~~2,598.35~~	2,621.90 ~~2,610.13~~	2,649.38 ~~2,621.90~~	2,688.63 ~~2,649.38~~	2,767.13 ~~2,676.85~~
1,901 to 2,000	16.25	2,701.56 ~~2,689.38~~	2,713.75 ~~2,701.56~~	2,742.19 ~~2,713.75~~	2,782.81 ~~2,742.19~~	2,864.06 ~~2,770.63~~
2,001 to 2,100	16.80	2,793.00 ~~2,780.40~~	2,805.60 ~~2,793.00~~	2,835.00 ~~2,805.60~~	2,877.00 ~~2,835.00~~	2,961.00 ~~2,864.40~~
2,101 to 2,200	17.35	2,884.44 ~~2,871.43~~	2,897.45 ~~2,884.44~~	2,927.81 ~~2,897.45~~	2,971.19 ~~2,927.81~~	3,057.94 ~~2,958.18~~
2,201 to 2,300	17.90	2,975.88 ~~2,962.45~~	2,989.30 ~~2,975.88~~	3,020.63 ~~2,989.30~~	3,065.38 ~~3,020.63~~	3,154.88 ~~3,051.95~~
2,301 to 2,400	18.45	3,067.31 ~~3,053.48~~	3,081.15 ~~3,067.31~~	3,113.44 ~~3,081.15~~	3,159.56 ~~3,113.44~~	3,251.81 ~~3,145.73~~
2,401 to 2,500	19.00	3,158.75 ~~3,144.50~~	3,173.00 ~~3,158.75~~	3,206.25 ~~3,173.00~~	3,253.75 ~~3,206.25~~	3,348.75 ~~3,239.50~~
2,501 to 2,600	19.55	3,250.19 ~~3,235.53~~	3,264.85 ~~3,250.19~~	3,299.06 ~~3,264.85~~	3,347.94 ~~3,299.06~~	3,445.69 ~~3,333.28~~

ARTICLE 10. Charges.

2,601 to 2,700	20.10	3,341.63 ~~3,326.55~~	3,356.70 ~~3,341.63~~	3,391.88 ~~3,356.70~~	3,442.13 ~~3,391.88~~	3,542.63 ~~3,427.05~~
2,701 to 2,800	20.65	3,433.06 ~~3,417.58~~	3,448.55 ~~3,433.06~~	3,484.69 ~~3,448.55~~	3,536.31 ~~3,484.69~~	3,639.56 ~~3,520.83~~
2,801 to 2,900	21.20	3,524.50 ~~3,508.60~~	3,540.40 ~~3,524.50~~	3,577.50 ~~3,540.40~~	3,630.50 ~~3,577.50~~	3,736.50 ~~3,614.60~~
2,901 to 3,000	21.75	3,615.94 ~~3,599.63~~	3,632.25 ~~3,615.94~~	3,670.31 ~~3,632.25~~	3,724.69 ~~3,670.31~~	3,833.44 ~~3,708.38~~
3,001 to 4,000	26.00	4,322.50 ~~4,303.00~~	4,342.00 ~~4,322.50~~	4,387.50 ~~4,342.00~~	4,452.50 ~~4,387.50~~	4,582.50 ~~4,433.00~~
4,001 to 5,000	29.50	4,904.38 ~~4,882.25~~	4,926.50 ~~4,904.38~~	4,978.13 ~~4,926.50~~	5,051.88 ~~4,978.13~~	5,199.38 ~~5,029.75~~
5,001 to 6,000	33.00	5,486.25 ~~5,461.50~~	5,511.00 ~~5,486.25~~	5,568.75 ~~5,511.00~~	5,651.25 ~~5,568.75~~	5,816.25 ~~5,626.50~~
6,001 to 7,000	36.40	6,051.50 ~~6,024.20~~	6,078.80 ~~6,051.50~~	6,142.50 ~~6,078.80~~	6,233.50 ~~6,142.50~~	6,415.50 ~~6,206.20~~
7,001 to 8,000	39.60	6,583.50 ~~6,553.80~~	6,613.20 ~~6,583.50~~	6,682.50 ~~6,613.20~~	6,781.50 ~~6,682.50~~	6,979.50 ~~6,751.80~~
8,001 to 9,000	42.75	7,107.19 ~~7,075.13~~	7,139.25 ~~7,107.19~~	7,214.06 ~~7,139.25~~	7,320.94 ~~7,214.06~~	7,534.69 ~~7,288.88~~
9,001 to 10,000	46.00	7,647.50 ~~7,613.00~~	7,682.00 ~~7,647.50~~	7,762.50 ~~7,682.00~~	7,877.50 ~~7,762.50~~	8,107.50 ~~7,843.00~~
10,001 to 11,000	48.85	8,121.31 ~~8,084.68~~	8,157.95 ~~8,121.31~~	8,243.44 ~~8,157.95~~	8,365.56 ~~8,243.44~~	8,609.81 ~~8,328.93~~

11,001 to 12,000	51.60	8,578.50 ~~8,539.80~~	8,617.20 ~~8,578.50~~	8,707.50 ~~8,617.20~~	8,836.50 ~~8,707.50~~	9,094.50 ~~8,797.80~~
12,001 to 13,000	54.60	9,077.25 ~~9,036.30~~	9,118.20 ~~9,077.25~~	9,213.75 ~~9,118.20~~	9,350.25 ~~9,213.75~~	9,623.25 ~~9,309.30~~
13,001 to 14,000	57.40	9,542.75 ~~9,499.70~~	9,585.80 ~~9,542.75~~	9,686.25 ~~9,585.80~~	9,829.75 ~~9,686.25~~	10,116.75 ~~9,786.70~~
14,001 to 15,000	60.00	9,975.00 ~~9,930.00~~	10,020.00 ~~9,975.00~~	10,125.00 ~~10,020.00~~	10,275.00 ~~10,125.00~~	10,575.00 ~~10,230.00~~

NOTES:

(1) Baseline water use for 20 fixture units is 25 TG/Qtr.

(2) Base charge is not included in rates above.

Board Agenda Item
April 5, 2016

3:30 p.m.

Public Hearing on PCA-A-936-03 (2222 Colts Neck Road, L.L.C.) to Amend the Proffers for RZ-A-936 Previously Approved for an Independent Living Facility to Permit Independent Living and Medical Care Facilities (Assisted Living) with an overall Floor Area Ratio of 1.22 and Associated Modifications to Proffers, Located on Approximately 4.33 Acres of Land Zoned PRC (Hunter Mill District) (Concurrent with PRCA-A-936 and DPA –A-936-05)

and

Public Hearing on PRCA-A-936 (2222 Colts Neck Road, L.L.C.) to Amend the Planned Residential Community Plan Associated with RZ-A-936 to Permit Independent Living and Medical Care Facilities (Assisted Living), Located on Approximately 4.33 Acres of Land Zoned PRC (Hunter Mill District) (Concurrent with PCA-A-936-03 and DPA-A-936-05)

and

Public Hearing on DPA-A-936-05 (2222 Colts Neck Road, L.L.C.) to Permit the Fifth Amendment of the Development Plan for RZ-A-936 to Permit Independent Living and Medical Care Facilities (Assisted Living) with an Overall Floor Area Ratio of 1.22, Located on Approximately 4.33 Acres of Land Zoned PRC (Hunter Mill District) (Concurrent with PCA-A-936-03 and PRCA-A-936)

This Property is located at on the East side of Reston Parkway and on the West side of Colts Neck Road, North of Glade Drive, and South of South Lakes Drive. Tax Map 26-1 ((13)) 1.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, February 17, 2016, the Planning Commission voted 12-0 to recommend the following actions to the Board of Supervisors:

- Approval of PCA-A-936-03, DPA-A-936-05, and PRCA-A-936, subject to the Proffered Conditions now dated February 11, 2016, and the proposed Development Conditions dated February 3, 2016;

- Approval of a modification of Section 13-303 of the Zoning Ordinance for the transitional screening requirement to that shown on the PCA/DPA/PRCA Plan;

- Approval of a waiver of Section 13-304 of the Zoning Ordinance for the barrier requirements; and

- Approval of a modification to the Fairfax County Countywide Trails Plan requirement along Colts Neck Road to that shown on the PCA/DPA/PRCA Plan.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commision Verbatim Transcript
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4514683.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Mary Ann Tsai, Planner, DPZ

PCA-A-936-03/PRCA-A-936/DPA-A-936-05 – 2222 COLTS NECK ROAD, LLC

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed. Mr. de la Fe.

Commissioner de la Fe: Thank you very much, Mr. Chairman. This is a good thing for Reston and I hope that we actually go ahead and develop it since we approved the original one a long time ago and nothing happened. But I do want to note that you received a change in the proffers regarding the use of parking spaces, which – all it does is to remove a reference to providing hang tags to residents – and also removing a sentence about the right to charge a fee for parking spaces by all residents. And that was – I thank the developer for agreeing to that proffer change. And that was directly at the request of the townhouse community next door to them because they were concerned about the possibility that some of the folks that were either living, working, or visiting this facility might want to park in their parking spaces. So with that, Mr. Chairman – Mr. Chairman, well there is – there are no – are there development conditions in this? I know that there are proffers, but I can't remember.

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Zoning: There are PRC conditions.

Commissioner de la Fe: That's right. There are – yes, could the applicant please confirm, for the record, agreement to the proposed PRC development conditions dated February 3rd, 2016?

Mark Looney, Applicant's Agent, Cooley, LLP: The applicant is agreeable to the conditions.

Commissioner de la Fe: Thank you very much. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-936-03 [sic], DPA-

Chairman Murphy: A.

Commissioner de la Fe: 3 – no it's 36-03 - 03 and then we go to PRC-

Chairman Murphy: There's an A after DPA-A.

Commissioner de la Fe: Yes, I haven't gotten there yet. The order is different, yes – PCA-A-936-03, DPA-A-936-05, AND PRCA-A-936, SUBJECT TO THE PROFFERED CONDITIONS NOW DATED FEBRUARY 11, 2016 AND THE PROPOSED DEVELOPMENT CONDITIONS DATED FEBRUARY 3RD.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors to approve all these applications, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: And, Mr. Chairman, I'll MOVE THREE OTHER MOTIONS TOGETHER. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF:

- A MODIFICATION OF SECTION 13-303 OF THE ZONING ORDINANCE FOR THE TRANSITIONAL SCREENING REQUIREMENT TO THAT SHOWN ON THE PCA/DPA/PRCA PLAN;

- A WAIVER OF SECTION 13-304 OF THE ZONING ORDINANCE FOR THE BARRIER REQUIREMENT; AND

- APPROVAL OF A MODIFICATION TO THE FAIRFAX COUNTY COUNTYWIDE TRAILS PLAN REQUIREMENT ALONG COLTS NECK ROAD TO THAT SHOWN ON THE PCA/DPA/PRCA PLAN.

Chairman Murphy: Seconded by Mr. Flanagan?

Commissioner Flanagan: Yes.

Chairman Murphy: He's watching that video screen. All those in favor of those motions say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(Each motion carried by a vote of 12-0.)

JLC

Board Agenda Item
April 5, 2016

3:30 p.m.

Public Hearing on SEA 97-V-061 (ARA, Inc. T/A Gunston Shell Service Station) to Amend SE 97-V-061 Previously Approved for a Service Station to Permit Modifications to the Site Design and Development Conditions, Located on Approximately 36,885 Square Feet of Land Zoned C-6 (Mount Vernon District)

This property is located at at 9801 Richmond Hwy., Lorton, 22079. Tax Map 113-2 ((1)) 24.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, February 17, 2016, the Planning Commission voted 11-0-1 (Commissioners Migliaccio abstained from the vote) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 97-V-061, subject to the Development Conditions dated February 16, 2016;
- Approval of a modification of the frontage improvements requirement in Section 17-201 of the zoning Ordinance in favor of that shown on the SEA Plat; and
- Approval of a waiver of the transitional screening and barrier requirements in Section 13-302 of the Zoning Ordinance in favor of those shown on the SEA Plat.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Transcript
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4511276.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Nick Rogers, Planner, DPZ

SEA 97-V-061 – ARA, INC. T/A GUNSTON SHELL SERVICE STATION

Decision Only During Commission Matters
(Public Hearing held on January 14, 2016)

Commissioner Flanagan: Yes, before I start, I'd like to defer to Commissioner Hart.

Commissioner Hart: Oh, thank you. Mr. Chairman, if we're doing the decision on the Gunston Shell case – yeah, I wanted to – before we go on the verbatim – between the time of the public hearing and tonight, the law firm of Hart & Horan, PC has one case with Mr. Jenkins, who is the appellants – or, excuse me, the applicant's agent – representing another party. That matter came up after we did the public hearing. I would've done the disclosure then. I'm doing it now. I don't believe it would affect my ability to participate in the case. We have no business or financial relationship. Those parties and that matter is entirely unrelated to this, but I'll make that disclosure. Thank you.

Chairman Murphy: Thank you very much. Mr. Flanagan.

Commissioner Flanagan: Yes. Well, I have a decision only on the agenda tonight. It's the first item. During the January 14 public hearing, regarding the Gunston Shell Service Station Special Exception Amendment 97-V-061, testimony by the South County Federation concurred with the staff recommendation of approval, provided six changes were made to the staff conditions. In addition, there was a commission question about the amount of right-of-way needed for the station property owner from the – station property owner – for the future widening of Richmond Highway. The Commission deferred a decision until tonight. County staff, the applicant, the South County Federation, and I met on February 10, during which all six concerns were reviewed. All now agree with the revised conditions distributed to the Commission yesterday. In addition, it was determined that the right-of-way needed in the VDOT location study plans for the widening of Richmond Highway will not be 48 feet, as in the staff report, but only 20 feet. I therefore request that the applicant come forward and confirm for the record their agreement to the proposed development conditions, now dated February 16, 2016.

Mark Jenkins, Applicant's Agent, Mark Jenkins, PC: Mark Jenkins, attorney and agent for the applicant, I have a copy of the conditions dated February the 10th. I assume that they're identical.

Commissioner Flanagan: Yes, they are.

Mr. Jenkins: They're a different date. I did want to clarify – I wasn't quite certain about the reference to the dedication, but we concur with the conditions as stated in the February 10th.

Commissioner Flanagan: Right.

Mr. Jenkins: We are not concurring with the dedication.

Commissioner Flanagan: There's no requirement for the dedication of that 20 feet at this time.

Mr. Jenkins: Thank you. So I can confirm that we are in agreement with the development conditions dated February the 16th, 2016.

Commissioner Flanagan: Thank you. Well therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 97-V-061, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 16, 2016.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? Mr. Sargeant.

Commissioner Sargeant: Mr. Chairman, just one question for clarification – for Commissioner Flanagan. In your statement regarding the right-of-way, does anything in that initiative – motion – impact otherwise – in any way the BRT-required right-of-way?

Commissioner Flanagan: The who? Who required?

Commissioner Sargeant: The Bus Rapid Transit right-of-way.

Commissioner Flanagan: That remains yet to be seen. At the present time, Embark calls for the bus rapid transit all the way to the Occoquan past this gas station. However, I think that it – it calls for it to be in dedicated lanes, but the text that goes along with it says that they would use local lanes south of the Fairfax County Parkway. So you'll note that at the Fairfax County Parkway as you go south, there's bridge construction across the Pohick Creek and there's a gap between the two bridges. So there's no way for the buses to go south of the Fairfax County Parkway, except on the regular lanes.

Commissioner Sargeant: Mr. Chairman, can I get a clarification from staff just so I know for my own understanding?

Chairman Murphy: Mr. Rogers.

Nicholas Rogers, Zoning Evaluation Division, Department of Planning and Zoning: Commissioner Sargeant, how can we help?

Commissioner Sargeant: Just want to make sure I understand that this does not influence – impact the requirements for bus rapid transit all the way down to the Occoquan, as Commissioner Flanagan described.

Mr. Rogers: It does not.

Commissioner Sargeant: So you're good to go with this? Thank you very much.

Mr. Rogers: You're welcome.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 97-V-061, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Mr. Chairman?

Commissioner Flanagan: I have two more motions, Mr. Chairman.

Chairman Murphy: Hold on.

Commissioner Migliaccio: Mr. Chairman, on that motion, I abstain. I was not here for the public hearing.

Chairman Murphy: Okay. Mr. Migliaccio abstains, not present for the public hearing. Mr. Flanagan.

Commissioner Flanagan: Yes. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE FRONTAGE IMPROVEMENTS REQUIREMENT IN SECTION 17-201 OF THE ZONING ORDINANCE IN FAVOR OF THAT SHOWN ON THE SEA PLAT.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Abstain.

Commissioner Flanagan: And finally, I move that the Planning Commission recommend

Chairman Murphy: And same abstention on that all-

Commissioner Flanagan: Same abstention? Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS IN SECTION 13-302 OF THE ZONING ORDINANCE IN FAVOR OF THOSE SHOWN ON THE SEA PLAT.

Commissioner Hedetniemi: Second.
Chairman Murphy: Seconded by Ms. Hedetniemi. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention. Thank you.

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(Each motion carried by a vote of 11-0-1. Commissioners Migliaccio abstained from the vote.)

JLC

Board Agenda Item
April 5, 2016

4:00 p.m.

Public Hearing on the County Executive's Proposed FY 2017 Advertised Budget Plan, the Advertised Capital Improvement Program for Fiscal Years 2017-2021 (CIP) (With Future Fiscal Years to 2026) and the Current Appropriation in the FY 2016 Revised Budget Plan

ENCLOSED DOCUMENTS:
None. Board Members will receive the Planning Commission's recommendations on the FY 2017 – FY 2021 Advertised Capital Improvement Program (With Future Fiscal Years to 2026) prior to the April 5, 2016, public hearing.

Board Members are requested to bring to the meeting the following documents previously forwarded to them:

1. *FY 2016 Third Quarter Review*
   Sent electronically March 14, 2016, and can also be found at:
   http://www.fairfaxcounty.gov/dmb/third_quarter/fy2016/third_quarter.htm

2. FY 2017 Advertised Budget Plan, Volumes 1 & 2 and the Budget Overview
   Sent electronically February 16, 2016, hard copies February 23, 2016, and can also be found at:
   http://www.fairfaxcounty.gov/dmb/fy2017/advertised/fy2017-advertised-budget.htm

3. FY 2017 – FY 2021 Advertised Capital Improvement Program (With Future Fiscal Years to 2026)
   Sent electronically February 16, 2016, hard copies February 23, 2016, and can also be found at:
   http://www.fairfaxcounty.gov/dmb/fy2017/advertised/cip.htm

STAFF:
Edward L. Long Jr., County Executive
Joe Mondoro, Chief Financial Officer