FAIRFAX COUNTY PLANNING COMMISSION
SCHOOL FACILITIES COMMITTEE
THURSDAY, NOVEMBER 30, 2006

COMMITTEE MEMBERS PRESENT:
Walter A. Alcorn, At-Large
John R. Byers, Mount Vernon District
Suzanne F. Harsel, Braddock District
Frank A. de la Fe, Hunter Mill District
Rodney L. Lusk, Lee District
Laurie Frost Wilson, At-Large

COMMITTEE MEMBERS ABSENT:
None

OTHER PLANNING COMMISSIONERS PRESENT:
James R. Hart, At-Large
Kenneth A. Lawrence, Providence District

SCHOOL BOARD MEMBERS PRESENT:
Catherine Belter, Springfield District
Kaye Kory, Mason District
Ilryong Moon, Chairman, At-Large
Phillip Niedzielski-Eichner, Providence District
Daniel Storck, Mount Vernon District

OTHERS PRESENT:
Jack Dale, Superintendent, Fairfax County Public Schools (FCPS)
Dean Tistadt, Assistant Superintendent, Department of Facilities and Transportation Services, FCPS
Lee Ann Pender, Director, Office of Administrative Services, Department of Facilities and Transportation Services, FCPS
Robert Cordova, Office of Administrative Services Department of Facilities & Transportation Services, FCPS
Jimmie Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Assad Ayoubi, DPWES
Len Forkas, Milestone Communications
Ari Cetron, *Connection Newspapers*
Barbara J. Lippa, Executive Director, Planning Commission Office
Linda B. Rodeffer, Clerk to the Planning Commission

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The meeting was called to order at 7:32 p.m. by Chairman Suzanne F. Harsel, in the Board of Supervisors' Conference Room of the Fairfax County Government Center, at 12000 Government Center Parkway, Fairfax, Virginia 20035.

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Chairman Harsel noted that the first order of business was approval of committee minutes.

Commissioner de la Fe MOVED THAT THE FOLLOWING SCHOOLS FACILITIES COMMITTEE MINUTES BE APPROVED:

JANUARY 18, 2006
MAY 31, 2006.

Commissioner Wilson seconded the motion which carried unanimously.

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Chairman Harsel said the topic for tonight's meeting was the site plan review process for school renovations. She explained that because most schools were located on large parcels of land and were not constrained by floor area ratio (FAR), many renovations could be made without rezoning approval. However, she pointed out that the site plan had to be reviewed and approved by the Director of the Department of Public Works and Environmental Services (DPWES).

Responding to a question from Commissioner Byers, Assad Ayoubi, DPWES, explained that trailer square footage was counted toward FAR unless it was a temporary use.

In response to a question from Chairman Harsel, Dean Tisdadt, FCPS, said sometimes school renovation did not eliminate the need for modular classrooms.

Mr. Assad pointed out that zoning requirements stated that if more than 250 square feet of gross floor area was added, including modular units, site plan approval was required. He said if public improvements, such as frontage, sidewalks, trails, stormwater management facilities, best management practices (BMP) detention, landscaping, transitional screening, and street lights were in place, a minor site plan could be submitted to allow for modular units or renovation. He added that in some cases improvements could be waived by the Department of Public Works and Environmental Services (DPWES). Jimmie Jenkins, Director, DPWES, noted that in the vast majority of cases, DPWES did not have waiver ability. Mr. Assad said that adequate outfall requirements and easements for off site facilities could not be waived, but in some cases easements were not necessary because the improvements were within the state right-of-way.

Responding to a question from Kaye Kory, Mason District School Board member, Mr. Assad said if additional impervious surface increased runoff, even during construction, adequate outfall requirements had to be met in accordance with the *Code of Virginia*. In response to another

question from Ms. Kory, Mr. Assad said that if improvements took less than three months, they could be exempt from minor site plan requirements, in accordance with County Ordinance.

Chairman Harsel noted that this meeting had been scheduled to address concerns raised by the School Board regarding the cost incurred to comply with County regulations when renovating schools.

Mr. Tisdadt explained that the school system was held to the same standards as developers and had to pay for road and other improvements which resulted in less money for classrooms. For example, he said it would cost about $150,000 to add 30 parking spaces to Oakton Elementary School, but required improvements, such as road improvements, sidewalks, streetlights, and stormwater management improvements, more than doubled that amount. He said these improvements required the expenditure of bond money which had been approved for classrooms. Mr. Jenkins confirmed that the County treated its own projects in the same manner as any other development. Mr. Tisdadt said the fundamental policy issue to be addressed was should the County continue the practice of holding the school system to the same standards as developers, knowing that it required diversion of a substantial amount of funding intended for classrooms.

Commissioner de la Fe pointed out that the Park Authority had the same issue but said if FCPS was not held to the same standard as developers, it could put the County in a bad light. Chairman Harsel noted that some of the required improvements were necessary to ensure the safety of school children.

Commissioner Wilson asked if the County Attorney had been consulted about this issue because she was not sure the County had the authority to exempt FCPS from such requirements imposed upon developers. Mr. Jenkins noted that some requirements, such as drainage and sedimentation and control issues, were required by state law and that some requirements, such as streetlights and road improvements, were required by the County's Public Facilities Manual. Commissioner Wilson pointed out that road improvements, not needed for a project, could not be required.

Mr. Tisdadt said it was important for governing bodies, i.e., the School Board, Planning Commission, and the Board of Supervisors (BOS), to be aware that an increasing amount of bond money was being used for site improvements not actual construction. He pointed out that eventually these improvements, such as stormwater management, could require the elimination of playing fields or below ground structures which were very expensive.

Ms. Kory noted that the School Board was not asking to be exempt from all of the rules and regulations that applied to developers and did not want to be viewed as being adversarial, but wanted the Commission and the BOS to understand that these requirements were escalating the cost of renovation and the three to six million dollars a year spent on permits was not going towards actual classroom construction.

Commissioner Hart said he did not think the School Board was being adversarial and he was glad the issue had been raised. He suggested that the County Attorney's Office (CAO) be asked

what requirements were required by State *Code* that the County was could not change and the legality of waiving requirements, subject to the Public Facilities Manual (PFM), for public agencies but not the private sector. He said this needed to be sorted out before a strategy could be developed to address the escalating school renovation costs.

Chairman Harsel asked the School Board members to put their questions about the site plan review process in writing.

Phillip Niedzielski-Eichner, Providence District School Board member, explained that $155 million was spent annually on construction and renovation programs and that there was a $1.6 billion backlog. He said construction costs were increasing astronomically and the School Board was looking for relief wherever it could be found.

Mr. Jenkins agreed that a legal opinion was needed to determine if the County could waive requirements for a public agency yet impose those requirements on developers.

Chairman Moon asked if the Commission would be willing to send a letter to the CAO requesting an opinion about what requirements could be modified or waived to save costs.

Commissioner de la Fe commented that the CAO had issued an opinion on this question in the past with regard to the Park Authority and although the answer had been "no," it was worth asking again because circumstances may have changed. He said he thought a waiver of fees was a reasonable request but the reality was that money for improvements would have to come from somewhere, such as an increase in property taxes.

Reviewing the discussion, Chairman Harsel said the Commission would send a letter to CAO explaining that a significant amount of bond money was being used for fees and improvements when renovating schools and that the School Board was seeking relief wherever possible.

In response to a question from Commissioner Wilson, Mr. Tisdadt said that stormwater management, road frontages, and fees were the main improvements that the School Board would like to see waived. He said if only minor site improvements were being made, perhaps stormwater management for the new improvements only would have to be brought up to standard, rather than the entire site.

Both Mr. Tisdadt and Mr. Jenkins commented that a good relationship existed between FCPS and DPWES but acknowledged that DPWES did not have the authority to waive requirements or fees.

Ms. Kory asked if the site plan review process could be expedited in order to reduce costs.

Commissioner Byers said that he had a concern about frontage and road improvements because left turn access and deceleration lanes were needed for safety. He said even if the County Attorney said these requirements could be waived, it could create a safety problem and asked who would have the authority to decide what improvements should be waived.

Mr. Tisdadt noted that in some cases there were no compelling safety issues associated with renovations and said that FCPS was also very concerned about safety and if a hazard existed it would be addressed.

Commissioner Alcorn pointed out that perhaps other options might be available, such as the designation of an ombudsman to serve as liaison between FCPS and DPWES, as had been done with DPZ and places of worship.

Mr. Jenkins noted that he had offered to work with Mr. Tisdadt in an emergency situation to expedite the review process as much as possible. He also said an effective way to facilitate site plan approval was to work with a consultant who was familiar with the County process and to have a pre-submittal review.

Chairman Moon said staff would send the committee a letter identifying areas of concern and Chairman Harsel said the CAO would be asked for advice on this matter.

The next meeting of the committee was scheduled on January 18, 2007.

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The meeting was adjourned at 8:19 p.m.
Suzanne F. Harsel, Chairman

An audio recording of this meeting is available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Linda B. Rodeffer

Approved on: January 18, 2007

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Linda B. Rodeffer, Clerk
Fairfax County Planning Commission