FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 28, 2017

AGENDA

8:30	Reception for Development Disabilities Inclusion Month, Lambert Conference Center
8:30	Reception for Alternative Dispute Resolution Month, Lambert Conference Center, Conference Room # 8
9:30	Presentations
10:00	Report on General Assembly Activities
10:30	Presentation on the Mission, Programs, and Committees of the Metropolitan Washington Council of Governments (COG)
10:40	Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:50	Items Presented by the County Executive

ADMINISTRATIVE ITEMS

1	Authorization to Advertise a Public Hearing for a Sewer Ordinance Amendment to Revise the Sewer Service Charges, Base Charges, Availability Charges, Fixture Unit Charge and Equivalent Unit Flow
2	Street into the Secondary System (Mount Vernon District)
3	Authorization to Advertise a Public Hearing on the Proposed Creation of a Reston Transportation Service District (Hunter Mill and Dranesville Districts)
4	Authorization to Advertise Publication of the FY 2018 Budget and Required Tax Rates, the FY 2018 Effective Tax Rate Increase, and the Advertised Capital Improvement Program for Fiscal Years 2018-2022 (With Future Fiscal Years to 2027)

ACTION ITEMS

1	Approval of License Agreements with Bikes for the World for the Use of County-Owned Property at I-95 Landfill and West Ox Transfer Station (Mount Vernon and Springfield Districts)
2	Approval of Calendar Year 2017 Forest Pest Management Program
3	Approval of the Disease Carrying Insects Program

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ACTION ITEMS (Continued)

4		Approval of License Agreement with George Mason University for the Use of County-Owned Property at I-95 Landfill (Mount Vernon District)
5		Adjustment to Fairfax Center, Centreville, Tysons, Tysons-Wide and Tysons Grid of Streets Road Funds (Dranesville, Springfield, Hunter Mill, Braddock, Sully, and Providence Districts)
6		Establishment of the Reston Road Fund, and Adoption of the Respective Guidelines (Dranesville and Hunter Mill Districts)
7		Adoption of Guidelines for the Economic Opportunity Reserve and Economic Development Support Fund
8		Clarifications for Action Item 17, Establishment of a Police Civilian Review Panel, Approved by the Board of Supervisors on December 6, 2016

CONSIDERATION ITEMS

1		Appeal of Merion Homes Pimmit, LLC from a Decision of the Exception Review Committee Pursuant to the Chesapeake Bay Preservation Ordinance for Pimmit Hills Section 3, Lot 33, Tax Map No. 0401-02-0033 (Dranesville District)
11:00		Matters Presented by Board Members
11:50		Closed Session

PUBLIC HEARINGS

3:30	**To be deferred to 3/14/17 at 4:00 p.m.**	Public Hearing on SEA 95-H-013 (Macs Retail, LLC) (Hunter Mill District)
3:30	**To be deferred to 7/25/17 at 3:30 p.m.**	Public Hearing on PCA 2011-PR-011-02 (Cityline Partners, LLC) (Providence District)
3:30		Public Hearing on PCA 2003-HM-046-03 and CDPA 2003-HM-046 (Woodland Park Parcel I, L.P. and NVR. INC) (Hunter Mill District)
3:30		Public Hearing on PCA 2000-HM-044-02 and CDPA 2000-HM-044 (Woodland Park Parcel I, L.P. and NVR. INC) (Hunter Mill District)

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PUBLIC HEARINGS
(CONTINUED)

4:00	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Craft Beverage Production Establishments
4:00	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Articles 6 and 8 - Planned Development Housing (PDH) District and Group 5 Special Permit, Commercial Recreation Uses
4:00	Public Hearing to Consider Adopting an Ordinance Expanding the Graham Residential Permit Parking District, District 34 (Providence District)
4:00	Public Hearing to Consider Adopting an Ordinance Expanding the Culmore Residential Permit Parking District, District 9 (Mason District)
4:30	Public Hearing to Convey Board-Owned Property at 1311 Spring Hill Road to the Fairfax County Park Authority (Dranesville District)
4:30	Public Hearing on the Proposed Funding Plan for Reston Transportation Projects (Hunter Mill and Dranesville Districts)
4:30	Public Hearing on a New Cooperative Agreement Between the Fairfax County Board of Supervisors and the Towns of Vienna and Herndon to Share Stormwater Service District Fees and Responsibilities for Related Services
4:30	Public Hearing on RZ 2011-MV-033 (Lorton Valley III, LLC) (Mount Vernon District)
4:30	Public Hearing to Consider Disposition of County-Owned Property Pursuant to a Real Estate Exchange Agreement Between the Board of Supervisors and Columbia Crossroads L.P. (“Columbia Crossroads”) (Mason District)
5:00	Public Comment

Fairfax County, Virginia

BOARD OF SUPERVISORS AGENDA

Tuesday
February 28, 2017

9:30 a.m.

Presentation of the Carnegie Medal

The Carnegie Hero Fund Commission will present the Carnegie Medal to Fairfax County resident Peter F. Pontzer in recognition of his assistance to save a boy from drowning in Emerald Isle, North Carolina.

PRESENTATIONS

- PROCLAMATION – To designate March 2017 as Intellectual and Developmental Disabilities Inclusion Month in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate March 2017 as Alternative Dispute Resolution Month in Fairfax County. Requested by Supervisor Cook.
- PROCLAMATION – To designate April 3-9, 2017, as Public Health Week in Fairfax County. Requested by Chairman Bulova.

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

Board Agenda Item
February 28, 2017

10:00 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:
None. Materials to be distributed to the Board of Supervisors on February 28, 2017 and printed copy available for review in the Office of the Clerk to the Board.

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

Board Agenda Item
February 28, 2017

10:30 a.m.

Presentation on the Mission, Programs, and Committees of the Metropolitan Washington Council of Governments (COG)

ENCLOSED DOCUMENTS:
None. Materials to be distributed at the Board meeting.

PRESENTED BY:
Chuck Bean, Executive Director, Metropolitan Washington Council of Governments
Rick Konrad, Cooperative Purchasing Program Manager, Metropolitan Washington Council of Governments

Board Agenda Item
February 28, 2017

10:40 a.m.

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

ENCLOSED DOCUMENTS:
Attachment 1: Appointments to be heard February 28, 2017
(An updated list will be distributed at the Board meeting.)

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

February 28, 2017

NOTE: A revised list will be distributed immediately prior to the Board meeting.

APPOINTMENTS TO BE HEARD FEBRUARY 28, 2017

(ENCOMPASSING VACANCIES PROJECTED THROUGH FEBRUARY 28, 2017)

(Unless otherwise noted, members are eligible for reappointment)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

(1 year)

Incumbent History	Requirement	Nominee	Supervisor	District
Clifford L. Fields (Appointed 1/96-1/03 by Hanley; 1/04-1/08 by Connolly, 2/09-1/16 by Bulova) Term exp. 1/17	At-Large Chairman's Representative		Bulova	At-Large Chairman's
Eileen J. Garnett (Appointed 1/03-2/16 by Gross) Term exp. 1/17	Mason District Representative		Gross	Mason
VACANT (Formerly held by Christopher Moeller; appointed 3/16 by Storck) Term exp. 1/17 *Resigned*	Mount Vernon District Representative		Storck	Mount Vernon
Philip E. Rosenthal (Appointed 1/92-2/08 by McConnell, 1/09-1/16 by Herrity) Term exp. 1/17	Springfield District Representative		Herrity	Springfield
LaNoral Thomas (Appointed 2/16 by K. Smith) Term exp. 1/17	Sully District Representative		K. Smith	Sully

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Heather Scott; appointed 4/16 by Cook) Term exp. 9/17 *Resigned*	Braddock District Representative		Cook	Braddock
VACANT (Formerly held by Virginia L. Peters; appointed 10/14 by Hyland) Term exp. 9/16 *Resigned*	Mount Vernon District Representative		Storck	Mount Vernon

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Arthur R. Genuario; appointed 4/96-5/12 by Hyland) Term exp. 9/13 *Resigned*	Builder (Single Family) Representative	**Kenneth Heyman** (Storck)	By Any Supervisor	At-Large
Mark Drake (Appointed2/09-5/12 by McKay) Term exp. 5/16	Engineer/Architect/ Planner #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly) Term exp. 5/10 *Resigned*	Lending Institution Representative		By Any Supervisor	At-Large

AIRPORTS ADVISORY COMMITTEE (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Edward Robichaud (Appointed 2/11-1/14 by Hudgins) Term exp. 1/17	Hunter Mill District Representative		Hudgins	Hunter Mill
VACANT (Formerly held by Brian Elson; appointed 7/13-1/15 by Hyland) Term exp. 1/18 *Resigned*	Mount Vernon District Business Representative	**Michael F. Rioux**	Storck	Mount Vernon
VACANT (Formerly held by Robert A. Peter; appointed 2/09-1/13 by Smyth) Term exp. 1/16 *Resigned*	Providence District Representative		L. Smyth	Providence

ANIMAL SERVICES ADVISORY COMMISSION (2 years)
[Note: In addition to attendance at Commission meetings, members shall volunteer at least 24 hours per year in some capacity for the Animal Services Division.]

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Barbara Hyde; appointed 9/13-9/14 by Gross) Term exp. 2/16 *Resigned*	Mason District Representative		Gross	Mason

ARCHITECTURAL REVIEW BOARD (3 years)

[NOTE: Members shall be appointed by the Board of Supervisors as follows: at least two (2) members shall be certified architects; one (1) landscape architect authorized to practice in Virginia; one (1) lawyer with membership in the Virginia Bar; six (6) other members shall be drawn from the ranks of related professional groups such as archaeologists, historians, lawyers, and real estate brokers.]

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (John Boland; appointed 2/91-9/95 by Dix; 7/01 by Mendelsohn; 9/04-9/07 by DuBois; 9/10-9/13 by Foust) Term exp. 9/16 *Resigned*	Attorney Representative		By Any Supervisor	At-Large
VACANT (Formerly held by John Manganello; appointed 7/15 by Hudgins) Term exp. 9/18 *Resigned*	Related Professional Group #4 Representative		By Any Supervisor	At-Large

ATHLETIC COUNCIL (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Terry Adams (Appointed 11/11-7/13 by Gross) Term exp. 6/15	Mason District Alternate Representative		Gross	Mason
VACANT (Formerly held by Jonathan Willmott; Appointed 5/07-4/15 by Hyland) Term exp. 3/17 *Resigned*	Mount Vernon District Principal Representative		Storck	Mount Vernon

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1 year)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Judith Fogel; appointed 6/12-5/15 by Gross) Term exp. 6/16 *Resigned*	Mason District Representative		Gross	Mason
VACANT (Formerly held by Brett Kenney; appointed 10/13-9/15 by Hyland) Term exp. 6/16 *Resigned*	Mount Vernon District Representative		Storck	Mount Vernon

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4 years)

(No official, technical assistant, inspector or other employee of the DPWES, DPZ, or FR shall serve as a member of the board.)

Incumbent History	Requirement	Nominee	Supervisor	District
Wayne Bryan (Appointed 6/13 by Bulova) Term exp. 2/17	Alternate #1 Representative		By Any Supervisor	At-Large
Michael J. Grinnell (Appointed 7/15 by Herrity) Term exp. 2/17	Alternate #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Susan Kim Harris; appointed 5/09-2/11 by Hudgins) Term exp. 2/15 *Resigned*	Alternate #4 Representative		By Any Supervisor	At-Large

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BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4 years)
continued

Incumbent History	Requirement	Nominee	Supervisor	District
Thomas J. Schroeder (Appointed 6/13 by Bulova) Term exp. 2/17	Design Professional #1 Representative		By Any Supervisor	At-Large
David A. Beale (Appointed 1/10-2/13 by Bulova) Term exp. 2/17	Design Professional #3 Representative		By Any Supervisor	At-Large

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Ryan Davis; appointed 2/05-12/05 by McConnell; 2/08-1/16 by Herrity) Term exp. 12/17 *Resigned*	Professional #3 Representative		By Any Supervisor	At-Large

CHESAPEAKE BAY PRESERVATION ORDINANCE
EXCEPTION REVIEW COMMITTEE (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Stephen Kirby; appointed 12/03-1/08 by Kauffman; 9/11 by McKay) Term exp. 9/15 *Resigned*	Lee District Representative		McKay	Lee

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Brian Loo; appointed 7/12 by Smyth) Term exp. 9/15 *Resigned*	Providence District Representative		L. Smyth	Providence
VACANT (Formerly held by David Schnare; appointed 12/08 by McConnell; 11/10-9/15 by Herrity) Term exp. 9/19 *Resigned*	Springfield District Representative		Herrity	Springfield

CHILD CARE ADVISORY COUNCIL (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Eric Rardin; appointed 4/13 by Hyland) Term exp. 9/15 *Resigned*	Mount Vernon District Representative		Storck	Mount Vernon
VACANT (Formerly held by Hugh Mac Cannon; appointed 12/09-9/14 by Herrity) Term exp. 9/16 *Resigned*	Springfield District Representative		Herrity	Springfield
Gita D'Souza Kumar (Appointed 7/12-3/15 by Frey) Term exp. 2/17	Sully District Representative		K. Smith	Sully

COMMISSION FOR WOMEN (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Maria Jarmila Vorel; appointed 10/13 by Hyland) Term exp. 10/16 *Resigned*	Mount Vernon District Representative	**Lisa A. Sales**	Storck	Mount Vernon

COMMISSION ON AGING (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Eleanor Fusaro; appointed 1/14-5/14 by Hudgins) Term exp. 5/16 *Resigned*	Hunter Mill District Representative		Hudgins	Hunter Mill

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Susan V. Infeld: appointed 9/15 by Hudgins) Term exp. 1/17 *Resigned*	At-Large Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Benjamin Gibson; appointed 4/11 by McKay) Term exp. 1/15 *Resigned*	Lee District Representative		McKay	Lee
VACANT (Formerly held by Adrienne M. Walters; appointed 3/14 By L. Smyth) Term exp. 1/17 *Resigned*	Providence District Representative		L. Smyth	Providence
VACANT (Formerly held by William Stephens; appointed 9/02-1/03 by McConnell; 1/07-1/11 by Herrity) Term exp. 1/15 *Resigned*	Springfield District Representative		Herrity	Springfield

COMMUNITY ACTION ADVISORY BOARD (CAAB)
(3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Rodney Scott; appointed 3/11-2/14 by Hudgins) Term exp. 2/17 *Resigned*	Hunter Mill District Representative		Hudgins	Hunter Mill
Jim Edwards-Hewitt (Appointed 10/05-2/14 by Gross) Term exp. 2/17	Mason District Representative		Gross	Mason
VACANT (Formerly held by Gregory W. Packer; appointed 9/10-2/13 by Hyland) Term exp. 2/16 *Resigned*	Mount Vernon District Representative	**Lanita R. Thweatt**	Storck	Mount Vernon

CONFIRMATION NEEDED:

- Ms. Alice Yam as the Elected Target Area #1 Representative

CONSUMER PROTECTION COMMISSION
(3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Adam Samuel Roth; appointed 9/15 by L. Smyth) Term exp. 7/18 *Resigned*	Fairfax County Resident #13 Representative	**Umair Javed** (L. Smyth)	By Any Supervisor	At-Large

ENGINEERING STANDARDS REVIEW COMMITTEE (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District

CONFIRMATION NEEDED:

- Mr. Robert Meredith as the League of Women Voters Representative

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

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

Incumbent History	Requirement	Nominee	Supervisor	District
Jacqueline Browne (Appointed 9/08-12/11 by Gross) Term exp. 11/14	Mason District Representative		Gross	Mason

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD
(3 years – limited to 3 full terms)

[NOTE: In accordance with *Virginia Code* Section 37.2-501, "prior to making appointments, the governing body shall disclose the names of those persons being considered for appointment." Members can be reappointed after 1 year break from initial 3 full terms, VA Code 37.2-502.

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Jeffrey M. Wisoff; appointed 6/13-6/14 by Smyth) Term exp. 6/17 *Resigned*	Providence District Representative		L. Smyth	Providence

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Phil Tobey; appointed 6/11-5/14 by Hudgins) Term exp. 6/17 *Resigned*	Consumer #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Ananth Thyagarajan; Appointed 7/15 by Bulova) Term exp. 6/18 *Resigned*	Provider #1 Representative		By Any Supervisor	At-Large

HISTORY COMMISSION (3 years)
[NOTE: The Commission shall include at least one member who is a resident from each supervisor district.] Current Membership:

Braddock - 3	Lee - 2	Providence - 1
Dranesville - 2	Mason - 0	Springfield - 2
Hunter Mill - 3	Mt. Vernon - 2	Sully - 2

Incumbent History	Requirement	Nominee	Supervisor	District
Elise Ruff Murray (Appointed 11/83-11/89 by Pennino; 11/92-11/01 by Hanley; 12/04-11/13 by Hudgins) Term exp. 12/16 *Hunter Mill District Resident*	Citizen #3 Representative		By Any Supervisor	At-Large

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HISTORY COMMISSION (3 years)
continued

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Rachel Rifkind; appointed 12/13 by Gross) Term exp. 9/16 *Mason District Resident Resigned*	Citizen #7 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Naomi D. Zeavin; appointed 1/95 by Trapnell; 1/96-11/13 by Gross) Term exp. 12/16 *Mason District Resident Resigned*	Historian #1 Representative		By Any Supervisor	At-Large

HUMAN SERVICES COUNCIL (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Jack Dobbyn; appointed 2/13 by Hyland) Term exp. 7/16 *Resigned*	Mount Vernon District #1 Representative		Storck	Mount Vernon

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)
(3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
John P. Skudlarek (Appointed 1/04-11/13 by Hyland) Term exp. 12/16	Mount Vernon District Representative		Storck	Mount Vernon

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL
(2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
John W. Herold (Appointed 11/13-1/15 by Bulova) Term exp. 1/17	At-Large Chairman's Representative		Bulova	At-Large Chairman's
Patricia L. Smith-Solan (Appointed 1/08-1/15 by Hudgins) Term exp. 1/17	Hunter Mill District Representative		Hudgins	Hunter Mill
Joleane Dutzman (Appointed 1/10-1/15 by Hyland) Term exp. 1/17	Mount Vernon District Representative	**Joleane Dutzman**	Storck	Mount Vernon

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by William Uehling; appointed 3/10-7/12 by Bulova) Term exp. 6/15 *Resigned*	Braddock District Representative		Cook	Braddock
VACANT (Formerly held by Amy K. Reif; appointed 8/09-6/12 by Foust) Term exp. 6/15 *Resigned*	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Adam Parnes; appointed 9/03-6/12 by Hudgins) Term exp. 6/15 *Resigned*	Hunter Mill District Representative		Hudgins	Hunter Mill
VACANT (Formerly held by Jeffrey Levy; Appointed 7/02-6/13 by Hyland) Term exp. 6/16 *Resigned*	Mount Vernon District Representative		Storck	Mount Vernon
VACANT (Formerly held by Tina Montgomery; appointed 9/10-6/11 by Smyth) Term exp. 6/14 *Resigned*	Providence District Representative		L. Smyth	Providence

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Craig Dyson; appointed 1/06-11/13 by Hyland) Term exp. 12/17 *Resigned*	Citizen At-Large #1 Representative	**Jay A. Jupiter** (Storck)	By Any Supervisor	At-Large
VACANT (Formerly held by Stephen Gallagher; appointed 7/10-5/14 by Bulova) Term exp. 6/18 *Resigned*	Citizen At-Large #3 Representative		By Any Supervisor	At-Large

ROAD VIEWERS BOARD (1 year)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Joseph Bunnell; appointed 9/05-12/06 by McConnell; 2/08-11/13 by Herrity) Term exp. 12/14 *Resigned*	At-Large #1 Representative		By Any Supervisor	At-Large
John W. Ewing (Appointed 2/01-11/02 by Hanley; 1/04-12/08 by Connolly; 12/09-1/16 by Bulova) Term exp. 12/16	At-Large #2 Representative		By Any Supervisor	At-Large

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ROAD VIEWERS BOARD (1 year)
continued

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Stephen E. Still; appointed 6/06-12/11 by Smyth) Term exp. 12/12 *Resigned*	At-Large #4 Representative		By Any Supervisor	At-Large

SMALL BUSINESS COMMISSION, FAIRFAX COUNTY (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Beatrice Malone; appointed 11/05-11/14 by Hudgins) Term exp. 12/17 *Deceased*	Hunter Mill District Representative		Hudgins	Hunter Mill

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Ram Singh; appointed 5/06-3/16 by Hudgins) Term exp. 3/18 *Resigned*	Fairfax County #6 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Linda Diamond; appointed 3/07-4/13 by Hudgins) Term exp. 3/15 *Resigned*	Fairfax County #8 Representative		By Any Supervisor	At-Large

TENANT LANDLORD COMMISSION (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Michael R. Congleton (Appointed 7/13-1/14 by Herrity) Term exp. 1/17	Citizen Member #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Sally D. Liff; appointed 8/04-1/11 by Smyth) Term exp. 1/14 *Deceased*	Condo Owner Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Kevin Denton; appointed 4/10&1/11 by Smyth) Term exp. 1/14 *Resigned*	Tenant Member #3 Representative		By Any Supervisor	At-Large

TRAILS AND SIDEWALKS COMMITTEE (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Christopher T. Bauernshub; appointed 4/16 by Cook) Term exp. 1/18 *Resigned*	Braddock District Representative	**Robert W. Cosgriff**	Cook	Braddock

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD
(2 YEARS)

Incumbent History	Requirement	Nominee	Supervisor	District
Laurie DiRocco (Appointed 5/14-2/15 by Bulova) Term exp. 2/17	Adjacent Community Member Representative #1		Bulova	At-Large
Sally Horn (Appointed 2/13-1/15 by Bulova) Term exp. 2/17	Adjacent Community Member Representative #2		Bulova	At-Large
Jim Policaro (Appointed 2/13-1/15 by Bulova) Term exp. 2/17	Commercial or Retail Ownership Representative #1		Bulova	At-Large
Cory Scott (Appointed 1/16 by Bulova) Term exp. 2/17	Commercial or Retail Ownership Representative #2		Bulova	At-Large
Barry Mark (Appointed 3/15 by Bulova) Term exp. 2/17	Commercial or Retail Ownership Representative #3		Bulova	At-Large
Mark Zetts (Appointed 2/13-1/15 by Foust) Term exp. 2/17	Dranesville District Representative		Foust	Dranesville
Jay Klug (Appointed 2/13-1/15 by Hudgins) Term exp. 2/17	Hunter Mill District Representative #1		Hudgins	Hunter Mill
Raymond Baxter (Appointed 2/13-1/15 by Hudgins) Term exp. 2/17	Hunter Mill District Representative #2		Hudgins	Hunter Mill

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TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD
(2 YEARS)
continued

Incumbent History	Requirement	Nominee	Supervisor	District
Christopher M. Auth (Appointed 2/15 by Smyth) Term exp. 2/17	Providence District Representative #1		L. Smyth	Providence
Molly Peacock (Appointed 2/13-1/15 by Smyth) Term exp. 2/17	Providence District Representative #2		L. Smyth	Providence
Pindar Van Arman (Appointed 11/16 by Smyth) Term exp. 2/17	Residential Owners and HOA/Civic Association Representative #1		L. Smyth	Providence
Douglas M. Doolittle (Appointed 6/15 by Smyth) Term exp. 2/17	Residential Owners and HOA/Civic Association Representative #2		L. Smyth	Providence
Claudia Diamond (Appointed 2/13-1/15 by Hudgins) Term exp. 2/17	Residential Owners and HOA/Civic Association Representative #3		Hudgins	Hunter Mill

CONFIRMATIONS NEEDED:

- Ms. Cindy Clare as the Apartment or Rental Owner Association Representative
- Mr. Stu Mendelsohn as the Chamber of Commerce lessees of Non-Residential Space Representative
- Mr. Terrence J. Miller as the Tysons Partnership #1 Representative
- Mr. Aaron Georgelas as the Tysons Partnership #2 Representative

UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA)
(4 years)

CONFIRMATIONS NEEDED:

- Mr. John W. di Zerega as the Fairfax County #2 Representative
- Mr. Randy Bartlett as the Fairfax County Alternate #2 Representative

WETLANDS BOARD (5 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Deana M. Crumbling (Appointed 1/14 by Bulova) Term exp. 7/16	Alternate #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Julia E. Pfaff; appointed 9/10-11/14 by McKay) Term exp. 12/19 *Resigned*	Lee District Representative		McKay	Lee
VACANT (Formerly held by David F. Geneson; appointed 6/93-12/11 by Hyland) Term exp. 12/16 *Resigned*	Mount Vernon District #2 Representative		Storck	Mount Vernon

Board Agenda Item
February 28, 2017

10:50 a.m.

Items Presented by the County Executive

Board Agenda Item
February 28, 2017

ADMINISTRATIVE – 1

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

ISSUE:
Board authorization is needed to advertise a public hearing for the purpose of amending the County's sewer ordinance. As shown in the proposed advertisements provided in Attachments Ia, and Ib, the sewer ordinance is being proposed to be amended to revise the Sewer Service Charges, Base Charges, Availability Charges, Fixture Unit Charge, and Equivalent Unit Flow. 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 2017 through FY 2022
2. To re-affirm and establish the Base Charge for FY 2017 through FY 2022
3. To re-affirm and establish the Availability Charges for FY 2017 through FY 2022
4. To re-affirm and establish the Fixture Unit Charge for FY 2017 through FY 2022
5. To reduce the Equivalent Unit Flow from 300 gallons per day to 280 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 authorize two advertisements, one for Sewer Service Charges and the Base Charges, another for Availability Charges, Fixture Unit Charge, and Equivalent Unit Flow as proposed in Attachments Ia and Ib.

TIMING:
Action must be taken on February 28, 2017, to provide adequate notice of a public hearing for comments on the proposed sewer rate revisions. The public hearing will be held on April 04, 2017, at 3:00 p.m. Decision on the sewer rate revisions will coincide with the markup and adoption of the FY 2018 Advertised Budget Plan. FY 2018 new charges will become effective on July 1, 2017.

BACKGROUND:
In December 2016, the Wastewater Management Program and its consultants, Public Resources Management Group, completed the Rate Study. To adequately support the Program, $193,605,508 in revenues will be needed in FY 2018 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 its AAA sewer revenue bond rating. The FY 2018 sewer charges are 2.9 percent higher than the FY 2017 sewer charges. This will result in an increase of $16.80 in the annual sewer service cost to a typical residential customer (or $1.40 per month).

The following proposed rate amendments will meet the revenue requirements by increasing the Base Charge, Sewer Service Charge, and Availability Charge. The current Base Charge of $24.68 per bill recovers 17.2 percent of the Program's costs. Cost recovery through the 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 Base Charge by $2.94 per quarter for FY 2018 for a total Base Charge of $27.62 per quarterly bill. The proposed Base Charge will recover 19.1 percent of the cost in FY 2018. Industry practice is to recover 25 to 30 percent of the total costs through a Base Charge. In order to strive towards such recovery rate, a phased-in approach is being proposed, as shown in the following table.

Year	Base Charge Per Quarterly Bill	Sewer Charges Percentage Increase	Percent Revenue from Base Charge
2017	$24.68	NA	17.2%
2018	$27.62	2.9%	19.1%
2019	$30.38	4.9%	20.1%
2020	$33.42	5.9%	21.1%
2021	$36.76	5.9%	22.0%
2022	$40.44	6.0%	22.8%

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PROPOSED BASE CHARGE AND SEWER SERVICE CHARGE SCHEDULE

To generate the remaining amount of required revenues, it is proposed to increase the Sewer Service Charge by $0.07 from the current rate of $6.68 to $6.75 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. The revised, five-year rate schedule for the Base Charge and Sewer Service Charge is as follows:

BASE CHARGE SCHEDULE
Cost ($) per Quarterly Bill
Proposed New in **Bold**

Type of Connection	Current Rate	Previously Adopted			**New Rate**	
	FY 2017	FY 2018	FY 2019	FY 2020	**FY 2021**	**FY 2022**
Residential (3/4" meter)	$24.68	$27.62	$30.38	$33.42	**$36.76**	**$40.44**
All customers based on meter size						
3/4" and smaller, or no meter	$24.68	$27.62	$30.38	$33.42	**$36.76**	**$40.44**
1"	$61.70	$69.05	$75.95	$83.55	**$91.90**	**$101.10**
1 1/2"	$123.40	$138.10	$151.90	$167.10	**$183.80**	**$202.20**
2"	$197.44	$220.96	$243.04	$267.36	**$294.08**	**$323.52**
3"	$370.20	$414.30	$455.70	$501.30	**$551.40**	**$606.60**
4"	$617.00	$690.50	$759.50	$835.50	**$919.00**	**$1,011.00**
6"	$1,234.00	$1,381.00	$1,519.00	$1,671.00	**$1,838.00**	**$2,022.00**
8"	$1,974.40	$2,209.60	$2,430.40	$2,673.60	**$2,940.80**	**$3,235.20**
10" and larger	$2,838.20	$3,176.30	$3,493.70	$3,843.30	**$4,227.40**	**$4,650.60**

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 2017	FY 2018	**FY 2019**	**FY 2020**	**FY 2021**	**FY 2022**
Sewer Service Charge	$6.68	$6.75	**$7.00**	**$7.34**	**$7.70**	**$8.08**

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 nominally as shown above. Base Charges for customers who require a larger water meter than the standard ¾" meter for residential connections, will be determined based on the meter size because the meter size determines how much capacity in the sewer system has to be reserved for that customer.

PROPOSED AVAILABILITY CHARGE SCHEDULE

The County has completed reviewing the adequacy of the amount of the Availability Charge as part of the annual rate study review. Based upon the results of this review, the Availability Charge is recommended to increase to $8,100 from $7,750. The Availability Charge is increasing due to the extensive Capital Improvement Program at the Noman M. Cole, Jr. Pollution Control Plant and other regional facilities. This rate has not increased since FY 2011. The revised, five-year rate schedule for the Availability Charge is as follows:

AVAILABILITY CHARGE SCHEDULE
Proposed New and Revised Rates in **Bold**

Type of Connection	Current Rate	Previously Adopted and **Revised Rates**			**New Rate**	
	FY 2017	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**	**FY 2021**
Single Family	$7,750	**$8,100**	**$8,100**	**$8,100**	**$8,100**	**$8,100**
Lodging House, Hotel, Inn or Tourist Cabin	$7,750	**$8,100**	**$8,100**	**$8,100**	**$8,100**	**$8,100**
Townhouse	$6,200	**$6,480**	**$6,480**	**$6,480**	**$6,480**	**$6,480**
Apartment	$6,200	**$6,480**	**$6,480**	**$6,480**	**$6,480**	**$6,480**
Mobile Home	$6,200	**$6,480**	**$6,480**	**$6,480**	**$6,480**	**$6,480**
Any other residential dwelling unit	$6,200	**$6,480**	**$6,480**	**$6,480**	**$6,480**	**$6,480**
Hotels, Motels, or Dormitory rental unit	$1,938	**$2,025**	**$2,025**	**$2,025**	**$2,025**	**$2,025**

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. Since the Availability Charge for a single family detached dwelling is increasing as noted above, then the fixture unit will need to be adjusted accordingly. The revised, five-year rate schedule for the fixture unit charge for nonresidential uses is as follows:

FIXTURE UNIT CHARGE SCHEDULE Proposed New and Revised Rates in **Bold**						
	Current Rate	Previously Adopted and **Revised Rates**			**New Rate**	
	FY 2017	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**	**FY 2022**
Nonresidential per fixture unit	$401	**$405**	**$405**	**$405**	**$405**	**$405**

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 single family equivalent unit flow is 300 gallons per day. The proposed new equivalent unit flow is 280 gallons per day. The proposed reduction of 20 gallons per day in equivalent unit flow is driven by a trend in actual water consumption reduction, which appears to be due to installation of water saving fixtures such as low flow toilets, shower heads, and faucets.

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 2017 (FY 2017). 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 2017 (FY 2017)
***Based on 18,000 gallons per quarter for all jurisdictions**

Jurisdiction*	Average Annual Sewer Service Billing	Sewer Availability Fees
DCWASA	**1,070**	**----**
City of Alexandria	**703**	**7,937**
Arlington County	**652**	**4,732**
WSSC	**594**	**3,500**
Prince William County	**587**	**10,300**
Fairfax County – Proposed for FY 2018	**597**	**8.100**
Loudoun Water	**480**	**7,658**

The table below outlines base charges by other regional utilities for comparison to Fairfax County's current Base Charge of $24.68 and the FY 2018 Base Charge of $27.62 per quarter, as of January 2017 (FY 2017):

Quarterly Base Charges for Sewer Service for Residential Customers	
DC Water	$ 87.12
Loudoun Water	$ 33.42
Prince William County Service Authority	$ 28.80
Alexandria Renew Enterprises	$ 28.83
Washington Suburban Sanitation Commission	$ 15.99
Fairfax County	**$ 27.62**
Neighboring Utilities Average	**$ 38.83**

FISCAL IMPACT:
In FY 2018, 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 $597 per year, which is an increase of $16.80 (or $1.40 per month) over the FY 2017 sewer bill. In FY 2018, approximately $8.4 million in additional revenues will be generated with the proposed Sewer Service Charge and the Base Charge over the FY 2017 Revised Budget Plan. Revenues from the collection of Sewer Service Charges, Base Charges, and Availability Charges are recorded in Fund 690-C69000, Sewer Revenue Fund.

Board Agenda Item
February 28, 2017

ENCLOSED DOCUMENTS:
Attachment I: The Proposed Amendment to Chapter 67.1 Article 10 (Charges), Section 2 of the Code of the County of Fairfax
Attachments Ia and Ib: Proposed Public Hearing Advertisements

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

ASSIGNED COUNSEL:
Emily Smith, Assistant County Attorney

- 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 ~~2016~~2017	FY ~~2017~~2018	FY ~~2018~~2019	FY ~~2019~~2020	FY ~~2020~~2021	FY 2022
(A)	Single Family Detached	$7,750	$8,100~~$7,750~~	$8,100~~$7,750~~	$8,100~~$7,750~~	$8,100~~$7,750~~	$8,100
(B)	Lodging House, Hotel, Inn or Tourist Cabin	7,750	$8,100~~7,750~~	$8,100~~7,750~~	$8,100~~7,750~~	$8,100~~7,750~~	$8,100
(C)	Townhouse	6,200	$6,480~~6,200~~	$6,480~~6,200~~	$6,480~~6,200~~	$6,480~~6,200~~	$6,480
(D)	Apartment	6,200	$6,480~~6,200~~	$6,480~~6,200~~	$6,480~~6,200~~	$6,480~~6,200~~	$6,480
(E)	Mobile Home	6,200	$6,480~~6,200~~	$6,480~~6,200~~	$6,480~~6,200~~	$6,480~~6,200~~	$6,480
(F)	Any other residential dwelling unit	6,200	$6,480~~6,200~~	$6,480~~6,200~~	$6,480~~6,200~~	$6,480~~6,200~~	$6,480
(G)	Hotel, Motel, or Dormitory rental unit	1,938	$2,025~~1,938~~	$2,025~~1,938~~	$2,025~~1,938~~	$2,025~~1,938~~	$2,025

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 ~~2016~~2017	FY ~~2017~~2018	FY ~~2018~~2019	FY ~~2019~~2020	FY ~~2020~~2021	FY 2022
Fixture unit rate	$401	$~~401~~405	$~~401~~405	$~~401~~405	$~~401~~405	$405

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 ~~300~~ 280 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 ~~300~~ 280gallons 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:

- Fairfax County Code

CHAPTER 67.1. - Sanitary Sewers and Sewage Disposal.

ARTICLE 10. Charges.

Sewer Service Charges - Fiscal Year (July 1 - June 30)						
	FY ~~2016~~2017	FY ~~2017~~2018	FY ~~2018~~2019	FY ~~2019~~2020	FY ~~2020~~2021	FY 2022
Sewer Service Charge, $/1,000 gallons	$6.~~65~~68	$6.~~68~~75	$~~6.75~~7.00	$~~6.85~~7.34	$7.~~05~~70	$8.08

(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 ~~2016~~2017	FY ~~2017~~2018	FY ~~2018~~2019	FY ~~2019~~2020	FY ~~2020~~2021
Residential Base Charge	$24.68~~$20.15~~	$27.62~~$24.68~~	$30.38~~$27.62~~	$33.42~~$30.38~~	$36.76~~$33.42~~
Commercial: (meter size)					
¾" and smaller, or no meter	$24.68~~$20.15~~	$27.62~~$24.68~~	$30.38~~$27.62~~	**$33.42**~~$30.38~~	**$36.76**~~$33.42~~
1"	$61.70~~$50.38~~	$69.05~~$61.70~~	$75.95~~$69.05~~	**$83.55**~~$75.95~~	**$91.90**~~$83.55~~
1½"	$123.40~~$100.75~~	$138.10~~$123.40~~	$151.90~~$138.10~~	**$167.10**~~$151.90~~	**$183.80**~~$167.10~~
2"	$197.44~~$161.20~~	$220.96~~$197.44~~	$243.04~~$220.96~~	**$267.36**~~$243.04~~	**$294.08**~~$267.36~~
3"	$370.20~~$302.25~~	$414.30~~$370.20~~	$455.70~~$414.30~~	**$501.30**~~$455.70~~	**$551.40**~~$501.30~~

4"	$617.00~~$503.75~~	$690.50~~$617.00~~	$759.50~~$690.50~~	**$835.50**~~$759.50~~	**$919.00**~~$835.50~~
6"	$1,234.00~~$1,007.50~~	$1,381.00~~$1,234.00~~	$1,519.00~~$1,381.00~~	**$1,671.00**~~$1,519.00~~	**$1,838.00**~~$1,671.0~~
8"	$1,974.40~~$1,612.00~~	$2,209.60~~$1,974.40~~	$2,430.40~~$2,209.60~~	**$2,673.60**~~$2,430.40~~	**$2,940.80**~~$2,673.6~~
10" and larger	$2,838.20~~$2,317.25~~	$3,176.30~~$2,838.20~~	$3,493.70~~$3,176.30~~	**$3,843.30**~~$3,493.70~~	**$4,227.40**~~$3,843.3~~

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~~ less than that for ¾" and smaller meters.

(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.

(B) All other uses: The charge shall be based upon the number of fixture units and load factor in accordance with the VUSBC, Table I and Table II Fixture Units and Load Factors for All Other

Premises. 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	~~2016~~FY 2017	~~2017~~FY 2018	~~2018~~FY 2019	~~2019~~FY 2020	~~2020~~FY 2021	FY 2022
20 or less	1.00	167.00 ~~166.25~~	168.75 ~~167.00~~	175.00 ~~168.75~~	185.50 ~~171.25~~	196.75 ~~176.25~~	208.50
21 to 30	1.25	208.75 ~~207.81~~	210.94 ~~208.75~~	218.75 ~~210.94~~	231.88 ~~214.06~~	245.94 ~~220.31~~	260.63
31 to 40	1.45	242.15 ~~241.06~~	244.69 ~~242.15~~	253.75 ~~244.69~~	268.98 ~~248.31~~	285.29 ~~255.56~~	302.33
41 to 50	1.60	267.20 ~~266.00~~	270.00 ~~267.20~~	280.00 ~~270.00~~	296.80 ~~274.00~~	314.80 ~~282.00~~	333.60
51 to 60	1.75	292.25 ~~290.94~~	295.31 ~~292.25~~	306.25 ~~295.31~~	324.63 ~~299.69~~	344.31 ~~308.44~~	364.88
61 to 70	1.90	317.30 ~~315.88~~	320.63 ~~317.30~~	332.50 ~~320.63~~	352.45 ~~325.38~~	373.83 ~~334.88~~	396.15

71 to 80	2.05	342.35 ~~340.81~~	345.94 ~~342.35~~	358.75 ~~345.94~~	380.28 ~~351.06~~	403.34 ~~361.31~~	427.43
81 to 90	2.20	367.40 ~~365.75~~	371.25 ~~367.40~~	385.00 ~~371.25~~	408.10 ~~376.75~~	432.85 ~~387.75~~	458.70
91 to 100	2.30	384.10 ~~382.38~~	388.13 ~~384.10~~	402.50 ~~388.13~~	426.65 ~~393.88~~	452.53 ~~405.38~~	479.55
101 to 110	2.40	400.80 ~~399.00~~	405.00 ~~400.80~~	420.00 ~~405.00~~	445.20 ~~411.00~~	472.20 ~~423.00~~	500.40
111 to 120	2.55	425.85 ~~423.94~~	430.31 ~~425.85~~	446.25 ~~430.31~~	473.03 ~~436.69~~	501.71 ~~449.44~~	531.68
121 to 130	2.65	442.55 ~~440.56~~	447.19 ~~442.55~~	463.75 ~~447.19~~	491.58 ~~453.81~~	521.39 ~~467.06~~	552.53
131 to 140	2.75	459.25 ~~457.19~~	464.06 ~~459.25~~	481.25 ~~464.06~~	510.13 ~~470.94~~	541.06 ~~484.69~~	573.38
141 to 150	2.85	475.95 ~~473.81~~	480.94 ~~475.95~~	498.75 ~~480.94~~	528.68 ~~488.06~~	560.74 ~~502.31~~	594.23
151 to 160	2.95	492.65 ~~490.44~~	497.81 ~~492.65~~	516.25 ~~497.81~~	547.23 ~~505.19~~	580.41 ~~519.94~~	615.08
161 to 170	3.05	509.35 ~~507.06~~	514.69 ~~509.35~~	533.75 ~~514.69~~	565.78 ~~522.31~~	600.09 ~~537.56~~	635.93
171 to 180	3.15	526.05 ~~523.69~~	531.56 ~~526.05~~	551.25 ~~531.56~~	584.33 ~~539.44~~	619.76 ~~555.19~~	656.78
181 to 190	3.25	542.75 ~~540.31~~	548.44 ~~542.75~~	568.75 ~~548.44~~	602.88 ~~556.56~~	639.44 ~~572.81~~	677.63

191 to 200	3.35	559.45 ~~556.94~~	565.31 ~~559.45~~	586.25 ~~565.31~~	621.43 ~~573.69~~	659.11 ~~590.44~~	698.48
201 to 210	3.45	576.15 ~~573.56~~	582.19 ~~576.15~~	603.75 ~~582.19~~	639.98 ~~590.81~~	678.79 ~~608.06~~	719.33
211 to 220	3.55	592.85 ~~590.19~~	599.06 ~~592.85~~	621.25 ~~599.06~~	658.53 ~~607.94~~	698.46 ~~625.69~~	740.18
221 to 230	3.65	609.55 ~~606.81~~	615.94 ~~609.55~~	638.75 ~~615.94~~	677.08 ~~625.06~~	718.14 ~~643.31~~	761.03
231 to 240	3.75	626.25 ~~623.44~~	632.81 ~~626.25~~	656.25 ~~632.81~~	695.63 ~~642.19~~	737.81 ~~660.94~~	781.88
241 to 250	3.85	642.95 ~~640.06~~	649.69 ~~642.95~~	673.75 ~~649.69~~	714.18 ~~659.31~~	757.49 ~~678.56~~	802.73
251 to 260	3.90	651.30 ~~648.38~~	658.13 ~~651.30~~	682.50 ~~658.13~~	723.45 ~~667.88~~	767.33 ~~687.38~~	813.15
261 to 270	4.00	668.00 ~~665.00~~	675.00 ~~668.00~~	700.00 ~~675.00~~	742.00 ~~685.00~~	787.00 ~~705.00~~	834.00
271 to 280	4.05	676.35 ~~673.31~~	683.44 ~~676.35~~	708.75 ~~683.44~~	751.28 ~~693.56~~	796.84 ~~713.81~~	844.43
281 to 290	4.10	684.70 ~~681.63~~	691.88 ~~684.70~~	717.50 ~~691.88~~	760.55 ~~702.13~~	806.68 ~~722.63~~	854.85
291 to 300	4.15	693.05 ~~689.94~~	700.31 ~~693.05~~	726.25 ~~700.31~~	769.83 ~~710.69~~	816.51 ~~731.44~~	865.28
301 to 310	4.20	701.40 ~~698.25~~	708.75 ~~701.40~~	735.00 ~~708.75~~	779.10 ~~719.25~~	826.35 ~~740.25~~	875.70

311 to 320	4.30	718.10 ~~714.88~~	725.63 ~~718.10~~	752.50 ~~725.63~~	797.65 ~~736.38~~	846.03 ~~757.88~~	896.55
321 to 330	4.40	734.80 ~~731.50~~	742.50 ~~734.80~~	770.00 ~~742.50~~	816.20 ~~753.50~~	865.70 ~~775.50~~	917.40
331 to 340	4.50	751.50 ~~748.13~~	759.38 ~~751.50~~	787.50 ~~759.38~~	834.75 ~~770.63~~	885.38 ~~793.13~~	938.25
341 to 350	4.60	768.20 ~~764.75~~	776.25 ~~768.20~~	805.00 ~~776.25~~	853.30 ~~787.75~~	905.05 ~~810.75~~	959.10
351 to 360	4.70	784.90 ~~781.38~~	793.13 ~~784.90~~	822.50 ~~793.13~~	871.85 ~~804.88~~	924.73 ~~828.38~~	979.95
361 to 370	4.80	801.60 ~~798.00~~	810.00 ~~801.60~~	840.00 ~~810.00~~	890.40 ~~822.00~~	944.40 ~~846.00~~	1,000.80
371 to 380	4.90	818.30 ~~814.63~~	826.88 ~~818.30~~	857.50 ~~826.88~~	908.95 ~~839.13~~	964.08 ~~863.63~~	1,021.65
381 to 390	5.00	835.00 ~~831.25~~	843.75 ~~835.00~~	875.00 ~~843.75~~	927.50 ~~856.25~~	983.75 ~~881.25~~	1,042.50
391 to 400	5.10	851.70 ~~847.88~~	860.63 ~~851.70~~	892.50 ~~860.63~~	946.05 ~~873.38~~	1,003.43 ~~898.88~~	1,063.35
401 to 410	5.20	868.40 ~~864.50~~	877.50 ~~868.40~~	910.00 ~~877.50~~	964.60 ~~890.50~~	1,023.10 ~~916.50~~	1,084.20
411 to 420	5.30	885.10 ~~881.13~~	894.38 ~~885.10~~	927.50 ~~894.38~~	983.15 ~~907.63~~	1,042.78 ~~934.13~~	1,105.05
421 to 430	5.40	901.80 ~~897.75~~	911.25 ~~901.80~~	945.00 ~~911.25~~	1,001.70 ~~924.75~~	1,062.45 ~~951.75~~	1,125.90

431 to 440	5.50	918.50 ~~914.38~~	928.13 ~~918.50~~	962.50 ~~928.13~~	1,020.25 ~~941.88~~	1,082.13 ~~969.38~~	1,146.75
441 to 450	5.60	935.20 ~~931.00~~	945.00 ~~935.20~~	980.00 ~~945.00~~	1,038.80 ~~959.00~~	1,101.80 ~~987.00~~	1,167.60
451 to 460	5.70	951.90 ~~947.63~~	961.88 ~~951.90~~	997.50 ~~961.88~~	1,057.35 ~~976.13~~	1,121.48 ~~1,004.63~~	1,188.45
461 to 470	5.80	968.60 ~~964.25~~	978.75 ~~968.60~~	1,015.00 ~~978.75~~	1,075.90 ~~993.25~~	1,141.15 ~~1,022.25~~	1,209.30
471 to 480	5.90	985.30 ~~980.88~~	995.63 ~~985.30~~	1,032.50 ~~995.63~~	1,094.45 ~~1,010.38~~	1,160.83 ~~1,039.88~~	1,230.15
481 to 490	6.00	1,002.00 ~~997.50~~	1,012.50 ~~1,002.00~~	1,050.00 ~~1,012.50~~	1,113.00 ~~1,027.50~~	1,180.50 ~~1,057.50~~	1,251.00
491 to 500	6.10	1,018.70 ~~1,014.13~~	1,029.38 ~~1,018.70~~	1,067.50 ~~1,029.38~~	1,131.55 ~~1,044.63~~	1,200.18 ~~1,075.13~~	1,271.85
501 to 525	6.25	1,043.75 ~~1,039.06~~	1,054.69 ~~1,043.75~~	1,093.75 ~~1,054.69~~	1,159.38 ~~1,070.31~~	1,229.69 ~~1,101.56~~	1,303.13
526 to 550	6.50	1,085.50 ~~1,080.63~~	1,096.88 ~~1,085.50~~	1,137.50 ~~1,096.88~~	1,205.75 ~~1,113.13~~	1,278.88 ~~1,145.63~~	1,355.25
551 to 575	6.75	1,127.25 ~~1,122.19~~	1,139.06 ~~1,127.25~~	1,181.25 ~~1,139.06~~	1,252.13 ~~1,155.94~~	1,328.06 ~~1,189.69~~	1,407.38
576 to 600	7.00	1,169.00 ~~1,163.75~~	1,181.25 ~~1,169.00~~	1,225.00 ~~1,181.25~~	1,298.50 ~~1,198.75~~	1,377.25 ~~1,233.75~~	1,459.50
601 to 625	7.25	1,210.75 ~~1,205.31~~	1,223.44 ~~1,210.75~~	1,268.75 ~~1,223.44~~	1,344.88 ~~1,241.56~~	1,426.44 ~~1,277.81~~	1,511.63

626 to 650	7.50	1,252.50 ~~1,246.88~~	1,265.63 ~~1,252.50~~	1,312.50 ~~1,265.63~~	1,391.25 ~~1,284.38~~	1,475.63 ~~1,321.88~~	1,563.75
651 to 675	7.75	1,294.25 ~~1,288.44~~	1,307.81 ~~1,294.25~~	1,356.25 ~~1,307.81~~	1,437.63 ~~1,327.19~~	1,524.81 ~~1,365.94~~	1,615.88
676 to 700	8.00	1,336.00 ~~1,330.00~~	1,350.00 ~~1,336.00~~	1,400.00 ~~1,350.00~~	1,484.00 ~~1,370.00~~	1,574.00 ~~1,410.00~~	1,668.00
701 to 725	8.20	1,369.40 ~~1,363.25~~	1,383.75 ~~1,369.40~~	1,435.00 ~~1,383.75~~	1,521.10 ~~1,404.25~~	1,613.35 ~~1,445.25~~	1,709.70
726 to 750	8.40	1,402.80 ~~1,396.50~~	1,417.50 ~~1,402.80~~	1,470.00 ~~1,417.50~~	1,558.20 ~~1,438.50~~	1,652.70 ~~1,480.50~~	1,751.40
751 to 775	8.60	1,436.20 ~~1,429.75~~	1,451.25 ~~1,436.20~~	1,505.00 ~~1,451.25~~	1,595.30 ~~1,472.75~~	1,692.05 ~~1,515.75~~	1,793.10
776 to 800	8.80	1,469.60 ~~1,463.00~~	1,485.00 ~~1,469.60~~	1,540.00 ~~1,485.00~~	1,632.40 ~~1,507.00~~	1,731.40 ~~1,551.00~~	1,834.80
801 to 825	9.00	1,503.00 ~~1,496.25~~	1,518.75 ~~1,503.00~~	1,575.00 ~~1,518.75~~	1,669.50 ~~1,541.25~~	1,770.75 ~~1,586.25~~	1,876.50
826 to 850	9.20	1,536.40 ~~1,529.50~~	1,552.50 ~~1,536.40~~	1,610.00 ~~1,552.50~~	1,706.60 ~~1,575.50~~	1,810.10 ~~1,621.50~~	1,918.20
851 to 875	9.35	1,561.45 ~~1,554.44~~	1,577.81 ~~1,561.45~~	1,636.25 ~~1,577.81~~	1,734.43 ~~1,601.19~~	1,839.61 ~~1,647.94~~	1,949.48
876 to 900	9.50	1,586.50 ~~1,579.38~~	1,603.13 ~~1,586.50~~	1,662.50 ~~1,603.13~~	1,762.25 ~~1,626.88~~	1,869.13 ~~1,674.38~~	1,980.75
901 to 925	9.65	1,611.55 ~~1,604.31~~	1,628.44 ~~1,611.55~~	1,688.75 ~~1,628.44~~	1,790.08 ~~1,652.56~~	1,898.64 ~~1,700.81~~	2,012.03

926 to 950	9.80	1,636.60 ~~1,629.25~~	1,653.75 ~~1,636.60~~	1,715.00 ~~1,653.75~~	1,817.90 ~~1,678.25~~	1,928.15 ~~1,727.25~~	2,043.30
951 to 975	9.95	1,661.65 ~~1,654.19~~	1,679.06 ~~1,661.65~~	1,741.25 ~~1,679.06~~	1,845.73 ~~1,703.94~~	1,957.66 ~~1,753.69~~	2,074.58
976 to 1,000	10.15	1,695.05 ~~1,687.44~~	1,712.81 ~~1,695.05~~	1,776.25 ~~1,712.81~~	1,882.83 ~~1,738.19~~	1,997.01 ~~1,788.94~~	2,116.28
1,001 to 1,050	10.55	1,761.85 ~~1,753.94~~	1,780.31 ~~1,761.85~~	1,846.25 ~~1,780.31~~	1,957.03 ~~1,806.69~~	2,075.71 ~~1,859.44~~	2,199.68
1,051 to 1,100	10.90	1,820.30 ~~1,812.13~~	1,839.38 ~~1,820.30~~	1,907.50 ~~1,839.38~~	2,021.95 ~~1,866.63~~	2,144.58 ~~1,921.13~~	2,272.65
1,101 to 1,150	11.30	1,887.10 ~~1,878.63~~	1,906.88 ~~1,887.10~~	1,977.50 ~~1,906.88~~	2,096.15 ~~1,935.13~~	2,223.28 ~~1,991.63~~	2,356.05
1,151 to 1,200	11.70	1,953.90 ~~1,945.13~~	1,974.38 ~~1,953.90~~	2,047.50 ~~1,974.38~~	2,170.35 ~~2,003.63~~	2,301.98 ~~2,062.13~~	2,439.45
1,201 to 1,250	12.00	2,004.00 ~~1,995.00~~	2,025.00 ~~2,004.00~~	2,100.00 ~~2,025.00~~	2,226.00 ~~2,055.00~~	2,361.00 ~~2,115.00~~	2,502.00
1,251 to 1,300	12.35	2,062.45 ~~2,053.19~~	2,084.06 ~~2,062.45~~	2,161.25 ~~2,084.06~~	2,290.93 ~~2,114.94~~	2,429.86 ~~2,176.69~~	2,574.98
1,301 to 1,350	12.70	2,120.90 ~~2,111.38~~	2,143.13 ~~2,120.90~~	2,222.50 ~~2,143.13~~	2,355.85 ~~2,174.88~~	2,498.73 ~~2,238.38~~	2,647.95
1,351 to 1,400	13.00	2,171.00 ~~2,161.25~~	2,193.75 ~~2,171.00~~	2,275.00 ~~2,193.75~~	2,411.50 ~~2,226.25~~	2,557.75 ~~2,291.25~~	2,710.50
1,401 to 1,450	13.25	2,212.75 ~~2,202.81~~	2,235.94 ~~2,212.75~~	2,318.75 ~~2,235.94~~	2,457.88 ~~2,269.06~~	2,606.94 ~~2,335.31~~	2,762.63

1,451 to 1,500	13.50	2,254.50 ~~2,244.38~~	2,278.13 ~~2,254.50~~	2,362.50 ~~2,278.13~~	2,504.25 ~~2,311.88~~	2,656.13 ~~2,379.38~~	2,814.75
1,501 to 1,600	14.05	2,346.35 ~~2,335.81~~	2,370.94 ~~2,346.35~~	2,458.75 ~~2,370.94~~	2,606.28 ~~2,406.06~~	2,764.34 ~~2,476.31~~	2,929.43
1,601 to 1,700	14.60	2,438.20 ~~2,427.25~~	2,463.75 ~~2,438.20~~	2,555.00 ~~2,463.75~~	2,708.30 ~~2,500.25~~	2,872.55 ~~2,573.25~~	3,044.10
1,701 to 1,800	15.15	2,530.05 ~~2,518.69~~	2,556.56 ~~2,530.05~~	2,651.25 ~~2,556.56~~	2,810.33 ~~2,594.44~~	2,980.76 ~~2,670.19~~	3,158.78
1,801 to 1,900	15.70	2,621.90 ~~2,610.13~~	2,649.38 ~~2,621.90~~	2,747.50 ~~2,649.38~~	2,912.35 ~~2,688.63~~	3,088.98 ~~2,767.13~~	3,273.45
1,901 to 2,000	16.25	2,713.75 ~~2,701.56~~	2,742.19 ~~2,713.75~~	2,843.75 ~~2,742.19~~	3,014.38 ~~2,782.81~~	3,197.19 ~~2,864.06~~	3,388.13
2,001 to 2,100	16.80	2,805.60 ~~2,793.00~~	2,835.00 ~~2,805.60~~	2,940.00 ~~2,835.00~~	3,116.40 ~~2,877.00~~	3,305.40 ~~2,961.00~~	3,502.80
2,101 to 2,200	17.35	2,897.45 ~~2,884.44~~	2,927.81 ~~2,897.45~~	3,036.25 ~~2,927.81~~	3,218.43 ~~2,971.19~~	3,413.61 ~~3,057.94~~	3,617.48
2,201 to 2,300	17.90	2,989.30 ~~2,975.88~~	3,020.63 ~~2,989.30~~	3,132.50 ~~3,020.63~~	3,320.45 ~~3,065.38~~	3,521.83 ~~3,154.88~~	3,732.15
2,301 to 2,400	18.45	3,081.15 ~~3,067.31~~	3,113.44 ~~3,081.15~~	3,228.75 ~~3,113.44~~	3,422.48 ~~3,159.56~~	3,630.04 ~~3,251.81~~	3,846.83
2,401 to 2,500	19.00	3,173.00 ~~3,158.75~~	3,206.25 ~~3,173.00~~	3,325.00 ~~3,206.25~~	3,524.50 ~~3,253.75~~	3,738.25 ~~3,348.75~~	3,961.50
2,501 to 2,600	19.55	3,264.85 ~~3,250.19~~	3,299.06 ~~3,264.85~~	3,421.25 ~~3,299.06~~	3,626.53 ~~3,347.94~~	3,846.46 ~~3,445.69~~	4,076.18

2,601 to 2,700	20.10	3,356.70 ~~3,341.63~~	3,391.88 ~~3,356.70~~	3,517.50 ~~3,391.88~~	3,728.55 ~~3,442.13~~	3,954.68 ~~3,542.63~~	4,190.85
2,701 to 2,800	20.65	3,448.55 ~~3,433.06~~	3,484.69 ~~3,448.55~~	3,613.75 ~~3,484.69~~	3,830.58 ~~3,536.31~~	4,062.89 ~~3,639.56~~	4,305.53
2,801 to 2,900	21.20	3,540.40 ~~3,524.50~~	3,577.50 ~~3,540.40~~	3,710.00 ~~3,577.50~~	3,932.60 ~~3,630.50~~	4,171.10 ~~3,736.50~~	4,420.20
2,901 to 3,000	21.75	3,632.25 ~~3,615.94~~	3,670.31 ~~3,632.25~~	3,806.25 ~~3,670.31~~	4,034.63 ~~3,724.69~~	4,279.31 ~~3,833.44~~	4,534.88
3,001 to 4,000	26.00	4,342.00 ~~4,322.50~~	4,387.50 ~~4,342.00~~	4,550.00 ~~4,387.50~~	4,823.00 ~~4,452.50~~	5,115.50 ~~4,582.50~~	5,421.00
4,001 to 5,000	29.50	4,926.50 ~~4,904.38~~	4,978.13 ~~4,926.50~~	5,162.50 ~~4,978.13~~	5,472.25 ~~5,051.88~~	5,804.13 ~~5,199.38~~	6,150.75
5,001 to 6,000	33.00	5,511.00 ~~5,486.25~~	5,568.75 ~~5,511.00~~	5,775.00 ~~5,568.75~~	6,121.50 ~~5,651.25~~	6,492.75 ~~5,816.25~~	6,880.50
6,001 to 7,000	36.40	6,078.80 ~~6,051.50~~	6,142.50 ~~6,078.80~~	6,370.00 ~~6,142.50~~	6,752.20 ~~6,233.50~~	7,161.70 ~~6,415.50~~	7,589.40
7,001 to 8,000	39.60	6,613.20 ~~6,583.50~~	6,682.50 ~~6,613.20~~	6,930.00 ~~6,682.50~~	7,345.80 ~~6,781.50~~	7,791.30 ~~6,979.50~~	8,256.60
8,001 to 9,000	42.75	7,139.25 ~~7,107.19~~	7,214.06 ~~7,139.25~~	7,481.25 ~~7,214.06~~	7,930.13 ~~7,320.94~~	8,411.06 ~~7,534.69~~	8,913.38
9,001 to 10,000	46.00	7,682.00 ~~7,647.50~~	7,762.50 ~~7,682.00~~	8,050.00 ~~7,762.50~~	8,533.00 ~~7,877.50~~	9,050.50 ~~8,107.50~~	9,591.00
10,001 to 11,000	48.85	8,157.95 ~~8,121.31~~	8,243.44 ~~8,157.95~~	8,548.75 ~~8,243.44~~	9,061.68 ~~8,365.56~~	9,611.24 ~~8,609.81~~	10,185.23

11,001 to 12,000	51.60	8,617.20 ~~8,578.50~~	8,707.50 ~~8,617.20~~	9,030.00 ~~8,707.50~~	9,571.80 ~~8,836.50~~	10,152.30 ~~9,094.50~~	10,758.60
12,001 to 13,000	54.60	9,118.20 ~~9,077.25~~	9,213.75 ~~9,118.20~~	9,555.00 ~~9,213.75~~	10,128.30 ~~9,350.25~~	10,742.55 ~~9,623.25~~	11,384.10
13,001 to 14,000	57.40	9,585.80 ~~9,542.75~~	9,686.25 ~~9,585.80~~	10,045.00 ~~9,686.25~~	10,647.70 ~~9,829.75~~	11,293.45 ~~10,116.75~~	11,967.90
14,001 to 15,000	60.00	10,020.00 ~~9,975.00~~	10,125.00 ~~10,020.00~~	10,500.00 ~~10,125.00~~	11,130.00 ~~10,275.00~~	11,805.00 ~~10,575.00~~	12,510.00

NOTES:

(1) Baseline water use for 20 fixture units is 25 TG/Qtr.

(2) Base charge is not included in rates above.

Attachment Ia

FAIRFAX COUNTY NOTICE OF PROPOSED
SEWER SERVICE CHARGE & BASE CHARGE - RATE REVISIONS

NOTICE is hereby given that the Fairfax County Board of Supervisors will hold a **PUBLIC HEARING** on:

Tuesday
April 4, 2017
commencing at 3 p.m.

in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on the matter of an amendment to Chapter 67.1 of the Fairfax County Code (Sanitary Sewers and Sewage Disposal), Article 10 (Charges), Section 2. Pursuant to the authority of the Virginia Code, Title 15.2., Chapter 21 (including, without limitation, Sections 15.2 - 2111, 2119, and 2122), the Board of Supervisors of Fairfax County, Virginia, proposes to amend Section 67.1-10-2 of the Fairfax County Code to change all references to the unit cost of sewer service and the base charge as follows:

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 2017	FY 2018	**FY 2019**	**FY 2020**	**FY 2021**	**FY 2022**
Sewer Service Charge	$6.68	$6.75	**$7.00**	**$7.34**	**$7.70**	**$8.08**

BASE CHARGE SCHEDULE
Cost ($) per Quarterly Bill
Proposed New and Revised Rates in **Bold**

Type of Connection	Current Rate	Previously Adopted			**New Rate**	
	FY 2017	FY 2018	FY 2019	FY 2020	**FY 2021**	**FY 2022**
Residential (3/4" meter)	$24.68	$27.62	$30.38	$33.42	**$36.76**	**$40.44**
All customers based on meter size						
3/4" and smaller, or no meter	$24.68	$27.62	$30.38	$33.42	**$36.76**	**$40.44**
1"	$61.70	$69.05	$75.95	$83.55	**$91.90**	**$101.10**
1 1/2"	$123.40	$138.10	$151.90	$167.10	**$183.80**	**$202.20**
2"	$197.44	$220.96	$243.04	$267.36	**$294.08**	**$323.52**
3"	$370.20	$414.30	$455.70	$501.30	**$551.40**	**$606.60**
4"	$617.00	$690.50	$759.50	$835.50	**$919.00**	**$1,011.00**
6"	$1,234.00	$1,381.00	$1,519.00	$1,671.00	**$1,838.00**	**$2,022.00**
8"	$1,974.40	$2,209.60	$2,430.40	$2,673.60	**$2,940.80**	**$3,235.20**
10" and larger	$2,838.20	$3,176.30	$3,493.70	$3,843.30	**$4,227.40**	**$4,650.60**

All persons wishing to present their views on these subjects may call the Office of the Clerk to the Board at 703-324-3151 to be placed on the Speakers List, or may appear and be heard. As required by law, copies of the full text of proposed ordinances, plans and amendments, as applicable, as well as information concerning the documentation for the proposed fee, levy, or increase, are on file and may be examined at the Office of the Clerk to the Board of Supervisors, Suite 533 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia. For the convenience of the public, copies may also be distributed to the County's Regional and Community Public Libraries.

Fairfax County supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a County program, service, or activity, should contact the ADA representative in the Clerk's Office, 703-324-3151, TTY: 703-324-3903, as soon as possible but no later than 48 hours before the scheduled event.

GIVEN under my hand this 28th day of February 2017.

_____
Denise Long
Chief Deputy Clerk to the Board of Supervisors

Ad Run Dates: March 3 and 10, 2017

Attachment Ib

FAIRFAX COUNTY NOTICE OF PROPOSED
SEWER AVAILABILITY CHARGES, EQUIVALENT UNIT FLOW & FIXTURE UNIT RATE - RATE REVISIONS

NOTICE is hereby given that the Fairfax County Board of Supervisors will hold a **PUBLIC HEARING** on:

Tuesday
April 4, 2017
commencing at 3 p.m.

in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on the matter of an amendment to Chapter 67.1 of the Fairfax County Code (Sanitary Sewers and Sewage Disposal), Article 10 (Charges), Section 2. Pursuant to the authority of the Virginia Code, Title 15.2., Chapter 21 (including, without limitation, Sections 15.2 - 2111, 2119, and 2122), the Board of Supervisors of Fairfax County, Virginia, proposes to amend Section 67.1-10-2 of the Fairfax County Code to revise the availability charge schedule for residential, commercial and all other users desiring to connect to the County sanitary sewer facilities, and to revise the equivalent flow factor and the fixture unit rate as follows:

AVAILABILITY CHARGE SCHEDULE Proposed New and Revised Rates in **Bold**						
Type of Connection	Current Rate	Previously Adopted and **Revised Rates**			**New Rate**	
	FY 2017	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**	**FY 2022**
Single Family	$7,750	**$8,100**	**$8,100**	**$8,100**	**$8,100**	**$8,100**
Lodging House, Hotel, Inn or Tourist Cabin	$7,750	**$8,100**	**$8,100**	**$8,100**	**$8,100**	**$8,100**
Townhouse	$6,200	**$6,480**	**$6,480**	**$6,480**	**$6,480**	**$6,480**
Apartment	$6,200	**$6,480**	**$6,480**	**$6,480**	**$6,480**	**$6,480**
Mobile Home	$6,200	**$6,480**	**$6,480**	**$6,480**	**$6,480**	**$6,480**
Any other residential dwelling unit	$6,200	**$6,480**	**$6,480**	**$6,480**	**$6,480**	**$6,480**
Hotels, Motels, or Dormitory rental unit	$1,938	**$2,025**	**$2,025**	**$2,025**	**$2,025**	**$2,025**

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

The availability charge for all nonresidential uses will be computed as the number of fixture units in accordance with the current Virginia Uniform Statewide Building Code (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:

AVAILABILITY CHARGE SCHEDULE Proposed New and Revised Rates in **Bold**						
	Current Rate	Previously Adopted and **Revised Rates**			**New Rate**	
	FY 2017	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**	**FY 2022**
Nonresidential per fixture unit	$401	**$405**	**$405**	**$405**	**$405**	**$405**

The Equivalent Unit Flow will be reduced from 300 gallons per day to 280 gallons per day

Effective date: The rates will change on July 1st of each new fiscal year.

All persons wishing to present their views on these subjects may call the Office of the Clerk to the Board at 703-324-3151 to be placed on the Speakers List, or may appear and be heard. As required by law, copies of the full text of proposed ordinances, plans and amendments, as applicable, as well as information concerning the documentation for the proposed fee, levy, or increase, are on file and may be examined at the Office of the Clerk to the Board of Supervisors, Suite 533 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia. For the convenience of the public, copies may also be distributed to the County's Regional and Community Public Libraries.

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GIVEN under my hand this 28th day of February 2017.

_____
Denise Long
Chief Deputy Clerk to the Board of Supervisors

Board Agenda Item
February 28, 2017

ADMINISTRATIVE – 2

Street into the Secondary System (Mount Vernon District)

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

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

Subdivision	**District**	**Street**
Laurel Highlands	Mount Vernon	Laurel Crest Drive

TIMING:
Routine.

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

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Street Acceptance Form

STAFF:
Robert A. Stalzer, Deputy County Executive
William D. Hicks, P.E., Director, Land Development Services

Print Form

Attachment 1

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA

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

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

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

PLAN NUMBER: 1276-PI-01

SUBDIVISION PLAT NAME: Laurel Highlands, LLC (Silverbrook Road PI Plan)

COUNTY MAGISTERIAL DISTRICT: Mount Vernon

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

BY: Nadia Alphonse

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 12/01/2016

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Laurel Crest Drive	CL Silverbrook Road (Route 600) - 815' NW CL Plaskett Lane (Route 7644)	537' NE to Existing Laurel Crest Drive (Route 1914)	0.10
		TOTALS:	0.10

NOTES:

4' Concrete Sidewalk on Both Sides to be maintained by VDOT.

Board Agenda Item
February 28, 2017

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing on the Proposed Creation of a Reston Transportation Service District (Hunter Mill and Dranesville Districts)

ISSUE:
Board authorization to advertise a public hearing on the proposed creation of a Reston Transportation Service District (Service District) within Fairfax County. The Service District would encompass the area within the Reston Transit Station Areas (TSAs): Wiehle-Reston East, Reston Town Center, and Herndon, as set forth in the Comprehensive Plan, 2013 Edition, Area III - Reston, as Amended through October 20, 2015 and as shown in Attachment 1.

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing on the adoption of the ordinance set forth in Attachment 2, which, if adopted, would create the Service District.

TIMING:
Board action is requested on February 28, 2017, to provide sufficient time to advertise a public hearing to be held before the Board on April 4, 2017 at 2 p.m. The County Executive, however, requests that the Board defer its decision on this matter until immediately after the conclusion of the public hearing on the proposed Reston Transportation Funding Plan, which is scheduled at 4:30 p.m. on February 28, 2017.

If enacted, the option to levy a Service District tax for 2017 on taxable property within the Service District and the tax rate would be established at a half year's collection as part of the FY 2018 budget.

BACKGROUND:
On February 11, 2014, the Board of Supervisors adopted the Reston Phase I Comprehensive Plan Amendment (CPA). This amendment included revised land use and additional transportation facilities for the three Reston Transit Station Areas (TSAs): Wiehle-Reston East, Reston Town Center, and Herndon.

The CPA optimizes development opportunities associated with the availability of mass transit, while maintaining the stability of existing land uses outside of the TSAs. The TSA designation allows a mixture of residential, office, retail and other commercial uses and provides opportunities for joint public-private development.

The CPA envisions these revised land uses will be served by a multi-modal transportation system. To support that vision, the CPA recommended multimodal roadway improvements, a grid network, intersection improvements, and supporting transit service. As a result, on February 11, 2014, the Board directed the Planning Commission (PC) and staff to develop an inclusive process to prepare a funding plan for the transportation improvements recommended in the CPA and return to the Board with staff's recommendations. The Board further directed staff that the funding plan should include arrangements for financing the public share of Reston infrastructure improvements and facilitate cooperative funding agreements with the private sector.

After the Board's action, the Hunter Mill District Supervisor appointed a Reston Network Analysis Advisory Group (Advisory Group) to refine the transportation network included in the CPA and develop the funding plan. Although the Board directed the PC to work with staff on the funding plan, the Advisory Board served as a diversified stakeholder group representing various interests in Reston, and in that capacity fulfilled the charge of the PC.

As directed by the Board, FCDOT staff solicited community feedback, through the Advisory Group and the larger community, of the preferred funding structure for the necessary transportation improvements. As a result of this multi-year process, FCDOT staff, and the Advisory Group agreed that the transportation improvements should be funded through a combination of proffer and service district revenue streams.

Staff prepared the proposed Reston Transportation Funding Plan, in a manner that balances the feedback received. Specifically, the Reston Transportation Funding Plan proposes a Reston Road Fund (the Road Fund) and the Reston Transportation Service District (the Service District). In December 2016, FCDOT staff briefed the Board, community stakeholders, and the Planning Commission Transportation Subcommittee on the Reston Transportation Funding Plan.

Staff separately recommends Board approval of the overall Reston Transportation Funding Plan, as well as individual approval of the two key components—the Reston Road Fund and the Reston Transportation Service District. The main aspects of the proposed funding plan are as follows:

- The Reston Transportation Funding Plan has three categories of improvements:
    - Roadway Improvements;
    - Intersection Improvements; and
    - A Grid of Streets Network.
- Staff has assumed that existing transit resources in Reston and Herndon will be re-allocated to increase feeder and circulation service when Phase II of the Metrorail Silver Line opens. As a result, no additional funding in transit was included in the Reston Transportation Funding Plan.

- Primary responsibility for funding of Roadway Improvements would come from public revenue sources such as federal, state, regional, and local funding allocated by the County for use on countywide transportation projects. These may include:
    - Federal: Regional Surface Transportation Program, Discretionary Grant Programs.
    - State: Smart Scale, Revenue Sharing.
    - Regional: Northern Virginia Transportation Authority (NVTA) 70% Regional Funds.
    - Local: Commercial & Industrial Tax, General Obligation Bonds, NVTA 30% Local Funds.
- Primary responsibility for funding the Grid Network and Intersection Improvements would come from private revenue sources, such as revenues generated within the Reston TSAs and used exclusively for projects in the Reston TSAs. The private funding comprises:
    - Actual construction of grid segments by developers with new development or redevelopment, donation of right-of-way, and/or services.
    - Road Fund: pooled cash proffers on a per residential unit or per commercial square foot basis of new development for use on the Grid Network.
        - Recommended rate per residential dwelling unit: $2,090
        - Recommended rate per commercial square foot: $9.56
    - Transportation Service District (to be created): ad-valorem tax, a tax per $100 of assessed value, on all properties within the Reston TSAs.
        - Rate per $100 of assessed value: $0.021

On January 24, 2017, the Board authorized a public hearing to solicit further feedback from the public on the proposed Reston Transportation Funding Plan. The public hearing is scheduled for February 28, 2017, at 4:30 p.m. If the Board approves the Reston Transportation Funding Plan, staff requests that the Board then authorize a public hearing on the creation of the Service District.

Under Virginia law, the Board may create the Service District by ordinance, which is adopted following a public hearing. Va. Code Ann. § 2.2-2400 (2012). The ordinance must: (1) set forth the name and describe the boundaries of the service district, including any areas that are excluded from the service district; (2) describe the purpose, facilities, and services offered within the service district; (3) describe the plan for providing the facilities and services offered within the service district; and (4) describe the benefits expected from those facilities and services. The proposed ordinance is Attachment 2.

If the service district is created, then the Board may then levy and collect an annual tax upon the property in the service district that is subject to local taxation. *See* Va. Code Ann. § 2.2-2403(6) (Supp. 2016). A Service District tax rate of $0.021 per $100 of

assessed value is included as part of the FY 2018 Advertised Budget Plan for Board consideration as part of the FY 2018 Adopted Budget Plan.

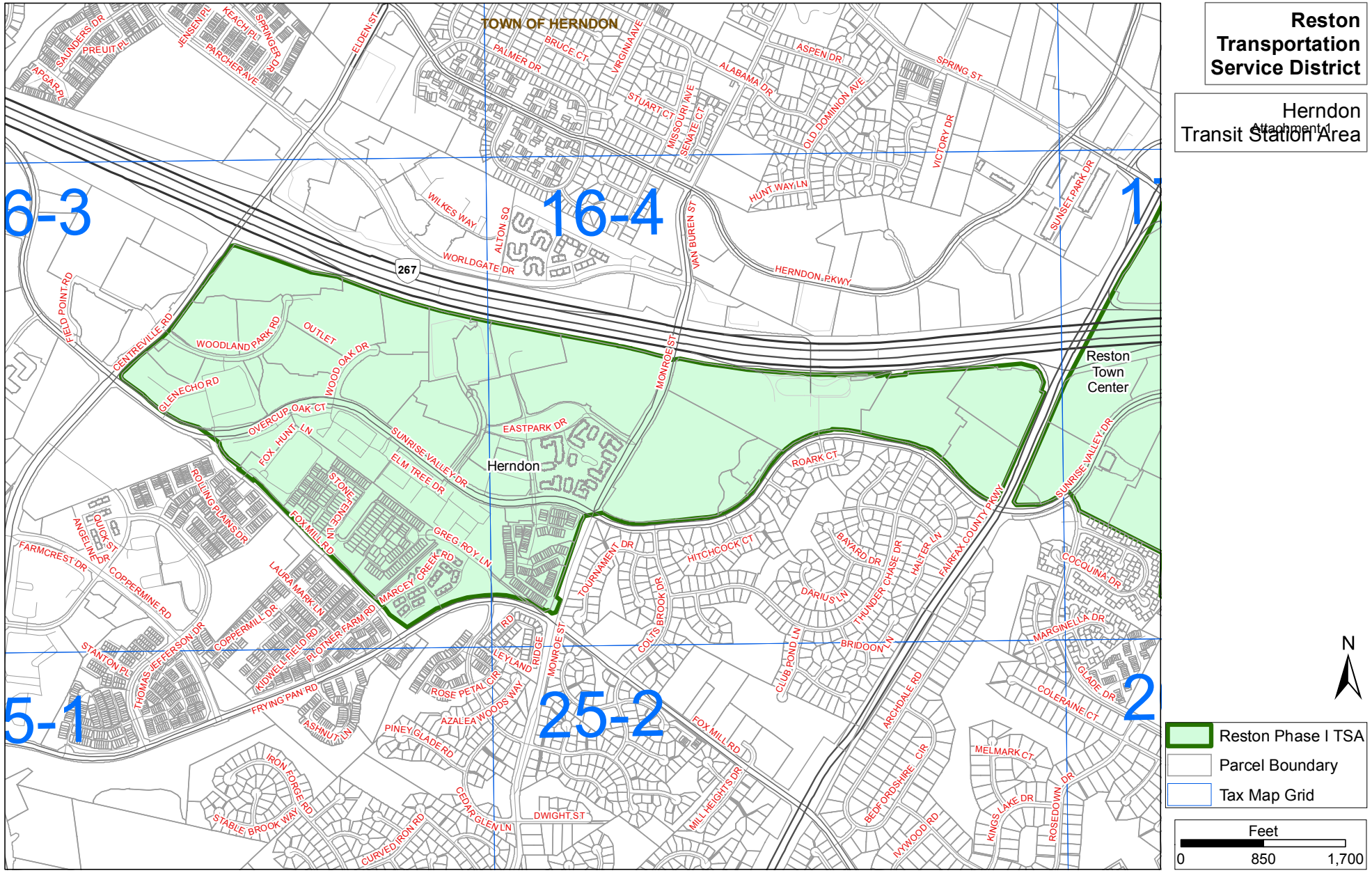
The Advisory Group requested that both the Service District and the Road Fund include sunset provisions to terminate each funding mechanism when all the projects for which they were intended have been funded. Accordingly, the ordinance specifies that the purpose of the Service District is to provide revenue for construction of roadway improvements identified in the Reston Phase I Comprehensive Plan Amendment approved by the Board of Supervisors on February 11, 2014, and the Reston Transportation Funding Plan, including the payment of any debt incurred to finance those improvements and the satisfaction of any other obligations incurred by the District and it requires the segregation of all tax proceeds so they can be used for that purpose. The Road Fund Guidelines also include appropriate termination language.

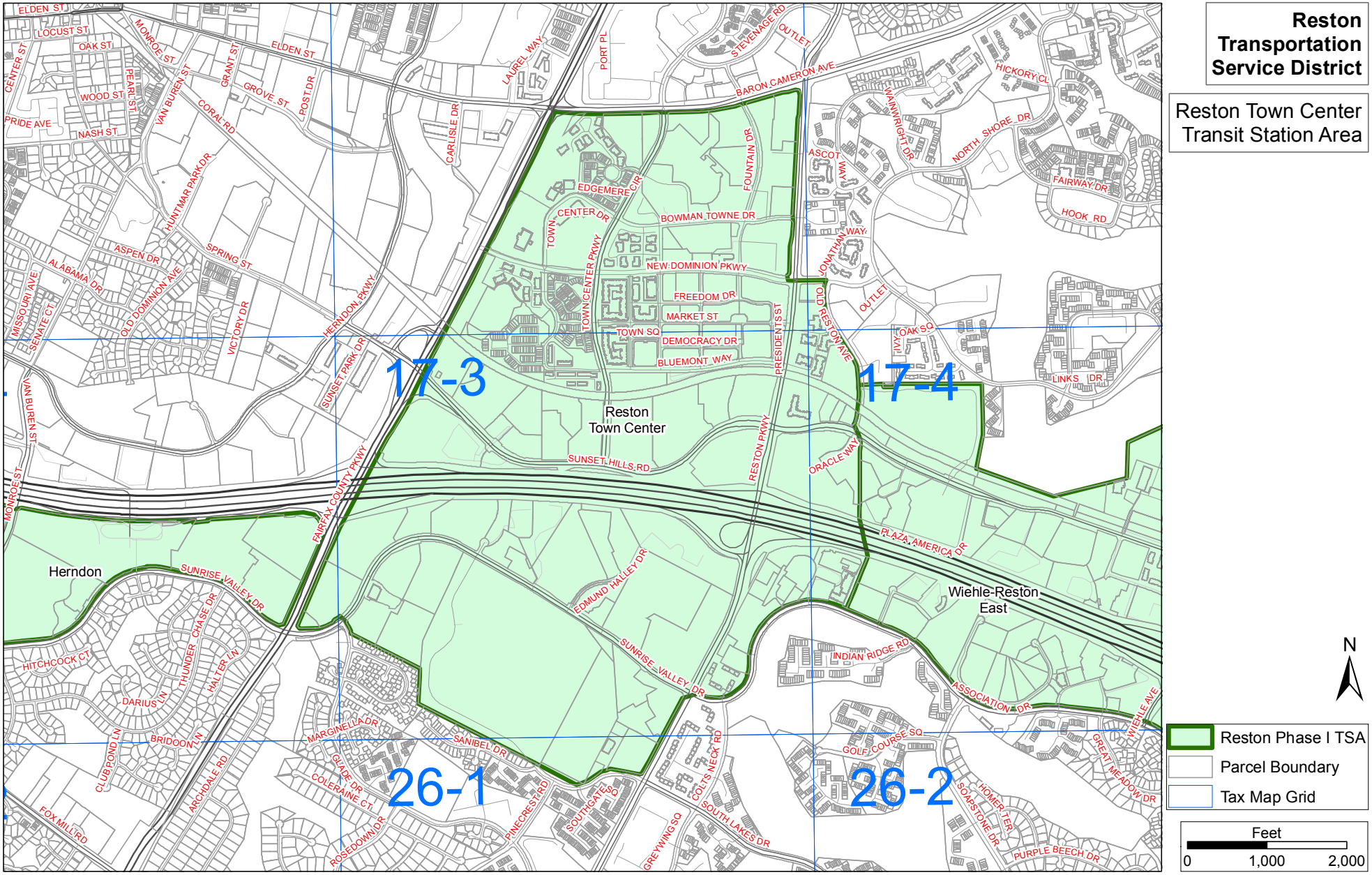
FISCAL IMPACT:
The proposed Service District is an integral part of a multi-faceted plan to fund transportation infrastructure improvements in Reston. The Service District would fund approximately $139 million worth of improvements out of a projected total estimated cost of approximately $2.27 billion (in 2016 dollars). If enacted, the option to levy a Service District tax rate for 2017 on taxable property within the Service District and the tax rate would be established at a half year's collection as part of the FY 2018 budget. A Service District tax rate of $0.021 per $100 of assessed value is included as part of the Reston Service District Fund (Fund 40190) in the FY 2018 Advertised Budget Plan for Board consideration as part of the FY 2018 Adopted Budget Plan.

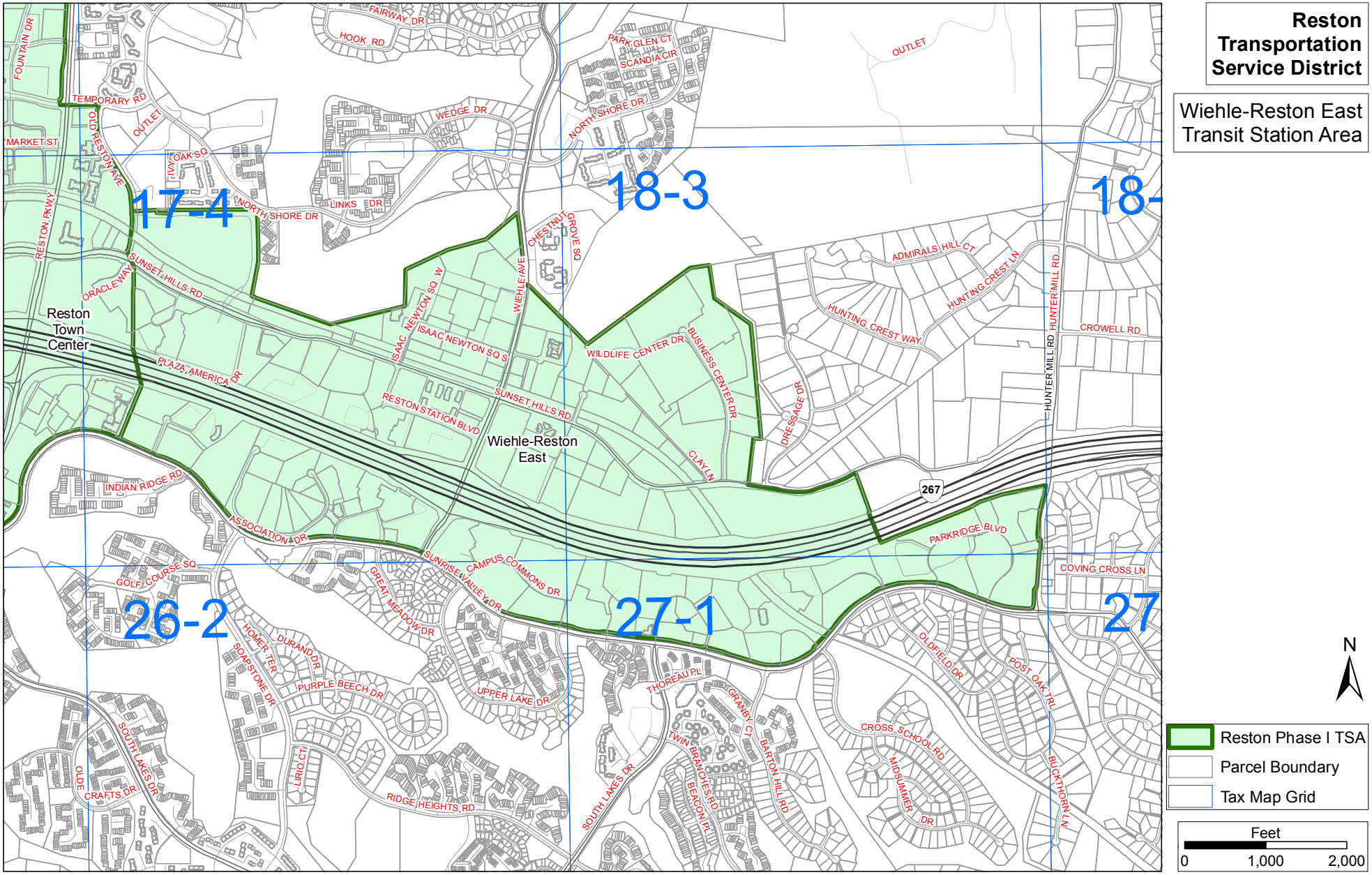
ENCLOSED DOCUMENTS:
Attachment 1: Proposed Reston Transportation Service District Boundary
Attachment 2: Draft Ordinance for the Reston Transportation Service District

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Ray Johnson, Senior Transportation Planner, FCDOT
Janet Nguyen, Transportation Planner, FCDOT
Joe LaHait, Debt Coordinator, Department of Management and Budget

ASSIGNED COUNSEL:
Erin C. Ward, Senior Assistant County Attorney
Patricia Moody McCay, Assistant County Attorney


Reston Transportation Service District
Herndon Transit Station Area
Attachment 1
TOWN OF HERNDON
6-3
16-4
5-1
25-2
Herndon
Reston Town Center
267
WOODLAND PARK RD
OUTLET
WOOD OAK DR
GLENECHO RD
OVERCUP OAK CT
FOX HUNT LN
SUNRISE VALLEY DR
ELM TREE DR
EASTPARK DR
MONROE ST
HERNDON PKWY
WORLDGATE DR
WILKES WAY
ALTON SQ
VAN BUREN ST
HUNT WAY LN
SUNSET PARK DR
FIELD POINT RD
CENTREVILLE RD
FOX MILL RD
GREG ROY LN
MARCEY CREEK RD
STONE FENCE LN
ROLLING PLAINS DR
QUICK ST
ANGELINE DR
FARMCREST DR
COPPERMINE RD
LAURA MARK LN
COPPERMILL DR
PLOTNER FARM RD
KIDWELL FIELD RD
THOMAS JEFFERSON DR
STANTON PL
FRYING PAN RD
ASHNUT LN
IRON FORGE RD
STABLE BROOK WAY
CURVED IRON RD
CEDAR GLEN LN
PINEY GLADE RD
AZALEA WOODS WAY
ROSE PETAL CIR
LEYLAND RIDGE RD
DWIGHT ST
MILL HEIGHTS DR
TOURNAMENT DR
COLTS BROOK DR
HITCHCOCK CT
ROARK CT
BAYARD DR
DARIUS LN
THUNDER CHASE DR
HALTER LN
FAIRFAX COUNTY PKWY
CLUB POND LN
BRIDOON LN
ARCHDALE RD
BEDFORDSHIRE CIR
MELMARK CT
KINGS LAKE DR
IVYWOOD RD
ROSEDOWN DR
COLERAINE CT
GLADE DR
MARGINELLA DR
COCQUINA DR
SUNRISE VALLEY DR
PALMER DR
BRUCE CT
VIRGINIA AVE
STUART CT
MISSOURI AVE
SENATE CT
ALABAMA DR
ASPEN DR
OLD DOMINION AVE
VICTORY DR
SPRING ST
ELDEN ST
SAUNDERS DR
PREUIT PL
APGAR PL
JENSEN PL
KEACH PL
PARCHER AVE
SPRINGER DR
N
Reston Phase I TSA
Parcel Boundary
Tax Map Grid
Feet
0
850
1,700


Reston
Transportation
Service District
Reston Town Center
Transit Station Area
17-3
17-4
26-1
26-2
Reston
Town Center
Herndon
Wiehle-Reston
East
ELDEN ST
LOCUST ST
OAK ST
WOOD ST
PRIDE AVE
NASH ST
CENTER ST
MONROE ST
PEARL ST
VAN BUREN ST
GRANT ST
GROVE ST
CORAL RD
POST DR
HUNTMAR PARK DR
CARLISLE DR
LAUREL WAY
PORT PL
STEVENAGE RD
OUTLET
BARON CAMERON AVE
HICKORY CL
WAINWRIGHT DR
NORTH SHORE DR
ASCOT WAY
FAIRWAY DR
HOOK RD
JONATHAN WAY
FOUNTAIN DR
EDGEMERE CIR
TOWN CENTER DR
BOWMAN TOWNE DR
TOWN CENTER PKWY
NEW DOMINION PKWY
FREEDOM DR
MARKET ST
TOWN SQ
DEMOCRACY DR
BLUEMONT WAY
PRESIDENTS ST
OLD RESTON AVE
IVY OAK SQ
LINKS DR
ASPEN DR
SPRING ST
ALABAMA DR
MISSOURI AVE
SENATE CT
OLD DOMINION AVE
VICTORY DR
HERNDON PKWY
SUNSET PARK DR
VAN BUREN ST
MONROE ST
FAIRFAX COUNTY PKWY
SUNSET HILLS RD
RESTON PKWY
ORACLE WAY
PLAZA AMERICA DR
SUNRISE VALLEY DR
EDMUND HALLEY DR
INDIAN RIDGE RD
ASSOCIATION DR
WIEHLE AVE
GOLF COURSE SQ
GREAT MEADOW DR
HITCHCOCK CT
THUNDER CHASE DR
HALTER LN
DARIUS LN
BRIDOON LN
CLUB POND LN
ARCHDALE RD
FOX MILL RD
MARGINELLA DR
SANIBEL DR
GLADE DR
COLERAINE CT
ROSEDOWN DR
PINECREST RD
SOUTHGATE SQ
COLTS NECK RD
SOUTH LAKES DR
GREYWING SQ
SOAPSTONE DR
HOMER TER
PURPLE BEECH DR
N
Reston Phase I TSA
Parcel Boundary
Tax Map Grid
Feet
0
1,000
2,000


Reston Transportation Service District
Wiehle-Reston East Transit Station Area
17-4
18-3
18-
26-2
27-1
27
Reston Town Center
Wiehle-Reston East
FOUNTAIN DR
TEMPORARY RD
OUTLET
MARKET ST
OLD RESTON AVE
OAK SQ
FAIRWAY DR
HOOK RD
WEDGE DR
NORTH SHORE DR
LINKS DR
PARK GLEN CT
SCANDIA CIR
NORTH SHORE DR
OUTLET
RESTON PKWY
ORACLE WAY
SUNSET HILLS RD
CHESTNUT GROVE SQ
WIEHLE AVE
ISAAC NEWTON SQ W
ISAAC NEWTON SQ S
PLAZA AMERICA DR
RESTON STATION BLVD
SUNSET HILLS RD
WILDLIFE CENTER DR
BUSINESS CENTER DR
DRESSAGE DR
CLAYLN
ADMIRALS HILL CT
HUNTING CREST LN
HUNTING CREST WAY
HUNTER MILL RD
HUNTER MILL RD
CROWELL RD
INDIAN RIDGE RD
ASSOCIATION DR
267
PARKRIDGE BLVD
COVING CROSS LN
GOLF COURSE SQ
SUNRISE VALLEY DR
CAMPUS COMMONS DR
GREAT MEADOW DR
HOMER TER
SOAPSTONE DR
DURAND DR
PURPLE BEECH DR
UPPER LAKE DR
THOREAU PL
GRANBY CT
BARTON HILL RD
OLDFIELD DR
POST OAK TRL
CROSS SCHOOL RD
MIDSUMMER DR
BUCKTHORN LN
SOUTH LAKES DR
OLDE CRAFTS DR
LIRIO CT
RIDGE HEIGHTS RD
SOUTH LAKES DR
TWIN BRANCHES RD
BEACON PL
N
Reston Phase I TSA
Parcel Boundary
Tax Map Grid
Feet
0
1,000
2,000

AN ORDINANCE TO ESTABLISH A RESTON TRANSPORTATION SERVICE DISTRICT

Draft of February 21, 2017

AN ORDINANCE to enact an Appendix V to the 1976 Code of the County of Fairfax, consisting of seven sections, to establish a RestonTransportation Service District to provide transportation infrastructure.

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

1. The following ordinance is adopted:

Appendix V - Fairfax Countv Reston Transportation Service District No. 1.

Section 1. Creation of the Reston Transportation Service District No. 1; Name and Boundaries.

The Board of Supervisors of Fairfax County, Virginia, ("Board") hereby creates a service district which shall be known as Reston Transportation Service District No.1 (the "District"). The District shall include the area shown on the attached maps, which maps are incorporated into and made part of this Appendix.

Section 2. Purpose of the District.

The District is created to provide revenue for new roads and improvements to existing roads, including intersection improvements and the grid of streets (Grid Network) identified in the Reston Master Plan Special Study (Phase I) Plan Amendment Item ST09-III-UP1(A) approved by the Board of Supervisors on February 11, 2014, and the Reston Transportation Funding Plan approved by the Board on February 28, 2017[1], and for the payment of any debt incurred to finance such construction and the satisfaction of any other obligations incurred by the District.

Section 3. General provisions and powers.

The Board shall be the governing body of the District and may exercise any of the powers and duties with respect to service districts set forth in Article 1 of Chapter 24 of Title 15.2 of the Code of Virginia, as amended.

Section 4. Facilities and services proposed within the District.

Transportation facilities and ancillary services will be provided within the District, including but not limited to (i) planning and evaluation of infrastructure, (ii) designing, acquiring rights-of-way for, constructing, and improving roads, streets, and other

[1] This draft assumes Board approval of the Transportation Funding Plan on February 28, 2017.

transportation infrastructure projects, and (iii) public outreach and education regarding such transportation infrastructure.

Section 5. Plan for transportation services and improvements.

Resources of the District, together with resources which may be made available from other sources, will be used to provide revenue needed to provide the transportation facilities and services described in Section 4. Such resources may be used to fund staff and contractors to perform work to provide such transportation facilities and services. Capital project design and construction will be in accordance with the Fairfax County Public Facilities Manual, the Fairfax County Capital Improvement Program, and the Reston Transportation Funding Plan approved by the Board on February 28, 2017.

Section 6. Benefits expected from the provision of transportation facilities and services within the District.

The transportation facilities and services to be provided within the District are expected to benefit all property located within the District by enhancing public use, enjoyment, safety, convenience, and well-being within the District by constructing and operating new capital transportation projects, improving sidewalks and trails, and addressing existing transportation inefficiencies.

Section 7. Annual tax levy; collection and expenditure of funds.

There shall be an annual tax, at a rate established annually by the Board of Supervisors, levied on all real property in the District which is subject to local taxation to pay, in whole or in part, the expenses and charges for providing transportation facilities and services in the District. All proceeds from the annual tax shall be segregated so as to enable the Board to expend the same in the District for the purposes described in Section 2 of this Appendix.

2. 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. This ordinance is effective upon adoption.

GIVEN under my hand this day of _____ 2017.

_____
Clerk to the Board of Supervisors

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Board Agenda Item
February 28, 2017

ADMINISTRATIVE - 4

Authorization to Advertise Publication of the FY 2018 Budget and Required Tax Rates, the FY 2018 Effective Tax Rate Increase, and the Advertised Capital Improvement Program for Fiscal Years 2018-2022 (With Future Fiscal Years to 2027)

ISSUE:
Board authorization to advertise the FY 2018 County budget, Capital Improvement Program, and the tax rates that are proposed to support the FY 2018 budget. Advertising these rates will not prevent the Board from lowering any advertised tax rate, but higher tax rates could not be imposed without advertising such rates.

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a brief synopsis of the FY 2018 Budget and a real estate tax rate for FY 2018 of $1.13 per $100 of assessed value. The FY 2018 Advertised Budget Plan is balanced at the existing Real Estate 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.

Virginia Code Section 58.1-3321 requires that a separate public hearing be held on the effective tax rate if the reassessment of real property results in an increase of one percent or more in the total real property tax levied. The public hearing on the effective tax rate must be advertised at least thirty days before the date of the hearing. The effective tax rate in FY 2018, based on the assessed value of existing property and the County Executive's recommendation to maintain the existing tax rate, has increased 0.97 percent. As a result, a separate public hearing on the effective tax rate is not required based on the County Executive's recommendation. However, a separate advertisement of the effective tax rate increase and separate public hearing will be required if the Board chooses to advertise a rate higher than $1.13 per $100 of assessed value.

In addition, the County Executive recommends that the Board authorize advertisement of a public hearing on the FY 2018 – FY 2022 Advertised Capital Improvement Program (With Future Fiscal Years to 2027).

Please note that the draft tax resolution to be advertised includes the following recommendations regarding rates for FY 2018.

If the Board approves the Reston Transportation Funding Plan and authorizes creation of the Reston Transportation Service District, then the following rate is recommended to be implemented:

- Reston Transportation Service District at $0.021 per $100 of assessed value.

The following rates are recommended to increase:

- Stormwater Service District Levy from $0.0275 per $100 assessed value to $0.0300 per $100 assessed value.

- Tysons Service District from $0.05 per $100 assessed value to $0.06 per $100 assessed value.

The following rate is recommended to decrease:

- Leaf Collection Districts from $0.015 per $100 assessed value to $0.013 per $100 assessed value.

The following rates are not recommended to change:

- Reston Community Center at $0.047 per $100 assessed value.

- McLean Community Center at $0.023 per $100 assessed value.

- Burgundy Village Community Center at $0.02 per $100 assessed value.

- Commercial and Industrial Tax for Transportation at $0.125 per $100 assessed value.

- Special service district for pest infestations at $0.0010 per $100 assessed value.

- Rail to Dulles Phase I Transportation Improvement District Levy at $0.17 per $100 assessed value.

- Rail to Dulles Phase II Transportation Improvement District Levy at $0.20 per $100 assessed value.

- Route 28 Taxing District Levy at $0.18 per $100 assessed value.

- Refuse Collection Services assessment at $345 per household unit.

- I-95 Ash Disposal Fee at $25.50 per ton.

- EMS Transport Fee: (1) a service fee of $500 for Basic Life Support transport (BLS), (2) $650 for Advanced Life Support, level 1 transport (ALS1), (3) $800 for Advanced Life Support, level 2 transport (ALS2), and (4) $12.00 per mile for ground transport mileage.

Also included in the brief synopsis of the FY 2018 budget advertisement is information as it relates to the Personal Property Tax Relief Act (PPTRA) and the percentage of state "Car Tax" subsidy on qualifying personal property tax levy. On November 21, 2005, as part of Action Item 3, the Board of Supervisors adopted a resolution to implement the state "Car Tax" changes found in the Executive Amendments to the 2004-2006 Biennial Budget, specifically state Budget Item 503(E) of the Central Appropriations Act, in accordance with the requirements set forth in Virginia Code Sections 58.1-3524(C)(2) and 58.1-3912(E), as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in Item 503(E)(Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly.

Beginning in tax year 2006, the state "Car Tax" subsidy on qualifying vehicles was "capped" to a statewide total of $950 million. Based on the final report from the state Auditor of Public Accounts, dated February 2006, Fairfax County's share of this $950 million was fixed at 22.2436 percent, or $211,313,944.16. The annual subsidy is frozen at this amount and is factored into the FY 2018 Advertised Budget Plan.

Consistent with the November 21, 2005, Board resolution, the state "Car Tax" funding will provide a 100 percent subsidy of the tax year 2017 levy for qualifying vehicles valued at $1,000 or less and a 100 percent subsidy of the tax year 2017 levy on the value up to $20,000 for vehicles leased by a qualified military service member and/or spouse. Furthermore, the state "Car Tax" funding is estimated to provide a 60.5 percent subsidy of the tax year 2017 levy for all other qualifying vehicles on the value up to $20,000.

Public hearings on the FY 2018 budget, the advertised capital improvement plan (CIP) and proposed tax rates for tax year 2017 will be held on April 4-6, 2017. A separate public hearing on the effective tax rate is not required based on the County Executive's recommendation to maintain the existing Real Estate Tax rate. However, a separate public hearing will be required if the Board chooses to advertise a tax rate higher than $1.13 per $100 of assessed value. If a separate public hearing on the effective tax rate is necessary, it will be held on Tuesday, April 4, 2017, as required by Virginia Code Section 58.1-3321.

Please note that a separate item recommending Board authorization to advertise public hearings for sewer rate revision notices is included in the February 28, 2017, Board package. The sewer rate revision notices authorize the increase in the Base Charge

from $24.68 per quarter, totaling $98.72 per year, to $27.62 per quarter, totaling $110.48 per year. The Sewer Service Charge will increase from $6.68 per 1,000 gallons of water consumption to $6.75 per 1,000 gallons of water consumption. The Sewer Availability Fee will increase from $7,750 to $8,100 per new home being constructed. A separate public hearing on sewer rate revisions will be held on Tuesday, April 4, 2017.

TIMING:
Action must be taken on February 28, 2017, in order to provide adequate time to include the effective tax rate advertisement, if required, in the newspaper no later than March 3, 2017, to meet advertising legal requirements and ensure as broad a circulation as possible.

BACKGROUND:
Virginia Code Section 15.2-2506 specifies the time frame within which the advertisements must be published. That section requires the publication of a brief synopsis of the budget at least seven days prior to the date set for public hearing.

Virginia Code Section 58.1-3321 also specifies advertisement requirements for an increase in the real estate tax levy for existing property based on an equalization increase greater than one percent. That section requires the publication of a notice in the paper at least thirty days prior to the date set for the public hearing and a separate public hearing is required to consider the effective tax increase. The assessed value of existing real estate is projected to increase 0.97 percent due to equalization, which does not exceed the one-percent threshold for that statute. As a result, a separate public hearing to consider the effective tax rate increase is not required based on the County Executive's recommendation to maintain the existing Real Estate Tax rate, but will be required if the Board chooses to advertise a rate higher than $1.13 per $100 of assessed value.

Therefore, this item requests Board authorization to advertise the following items in accordance with the notification requirements listed above.

- A brief synopsis of the FY 2018 Budget, including information as it relates to the impact of the Personal Property Tax Relief Act (PPTRA) on the percentage of state "Car Tax" subsidy on qualifying personal property tax levy
- Proposed Tax Rates for tax year 2017
- The effective tax rate notice required by Virginia Code Section 58.1-3321 (if necessary)

- Notice of public hearings on the FY 2018 – FY 2022 Advertised Capital Improvement Program (With Future Fiscal Years to 2027)

In order to meet these legal requirements and hold to the scheduled public hearing dates, the advertisements must be approved no later than February 28, 2017. This will permit the County to adhere to the following budget schedule:

- Public Hearing on the FY 2018 Effective Tax Rate (if necessary) – April 4, 2017. Please note the Public Hearing on the Effective Tax Rate is separate from the Public Hearings on the Budget. However, citizens may speak on the Effective Tax Rate during the Public Hearings on the FY 2018 Budget.

- Public Hearings on the FY 2018 Budget, the FY 2018 – FY 2022 Advertised Capital Improvement Program (With Future Fiscal Years to 2027) and proposed FY 2018 Tax Rates – April 4-6, 2017.

- Public Hearings on the *FY 2017 Third Quarter Review* – April 4-6, 2017.

- FY 2018 Budget Mark-up and Board Adoption of the *FY 2017 Third Quarter Review* – April 25, 2017.

- Board Adoption of Fiscal Plan, Tax Levies, and Appropriation Resolution – May 2, 2017.

- School transfer set (required by May 15 or 30 days after the State approves aid to schools).

In addition, it should be noted that during FY 2018 the allowable asset limits and income limits associated with the Real Estate Tax Relief Program for the Elderly and Disabled are maintained at the FY 2017 level. In FY 2018, the income limits of the Tax Relief program provide 100 percent exemption for elderly and disabled taxpayers with incomes up to $52,000; 50 percent exemption for eligible applicants with income between $52,001 and $62,000; and 25 percent exemption if income is between $62,001 and $72,000. The allowable asset limit in FY 2018 is $340,000 for all ranges of tax relief and that limit does not include the value of the residence of the applicant and one acre of land on which the residence is located. In addition, veterans who have a 100 percent and total disability related to military service, or their surviving spouse, are eligible for full Real Estate Tax relief regardless of income and assets.

FISCAL IMPACT:

Board Agenda Item
February 28, 2017

The FY 2018 Real Estate Tax rate of $1.13 per $100 of assessed value results in the revenue projections outlined in the FY 2018 Advertised Budget Plan. Each penny on the Real Estate Tax rate equates to $23,753,781 in General Fund revenue.

ENCLOSED DOCUMENTS:
Attachment I - Brief Synopsis of the FY 2018 Budget
Attachment II - Draft Resolution Adopting Fairfax County Tax Rates for FY 2018

STAFF:
Edward L. Long Jr., County Executive
Joe Mondoro, Chief Financial Officer
Jay Doshi, Director, Department of Tax Administration
Patricia McCay, Assistant County Attorney

ATTACHMENT I

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

In accordance with Virginia law, notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will meet in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on April 4 at 4:00 P.M. and April 5 and April 6 at 1:00 P.M. The purpose of these meetings shall be to consider the adoption of an FY 2018 County Budget and to consider such tax rate changes as described therein. A brief synopsis of the FY 2018 Advertised Budget Plan is shown below. Citizens may appear and be heard for and against the following estimates of revenues, expenditures, transfers and surpluses as contained in the FY 2018 Advertised Budget Plan and proposed tax rate changes. Fiscal Year 2018 begins on July 1, 2017 and ends on June 30, 2018.

At the same time, the Board of Supervisors will hear public testimony regarding proposed adoption of the FY 2018 – FY 2022 Advertised Capital Improvement Program (With Future Fiscal Years to 2027).

All persons wishing to present their views on these subjects may call the Office of the Clerk to the Board at (703) 324-3151 to be placed on the Speakers List or may appear and be heard. As required by law, copies of the full text of proposed ordinances, plans and amendments, as applicable, as well as other documents relating to the aforementioned subjects, are on file and may be examined at the Office of the Clerk to the Board of Supervisors, Suite 533 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia.

Fairfax County supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities. Open captioning will be provided in the Board Auditorium. For sign language interpreters or other accommodations, please call the Clerk's Office, (703) 324-3151, TTY 711 (Virginia Relay Center) no later than 48 hours before the public hearing. Assistive listening devices will be available at the meeting.

Copies of the FY 2018 Advertised Budget Plan and the FY 2018 – FY 2022 Advertised Capital Improvement Program (With Future Fiscal Years to 2027) are available on the Internet at http://www.fairfaxcounty.gov/dmb and at the Office of the Clerk to the Board of Supervisors at 12000 Government Center Parkway, Suite 533, Fairfax, Virginia.

				TAX REQUIRED				OTHER RESOURCES				
Fund	EXPENDITURES	TRANSFERS OUT	TOTAL EXPENDITURES & TRANSFERS OUT	AMOUNT	FY 2018 RATE	FY 2017 RATE	FY 2016 RATE	STATE AID	FEDERAL AID	OTHER RECEIPTS	TRANSFERS IN	APPROPRIATED FROM/(ADDED TO) SURPLUS
GOVERNMENTAL FUNDS												
General Fund Group												
10001 General Fund [1]	$1,512,272,694	$2,590,932,099	$4,103,204,793	$3,049,308,144	1.130 **a** 4.57 **b**	1.130 **a** 4.57 **b**	1.090 **a** 4.57 **b**	$309,930,318 **c**	$32,175,146	$707,747,682	$10,068,651	($6,025,148) **d**
10010 Revenue Stabilization	0	0	0	0				0	0	1,000,000	5,835,906	(6,835,906)
10020 Consolidated Community Funding Pool	11,141,700	0	11,141,700	0				0	0	0	11,141,700	0
10030 Contributory Fund	13,492,965	0	13,492,965	0				0	0	0	13,467,254	25,711
10040 Information Technology	7,170,240	0	7,170,240	0				0	0	100,000	7,070,240	0
Total General Fund Group	**$1,544,077,599**	**$2,590,932,099**	**$4,135,009,698**	**$3,049,308,144**				**$309,930,318**	**$32,175,146**	**$708,847,682**	**$47,583,751**	**($12,835,343)**
Debt Service Funds												
20000 Consolidated Debt Service	$341,373,647	$804,000	$342,177,647	$0				$0	$2,100,000	$580,000	$339,497,647	$0
Capital Project Funds												
30000 Metro Operations and Construction	$40,904,941	$2,803,394	$43,708,335	$0				$0	$0	$30,000,000	$13,708,335	$0
30010 General Construction and Contributions	21,690,923	0	21,690,923	0				0	0	4,575,000	17,115,923	0
30020 Infrastructure Replacement and Upgrades	1,825,953	0	1,825,953	0				0	0	0	1,825,953	0
30030 Library Construction	0	0	0	0				0	0	0	0	0
30040 Contributed Roadway Improvement	0	150,380	150,380	0				0	0	150,380	0	0
30050 Transportation Improvements	0	0	0	0				0	0	0	0	0
30060 Pedestrian Walkway Improvements	500,000	0	500,000	0				0	0	0	500,000	0
30070 Public Safety Construction	0	0	0	0				0	0	0	0	0
30080 Commercial Revitalization Program	0	0	0	0				0	0	0	0	0
30090 Pro Rata Share Drainage Construction	0	0	0	0				0	0	0	0	0
30300 The Penny for Affordable Housing	17,627,927	0	17,627,927	11,900,000 **e**				0	0	5,727,927	0	0
30310 Housing Assistance Program	0	0	0	0				0	0	0	0	0
30400 Park Authority Bond Construction	0	0	0	0				0	0	0	0	0
S31000 Public School Construction	179,189,347	0	179,189,347	0				0	0	156,106,000	23,083,347	0
Total Capital Project Funds	**$261,739,091**	**$2,953,774**	**$264,692,865**	**$11,900,000**				**$0**	**$0**	**$196,559,307**	**$56,233,558**	**$0**
Special Revenue Funds												
40000 County Transit Systems	$100,485,425	$0	$100,485,425	$0				$21,019,260	$0	$7,883,285	$71,582,880	$0
40010 County and Regional Transportation Projects	62,821,229	34,199,837	97,021,066	53,282,241	0.125 **f**	0.125 **f**	0.125 **f**	43,592,917	0	130,000	0	15,908
40030 Cable Communications	14,500,241	12,701,745	27,201,986	0				0	0	25,819,120	0	1,382,866
40040 Fairfax-Falls Church Community Services Board	165,740,302	0	165,740,302	0				11,886,443	4,208,641	20,314,203	129,331,015	0
40050 Reston Community Center	10,238,358	0	10,238,358	7,198,374	0.047 **g**	0.047 **g**	0.047 **g**	0	0	1,277,945	0	1,762,039
40060 McLean Community Center	5,351,879	0	5,351,879	4,393,481	0.023 **g**	0.023 **g**	0.023 **g**	0	0	958,398	0	0
40070 Burgundy Village Community Center	45,711	0	45,711	30,189	0.020 **h**	0.020 **h**	0.020 **h**	0	0	31,425	0	(15,903)
40080 Integrated Pest Management Program	3,205,344	141,000	3,346,344	2,370,555	0.001 **i**	0.001 **i**	0.001 **i**	0	0	7,691	0	968,098
40090 E-911	47,611,893	0	47,611,893	0				4,600,000	0	42,172,354	0	839,539
40100 Stormwater Services	69,273,306	1,125,000	70,398,306	70,398,306	0.0300 **j**	0.0275 **j**	0.0250 **j**	0	0	0	0	0
40110 Dulles Rail Phase I Transportation Improvement District	15,569,700	0	15,569,700	24,090,847	0.17 **k**	0.17 **k**	0.19 **k**	0	0	0	0	(8,521,147)
40120 Dulles Rail Phase II Transportation Improvement District	500,000	0	500,000	16,350,924	0.20 **l**	0.20 **l**	0.20 **l**	0	0	0	0	(15,850,924)
40125 Metrorail Parking System Pledged Revenues	8,784,563	0	8,784,563	0				0	0	7,533,430	0	1,251,133
40130 Leaf Collection	1,872,293	0	1,872,293	0	0.013 **m**	0.015 **m**	0.015 **m**	0	0	2,112,583	0	(240,290)
40140 Refuse Collection and Recycling Operations	18,725,663	548,000	19,273,663	0	345 **n**	345 **n**	345 **n**	129,453	0	16,879,019	0	2,265,191
40150 Refuse Disposal	53,514,775	626,000	54,140,775	0	64 **o**	62 **o**	62 **o**	0	0	50,428,345 **p**	0	3,712,430 **q**
40170 I-95 Refuse Disposal	10,618,874	186,000	10,804,874	0	25.50 **r**	25.50 **r**	24.50 **r**	0	0	9,298,956	0	1,505,918
40180 Tysons Service District	0	0	0	8,691,916	0.06 **s**	0.05 **s**	0.05 **s**	0	0	0	0	(8,691,916)
40190 Reston Service District	0	0	0	910,727	0.021 **t**			0	0	0	0	(910,727)
40300 Housing Trust	557,932	0	557,932	0				0	0	557,932	0	0
40330 Elderly Housing Programs	3,233,344	0	3,233,344	0				0	0	1,396,320	1,837,024	0
40360 Homeowner and Business Loan Programs	2,080,081	0	2,080,081	0				0	0	2,001,082	0	78,999
50000 Federal/State Grants	113,738,873	0	113,738,873	0				35,062,988	71,436,434	2,132,452	5,106,999	0
50800 Community Development Block Grant	4,923,230	0	4,923,230	0				0	4,923,230	0	0	0
50810 HOME Investment Partnerships Program	1,509,811	0	1,509,811	0				0	1,509,811	0	0	0

ATTACHMENT I

Fund	EXPENDITURES	TRANSFERS OUT	TOTAL EXPENDITURES & TRANSFERS OUT	TAX REQUIRED AMOUNT	FY 2018 RATE	FY 2017 RATE	FY 2016 RATE	OTHER RESOURCES STATE AID	FEDERAL AID	OTHER RECEIPTS	TRANSFERS IN	APPROPRIATED FROM/(ADDED TO) SURPLUS
Special Revenue Funds (Cont.)												
S10000 Public School Operating [2]	2,703,429,288	32,400,953	2,735,830,241	0				631,425,294	42,355,500	66,922,213	1,965,811,830	29,315,404
S40000 Public School Food and Nutrition Services	96,542,228	0	96,542,228	0				1,217,890	39,840,792	42,489,517	0	12,994,029 **u**
S43000 Public School Adult and Community Education	9,607,850	0	9,607,850	0				747,063	1,666,438	6,959,349	235,000	0
S50000 Public School Grants & Self Supporting Programs	76,090,500	0	76,090,500	0				8,205,794	37,063,923	8,140,391	22,234,157	446,235 **v**
Total Special Revenue Funds	**$3,600,572,693**	**$81,928,535**	**$3,682,501,228**	**$187,717,560**				**$757,887,102**	**$203,004,769**	**$315,446,010**	**$2,196,138,905**	**$22,306,882**
TOTAL GOVERNMENTAL FUNDS	**$5,747,763,030**	**$2,676,618,408**	**$8,424,381,438**	**$3,248,925,704**				**$1,067,817,420**	**$237,279,915**	**$1,221,432,999**	**$2,639,453,861**	**$9,471,539**
PROPRIETARY FUNDS												
Internal Service Funds												
60000 County Insurance	$26,424,371	$0	$26,424,371	$0				$0	$0	$1,020,859	$24,184,081	$1,219,431
60010 Department of Vehicle Services	83,888,574	0	83,888,574	0				0	0	79,924,644	0	3,963,930
60020 Document Services Division	9,800,756	0	9,800,756	0				0	0	5,482,389	3,941,831	376,536
60030 Technology Infrastructure Services	41,059,182	0	41,059,182	0				0	0	36,915,664	2,506,443	1,637,075
60040 Health Benefits	195,216,903	0	195,216,903	0				0	0	196,290,983	0	(1,074,080)
S60000 Public School Insurance	21,463,661	0	21,463,661	0				0	0	13,081,339	0	8,382,322 **w**
S62000 Public School Health and Flexible Benefits	444,716,362	0	444,716,362	0				0	0	404,844,958	0	39,871,404 **x**
Total Internal Service Funds	**$822,569,809**	**$0**	**$822,569,809**	**$0**				**$0**	**$0**	**$737,560,836**	**$30,632,355**	**$54,376,618**
Enterprise Funds												
69000 Sewer Revenue	$0	$219,434,663	$219,434,663	$0	6.75 **y** 8,100 **z** 27.62 **aa**	6.68 **y** 7,750 **z** 24.68 **aa**	6.65 **y** 7,750 **z** 20.15 **aa**	$0	$0	$215,396,358	$0	$4,038,305
69010 Sewer Operation and Maintenance	98,676,187	2,850,000	101,526,187	0				0	0	0	101,440,000	86,187
69020 Sewer Bond Parity Debt Service	25,550,727	0	25,550,727	0				0	0	0	22,930,000	2,620,727
69030 Sewer Bond Debt Reserve	0	0	0	0				0	0	0	0	0
69040 Sewer Bond Subordinate Debt Service	25,784,734	0	25,784,734	0				0	0	0	25,725,000	59,734
69300 Sewer Construction Improvements	69,339,663	0	69,339,663	0				0	0	0	69,339,663	0
69310 Sewer Bond Construction	0	0	0	0				0	0	0	0	0
Total Enterprise Funds	**$219,351,311**	**$222,284,663**	**$441,635,974**	**$0**				**$0**	**$0**	**$215,396,358**	**$219,434,663**	**$6,804,953**
TOTAL PROPRIETARY FUNDS	**$1,041,921,120**	**$222,284,663**	**$1,264,205,783**	**$0**				**$0**	**$0**	**$952,957,194**	**$250,067,018**	**$61,181,571**
FIDUCIARY FUNDS												
Agency Funds												
70000 Route 28 Taxing District	$11,441,307	$0	$11,441,307	$10,441,307	0.18 **ab**	0.18 **ab**	0.18 **ab**	$0	$0	$1,000,000	$0	$0
70040 Mosaic District Community Development Authority	5,867,626	0	5,867,626	5,867,626				0	0	0	0	0
Total Agency Funds	**$17,308,933**	**$0**	**$17,308,933**	**$16,308,933**				**$0**	**$0**	**$1,000,000**	**$0**	**$0**
Trust Funds												
73000 Employees' Retirement Trust	$340,357,173	$0	$340,357,173	$0				$0	$0	$495,287,043	$0	($154,929,870)
73010 Uniformed Employees Retirement Trust	110,660,617	0	110,660,617	0				0	0	194,486,787	0	(83,826,170)
73020 Police Retirement Trust	89,398,036	0	89,398,036	0				0	0	147,700,835	0	(58,302,799)
73030 OPEB Trust	11,069,125	0	11,069,125	0				0	1,000,000	1,654,022	10,490,000	(2,074,897)
S71000 Educational Employees' Retirement	209,642,722	0	209,642,722	0				0	0	369,458,761	0	(159,816,039)
S71100 Public School OPEB Trust	22,263,500	0	22,263,500	0				0	0	32,305,012	0	(10,041,512)
Total Trust Funds	**$783,391,173**	**$0**	**$783,391,173**	**$0**				**$0**	**$1,000,000**	**$1,240,892,460**	**$10,490,000**	**($468,991,287)**
TOTAL FIDUCIARY FUNDS	**$800,700,106**	**$0**	**$800,700,106**	**$16,308,933**				**$0**	**$1,000,000**	**$1,241,892,460**	**$10,490,000**	**($468,991,287)**
TOTAL ALL FUNDS	**$7,590,384,256**	**$2,898,903,071**	**$10,489,287,327**	**$3,265,234,637**				**$1,067,817,420**	**$238,279,915**	**$3,416,282,653**	**$2,900,010,879**	**($398,338,177)**

[1] Personal Property taxes of $211,313,944 that are reimbursed by the Commonwealth as a result of the Personal Property Tax Relief Act of 1998 are included in the Revenue from the Commonwealth category in accordance with guidelines from the State Auditor of Public Accounts.

[2] The proposed County General Fund transfer for school operations in FY 2018 totals $1,965,211,830, an increase of $51,692,928, or 2.7 percent, over the FY 2017 Adopted Budget Plan level. It should be noted that the actual transfer request approved by the School Board on February 9, 2017 reflects a General Fund transfer of $2,026,063,576, an increase of $112,544,674, or 5.9 percent, over the FY 2017 Adopted Budget Plan. The advertisement expenditure total for School Operating reflects the level that is supportable by the proposed General Fund transfer.

ATTACHMENT I

ATTACHMENT I

FOOTNOTES

OTHER REAL ESTATE & PERSONAL PROPERTY TAX RATES	Revenue Amount	Tax Required 2018 Rate	2017 Rate	2016 Rate
PUBLIC SERVICE CORPORATIONS				
Equalized **a**	$42,632,201	1.130	1.130	1.090
Vehicles **b**	336,890	4.57	4.57	4.57
OTHER				
Mining and Manufacturing Machinery and Tools (General Fund Revenue) **b**	1,550,988	4.57	4.57	4.57
Research and Development (General Fund Revenue) **b**	23,838	4.57	4.57	4.57
Antique Automobiles **b**	-	0.01	0.01	0.01
Mobile Homes **a**	170,985	1.130	1.130	1.090
Van Pools-Privately Owned Vans **b**	-	0.01	0.01	0.01
Motor Vehicles Owned by Members of a Volunteer Rescue Squad or Volunteer Fire Department **b**	-	0.01	0.01	0.01
Motor Vehicles Owned by Members of the Auxiliary Police **b**	-	0.01	0.01	0.01
Motor Vehicles Owned by Members of the Auxiliary Deputy Sheriff **b**	-	0.01	0.01	0.01
Homeowners Associations Furniture, office equipment and maintenance equipment **b**	-	0.01	0.01	0.01
Aircraft and Flight Simulators **b**	-	0.01	0.01	0.01
Motor Vehicles Specially Equipped to Provide Transportation to Physically Handicapped Individuals **b**	-	0.01	0.01	0.01
Boats **b**	-	0.01	0.01	0.01
Motor Vehicles Owned by Disabled Veterans **b**	-	0.01	0.01	0.01
Motor Vehicles Owned by Certain Qualifying Elderly and Disabled Individuals **b**	-	0.01	0.01	0.01
Special Service District for Pest Infestations **i**	2,370,555	0.001	0.001	0.001

a. Real Estate Tax Rate per $100 of assessed value. **It should be noted that the FY 2018 Advertised Budget Plan proposes a tax rate of $1.130 per $100 of assessed value. The real estate tax bill for the typical residential homeowner would increase by $41 in FY 2018 with a real estate tax rate of $1.130 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.**

b. Personal Property Tax Rate per $100 of assessed value (excluding household furnishings). Tax collections, as a percentage of total taxes levied, are estimated as follows:
   - 10001 General Fund - Real Estate, 99.70 percent; Personal Property, 98.0 percent
   - Sanitary District - Refuse Assessments, 100 percent.

c. Percentage of state "Car Tax" subsidy on qualifying personal property tax levy. On November 21, 2005, as part of Action Item 3, the Board of Supervisors adopted a resolution to implement the state "Car Tax" changes found in the Executive Amendments to the 2004-2006 Biennial Budget, specifically state Budget Item 503(E) of the Central Appropriations Act, in accordance with the requirements set forth in Virginia Code §§ 58.1-3524(C)(2) and 58.1-3912(E), as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in Item 503(E)(Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly.

   Beginning in tax year 2006, the state "Car Tax" subsidy on qualifying vehicles was "capped" to a statewide total of $950 million. Based on the final report from the state Auditor of Public Accounts, dated February 2006, Fairfax County's share of this $950 million was fixed at 22.2436%, or $211,313,944.16. The annual subsidy is frozen at this amount and is factored into the FY 2018 Advertised Budget Plan.

   Consistent with the November 21, 2005, Board resolution, the state "Car Tax" funding will provide a 100% subsidy of the tax year 2017 levy for qualifying vehicles valued at $1,000 or less and a 100% subsidy of the tax year 2017 levy on the value up to $20,000 for vehicles leased by a qualified military service member and/or spouse. Furthermore, the state "Car Tax" funding is estimated to provide a 60.5% subsidy of the tax year 2017 levy for all other qualifying vehicles on the value up to $20,000.

d. Fund 10001, General Fund, does not reflect carryover of FY 2016 Audit Adjustment Reserve of ($677,093), Reserve for Potential FY 2017 One-Time Requirements of ($5,463,153), and FY 2017 Mid-Year Revenue Adjustment Reserve of ($10,351,830) from FY 2017 to FY 2018.

e. Real Estate revenue reflected in Fund 30300, The Penny for Affordable Housing Fund, reflects the Board of Supervisors policy to allocate the approximate value of one penny on the real estate tax rate to this program. It should be noted that the FY 2018 Advertised Budget Plan includes the allocation of one-half penny on the real estate tax rate to this fund.

f. Additional tax assessment per $100 of assessed value for commercial and industrial property in the County to support transportation.

g. Operating costs and debt service - Community Center. Tax Rate per $100 of assessed value.

h. Utilities and other operating costs - Community Center. Tax Rate per $100 of assessed value.

i. Additional special tax levy of real estate within Fairfax County, but exclusive of the Lake Barcroft Water Improvement District to control infestations of pests. Tax Rate per $100 of assessed value.

j. Additional special tax levy of real estate to support operating and construction requirements for the stormwater management program. Tax Rate per $100 of assessed value.

k. Additional tax assessment per $100 of assessed value for commercial and industrial property for the Phase I Dulles Rail Transportation Improvement District.

l. Additional tax assessment per $100 of assessed value for commercial and industrial property for the Phase II Dulles Rail Transportation Improvement District.

m. Leaf Collection rate per $100 of assessed value. (See districts listed below)

Leaf Collection:
Small District 2 Braddock
Local District 1A11 Dranesville
Local District 1A21 Dranesville
Local District 1A22 Dranesville
Local District 1A61 Dranesville
Local District 1B1 Dranesville
Local District 1E Dranesville
Small District 3 Dranesville
Small District 7 Dranesville
Small District 8 Dranesville
Small District 10 Dranesville
Small District 12 Dranesville
Small District 15 Dranesville
Local District 1B Lee
Local District 1C Lee
Local District 1D Lee
Local District 1E Lee
Small District 1 Mason
Local District 1A Mason
Small District 2 Mason
Small District 4 Mason
Local District 7A Mason
Small District 9 Mason
Small District 10 Mason
Local District 1A Mount Vernon
Local District 1B Mount Vernon
Local District 1C Mount Vernon
Local District 1D Mount Vernon
Local District 1E Mount Vernon
Small District 1 Providence
Small District 2 Providence
Small District 4 Providence
Small District 6 Providence
Small District 7 Providence
Small District 8 Providence

n. Refuse Collection assessment - the base annual charge for refuse collection service to be added to the regular real estate tax bill. (See districts listed below)

Refuse Service:
Small District 2 Braddock
Small District 3 Braddock
Small District 2 Hunter Mill
Small District 3 Hunter Mill
Local District 5A Hunter Mill
Local District 1A1 Dranesville
Local District 1A2 Dranesville
Local District 1A3 Dranesville
Local District 1A4 Dranesville
Local District 1A5 Dranesville
Local District 1A6 Dranesville
Local District 1A8 Dranesville
Local District 1A9 Dranesville
Local District 1A11 Dranesville
Local District 1A12 Dranesville
Local District 1A21 Dranesville
Local District 1A22 Dranesville
Local District 1A61 Dranesville
Local District 1B Dranesville
Local District 1B1 Dranesville
Local District 1B2 Dranesville
Local District 1E Dranesville
Small District 3 Dranesville
Small District 4 Dranesville
Small District 6 Dranesville
Small District 7 Dranesville
Small District 8 Dranesville
Small District 9 Dranesville
Small District 10 Dranesville
Small District 11 Dranesville
Small District 12 Dranesville
Small District 13 Dranesville
Small District 14 Dranesville
Small District 15 Dranesville
Small District 1 Lee
Local District 1A Lee
Local District 1B Lee
Local District 1C Lee
Local District 1D Lee
Local District 1E Lee
Small District 2 Lee
Small District 3 Lee
Small District 4 Lee
Small District 1 Mason
Local District 1A Mason
Local District 1B Mason
Local District 1C Mason
Local District 1D Mason
Local District 1F Mason
Small District 2 Mason
Small District 3 Mason
Small District 4 Mason
Small District 5 Mason
Small District 6 Mason
Small District 7 Mason

Refuse Service (continued):
Local District 7A Mason
Small District 8 Mason
Small District 9 Mason
Small District 10 Mason
Small District 11 Mason
Small District 1 Mount Vernon
Local District 1A Mount Vernon
Local District 1B Mount Vernon
Local District 1C Mount Vernon
Local District 1D Mount Vernon
Local District 1E Mount Vernon
Small District 2 Mount Vernon
Local District 2A Mount Vernon
Local District 2B Mount Vernon
Small District 1 Providence
Local District 1A Providence
Local District 1B Providence
Small District 3 Providence
Small District 4 Providence
Small District 6 Providence
Small District 7 Providence
Small District 8 Providence
Small District 9 Providence
Small District 11 Providence
Small District 12 Providence
Small District 13 Providence
Small District 4 Springfield
Small District 6 Springfield

o. Per ton refuse disposal fee charged to County refuse collectors, other jurisdictions, and private haulers.

p. Includes revenues from user fees charged at the Recycling and Disposal Center. Information regarding the schedule of fees is available from the Department of Public Works and Environmental Services (DPWES) Solid Waste Management Program at 12000 Government Center Parkway, Suite 458, Fairfax, Virginia, 22035 or online at www.fairfaxcounty.gov/dpwes. Residents who use the Recycling and Disposal Center are charged for disposal of waste based on weight and category of waste. There are different fees for disposal of brush, yard waste, white goods, tires, and other materials.

q. Fund 40150, Refuse Disposal, assumes balance of $58,616,901 will be moved from Fund 40160, Energy Resource Recovery (ERR) Facility, at year-end FY 2017 due to the consolidation of these two funds.

r. Per ton ash disposal fee charged to the County and participating jurisdictions.

s. Additional tax assessment per $100 of assessed value for the Tysons Service District.

t. Additional tax assessment per $100 of assessed value for the Reston Service District.

u. Fund S40000, Public School Food and Nutrition Services, assumes carryover of General Reserve of $12,994,029 from FY 2017 to FY 2018.

v. Fund S50000, Public School Grants and Self Supporting Programs, assumes carryover of reserves of $446,235 from FY 2017 to FY 2018.

w. Fund S60000, Public School Insurance, assumes carryover of Allocated Reserve of $8,382,322 from FY 2017 to FY 2018.

x. Fund S62000, Public School Health and Flexible Benefits, assumes carryover of premium stabilization reserve of $39,871,404 from FY 2017 to FY 2018.

y. Sewer service rate per 1,000 gallons of water.

z. Sewer availability fee for single family homes.

aa. Sewer service per bill base charge.

ab. Additional tax assessment per $100 of assessed value for road improvements to State Route 28.

DRAFT
Resolution Adopting Tax Rates for Fairfax County **ATTACHMENT II**
Fiscal Year 2018

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, May 2, 2017, at which meeting a quorum was present and voting, the following resolution was adopted:

RESOLUTION ADOPTING TAX RATES
FOR FAIRFAX COUNTY

FISCAL YEAR 2018

BE IT RESOLVED that, pursuant to the provisions of Virginia Code § 58.1-3001, and after having first complied with the provisions of the Virginia Code §§ 15.2-2506 and 58.1-3321, the Board does hereby establish the tax levies for the fiscal budget year beginning July 1, 2017, and ending June 30, 2018, and calendar tax year beginning January 1, 2017 and ending December 31, 2017, as follows to wit:

COUNTY LEVIES

General provisions. The County property taxes are levied on each $100.00 of assessed valuation of real estate and tangible personal property, excluding household furnishings, and including machinery and tools of mining, manufacturing, radio or television broadcasting, dairy, dry cleaning or laundry firms, and all personal property of research and development firms, in the County, including such property within the incorporated towns that are within the County. Except as otherwise stated herein, all such taxes are imposed generally pursuant with Virginia law on all taxable property throughout the County, including the incorporated towns therein, and the revenues derived from such levies shall be appropriated by the Board of Supervisors in accordance with Virginia law.

Real Estate*

On each $100.00 of the assessed valuation of real estate and improvements on real estate in the County the tax rate shall be $1.130

*Tax will be levied and collected in two semi-annual tax billings.

Commercial and Industrial Real Estate Tax for Transportation*

On each $100.00 of assessed valuation of the taxable commercial and industrial real estate in the County the tax rate in support of transportation shall be an additional..... $0.125

*Tax will be levied and collected in two semi-annual tax billings.

Personal Property

On each $100.00 of assessed valuation of tangible personal property, including all property separately classified by Virginia Code § 58.1-3503, the tax rate shall be $4.57

Except for the following:

Mobile Homes

On each $100.00 of assessed valuation of mobile homes, as separately classified by Virginia Code § 58.1-3506(A)(10), the tax rate shall be $1.130

Machinery and Tools

On each $100.00 of assessed valuation of machinery and tools, as separately classified by Virginia Code § 58.1-3507, the tax rate shall be $4.57

Research and Development

On each $100.00 of assessed valuation of tangible personal property used or employed in a research and development business, as separately classified by Virginia Code § 58.1-3506(A)(7), the tax rate shall be $4.57

Certain Personal Property of Planned Residential Subdivisions

On each $100.00 of assessed valuation of furniture, office, and maintenance equipment, exclusive of motor vehicles, which are owned and used by an organization whose real property is assessed in accordance with Virginia Code § 58.1-3284.1 and which is used by that organization for the purpose of maintaining or using the open or common space within a residential development as classified by Virginia Code § 58.1-3506(A)(24), the tax rate shall be $0.01

Van Pools - Privately Owned Vans

On each $100.00 of assessed valuation of privately owned vans, as separately classified by Virginia Code § 58.1-3506(A)(13), the tax rate shall be $0.01

Privately owned vans means vans with a seating capacity of seven to fifteen persons used exclusively pursuant to a ridesharing agreement as defined in Virginia Code § 46.2-1400, and which have been certified as such by the Director of the Department of Tax Administration.

Motor Vehicles Owned by Members of a
Volunteer Rescue Squad or Volunteer Fire Department

On each $100.00 of assessed valuation of motor vehicles as separately classified by Virginia Code § 58.1-3506(A)(15), the tax rate shall be $0.01

Motor vehicles as classified by Virginia Code § 58.1-3506 (A) (15), shall be defined to mean one motor vehicle owned or leased by each member of a volunteer rescue squad or volunteer fire department which is regularly used by such members to respond to emergency calls and certified as such by the Chief or Head of the Volunteer Organization and the Department of Tax Administration.

Motor Vehicles Specially Equipped to Provide
Transportation for Physically Handicapped Individuals

On each $100.00 of assessed valuation of motor vehicles as separately classified by Virginia Code § 58.1-3506(A)(14), the tax rate shall be $0.01

Specially equipped means any vehicle which has been modified specifically for the purpose of transporting physically handicapped individuals and the vehicle is certified as such by the Director of the Department of Tax Administration.

Motor Vehicles Owned
By Certain Qualifying Elderly and Disabled Individuals

On each $100.00 of assessed valuation of certain motor vehicles as classified by Virginia Code § 58.1-3506.1, the tax rate shall be..... $0.01

Applies to one motor vehicle owned and used by certain elderly and disabled persons who qualify on the basis of income and net worth.

Motor Vehicles Owned
By Persons Who Have Been Appointed to Serve as Auxiliary Police Officers

On each $100.00 of assessed valuation of motor vehicles as classified by Virginia Code § 58.1-3506(A)(20), the tax rate shall be $0.01

Motor vehicles as classified by Virginia Code § 58.1-3506 (A) (20), shall be defined to mean one motor vehicle owned or leased by an Auxiliary Police Officer to respond to auxiliary police duties, subject to certification as required by the provisions of the authorizing statute.

Motor Vehicles Owned
By Persons Who Have Been Appointed to Serve as Auxiliary Deputy Sheriffs

On each $100.00 of assessed valuation of motor vehicles as classified by Virginia Code § 58.1-3506 (A)(32), the tax rate shall be $0.01

Motor vehicles as classified by Virginia Code § 58.1-3506 (A)(32), shall be defined to mean one motor vehicle owned or leased by an Auxiliary Deputy Sheriff to respond to auxiliary deputy sheriff duties, subject to certification as required by the provisions of the authorizing statute.

Aircraft and Flight Simulators

On each $100.00 of assessed valuation of aircraft and flight simulators, as classified by Virginia Code § 58.1-3506(A)(2), (3), (4) and (5) the tax rate shall be $0.01

Antique Motor Vehicles

On each $100.00 of assessed valuation of antique motor vehicles, as separately classified by Virginia Code § 58.1-3506(A)(6), the tax rate shall be $0.01

Antique motor vehicles or antique automobiles means every motor vehicle which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than twenty-five years ago and is owned solely as a collector's item.

Boats

On each $100.00 of assessed valuation of boats and watercraft, as classified by Virginia Code § 58.1-3506(A)(1), (12), (28), (29), (35) and (36) the tax rate shall be..... $0.01

Motor Vehicles Owned By Qualified Disabled Veterans

On each $100.00 of assessed valuation of motor vehicles, as classified by Virginia Code § 58.1-3506(A)(19), the tax rate shall be..... $0.01

Motor vehicles as classified by Virginia Code § 58.1-3506(A)(19) shall be defined to mean one motor vehicle owned and regularly used by qualified disabled veterans, subject to certification as required by the provisions of the authorizing statute.

SANITARY DISTRICT LEVIES*

Local District 1A Lee
(Burgundy Village Community Center)

On each $100.00 of assessed valuation of real estate within the boundary of Local District 1A Lee in the County, the tax rate shall be $0.02

Small District 1 Dranesville
(McLean Community Center)

On each $100.00 of assessed valuation of real estate within the boundary of Small District 1 Dranesville in the County, the tax rate shall be $0.023

Small District 5 Hunter Mill
(Reston Community Center)

On each $100.00 of assessed valuation of real estate within the boundary of Small District 5 Hunter Mill in the County, the tax rate shall be $0.047

*Tax will be levied and collected in two semi-annual tax billings.

Leaf Collection:

Small District 2 Braddock
Local District 1A11 Dranesville
Local District 1A21 Dranesville
Local District 1A22 Dranesville
Local District 1A61 Dranesville
Local District 1B1 Dranesville
Local District 1E Dranesville
Small District 3 Dranesville
Small District 7 Dranesville
Small District 8 Dranesville
Small District 10 Dranesville
Small District 12 Dranesville
Small District 15 Dranesville
Local District 1B Lee
Local District 1C Lee
Local District 1D Lee
Local District 1E Lee
Small District 1 Mason
Local District 1A Mason
Small District 2 Mason
Small District 4 Mason
Local District 7A Mason
Small District 9 Mason
Small District 10 Mason
Local District 1A Mount Vernon
Local District 1B Mount Vernon
Local District 1C Mount Vernon
Local District 1D Mount Vernon

Leaf Collection (continued):
Local District 1E Mount Vernon
Small District 1 Providence
Small District 2 Providence
Small District 4 Providence
Small District 6 Providence
Small District 7 Providence
Small District 8 Providence

On each $100.00 of assessed valuation of real estate within the boundaries of the above-enumerated Districts in the County, the tax rate shall be $0.013

On any real estate which is deleted from a sanitary district effective July 1, 2017, as a result of the contraction of such sanitary district, such real estate will be entitled to pro rata abatement from the amount of the annual charge hereby established for leaf collection.

On any real estate, which is added to a sanitary district effective July 1, 2017, as a result of either the creation or the enlargement of a sanitary district, such real estate will be charged a pro rata fee for the annual charge hereby established for leaf collection.

Refuse Service:

Small District 2 Braddock
Small District 3 Braddock
Small District 2 Hunter Mill
Small District 3 Hunter Mill
Local District 5A Hunter Mill
Local District 1A1 Dranesville
Local District 1A2 Dranesville
Local District 1A3 Dranesville
Local District 1A4 Dranesville
Local District 1A5 Dranesville
Local District 1A6 Dranesville
Local District 1A8 Dranesville
Local District 1A9 Dranesville
Local District 1A11 Dranesville
Local District 1A12 Dranesville
Local District 1A21 Dranesville
Local District 1A22 Dranesville
Local District 1A61 Dranesville
Local District 1B Dranesville
Local District 1B1 Dranesville
Local District 1B2 Dranesville
Local District 1E Dranesville
Small District 3 Dranesville
Small District 4 Dranesville
Small District 6 Dranesville
Small District 7 Dranesville
Small District 8 Dranesville
Small District 9 Dranesville
Small District 10 Dranesville
Small District 11 Dranesville
Small District 12 Dranesville
Small District 13 Dranesville
Small District 14 Dranesville
Small District 15 Dranesville
Small District 1 Lee
Local District 1A Lee
Local District 1B Lee
Local District 1C Lee
Local District 1D Lee
Local District 1E Lee
Small District 2 Lee
Small District 3 Lee
Small District 4 Lee
Small District 1 Mason
Local District 1A Mason
Local District 1B Mason
Local District 1C Mason
Local District 1D Mason
Local District 1F Mason
Small District 2 Mason
Small District 3 Mason
Small District 4 Mason
Small District 5 Mason
Small District 6 Mason
Small District 7 Mason
Local District 7A Mason
Small District 8 Mason
Small District 9 Mason
Small District 10 Mason
Small District 11 Mason
Small District 1 Mount Vernon
Local District 1A Mount Vernon
Local District 1B Mount Vernon
Local District 1C Mount Vernon
Local District 1D Mount Vernon
Local District 1E Mount Vernon
Small District 2 Mount Vernon
Local District 2A Mount Vernon
Local District 2B Mount Vernon
Small District 1 Providence
Local District 1A Providence
Local District 1B Providence
Small District 3 Providence
Small District 4 Providence
Small District 6 Providence
Small District 7 Providence

Refuse Service (continued):
Small District 8 Providence
Small District 9 Providence
Small District 11 Providence
Small District 12 Providence
Small District 13 Providence
Small District 4 Springfield
Small District 6 Springfield

On each single-family dwelling and on each unit of two-family dwellings, excluding apartments (garden through high-rise), multi-family condominiums (garden through high-rise), and/or other multi-unit dwelling type buildings, existing or under construction January 1, 2017, within the boundaries of the above enumerated Districts, a base annual charge of $345.00 for refuse collection service to be added to the regular real estate tax bill, and that annual charge shall be subject to penalty and interest charges and becoming a lien against the property if not paid, in the same manner as any other real estate tax.

On any dwelling that is neither completed nor occupied by June 30, 2017, the owner thereof shall, upon application to the Director of the Department of Tax Administration or the Director DPWES, Solid Waste Collection and Recycling, made prior to December 5, 2017, be entitled to relief in the amount of the pro-rata portion based on the service period of the base annual charge hereby established. The claimant must provide acceptable evidence that the dwelling was not occupied, nor generating waste to the Director of the Department of Tax Administration or the Director DPWES, Solid Waste Collection and Recycling.

On any dwelling that is neither completed nor occupied by December 31, 2017, the owner thereof shall, upon application to the Director of the Department of Tax Administration or the Director DPWES, Solid Waste Collection and Recycling, made prior to March 31, 2018, be entitled to relief in the amount of the pro-rata portion based on the service period of the base annual charge hereby established. The claimant must provide acceptable evidence that the dwelling was not occupied, nor generating waste to the Director of the Department of Tax Administration or the Director DPWES, Solid Waste Collection and Recycling.

On any dwelling that is deleted from a sanitary district, as a result of the contraction of such sanitary district, the owner thereof will be entitled to relief in the amount of a pro rata portion of the base annual charge hereby established when service for refuse and recycling collection service is eliminated based on the service period.

On any dwelling that is added to a sanitary district, as a result of either the creation or the enlargement of a sanitary district or construction within the sanitary district, the owner thereof will be charged a pro rata portion of the base annual charge hereby established when service begins for refuse and recycling collection service based on the service period.

Water Service:

Small District One within Springfield District

On any lot within the district, an annual assessment of $661 for thirty years commencing July 1, 1993. This annual assessment is for the purpose of providing water service to Clifton Forest, a group of homes located within the Lincoln-Lewis-Vannoy Conservation District.

Small District Three within Springfield District

On any lot within the district, an annual assessment of $959 commencing January 1, 2003 and ending December 31, 2032. This annual assessment is for the purpose of providing water service to Colchester Road-Lewis Park, a group of 141 homes located within the Lincoln-Lewis-Vannoy Conservation District.

TRANSPORTATION IMPROVEMENT DISTRICT LEVIES*

State Route 28 Transportation Improvement District

On each $100.00 of assessed valuation of the taxable commercial and industrial real estate within the boundary of State Route 28 Transportation Improvement District, as specified by Virginia Code § 15.2-4607 and as set out in Chapter 587 of the 1997 Acts of the General Assembly, the tax rate shall be $0.18

Phase I Dulles Rail Transportation Improvement District

On each $100.00 of assessed valuation of the taxable commercial and industrial real estate within the boundary of Phase I Dulles Rail Transportation Improvement District, as specified by Virginia Code § 33.2-2105, the tax rate shall be..... $0.17

Phase II Dulles Rail Transportation Improvement District

On each $100.00 of assessed valuation of the taxable commercial and industrial real estate within the boundary of Phase II Dulles Rail Transportation Improvement District, as specified by Virginia Code § 33.2-2105, the tax rate shall be..... $0.20

*Tax will be levied and collected in two semi-annual tax billings.

SPECIAL SERVICE DISTRICT FOR THE CONTROL OF PEST INFESTATIONS*

On each $100.00 of assessed valuation of real estate within Fairfax County, but exclusive of the Lake Barcroft Water Improvement District, within the service district established by Appendix I of the Fairfax County Code, the tax rate shall be..... $0.0010

*Tax will be levied and collected in two semi-annual tax billings.

SPECIAL SERVICE DISTRICT FOR STORMWATER MANAGEMENT*

On each $100.00 of assessed valuation of real estate within Fairfax County, within the service district, the tax rate shall be $0.0300

*Tax will be levied and collected in two semi-annual tax billings.

SPECIAL SERVICE DISTRICT FOR TYSONS*

On each $100.00 of assessed valuation of real estate within Fairfax County, within the service district, the tax rate shall be $0.06

*Tax will be levied and collected in two semi-annual tax billings.

DRAFT
Resolution Adopting Tax Rates for Fairfax County **ATTACHMENT II**
Fiscal Year 2018

SPECIAL SERVICE DISTRICT FOR RESTON*

On each $100.00 of assessed valuation of real estate within Fairfax County, within the service district, the tax rate shall be $0.021

*Tax will be levied and collected in two semi-annual tax billings.

SERVICE CHARGES FOR AMBULANCE TRANSPORT SERVICE

Pursuant to Fairfax County Code § 4-26-1, each person being transported by any emergency medical services vehicle that is operated or maintained by the County or for which a permit has been issued to the County by the Virginia Office of Emergency Medical Services will be charged (1) a service fee of $500 for Basic Life Support transport (BLS), (2) $650 for Advanced Life Support, level 1 transport (ALS1), (3) $800 for Advanced Life Support, level 2 transport (ALS2), and (4) $12.00 per mile for ground transport mileage. The term "emergency medical services vehicle" has the definition specified in Virginia Code § 32.1-111.1.

GIVEN under my hand this _____ day of May, 2017

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

Board Agenda Item
February 28, 2017

ACTION - 1

Approval of License Agreements with Bikes for the World for the Use of County-Owned Property at I-95 Landfill and West Ox Transfer Station (Mount Vernon and Springfield Districts)

ISSUE:
Board approval to license space at the I-95 Landfill and West Ox Transfer Station to Bikes for the World (BfW) to permit the temporary storage of bicycles as part of a recycling program.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors authorize staff to execute licenses substantially in the form of Attachments 3 and 4.

TIMING:
Board action is requested on February 28, 2017, to allow BfW to continue its recycling program at the I-95 Landfill and initiate a new program at the West Ox Transfer Station.

BACKGROUND:
Bikes for the World is a Northern Virginia-based, tax exempt public charity pursuant to Section 501(c)(3) of the Internal Revenue Code whose mission is to make affordable, good-quality used bicycles available to low income people around the globe. BfW accepts donations of old bicycles from residents at collection points throughout the Mid-Atlantic region and refurbishes them for delivery to end users in Asia, Africa and Latin America. Since 2005, BfW has collected and redistributed more than 120,000 bicycles.

At the direction of Supervisor Herrity, County staff entered into a license with BfW in 2011 that permitted the group to enclose a 12 foot by 12 foot area at the I-95 Landfill at 9850 Furnace Road (I-95 Landfill) for the temporary storage of donated bicycles. Approximately twice a month, BfW gathers the bicycles deposited in the collection area and relocates them to their regional maintenance facility for refurbishment. BfW has retrieved on average approximately 40-50 salvageable bicycles per month from the I-95 Landfill over the past 5 years. The current agreement, which does not charge BfW for the storage area in recognition of the environment benefits of its recycling services, expired in September 2016.

BfW would like to renew the agreement for the I-95 Landfill and negotiate a new agreement for a collection facility to be situated at the West Ox Transfer Station at 4618 West Ox Road (West Ox Transfer Station). The storage area at the West Ox Transfer Station will be of similar size to the one at the I-95 Landfill, but the frequency of BfW's pickups will be much greater given the larger numbers of residents who conduct business at the West Ox Transfer Station. The volume of potentially re-usable bikes

being donated by residents at the West Ox Transfer Station is expected to be more than three times the yield at the I-95 Landfill.

Both license agreements will have a term of five years and will not require BfW to pay any consideration for use of the drop-off facility. In addition to its collection and redistribution of bicycles, BfW works closely with Volunteer Fairfax, local Scout troops, and several Fairfax County Rotary, school, and other service clubs to provide community service opportunities through the sorting and preparation of the bikes for delivery to their destinations. As a charitable institution that provides a service to Fairfax County residents, the Board may permit BfW to use the licensed space without payment of consideration pursuant to Va. Code Ann. § 15.2-953.

BfW will coordinate its visits with site personnel to ensure that its recycling activities do not interfere with landfill or transfer station operations.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1 – Location Map for I-95 Landfill
Attachment 2 – Location Map for West Ox Transfer Station
Attachment 3 – License Agreement between County and BfW for I-95 Landfill
Attachment 4 – License Agreement between County and BfW for West Ox Transfer Station

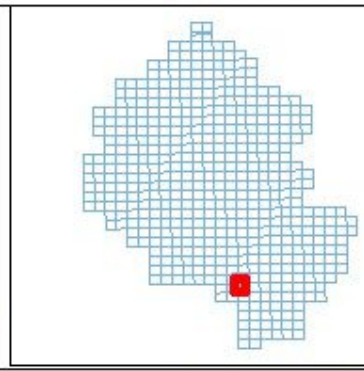
STAFF:
David J. Molchany, Deputy County Executive
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services
Jose A. Comayagua, Jr., Director, Facilities Management Department

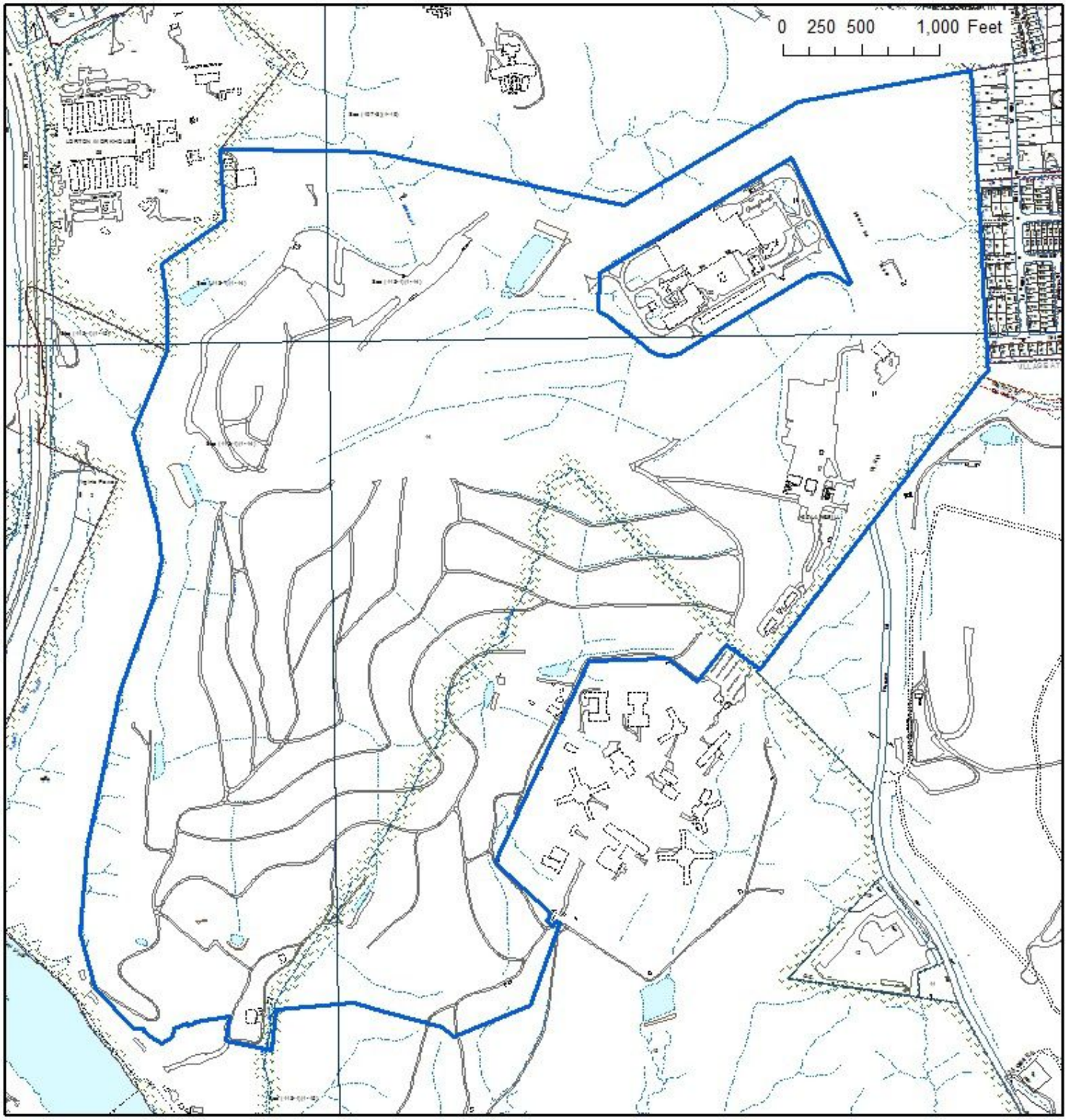
ASSIGNED COUNSEL:
Daniel Robinson, Assistant County Attorney

ATTACHMENT 1

I-95 Landfill

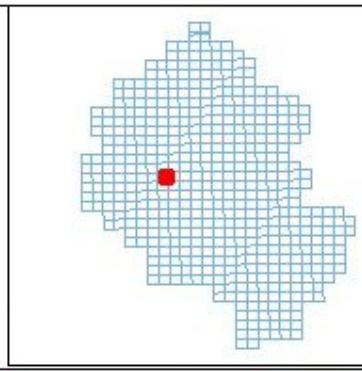
County Tax Map No.
113-1 ((1)) Parcel 14
Mount Vernon District
490 Acres

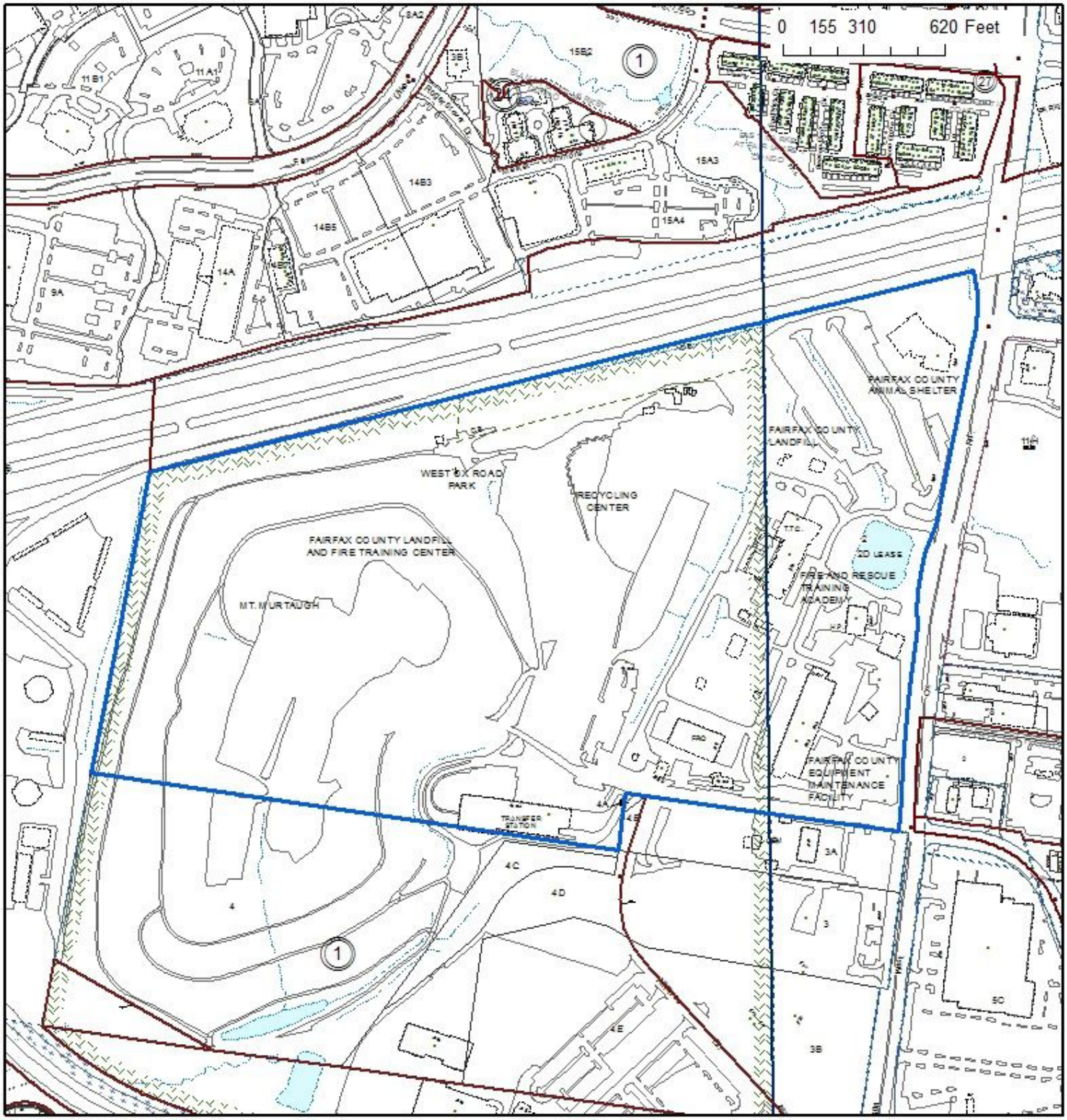




West Ox Landfill

County Tax Map No.
56-1 ((1)) Parcel 2
Springfield District
118.78 Acres





COUNTY OF FAIRFAX

LICENSE AGREEMENT

THIS LICENSE AGREEMENT, dated _____, 2017 ("Agreement" or "License") is between the **Board of Supervisors for Fairfax County, Virginia** (the "County"), located at 12000 Government Center Parkway, Fairfax, Virginia 22035 and **Bikes for the World** ("Licensee") located at 1408 North Fillmore Street, Ste. 11, Arlington, Virginia 22201.

WHEREAS, the Licensee desires to license certain County-owned premises for the collection of bikes; and

WHEREAS, Licensee's charitable mission is to provide quality used bicycles and parts available to lower-income people and it provides community service opportunities to individuals, including individuals and groups located in Fairfax County, and the County wishes to support this mission;

Now, therefore, the parties mutually agree to the following:

1. **GRANT:**

a) The County hereby grants a non-exclusive license to the Licensee to enter the premises separately outlined and shown on Exhibit A attached hereto and made a part hereof, hereinafter referred to as the "Premises," and to use the space available within the area identified in Exhibit A for Licensee's use, subject to the conditions stated in this License and the Exhibits attached hereto. The Premises are located at the 95 Landfill Complex located at 9850 Furnace Road, Lorton, Virginia, 22030, hereinafter referred to as the "Property." The Premises shall be used by the Licensee solely for the Permitted Uses set forth below. The License hereby granted is not assignable by the Licensee. Licensee has no right to transfer or sublet any part of the Premises.

b) Licensee acknowledges that it has had full opportunity to examine the Premises and accepts the Premises "as is." This License does not grant any right to light or air over or about the Premises.

c) Licensee agrees to confine its use of the Premises to the areas specifically described in Exhibit A of this Agreement and to any common areas of the Property necessary for entering or leaving the Premises. Licensee agrees not to use, occupy or obstruct any portion of the Premises not specifically licensed to Licensee.

d) Licensee acknowledges and agrees that the County is not a warehouseman engaged in the business of storing goods for hire, and no bailment is created by this License. The County exercises no care, custody, or control over the Licensee's stored property. All property stored within or at the Premises by the Licensee, its invitees, or users of the

facility shall be stored at the Licensee's sole risk and Licensee shall take whatever steps are deemed necessary to safeguard such property. The County and County's employees and agents shall not be responsible or liable for any loss or damage to any property stored within or at the Premises, or items placed by users of the facility, resulting from or arising out of Licensee's use of the Premises from any cause whatsoever, including but not limited to: theft, mysterious disappearance, mold, mildew, vandalism, fire, smoke, water, flood, hurricanes, rain, tornadoes, explosions, rodents, insects, Acts of God, or the active or passive acts or omissions or negligence of the County, and County's employees and agents.

2. **TERM AND RENT:**

Subject to the right to terminate set forth in Paragraph 18, the term of this License Agreement shall run for five (5) years beginning on _____, and ending at midnight on _____ (the "Term"), unless at least 30 days prior written notice of termination is given by either party to the other party or unless terminated as otherwise provided under the License Agreement. Licensee shall not have to pay any money as consideration for the use of the Premises during the term of the License, except as a result of any default under Paragraph 4.

3. **PERMITTED USE:**

Licensee warrants that the Premises will be used lawfully for the receipt and temporary storage of bicycles donated by the public to Licensee and for no other purpose, and agrees to abide by all the laws and regulations of all lawful authorities related to said use.

4. **DEFAULT:**

a) If Licensee breaches or violates any of the terms, conditions or covenants contained in this License, then this License shall, at the sole option of the County, terminate, upon written notice to the Licensee. Licensee shall cease its operations on the Premises by close of business on such date of termination and vacate the Property by close of business on such date of termination. Further, the County is authorized, with or without process of law, to repossess the Premises, and, should Licensee fail to vacate the Premises as provided herein, the County is authorized to enter onto the Premises, and to expel and remove Licensee, together with all property of every kind belonging to it.
b) If the Licensee abandons the Premises or ceases to operate or use the Premises for the intended use, the Licensee shall vacate the Premises within 30 days after the Premises is abandoned or Licensee ceases to operate or use the Premises.

5. **PARKING:**

Permanent parking of vehicles is not allowed. Licensee can park one (1) vehicle at the Property temporarily while Licensee removes the bikes from the Premises.

6. **MODIFICATION AND REPAIRS:**

a) Licensee agrees to accept the Premises "as is".
b) All improvements or modifications to the Premises, including but not limited to structural modifications or additions, shall be subject to prior written approval by the County. Licensee will submit plans and specifications for approval.
c) If Licensee is approved to make modifications, the modifications shall be and remain the sole property of the County at the termination of the License.
d) Licensee shall not place any of its organizational lettering, signs or objects on doors, windows or outside walls of the Premises without the permission of the County. No signs shall be visible from the landfill road.
e) Licensee shall be responsible for all repairs or maintenance necessitated by the negligence of the Licensee, its agents, guests or invitees and all damage to the Premises caused by the Licensee or its agents, guests or invitees shall be repaired promptly by or at the expense of Licensee.
f) Any renovations or improvements made or obtained by Licensee are made at Licensee's sole risk and expense, and the County shall not be held responsible for any claims for injury or loss of property due to renovation or improvements made by or for Licensee.
g) Any movable partition, trade fixtures, floor covering, or equipment installed in the Premises at the Licensee's expense shall remain the property of the Licensee and shall be removed by the Licensee.

7. **SERVICES PROVIDED BY THE COUNTY:**

a) Licensee acknowledges that there are no utilities or water serving the Premises. The County shall not be liable for any damage to Licensee's bikes or other personal property resulting from the lack of utilities or water to the Premises.
b) The County may, but is not required to, provide maintenance to the Premises or the surrounding grounds during the term of this License. Licensee acknowledges that snow and ice may prevent access to the Premises during such periods, and that County is not responsible for such inaccessibility and said inaccessibility does not violate the terms of this License.
c) The County, in consultation with Licensee, will provide signage indicating the purpose of the site and what items qualify for deposit by visitors (e.g., "Repairable bicycles only").

d) The County will use reasonable efforts to educate the Transfer Station staff regarding the purpose and process of the recycling program.
e) The County will use reasonable efforts to direct visitors to the Premises and answer basic questions from visitors on the recycling program.
f) Consistent with County and facility policy, staff will discourage scavenging and will communicate to the public that such items deposited on the premises are intended for charitable use.
g) In consultation with the Licensee, the County will assist in removing all items deposited by visitors which do not meet the criteria of the Licensee for re-purposing, or facilitate such removal to the proper place within the facility, without expense to the Licensee.

8. **LIABILITY AND INSURANCE:**

a. Liability for damage to Personal Property and Person. All personal property of the Licensee (including its employees, business invitees, customers, clients, etc.), agents, family members, or guests, in and on the Premises, shall be and remain at the sole risk of the Licensee and the County shall not be liable to them for any damage to, or loss of such personal property arising from any act of any other persons. Notwithstanding the foregoing, nothing deposited on the Premises becomes the property of Licensee until such time as a representative of the Licensee determines that the item meets the criteria of usability established by the Licensee. The County shall not be liable for any personal injury to the Licensee (including employees, business invitees, customers, clients, etc.), agents, family members, donors, or guests arising from the use, occupancy and condition of the Premises.

b. Liability Insurance. Licensee will maintain commercial general liability insurance in the amount of One Million Dollars ($1,000,000) and supplemental liability insurance of One Million Dollars ($1,000,000). Licensee will also maintain owned, non-owned, and hired Automobile Liability Insurance, in the amount of One Million Dollars ($1,000,000) per occurrence/aggregate, including property damage, covering all owned, non-owned, borrowed, leased or rented vehicles operated by Licensee or its contractors.- In addition, all mobile equipment used by the Licensee and its contractors will be insured under a standard Automobile Liability policy, or a Comprehensive General Liability policy. If the Licensee fails to maintain the required insurance, the County may, but does not have to, maintain the insurance at Licensee's expense.

c. Licensee's Insurance Policies. The County does not provide any type of insurance which would protect the Licensee's personal property from loss by fire,

theft, or any other type of casualty loss. Licensee shall make no claim whatsoever against the County in the event of any loss.

9. **RESPONSIBILITIES OF LICENSEE:** Licensee agrees:

a) Not to injure or deface or suffer to be injured or defaced the Premises or any part of the Property and to promptly replace or repair any damages to the Premises, other than damage to structural portions.
b) To keep the Premises in good order and condition at all times.
c) Not to strip, overload, damage or deface the Premises.
d) Not to keep gasoline of other flammable material or any explosive material in or near the Premises. Licensee will not allow any equipment or practice that might void insurance coverage on the Premises.
e) Not to allow on the Premises any illegal, unlawful or improper activity which will be noisy, boisterous or in any manner constitute a nuisance to adjacent properties.
f) To supervise and conduct its activities in such a manner as to insure no disruption to the Transfer Station operations.
g) To comply with all rules, regulations, and conditions of this License. Any violation of the rules, regulations and conditions shall be a violation of this License.
h) Not to obstruct or use any portion of the Property that is not occupied by the Licensee for any other purpose that entering and exiting the Premises.
i) Licensee shall be responsible for all repairs or maintenance or other damages caused by Licensee's use or occupancy of the Premises.
j) Licensee shall visit the site at least once every two weeks to assess the need to collect the bicycles from the Premises. If requested by the County, Licensee shall collect the bicycles from the Premises within forty-eight (48) hours of such request.

10. **DAMAGE BY FIRE OR CASUALTY:**

If the Premises or any essential part of the Premises is destroyed or damaged by fire or other casualty, so as to render it unfit for the use for which licensed, and the County, at its option, determines that use of the Premises shall cease, the County shall be entitled to terminate this Agreement upon 15 days written notice. The County shall have the right, at its option, to repair such destruction or damage and Licensee shall, when the Premises is rendered fit for purposes for which licensed, continue to use the Premises as provided in the Agreement.

11. **WAIVER:**

The County shall not be liable for and the Licensee releases the County and its agents, employees, volunteers, contractors, and waives all claims for, damage to person or property sustained by the Licensee or any occupant of the Premises resulting from the Premises or any

equipment or appurtenance becoming out of repair, or resulting from an accident at the Property, or resulting directly or indirectly from any act or neglect of any Licensee.

12. **NOTICE OF DEFECTS:**

Licensee shall give the County prompt written notice of accidents or defects on or about the Premises or damages to the Premises.

13. **INTEREST IN PROPERTY:**

Nothing in this Agreement shall be interpreted to create anything other than a license and shall specifically not create any right, title or interest in property nor shall it create an easement.

14. **COMPLIANCE WITH LAWS:**

Licensee shall not use, nor permit its volunteers or employees to use or occupy any portion of the Premises for any unlawful purpose or without purpose and will obey all present and future laws, ordinances, regulations, and orders of the United States of America, the Commonwealth of Virginia, any locality including but not limited to the County of Fairfax, and any subdivision and/or agency of such entities, relating to Licensee's use of the Premises.

15. **SURRENDER OF POSSESSION**:

Licensee agrees to remove all its goods, equipment and effects from the Premises in the event this License expires or is terminated, and shall leave the Premises in a clean condition reasonably acceptable to the County.

16. **ASSIGNMENT**:

Licensee shall not transfer or assign this License, nor sublet any part of the Premises without the written consent of the County.

17. **RULES AND REGULATIONS**:

Licensee and its agents and employees shall abide by and observe such reasonable rules and regulations as may be promulgated from time to time by the Fairfax County Board of Supervisors for the operation and maintenance of the Property.

18. **TERMINATION OF LICENSE:**

The License may be terminated by either party upon 30 days written notice. Licensee will be required to vacate the Property cited in 1.a. by close of business of the license termination date. Expiration or termination of this License by either party shall not relieve or release Licensee from any liability or obligation which may have been incurred or assumed by Licensee prior to such expiration or termination.

19. **COUNTY'S FINANCIAL OBLIGATION:**

To the extent the County has any financial obligations under this Agreement, such financial obligations are subject to appropriations by the Fairfax County Board of Supervisors to satisfy payment of such obligations.

20. **NO PARTNERSHIP**:

Nothing contained in this License shall be deemed to create a partnership or joint venture of or between the County and the Licensee.

21. **COMMON AREAS**:

The County reserves the right to alter the Property, as deemed necessary, in the sole discretion of the County, so long as such alteration does not interfere with the Licensee's reasonable use of the Premises for the purposes licensed for. This includes but is not limited to the parking area, grounds, etc. and such right shall not be infringed by Licensee.

22. **SEVERABILITY**:

If any clause or provision of this License is illegal, invalid or unenforceable under present or future laws in effect during the term of this License, it is the intention of the parties that the remainder of this License shall not be affected thereby.

23. **ACCESS:**

Licensee may access the Premises for the removal of bicycles without notice during normal operating hours, but must contact the supervisor on duty upon arrival at the site. Licensee's service personnel must sign in at the administrative building each time they access the site to remove equipment. Access outside normal operating hours must be prearranged in advance with the supervisor on duty so that the night guard can be advised to allow access. Licensee shall not be entitled to its own key to the Property.

24. **NOTICES:**

All notices given hereunder shall be sent by certified or registered main and addressed as follows:

If to the County: Fairfax County Facilities Management Department
Attn: Leasing Manager
12000 Government Center Parkway, Suite 424
Fairfax, Virginia 22035

If to Licensee: Bikes for the World
1408 North Fillmore Street, Suite 11
Arlington VA 22201

25. **HAZARDOUS SUBSTANCE:**

Neither Licensee nor its employees shall cause or permit any Hazardous Substance to be brought upon, kept or used in or about the Parking Lot in violation of any Environmental Laws. "Hazardous Substance" means, without limitation, any flammable explosives, radioactive materials, asbestos, urea formaldehyde foam insulation, polychlorinated biphenyls, petroleum and petroleum-based products, methane, hazardous materials, hazardous wastes, hazardous or toxic substances or related materials, as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Sections 9601, et. seq.), the Hazardous Materials Transportation Act, as amended (49 U.S.C. Sections 1801, et seq.), the Resource Conservation and Recovery Act, as amended (42 U.S.C. Sections 6901, et seq.), the Toxic Substances Control Act, as amended (15 U.S.C. Sections 2601 et seq.), or any other applicable Environmental Law, and any medical, infectious and/or chemotherapeutic waste. "Environmental Laws" means all federal state, and local laws, statutes, ordinances and codes relating to the use, storage, treatment, generation, transportation, processing, handling, production or disposal of any Hazardous Substance and the rules, regulations, policies, guidelines, interpretation, decisions, orders and directives with respect thereto.

26. **APPLICABLE LAW:**

This Agreement shall be governed by and enforced in accordance with the laws of the Commonwealth of Virginia. The only proper jurisdiction and venue for any lawsuit arising out of or relating to this Agreement shall be the Circuit Court of Fairfax County or the United States District Court for the Eastern District of Virginia.

27. **ENTIRE AGREEMENT**:

This License contains the entire agreement between the County and the Licensee. Oral statements, representations, and prior agreements not contained or referenced in this License, shall have no force or effect. This License may be modified only in writing executed by both parties.

IN WITNESS WHEREOF the parties hereto have affixed their signatures all as of the date first above written.

LICENSEE: Bikes for the World	LICENSOR: Board of Supervisors of Fairfax County, Virginia
_____	_____
By: Keith Oberg Executive Director	By: David J. Molchany Deputy County Executive
Date: _____	Date: _____

COUNTY OF FAIRFAX

LICENSE AGREEMENT

THIS LICENSE AGREEMENT, dated _____, 2017 ("Agreement" or "License") is between the **Board of Supervisors for Fairfax County, Virginia** (the "County"), located at 12000 Government Center Parkway, Fairfax, Virginia 22035 and **Bikes for the World** ("Licensee") located at 1408 North Fillmore Street, Ste. 11, Arlington, Virginia 22201.

WHEREAS, the Licensee desires to license certain County-owned premises for the collection of bikes; and

WHEREAS, Licensee's charitable mission is to provide quality used bicycles and parts available to lower-income people and it provides community service opportunities to individuals, including individuals and groups located in Fairfax County, and the County wishes to support this mission;

Now, therefore, the parties mutually agree to the following:

1. **GRANT:**

a) The County hereby grants a non-exclusive license to the Licensee to enter the premises separately outlined and shown on Exhibit A attached hereto and made a part hereof, hereinafter referred to as the "Premises," and to use the space available within the area identified in Exhibit A for Licensee's use, subject to the conditions stated in this License and the Exhibits attached hereto. The Premises are located at the I-66 Transfer Station located at 4618 West Ox Road, Fairfax, Virginia, hereinafter referred to as the "Property." The Premises shall be used by the Licensee solely for the Permitted Uses set forth below. The License hereby granted is not assignable by the Licensee. Licensee has no right to transfer or sublet any part of the Premises.

b) Licensee acknowledges that it has had full opportunity to examine the Premises and accepts the Premises "as is." This License does not grant any right to light or air over or about the Premises.

c) Licensee agrees to confine its use of the Premises to the areas specifically described in Exhibit A of this Agreement and to any common areas of the Property necessary for entering or leaving the Premises. Licensee agrees not to use, occupy or obstruct any portion of the Premises not specifically licensed to Licensee.

d) Licensee acknowledges and agrees that the County is not a warehouseman engaged in the business of storing goods for hire, and no bailment is created by this License. The County exercises no care, custody, or control over the Licensee's stored property. All property stored within or at the Premises by the Licensee, its invitees, or users of the

facility shall be stored at the Licensee's sole risk and Licensee shall take whatever steps are deemed necessary to safeguard such property. The County and County's employees and agents shall not be responsible or liable for any loss or damage to any property stored within or at the Premises, or items placed by users of the facility, resulting from or arising out of Licensee's use of the Premises from any cause whatsoever, including but not limited to: theft, mysterious disappearance, mold, mildew, vandalism, fire, smoke, water, flood, hurricanes, rain, tornadoes, explosions, rodents, insects, Acts of God, or the active or passive acts or omissions or negligence of the County, and County's employees and agents.

2. **TERM AND RENT:**

Subject to the right to terminate set forth in Paragraph 18, the term of this License Agreement shall run for five (5) years beginning on _____, and ending at midnight on _____ (the "Term"), unless at least 30 days prior written notice of termination is given by either party to the other party or unless terminated as otherwise provided under the License Agreement. Licensee shall not have to pay any money as consideration for the use of the Premises during the term of the License, except as a result of any default under Paragraph 4.

3. **PERMITTED USE:**

Licensee warrants that the Premises will be used lawfully for the receipt and temporary storage of bicycles donated by the public to Licensee and for no other purpose, and agrees to abide by all the laws and regulations of all lawful authorities related to said use.

4. **DEFAULT:**

a) If Licensee breaches or violates any of the terms, conditions or covenants contained in this License, then this License shall, at the sole option of the County, terminate, upon written notice to the Licensee. Licensee shall cease its operations on the Premises by close of business on such date of termination and vacate the Property by close of business on such date of termination. Further, the County is authorized, with or without process of law, to repossess the Premises, and, should Licensee fail to vacate the Premises as provided herein, the County is authorized to enter onto the Premises, and to expel and remove Licensee, together with all property of every kind belonging to it.

b) If the Licensee abandons the Premises or ceases to operate or use the Premises for the intended use, the Licensee shall vacate the Premises within 30 days after the Premises is abandoned or Licensee ceases to operate or use the Premises.

5. **PARKING:**

Permanent parking of vehicles is not allowed. Licensee can park one (1) vehicle at the Property temporarily while Licensee removes the bikes from the Premises.

6. **MODIFICATION AND REPAIRS:**

a) Licensee agrees to accept the Premises "as is".
b) All improvements or modifications to the Premises, including but not limited to structural modifications or additions, shall be subject to prior written approval by the County. Licensee will submit plans and specifications for approval.
c) If Licensee is approved to make modifications, the modifications shall be and remain the sole property of the County at the termination of the License.
d) Licensee shall not place any of its organizational lettering, signs or objects on doors, windows or outside walls of the Premises without the permission of the County. No signs shall be visible from the landfill road.
e) Licensee shall be responsible for all repairs or maintenance necessitated by the negligence of the Licensee, its agents, guests or invitees and all damage to the Premises caused by the Licensee or its agents, guests or invitees shall be repaired promptly by or at the expense of Licensee.
f) Any renovations or improvements made or obtained by Licensee are made at Licensee's sole risk and expense, and the County shall not be held responsible for any claims for injury or loss of property due to renovation or improvements made by or for Licensee.
g) Any movable partition, trade fixtures, floor covering, or equipment installed in the Premises at the Licensee's expense shall remain the property of the Licensee and shall be removed by the Licensee.

7. **SERVICES PROVIDED BY THE COUNTY:**

a) Licensee acknowledges that there are no utilities or water serving the Premises. The County shall not be liable for any damage to Licensee's bikes or other personal property resulting from the lack of utilities or water to the Premises.
b) The County may, but is not required to, provide maintenance to the Premises or the surrounding grounds during the term of this License. Licensee acknowledges that snow and ice may prevent access to the Premises during such periods, and that County is not responsible for such inaccessibility and said inaccessibility does not violate the terms of this License.
c) The County, in consultation with Licensee, will provide signage indicating the purpose of the site and what items qualify for deposit by visitors (e.g., "Repairable bicycles only").

d) The County will use reasonable efforts to educate the Transfer Station staff regarding the purpose and process of the recycling program.
e) The County will use reasonable efforts to direct visitors to the Premises and answer basic questions from visitors on the recycling program.
f) Consistent with County and facility policy, staff will discourage scavenging and will communicate to the public that such items deposited on the premises are intended for charitable use.
g) In consultation with the Licensee, the County will assist in removing all items deposited by visitors which do not meet the criteria of the Licensee for re-purposing, or facilitate such removal to the proper place within the facility, without expense to the Licensee.

8. **LIABILITY AND INSURANCE:**

a. Liability for damage to Personal Property and Person. All personal property of the Licensee (including its employees, business invitees, customers, clients, etc.), agents, family members, or guests, in and on the Premises, shall be and remain at the sole risk of the Licensee and the County shall not be liable to them for any damage to, or loss of such personal property arising from any act of any other persons. Notwithstanding the foregoing, nothing deposited on the Premises becomes the property of Licensee until such time as a representative of the Licensee determines that the item meets the criteria of usability established by the Licensee. The County shall not be liable for any personal injury to the Licensee (including employees, business invitees, customers, clients, etc.), agents, family members, donors, or guests arising from the use, occupancy and condition of the Premises.

b. Liability Insurance. Licensee will maintain commercial general liability insurance in the amount of One Million Dollars ($1,000,000) and supplemental liability insurance of One Million Dollars ($1,000,000). Licensee will also maintain owned, non-owned, and hired Automobile Liability Insurance, in the amount of One Million Dollars ($1,000,000) per occurrence/aggregate, including property damage, covering all owned, non-owned, borrowed, leased or rented vehicles operated by Licensee or its contractors.- In addition, all mobile equipment used by the Licensee and its contractors will be insured under a standard Automobile Liability policy, or a Comprehensive General Liability policy. If the Licensee fails to maintain the required insurance, the County may, but does not have to, maintain the insurance at Licensee's expense.

c. Licensee's Insurance Policies. The County does not provide any type of insurance which would protect the Licensee's personal property from loss by fire,

theft, or any other type of casualty loss. Licensee shall make no claim whatsoever against the County in the event of any loss.

9. **RESPONSIBILITIES OF LICENSEE:** Licensee agrees:

a) Not to injure or deface or suffer to be injured or defaced the Premises or any part of the Property and to promptly replace or repair any damages to the Premises, other than damage to structural portions.
b) To keep the Premises in good order and condition at all times.
c) Not to strip, overload, damage or deface the Premises.
d) Not to keep gasoline of other flammable material or any explosive material in or near the Premises. Licensee will not allow any equipment or practice that might void insurance coverage on the Premises.
e) Not to allow on the Premises any illegal, unlawful or improper activity which will be noisy, boisterous or in any manner constitute a nuisance to adjacent properties.
f) To supervise and conduct its activities in such a manner as to insure no disruption to the Transfer Station operations.
g) To comply with all rules, regulations, and conditions of this License. Any violation of the rules, regulations and conditions shall be a violation of this License.
h) Not to obstruct or use any portion of the Property that is not occupied by the Licensee for any other purpose that entering and exiting the Premises.
i) Licensee shall be responsible for all repairs or maintenance or other damages caused by Licensee's use or occupancy of the Premises.
j) Licensee shall visit the site at least once every two weeks to assess the need to collect the bicycles from the Premises. If requested by the County, Licensee shall collect the bicycles from the Premises within forty-eight (48) hours of such request.

10. **DAMAGE BY FIRE OR CASUALTY:**

If the Premises or any essential part of the Premises is destroyed or damaged by fire or other casualty, so as to render it unfit for the use for which licensed, and the County, at its option, determines that use of the Premises shall cease, the County shall be entitled to terminate this Agreement upon 15 days written notice. The County shall have the right, at its option, to repair such destruction or damage and Licensee shall, when the Premises is rendered fit for purposes for which licensed, continue to use the Premises as provided in the Agreement.

11. **WAIVER:**

The County shall not be liable for and the Licensee releases the County and its agents, employees, volunteers, contractors, and waives all claims for, damage to person or property

sustained by the Licensee or any occupant of the Premises resulting from the Premises or any equipment or appurtenance becoming out of repair, or resulting from an accident at the Property, or resulting directly or indirectly from any act or neglect of any Licensee.

12. **NOTICE OF DEFECTS:**

Licensee shall give the County prompt written notice of accidents or defects on or about the Premises or damages to the Premises.

13. **INTEREST IN PROPERTY:**

Nothing in this Agreement shall be interpreted to create anything other than a license and shall specifically not create any right, title or interest in property nor shall it create an easement.

14. **COMPLIANCE WITH LAWS:**

Licensee shall not use, nor permit its volunteers or employees to use or occupy any portion of the Premises for any unlawful purpose or without purpose and will obey all present and future laws, ordinances, regulations, and orders of the United States of America, the Commonwealth of Virginia, any locality including but not limited to the County of Fairfax, and any subdivision and/or agency of such entities, relating to Licensee's use of the Premises.

15. **SURRENDER OF POSSESSION**:

Licensee agrees to remove all its goods, equipment and effects from the Premises in the event this License expires or is terminated, and shall leave the Premises in a clean condition reasonably acceptable to the County.

16. **ASSIGNMENT**:

Licensee shall not transfer or assign this License, nor sublet any part of the Premises without the written consent of the County.

17. **RULES AND REGULATIONS**:

Licensee and its agents and employees shall abide by and observe such reasonable rules and regulations as may be promulgated from time to time by the Fairfax County Board of Supervisors for the operation and maintenance of the Property.

18. **TERMINATION OF LICENSE:**

The License may be terminated by either party upon 30 days written notice. Licensee will be required to vacate the Property cited in 1.a. by close of business of the license termination date. Expiration or termination of this License by either party shall not relieve or release Licensee from any liability or obligation which may have been incurred or assumed by Licensee prior to such expiration or termination.

19. **COUNTY'S FINANCIAL OBLIGATION:**

To the extent the County has any financial obligations under this Agreement, such financial obligations are subject to appropriations by the Fairfax County Board of Supervisors to satisfy payment of such obligations.

20. **NO PARTNERSHIP**:

Nothing contained in this License shall be deemed to create a partnership or joint venture of or between the County and the Licensee.

21. **COMMON AREAS**:

The County reserves the right to alter the Property, as deemed necessary, in the sole discretion of the County, so long as such alteration does not interfere with the Licensee's reasonable use of the Premises for the purposes licensed for. This includes but is not limited to the parking area, grounds, etc. and such right shall not be infringed by Licensee.

22. **SEVERABILITY**:

If any clause or provision of this License is illegal, invalid or unenforceable under present or future laws in effect during the term of this License, it is the intention of the parties that the remainder of this License shall not be affected thereby.

23. **ACCESS:**

Licensee may access the Premises for the removal of bicycles without notice during normal operating hours, but must contact the supervisor on duty upon arrival at the site. Licensee's service personnel must sign in at the administrative building each time they access the site to remove equipment. Access outside normal operating hours must be prearranged in advance with the supervisor on duty so that the night guard can be advised to allow access. Licensee shall not be entitled to its own key to the Property.

24. **NOTICES:**

All notices given hereunder shall be sent by certified or registered main and addressed as follows:

If to the County: Fairfax County Facilities Management Department
Attn: Leasing Manager
12000 Government Center Parkway, Suite 424
Fairfax, Virginia 22035

If to Licensee: Bikes for the World
1408 North Fillmore Street, Suite 11
Arlington VA 22201

25. **HAZARDOUS SUBSTANCE:**

Neither Licensee nor its employees shall cause or permit any Hazardous Substance to be brought upon, kept or used in or about the Parking Lot in violation of any Environmental Laws. "Hazardous Substance" means, without limitation, any flammable explosives, radioactive materials, asbestos, urea formaldehyde foam insulation, polychlorinated biphenyls, petroleum and petroleum-based products, methane, hazardous materials, hazardous wastes, hazardous or toxic substances or related materials, as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Sections 9601, et. seq.), the Hazardous Materials Transportation Act, as amended (49 U.S.C. Sections 1801, et seq.), the Resource Conservation and Recovery Act, as amended (42 U.S.C. Sections 6901, et seq.), the Toxic Substances Control Act, as amended (15 U.S.C. Sections 2601 et seq.), or any other applicable Environmental Law, and any medical, infectious and/or chemotherapeutic waste. "Environmental Laws" means all federal state, and local laws, statutes, ordinances and codes relating to the use, storage, treatment, generation, transportation, processing, handling, production or disposal of any Hazardous Substance and the rules, regulations, policies, guidelines, interpretation, decisions, orders and directives with respect thereto.

26. **APPLICABLE LAW:**

This Agreement shall be governed by and enforced in accordance with the laws of the Commonwealth of Virginia. The only proper jurisdiction and venue for any lawsuit arising out of or relating to this Agreement shall be the Circuit Court of Fairfax County or the United States District Court for the Eastern District of Virginia.

27. **ENTIRE AGREEMENT**:

This License contains the entire agreement between the County and the Licensee. Oral statements, representations, and prior agreements not contained or referenced in this License, shall have no force or effect. This License may be modified only in writing executed by both parties.

IN WITNESS WHEREOF the parties hereto have affixed their signatures all as of the date first above written.

LICENSEE: Bikes for the World	LICENSOR: Board of Supervisors of Fairfax County, Virginia
_____	_____
By: Keith Oberg Executive Director	By: David J. Molchany Deputy County Executive
Date: _____	Date: _____

Board Agenda Item
February 28, 2017

ACTION - 2

Approval of Calendar Year 2017 Forest Pest Management Program

ISSUE:
Board approval of the Calendar Year 2017 Forest Pest Management Program.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors direct staff to take the following actions concerning Fairfax County's Calendar Year 2017 Forest Pest Management Program:

Gypsy Moth

a. Continue a monitoring program for life stages of the gypsy moth in all areas of the County.

b. Continue to conduct an outreach program targeting the tree care industry and residents of the County in monitoring of gypsy moth populations.

Fall Cankerworm

a. Continue a monitoring program for all life stages of the fall cankerworm in the County.

b. Continue fall cankerworm spring defoliation surveys.

c. Continue community outreach to enlist community participation to assist in monitoring cankerworm populations.

Emerald Ash Borer (EAB)

a. Continue to inventory the County for ash resources as well as investigate new control methods for EAB, including the use of biological control.

b. Continue a control program for this pest on high value ash trees on Fairfax County and Northern Virginia Regional Park Authority owned properties. Staff plans to use the trunk injected pesticide TRE-äge® (Attachment I).

c. Monitor ash trees that were treated as part of the previous year's program to determine the effectiveness of the control.

d. Continue to implement an extensive outreach program targeting the tree care industry and residents of the County on emerald ash borer control methods and removal of dead ash trees.

Thousand Canker Disease of Walnut

a. Continue to explore the potential impact of this disease that is threatening black walnut (*Juglans nigra*).

b. Continue to provide outreach opportunities for residents on methods for protecting black walnut trees on their property.

c. Investigate new control methods for the walnut twig beetle, including the use of biological control.

Sudden Oak Death Disease (SOD)

a. Continue to conduct a monitoring program in order to determine if SOD is present in Fairfax County.

b. Continue to develop a management plan in the event SOD is discovered in Fairfax County.

Hemlock Woolly Adelgid (HWA)

a. Continue a control program in naturally occurring stands of eastern hemlock on County and Northern Virginia Regional Park Authority property. Staff has selected two sites in the Dranesville and Springfield districts and may provide control at each site. Staff plans to use the trunk injected pesticide TreeAzin® (Attachment II).

b. Monitor hemlock trees that were treated as part of the previous year's program to determine the effectiveness of control.

c. Establish partnerships with other local and regional authorities to provide treatment for HWA.

Asian Longhorned Beetle (ALB)

a. Continue to update the long term management plan for the ALB (*Anoplophora glabripennis*).

b. Continue to conduct an outreach program in order to educate the public and private industry on the potential impacts of this pest.

c. Continue the survey of ALB in areas that have been identified as being at high risk for ALB introduction.

Spotted Lanternfly

a. Monitor scientific research for this pest to determine its impact on trees in Fairfax County should it arrive (Attachment III).

Forest Health Initiative

a. Initiate a survey that evaluates forest health by using United States Department of Agriculture, Forest Service protocols and software called i-Tree™.

TIMING:
Board action is requested on February 28, 2017. The timing of this item corresponds with the beginning of program monitoring activities.

BACKGROUND:
The Code of the County of Fairfax, Virginia requires the submission of the annual Integrated Pest Management Program proposal for Board of Supervisors' approval.

Gypsy Moth
Based on egg mass surveys conducted during the fall of 2016, staff has determined that gypsy moth populations have remained low. The Forest Pest Program found no infestations of gypsy moth that warrant treatment in calendar year 2017.

Gypsy moth populations, like all insect populations, are cyclical in nature. Periods of high pest levels are followed by periods of low pest levels. There are many factors which influence the timing and duration of pest outbreaks and declines. Staff believes that the current low gypsy moth pest levels are the result of effective treatment programs in the past and a fungal disease, *Entomaphaga maimaiga*. Gypsy moth caterpillars are very susceptible to *Entomaphaga maimaiga*, a moisture dependent fungal disease. This disease is naturally occurring in the environment and can potentially have a dramatic effect on gypsy moth populations if there is sufficient rainfall during the spring when caterpillars are small. It should be noted that most areas that have gypsy moth in the United States have experienced similar population decreases. There have been outbreaks observed in parts of the eastern United States in 2016. Attachment IV portrays the cumulative gypsy moth defoliation in Virginia from 1984 to 2009. This map shows that Fairfax County's gypsy moth suppression program continues to meet its program goals by keeping gypsy moth populations below defoliation levels. Note: The gypsy moth population crashes since the mid 1990's are due to *Entomaphaga maimaiga*.

Fall Cankerworm
Fall cankerworm populations were monitored this winter in those areas of the County that have experienced outbreaks in the past, as well as those areas identified by staff as having significant cankerworm activity last spring. The method used for this monitoring for fall cankerworm is a United States Department of Agriculture, Forest Service recommended technique that involves trapping female moths as they emerge in the winter. Results of monitoring indicate that fall cankerworm populations have declined in the Mount Vernon, Lee, and Mason magisterial districts. Staff has identified no areas that will require treatment in 2017.

Over the last several years staff has received input from civic groups in regard to the strategies that are used to implement this control program. Staff has worked diligently to explore ways to refine and improve this program so that these concerns can be addressed.

a. **Parasite Study** - Fall cankerworms have natural predators that can be influential in their population levels. One explanation for outbreak populations in these areas is a lack of predator controls like *Telenomus alsophilae*, an egg

parasitoid. The purpose of this survey was to determine the population level of *T. alsophilae* in Fairfax County.

Collection sites are located in cankerworm banding sites. Staff collected eggs from survey bands that had eggs on them as well as from small branches of trees located near the bands. Cankerworm eggs were reared indoors and the number of viable eggs were counted to determine the level of parasitism.

The data acquired from this survey should prove useful in obtaining a better understanding of overall cankerworm population dynamics in Fairfax County as well as locating areas of concern to be targeted in the ensuing year's fall cankerworm banding survey. The results of this study, in conjunction with sticky banding methods, should provide a larger picture of a potentially declining cankerworm population.

b. **Defoliation Survey** – In 2016 staff conducted an extensive defoliation survey to measure the damage caused by fall cankerworm. The purpose of this survey was to determine those areas of Fairfax County where fall cankerworm larvae have impacted the County's urban forest resources through foliar feeding and to quantify this feeding damage as a percentage of canopy defoliated. The data acquired from this survey should prove useful in gauging a better understanding of overall cankerworm population dynamics in Fairfax County as well as locating areas of concern to be targeted in the ensuing year's fall cankerworm banding survey.

   The defoliation survey for fall cankerworm consisted of two phases. The first phase of the survey consisted of a gridded ground survey (Attachment V). A 1,500 foot grid was established in the known area of fall cankerworm activity in the southeastern portion of the County. Defoliation was quantified at each grid point. Nearly 1,000 ground based surveys were conducted. The second phase of the defoliation survey was an aerial survey. The aerial survey was conducted to identify large areas of defoliation, as well as target large wooded tracts, such as those found on Mason Neck and in Huntley Meadows where a ground survey is impractical. The results of this survey indicated that there was no heavy defoliation from fall cankerworm in 2016.

c. **Fall Cankerworm Taskforce** – Due to the growing concern over fall cankerworm and the need for additional scientific study regarding cankerworm population dynamics and population monitoring, a multi-state cankerworm task force was established in the spring of 2015. The group, consisting of local and state agencies, as well as representation from universities, hopes to establish standardized monitoring and treatment

strategies for the future control and management of fall cankerworm. One of the outcomes of this taskforce has been a cooperative research project with Virginia Commonwealth University (VCU) and Fairfax County. VCU analyzed Fairfax County's cankerworm data to determine appropriate threshold counts as to when control of this insect may be needed in suburban/urban areas. To date, previous Forest Service research focused on large contiguous forested tracts. Researchers at VCU determined that a trap count of 200 female moths per band is more appropriate in declining populations then the previous threshold level of 90 female moths. Ongoing research will help determine appropriate female moth threshold levels for all outbreak phases of fall cankerworm.

Staff used band counts, 2015 defoliation surveys, and parasite surveys in determining whether control for fall cankerworm was warranted in the spring of 2017. Staff plan to continue these activities in 2018.

Emerald Ash Borer

Emerald ash borer (EAB) was first identified in Fairfax County in 2003 at a school site in the Wolftrap area of Fairfax County. Due to the extremely destructive nature of this pest, the Virginia Department of Agriculture and Consumer Services (VDACS) and the United States Department of Agriculture (USDA) - Animal Plant Health Inspection Service (APHIS) ordered all ash trees within a one-half mile radius of the introduction site be removed and destroyed. Staff of the Forest Pest Program carried out this project during the spring of 2004 and immediately set in place a monitoring program for EAB.

Although staff feels that this eradication effort was effective, other infestations were found in other parts of the County in 2008. As a result of these detections and others in the Commonwealth, a quarantine was established that included the entire Commonwealth of Virginia.

All interstate movement of infested ash wood and wood products from Virginia is now regulated, including firewood of all hardwood species, nursery stock, green lumber, waste, compost, and chips from ash trees. The VDACS is responsible for enforcement of the state quarantine within the Commonwealth. Violations of the state quarantine constitute a Class 1 misdemeanor. Violations of the federal quarantine governing interstate movement of regulated articles will be enforced by USDA-APHIS and are subject to federal penalties.

This insect has the potential to eliminate all ash trees in Fairfax County and will have huge economic impacts to homeowners, parks and private business. Researchers have developed control options for emerald ash borer and staff plans to implement a modest control program on ash trees on public lands within Fairfax County.

Staff has begun, and will continue to inventory County owned ash trees. Staff will select ash trees for control if they are of historic or aesthetic value. Once a tree has been identified, staff will coordinate with the agency that is responsible for the maintenance of the tree to determine if it is a candidate for the control program.

EAB control will be accomplished using tree injection techniques that deliver the insecticide into the tree itself. Once injected, the insecticide is transported throughout the tree and will provide control for up to two years. The insecticide that will be used is a material that contains emamectin benzoate and is sold by the trade name TREE-äge® (Attachment I). Staff has the ability to conduct this control activity, therefore treatment will be cost effective, as well as biologically effective.

Hemlock Woolly Adelgid

Staff continues to explore various control options for HWA. Hemlock woolly adelgid is an insect that attacks and kills eastern hemlock (*Tsuga canadensis*) trees (Attachment VI). Native eastern hemlock is relatively rare in Fairfax County. The rarity of this species and the natural beauty that they impart make them worthy of protection. Staff will continue to inventory the County in order to identify the natural stands of eastern hemlock. For this year's program, staff has identified two native stands in Dranesville and Springfield districts for control.

Trunk injection of the pesticide TreeAzin® is an effective method providing control to the target trees. Once injected, the insecticide is transported throughout the tree and will provide control for up to five years. The insecticide that will be used is a material that contains azadirachtin and is sold by the trade name TreeAzin® (Attachment II). Staff has the ability to conduct this control activity, therefore treatment will be cost effective, as well as biologically effective.

In addition to chemical control, staff has released parasites of HWA in hopes of providing limited control. This effort was conducted in cooperation with local universities.

Thousand Cankers Disease of Black Walnut

Black walnut (*Juglans nigra*) is a native tree to Fairfax County. Foresters have observed a disease called thousand cankers disease that affects black walnut trees in the western United States in recent years, and have identified a beetle that spreads the disease. In the summer of 2010, black walnut trees were observed to be declining near Knoxville, TN. Foresters confirmed that the beetle and disease had been artificially introduced to the eastern United States (Attachment VII).

Thousand cankers disease was found in the vicinity of Richmond, VA in the summer of 2011 and, as a result, VDACS established a quarantine to curtail the movement of walnut material in hopes of slowing the spread of this disease. As a result of monitoring by staff in 2012 it was determined that this disease is present in Fairfax County. Staff recommends that resources, in the form of an outreach program, continue to be developed and implemented. Key targets of the outreach effort will include homeowners and private tree care companies.

Sudden Oak Death

In 1995, a disease was found to be killing oak trees in California. Scientists determined that the disease was caused by a fungus called *Phytophthora ramorum* or sudden oak death (SOD). This disease has caused wide scale tree mortality in the western United States (Attachment VIII). Fortunately, SOD has only been found in a number of isolated locations in the eastern United States and officials feel that these infestations have been contained.

Like other invasive insects and diseases, diligent monitoring is critical in slowing the spread of SOD. Recent testing methods have been developed that are simple and cost effective and staff will continue to monitor for this disease following VDACS recommended monitoring techniques. Staff will continue to implement an outreach component that will educate private and public groups on this disease and its control.

Asian Longhorned Beetle (ALB)

Asian longhorned beetle (*Anoplophora glabripennis*) is currently one of the biggest threats facing the forest ecosystems of Fairfax County. This beetle is an invasive insect that is thought to have been brought to the United States via wood packing material used in shipping (Attachment IX). Since the mid 1990's, ALB infestations in Chicago, IL, New York City, New Jersey, Boston, MA, and most recently Ohio have been discovered. Asian longhorned beetle will infest many hardwood species. According to recent analysis conducted by Fairfax County Urban Forest Management Division, approximately 4.2 million trees in Fairfax County are susceptible to this pest. Asian longhorned beetle larvae will infest and kill trees by boring into the heartwood of the tree and disrupting its nutrient flow causing eventual tree death.

Wood boring beetles such as EAB and ALB are difficult to detect. Most ALB infestations in the United States have been established for a number of years before being detected. This fact makes eradication particularly difficult since they have had time to spread well beyond the initial site of introduction. Asian longhorned beetle has the potential to have drastic economic and social impacts should it be introduced in

Fairfax County. It is critical that private and public tree care experts remain vigilant in monitoring for this pest. According to the USDA, Forest Service, most of the infestations found in the United States have been identified by tree care professionals and informed homeowners.

Spotted Lanternfly
Spotted lanternfly (*Lycorma delicatula*) is an insect that is native to Asia and was found in suburban Philadelphia, PA in 2014. This insect feeds on a broad range of host trees including many found in Fairfax County (see Attachment III). Staff proposes adding spotted lanternfly to the list of insects that may be controlled by service district so that monitoring and outreach may be conducted. This insect is not known to be in Fairfax County but has the potential to cause a significant financial impact should it become established here.

It should be noted that there are many invasive forest insect pests and diseases that are potential threats to the forests of Fairfax County. Staff will continue to keep informed of developing invasive forest pest issues. Past experience with new insects and diseases has proven that diligent monitoring, detection and prevention are much more cost effective and more readily accepted by the public as compared to the use of insecticides.

Forest Health Initiative
The Forest Pest Program relies heavily on public outreach. A suggestion made by the public in recent years is that the Forest Pest Program should direct resources to monitor the health of the County's urban forest. As a result, staff is recommending that a study be initiated to address this concern. The United States Forest Service (USFS) offers a free software application (called i-Tree ECO™) that is designed to meet this requirement. The study would involve evaluating forest conditions in 240 random sites throughout the County. These sites would be permanent and staff would revisit them in the future to attempt to determine changes in the forest. This study will help County agencies understand what the condition of the trees and forests are over a long period of time. With this better understanding, staff can assess how to address the threats to the County's urban forest.

The analysis can be used to determine the potential for many topics including effects on stormwater runoff, carbon sequestration, pollution removal among others (see Attachment X). Other County agencies including the Park Authority and Stormwater Planning have expressed interest in the data collected from this project.

Although there is no cost for the software, staff need to be trained by qualified individuals. Staff proposes to contract with a qualified company during the summer of 2017 to conduct the first year's survey. The one-time cost of this project is $78,000.

Urban Forest Management Division staff would be imbedded with the contract staff during the first year in order to become qualified as i-Tree collectors. In the future, Urban Forest Management Division staff would survey the sites with no contracted assistance.

FISCAL IMPACT:
Currently, the Forest Pest Program is funded through the Special Service District for the Control of Infestations that May Carry a Disease that is Dangerous to Humans, Gypsy Moth, Fall Cankerworm, and Certain Identified Pests. The total amount budgeted for FY 2017 is sufficient for this program.

ENCLOSED DOCUMENTS:
Attachment I: TREE-äge® Label
Attachment II: TreeAzin® Label
Attachment III: United States Forest Service Pest Alert, Spotted Lanternfly
Attachment IV: Gypsy Moth Cumulative Defoliation in Virginia (1984-2009)
Attachment V: 2016 Fall Cankerworm Defoliation Survey
Attachment VI: United States Forest Service Pest Alert, Hemlock Woolly Adelgid
Attachment VII: United States Forest Service Pest Alert, Thousand Cankers Disease
Attachment VIII: United States Forest Service Pest Alert, Sudden Oak Death
Attachment IX: United States Forest Service Pest Alert, Asian Longhorned Beetle
Attachment X: i-Tree ECO Fact Sheet

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

RESTRICTED USE PESTICIDE

DUE TO ACUTE TOXICITY TO HUMANS FOR RETAIL SALE TO AND USE ONLY BY CERTIFIED APPLICATORS OR PERSONS UNDER THEIR DIRECT SUPERVISION, AND ONLY FOR THOSE USES COVERED BY THE CERTIFIED APPLICATOR'S CERTIFICATION.

Attachment I

TREE-äge®

GROUP 6 INSECTICIDE

Injected insecticide for two-year control of listed arthropod pests in deciduous, coniferous, and palm trees

ACTIVE INGREDIENT:
Emamectin Benzoate[1] 4.0%
OTHER INGREDIENTS 96.0%
TOTAL 100.0%

CAS No. 55569-91-8 [1]Contains 0.36 lb emamectin per gallon.
EPA Reg. No. 100-1309-74578 Est. 74578-MA-001

KEEP OUT OF REACH OF CHILDREN
WARNING/AVISO

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)
See additional precautionary statements and directions for use on label in booklet.

SCPPL ABJ 1309A-L1D 0314, Material #4036736
Net Contents: 1 Quart, 2 Fluid Ounces (1 liter)
Product ID: 040-4100

Manufactured for Arborjet, Inc. 99 Blueberry Hill Road, Woburn, MA 01801

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

WARNING/AVISO: Causes substantial but temporary eye injury. Do not get in eyes or on clothing. Wear protective eyewear. Harmful if swallowed. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove and wash contaminated clothing before reuse.

FIRST AID

If in eyes: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

If swallowed: Call poison control center or doctor immediately for treatment advice. Have person sip glass of water if able to swallow. Do not induce vomiting unless told to do so by the poison control center or doctor. Do not give anything by mouth to an unconscious person.

NOTE TO PHYSICIAN

Early signs of intoxication include dilation of pupils, muscular incoordination, and muscular tremors. Vomiting within one-half hour of exposure can minimize toxicity following accidental ingestion of the product; rapidly after exposure (< 15 minutes) administer repeatedly medical charcoal in a large quantity of water or ipecac. If toxicity from exposure has progressed to cause severe vomiting, the extent of resultant fluid and electrolyte imbalance should be gauged. Appropriate supportive parenteral fluid replacement therapy should be given, along with other required supportive measures (such as maintenance of blood pressure levels and proper respiratory functionality) as indicated by clinical signs, symptoms, and measurements. In severe cases, observations should continue for at least several days until clinical condition is stable and normal. Since emamectin benzoate is believed to enhance GABA activity in animals, it is probably wise to avoid drugs that enhance GABA activity (barbiturates, benzodiazepines, valproic acid) in patients with potentially toxic emamectin benzoate exposure.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

HOT LINE NUMBER

For 24-Hour Medical Emergency Assistance (Human or Animal), Or Chemical Emergency Assistance (Spill, Leak, Fire or Accident) Call **1-800-255-3924**

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical–resistant gloves (Category C) such as barrier laminate; butyl rubber ≥14 mils; nitrile rubber ≥14 mils; or neoprene rubber ≥14 mils.
- Shoes and socks
- Protective eyewear

ENVIRONMENTAL HAZARDS

This product is highly toxic to fish, mammals and aquatic invertebrates. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwater. This product is highly toxic to bees exposed to direct treatment or residues on blooming trees.

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.

CONDITIONS OF SALE AND LIMITATION OF WARRANTY AND LIABILITY

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

The Directions for Use of this product must be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as manner of use or application, weather or crop conditions, presence of other materials or other influencing factors in the use of the product, which are beyond the control of ARBORJET, Inc. or Seller.

To the extent permitted by applicable law, Buyer and User agree to hold ARBORJET and Seller harmless for any claims relating to such factors.

ARBORJET warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, subject to the inherent risks referred to above, when used in accordance with directions under normal use conditions. To the extent permitted by applicable law: (1) this warranty does not extend to the use of this product contrary to label instructions or under conditions not reasonably foreseeable to or beyond the control of Seller or ARBORJET, and, (2) Buyer and User assume the risk of any such use. TO THE EXTENT PERMITTED BY APPLICABLE LAW, ARBORJET MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS WARRANTED BY THIS LABEL.

To the extent permitted by applicable law, in no event shall ARBORJET be liable for any incidental, consequential or special damages resulting from the use or handling of this product.

TO THE EXTENT PERMITTED BY APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF ARBORJET AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF ARBORJET OR SELLER, THE REPLACEMENT OF THE PRODUCT.

ARBORJET and Seller offer this product, and Buyer and User accept it, subject to the foregoing Conditions of Sale and Limitation of Warranty and Liability, which may not be modified except by written agreement signed by a duly authorized representative of ARBORJET.

DIRECTIONS FOR USE RESTRICTED USE PESTICIDE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

IMPORTANT: Read entire label before using this product. Failure to follow label instructions may result in poor control or tree injury. Failure to follow label directions may cause injury to people, animals and environment.

APPLICATION TO TREES

TREE-äge is for control of mature and immature arthropod pests of deciduous, coniferous, and palm trees including, but not limited to, those growing in residential and commercial landscapes, parks, plantations, seed orchards, and forested sites (in private, municipal, state, tribal and national areas). TREE-äge contains the active ingredient emamectin benzoate and is formulated to translocate in the tree's vascular system when injected. This product must be placed into active sapwood and will actively control pests for up to two years.

USE DIRECTIONS

TREE-äge is designed for use with tree injection devices that meet the label and dose requirements (for example, the Arborjet Tree Injection Systems) for the control of listed pests of trees. Follow manufacturer's directions for equipment use.

Dosages are based on the Diameter (in inches) of the tree at Breast Height (DBH"). Tree DBH is the outside bark diameter at breast height. Breast height is defined as 4.5 feet (1.37m) above the ground on the uphill side of the tree. For the purposes of determining breast height, the ground includes the duff layer that may be present, but does not include unincorporated woody debris that may rise above the ground line.

The diameter is determined by measuring the circumference of the tree at DBH", and dividing the circumference (in inches) by three (3). To determine DBH" for multi-stemmed woody ornamentals, measure the DBH" for each stem or branch and add together for the total DBH" per tree.

Placement of Application/Injection Sites: Inject at the base of the tree. Inject into the stem within 12" of the soil, into the trunk flare or into tree roots exposing them by shallow excavation. Make applications into intact, healthy sapwood. Do not inject into injured areas or areas with decay. Select injection sites associated with stem growth.

Number of Injection Sites: Work around the tree, spacing injection sites approximately every 4 to 8 inches of tree's circumference.

Drill Depth: Drill through the bark then 5/8" to 1-5/8" (hardwoods) or 1-5/8" to 2" (conifers) into the sapwood with the appropriate sized drill bit. Use clean, sharp drill bits. Brad point bits are recommended. Precautions should be taken to avoid diseased areas and transferring infected tissues to other injection sites.

APPLICATION TO TREES (continued)

Resinous Conifers

In resinous conifers, such as pine and spruce, start the injection immediately after drilling into the sapwood. A prolonged delay may reduce uptake on account of resin flow into opening.

WHEN TO TREAT

TREE-äge contains the active ingredient emamectin benzoate which is a glycoside insecticide. It is active against immature and adult stages of arthropods. The primary route of toxicity is through ingestion.

ENVIRONMENTAL CONDITIONS: Uptake of TREE-äge is dependent upon the tree's transpiration. Transpiration is dependent on a number of abiotic and biotic factors, such as soil moisture, soil and ambient temperature, and time of day. For uptake, apply when soil is moist, soil temperatures are above 45˚F, ambient temperatures are between 40˚ to 90˚F, and during the 24 hour period when transpiration is greatest, typically before 2:00 PM. Applications to drought or heat-stressed trees may result in injury to tree tissue, poor treatment and subsequent control. Avoid treating trees that are moisture stressed or suffering from herbicide damage.

MONITOR TREE HEALTH and PEST INFESTATIONS: Effective injection treatment is favored by a full canopy (i.e., leaves) and healthy vascular system. Once these tissues are compromised by arthropod damage (larval galleries, defoliation, leaf mining, etc.) an effective and uniform application of TREE-äge may be difficult to achieve and subsequent control may be poor. Optimally, treatment should be made preventively at least 2 to 3 weeks before arthropods historically infest the host tree. As a result of systemic movement and longevity of TREE-äge in trees, this interval may be extended much earlier to 6 months should tree dormancy, adverse weather, management, asynchronous life cycle of pests, etc., allow earlier application timing.

TREE-äge may also be effective as a remedial treatment against some pests, such as those with slower development or if multiple life stages are susceptible to TREE-äge. Pests that attack the stem and branches such as bark beetles and clearwing borers may disrupt vascular tissue resulting in poor distribution in an infested tree. This includes the initial larval stages of pests, such as bark beetles and clearwing borers, that attack the stem and branches, which may disrupt vascular tissue resulting in poor distribution of the product in an infested tree. Best results are achieved if applications are made prior to any vascular disruption to the tree. However, control may be achieved if larvae come into contact or feed on TREE-äge treated tissues.

GROUP 6 INSECTICIDE

RESISTANCE MANAGEMENT

TREE-äge Insecticide is a Group 6 insecticide (contains the active ingredient emamectin benzoate).

Because of the inherent risks of resistance development to any product, it is strongly advised that TREE-äge be used in a sound resistance management program. Treatment may not be effective against labeled pests if insect or mite tolerant strains develop. When applying to plants that are hosts of labeled pests and these labeled pests have multiple generations per year, use resistance management practices.

USE

Use as formulated or dilute with equivalent 1 to 3 volumes of water to apply.

Tree Diameter (DBH) (Inches)	Low ml product/tree	Medium ml product/tree	High ml product/tree
4 to 6	15	25	50
7 to 9	20	40	80
10 to 12	30	55	110
13 to 15	35	70	140
16 to 18	42	85	170
19 to 21	50	100	200
22 to 24	–	115	230
25 to 27	–	130	260
28 to 30	–	145	290
31 to 33	–	160	320
34 to 36	–	175	350
37 to 39	–	190	380
40 to 42	–	205	410
43 to 45	–	220	440
46 to 48	–	235	470
49 to 51	–	250	500
52 to 54	–	265	530
55 to 57	–	280	560
58 to 60	–	295	590
61 to 63	–	310	620
64 to 66	–	325	650
67 to 69	–	340	680
70 to 72	–	355	710

The use of low, medium, and high rates are based on the professional judgment of the applicator as to what constitutes a low, medium or high infestation.

Higher rates tend to provide longer residual and control of more difficult to control insects. See **Target Pest** for additional information in choosing the amount of product to apply.

Applications in Trees

Tree Tissue	Target Pest	Application Rate[1]	Comments
Seed and Cone	Pine Coneworm (*Dioryctria* spp), Pine Cone Seed Bug (suppression of *Leptoglossus* and *Tetyra* spp in the year of treatment)	Medium to High	For optimal control apply in the fall for early season pests or at least 30 days before insect attack.
Bud and Leaf	Tent Caterpillars (including Eastern, Forest, Pacific, and Western) Western Spruce Budworm Winter Moth	Low to Medium	Apply at least 2-3 weeks before the pest has historically been present. Consult with local extension agent for when this will occur in your area.
	Bagworm Fall Webworm Gypsy Moth Mimosa Webworm Oak Worm Tussock Moth Leafminers (including Lepidoptera Coleoptera Hymenoptera) Honeylocust Plant Bug Pine Needle Scale Red Palm Mite Sawfly (including Elm, Pine)	Low to High	
Shoot, Stem, Trunk and Branch	Clearwing Borers (including Ash, and Sequoia Pine Pitch Tube Moth)	Low to Medium	For control apply at least 30 days before historical egg hatch or adult flight and to trees whose vascular tissue is not damaged. If vascular tissue is damaged or plugged by insect galleries, nematodes or fungi, uniform treatment and control may not be achieved.
	Flat-headed Borers (including adult and larvae of Emerald Ash Borer)	Low to High	
	Roundheaded Borers (excluding Asian longhorn Borer) Scolytids (bark beetles) Ips Engraver Beetles Mountain Pine Beetle Southern Pine Beetle Spruce Beetle Western Pine Beetle Pinewood Nematode	Medium to High	

[1]Use medium to high rates for remedial and longer residual control.

COMPATIBILITY

Do not mix TREE-äge before injection with other products such as insecticides, fungicides, plant growth regulators, surfactants, adjuvants, and fertilizers.

RESTRICTIONS

Do not apply to trees that may yield food consumed by humans or used in animal feed. TREE-äge is not to be reformulated or repackaged, including custom blended.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage and disposal.

Pesticide Storage: Store in a cool, dry place, away from children and pets. Keep from freezing.

Pesticide Disposal: Waste resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Container Handling: Non-refillable container. Do not reuse or refill this container. Offer for recycling if available. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinse into application equipment or a mix tank or store rinsate for later use and disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration.

TREE- äge is a registered trademark of Arborjet, Inc.

Manufactured for: Arborjet, Inc.
99 Blueberry Hill Road
Woburn, MA 01801

SCPPL ABJ 1309A-L1D 0314, Material #4036736

REV 5/2015

TREEAZIN® SYSTEMIC INSECTICIDE

SYSTEMIC INSECTICIDE ®

Trees Saving Trees™

TREEAZIN®
SYSTEMIC INSECTICIDE
For Commercial Use

A solution containing azadirachtin for tree injections for use with tree injection devices to manage specific insect pests of forests, trees and landscape ornamentals in woodlot, urban and residential environments.

OMRI LISTED
For Organic Use

ACTIVE INGREDIENT:

Azadirachtin A + Azadirachtin B*	5%
OTHER INGREDIENTS	95%
TOTAL	100%

*Contains 0.42 lbs. of Azadirachtin A + B per gallon (50 gms. per liter)

EPA Reg. No. 82996 – 1 EP. Est. 50837-

KEEP OUT OF REACH OF CHILDREN

WARNING

FIRST AID	
If in eyes:	• Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing. • Call a poison control center or doctor for treatment advice.
If on skin or clothing	Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.
If swallowed:	• Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to by a poison control center or doctor. • Do not give anything to an unconscious person.

Have container or label with you when calling a poison control center or doctor, or going for treatment. Call your poison control center at 1-800-222-1222. For information on product, usage, etc., call 1-888-236-7378, Monday through Friday, 9 a.m. to 5 p.m. (Eastern time).

Manufactured by:
BioForest Technologies Inc.
59 Industrial Park Crescent, Unit 1
Sault Ste. Marie, ON Canada P6B 5P3

Net Contents:
1 liter
(1.06 quart)

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Warning: Causes substantial but temporary eye injury. Do not get in eyes or on clothing. Wear protective eyewear such as goggles, face shield, or safety glasses. Harmful if swallowed or absorbed through skin. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

Personal Protective Equipment (PPE)

Applicators and other handlers must wear:
- Long sleeved shirt and pants
- Shoes plus socks
- Protective eyewear
- Chemical resistant gloves

Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

User Safety Recommendations

User should:
- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

PHYSICAL AND CHEMICAL HAZARDS

Extremely flammable. Contents under pressure. Keep away from fire, sparks, and heated surfaces. Do not puncture or incinerate container. Exposure to temperatures above 130 degrees Fahrenheit may cause bursting.

ENVIRONMENTAL HAZARDS

Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters or rinsate.

Non-Agricultural Use Requirements

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Keep children and pets off of the treated area until sprays have dried.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Do not apply this product in a way that will contact workers or other persons. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the State or Tribal agency responsible for pesticide regulation.

IMPORTANT: Before using TreeAzin, read this label carefully, as well as the instructions for the tree injection device used to inject TreeAzin. Failure to follow label directions and instructions may lead to unnecessary exposure to the applicator, bystanders and the environment.

This formulation is designed for use with the EcoJect® System for tree injections or with other manufacturers' tree injection devices that meet the label and dosage requirements. Follow the manufacturer's directions for use.

Apply TreeAzin undiluted. TreeAzin is a systemic insecticide. Therefore, to ensure optimum efficacy, it is necessary to inject TreeAzin into the active sapwood.

Injection times will vary by tree species, weather conditions, time of year and time of day, but injection times are improved when trees are maintained and watered.

TreeAzin is not to be applied to trees that will produce food.

Determining Dose

- Using a diameter tape or calipers, determine the tree's diameter in inches at breast height (dbh) (4.5 ft. above ground).
- Multiply the tree's diameter in inches at breast height (dbh) by appropriate dosage (see Application Rates in Trees and Ornamentals chart) to calculate the total dose of TreeAzin for the tree.

Example: Preventative Treatment for Emerald Ash Borer

1. The tree diameter (dbh) is 16 in.
2. Multiply: 16 in. x 5 ml/in. = 80 ml of TreeAzin required

The Injection Hole

- Using a power drill and a 15/64 in. drill bit for the EcoJect® System (for other injection devices, refer to user instructions for drill bit size), drill a hole at a 20 to 45 degree downward angle into the tree approximately 6-12 in. above ground (high helix drill bits are recommended).
- The hole should extend through the bark and be approximately ½ -1 in. deep into the sapwood of the tree.
- Subsequent injection holes should spiral slightly upward around the tree every 5-6 in. so the final hole is no more than 11 in. above the ground.

Application Rates in Trees and Ornamentals

Pest Controlled: Emerald Ash Borer

Dosage:

Within a quarantined county, a state quarantined generally-infested area or less than 15 mi. from a confirmed infestation	EAB symptoms or No EAB symptoms	≥ 30% canopy thinning and/or dieback	Treatment not recommended
		< 30% canopy thinning and/or dieback	12.5 ml/in. dbh
	Suspicious EAB symptoms or No EAB symptoms	≥ 30% canopy thinning and/or dieback	12.5 ml/in. dbh *
		< 30% canopy thinning and/or dieback	12.5 ml/in. dbh
In a county where EAB has not been detected or greater than 15 mi. from a known EAB infestation	Suspicious EAB symptoms	≥ 30% canopy thinning and/or dieback	12.5 ml/in. dbh *
		< 30% canopy thinning and/or dieback	12.5 ml/in. dbh
	No EAB symptoms	> 16 in. dbh	10 ml/in. dbh
		8 - 16 in. dbh	8 ml/in. dbh
		< 8 in. dbh	5 ml/in. dbh

* Tree condition may compromise treatment effectiveness

Pest Controlled	Dosage
Gypsy Moth Tent Caterpillars Leaf miners Spruce Budworm Jack Pine Budworm Hemlock Woolly Adelgid Elm Leaf Beetle	8 ml per in. dbh
Sawflies	5 ml per in. dbh

Note: dbh is the diameter of the tree in inches at breast height

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

Pesticide Storage: Store in a cool, dry place and in such a manner to prevent cross contamination with other pesticides, fertilizers, food and feed. Store in original container and out of the reach of children, preferably in a locked storage area. Check any plastics for compatibility. Keep container tightly sealed when not in use. Do not store below 40 degrees Fahrenheit or above 75 degrees Fahrenheit. On a hot day, temperatures exceeding 100 degrees Fahrenheit are common in vehicles, especially when windows are closed. Do not expose to high temperatures for more than short periods of time. These actions may result in some degradation of the product. Keep bottles of TreeAzin out of direct sunlight.

Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Container Handling:
- **Plastic Containers:** Nonrefillable container. Do not reuse or refill this container. Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill.

Conditions of Sale and Warranty

The directions for use of this product are believed to be adequate and must be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Tree injury, ineffectiveness, or other unintended consequences may result due to such factors as weather conditions, presence or absence of other materials, or the manner of use or application, all of which are beyond the control of TreeAzin, the manufacturer, or the seller.

To the extent consistent with applicable law, BioForest Technologies Inc. makes no warranty of fitness of this product for any other purpose, beyond its uses under normal conditions in keeping with the statements made on this label.

FOR POSITION ONLY

LP# 505665 01 04/15

SPECIMEN

Pest Alert

Animal and Plant Health Inspection Service
Plant Protection and Quarantine

Spotted Lanternfly *(Lycorma delicatula)*

The spotted lanternfly is an invasive pest, primarily known to affect tree of heaven *(Ailanthus altissima)*. It has been detected on many host plants, including apples, plums, cherries, peaches, nectarines, apricots, almonds, and pine. It also feeds on oak, walnut, poplar, and grapes. The insect will change hosts as it goes through its developmental stages. Nymphs feed on a wide range of plant species, while adults prefer to feed and lay eggs on tree of heaven *(A. altissima)*.[1] If allowed to spread in the United States, this pest could seriously harm the country's grape, orchard, and logging industries.

Adult spotted lanternfly

Distribution and Spread

The spotted lanternfly is present in China, India, Japan, South Korea, and Vietnam. The insect was detected in Pennsylvania in September 2014. This was the first detection of spotted lanternfly in the United States.

Spotted lanternflies are invasive and can spread rapidly when introduced to new areas. While the insect can walk, jump, or fly short distances, its long-distance spread is facilitated by people who move infested material or items containing egg masses.

Damage

Both nymphs and adults of spotted lanternfly cause damage when they feed, sucking sap from stems and leaves. This can reduce photosynthesis, weaken the plant, and eventually contribute to the plant's death. In addition, feeding can cause the plant to ooze or weep, resulting in a fermented odor, and the insects themselves excrete large amounts of fluid (honeydew). These fluids promote mold growth and attract other insects.

Description

Adult spotted lanternflies are approximately 1 inch long and one-half inch wide, and they have large and visually striking wings. Their forewings are light brown with black spots at the front and a speckled band at the rear. Their hind wings are scarlet with black spots at the front and white and black bars at the rear. Their abdomen is yellow with black bars. Nymphs in their early stages of development appear black with white spots and turn to a red phase before becoming adults. Egg masses are yellowish-brown in color, covered with a gray, waxy coating prior to hatching.

Life Cycle

The spotted lanternfly lays its eggs on smooth host plant surfaces and on non-host material, such as bricks, stones, and dead plants. Eggs hatch in the spring and early summer, and nymphs begin feeding on a wide range of host plants by sucking sap from young stems and leaves. Adults appear in late July and tend to focus their feeding on tree of heaven *(A. altissima)* and grapevine

[1] In Pennsylvania, adult spotted lanternflies have also been found feeding and egg laying on willow, maple, poplar, and sycamore, as well as on fruit trees, like plum, cherry, and peach.

(Vitis vinifera). As the adults feed, they excrete sticky, sugar-rich fluid similar to honeydew. The fluid can build up on plants and on the ground underneath infested plants, causing sooty mold to form.

Where To Look

Spotted lanternfly adults and nymphs frequently gather in large numbers on host plants. They are easiest to spot at dusk or at night as they migrate up and down the trunk of the plant. During the day, they tend to cluster near the base of the plant if there is adequate cover or in the canopy, making them more difficult to see. Egg masses can be found on smooth surfaces on the trunks of host plants and on other smooth surfaces, including brick, stone, and dead plants.

Report Your Findings

If you find an insect that you suspect is the spotted lanternfly, please contact your local Extension office or State Plant Regulatory Official to have the specimen identified properly.

To locate an Extension specialist near you, go to the U.S. Department of Agriculture (USDA) Web site at **www.nifa.usda.gov/Extension**. A directory of State Plant Regulatory Officials is available on the National Plant Board Web site at **www.nationalplantboard.org/membership**.

Nymphs are black with white spots in early stages of development. *(Credit: itchydogimages)*

Nymphs turn red just before becoming adults. *(Credit: itchydogimages)*

Hatched and unhatched egg masses

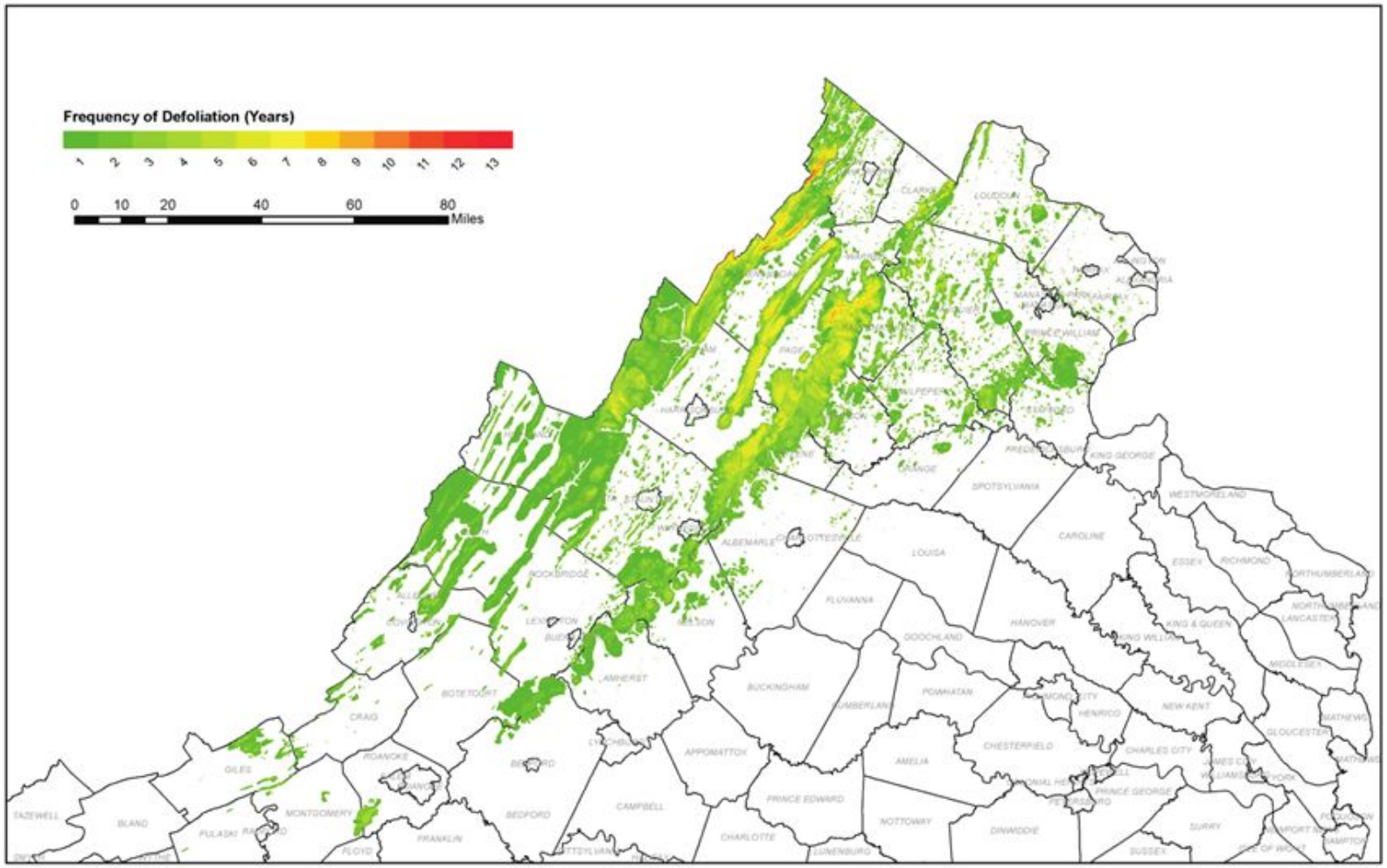
Cluster of adults on the trunk of a tree at night

APHIS 81-35-024
Issued November 2014

USDA is an equal opportunity provider and employer.

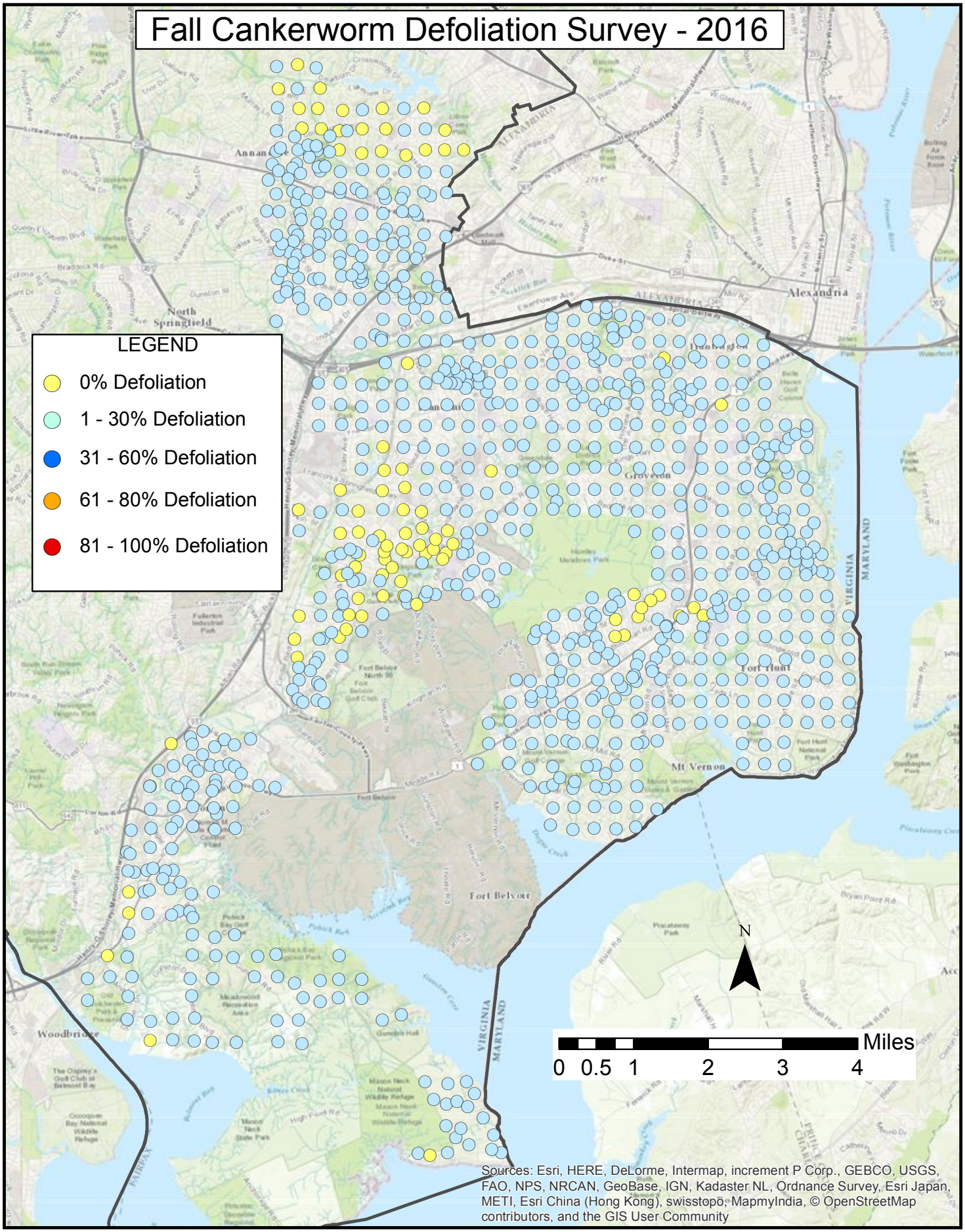
Attachment IV

Gypsy Moth Cummulative Defoliation (1984-2009)



Acres affected within Virginia
Total - 2,426,956

Mapped by Todd Edgerton 2/17/2010


Fall Cankerworm Defoliation Survey - 2016
LEGEND
0% Defoliation
1 - 30% Defoliation
31 - 60% Defoliation
61 - 80% Defoliation
81 - 100% Defoliation
Annandale
North Springfield
Alexandria
Groveton
Fort Hunt
Mt Vernon
Fort Belvoir
Woodbridge
VIRGINIA
MARYLAND
N
0 0.5 1 2 3 4 Miles
Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

ATTACHMENT VI

Pest Alert

United States
Department of
Agriculture

Forest Service

Northeastern Area
State and Private Forestry

NA–PR–09–05

August 2005

Hemlock Woolly Adelgid

Native to Asia, the hemlock woolly adelgid (*Adelges tsugae*) is a small, aphidlike insect that threatens the health and sustainability of eastern hemlock (*Tsuga canadensis*) and Carolina hemlock (*Tsuga caroliniana*) in the Eastern United States. Hemlock woolly adelgid was first reported in the Eastern United States in 1951 near Richmond, Virginia. By 2005, it was established in portions of 16 States from Maine to Georgia, where infestations covered about half of the range of hemlock. Areas of extensive tree mortality and decline are found throughout the infested region, but the impact has been most severe in some areas of Virginia, New Jersey, Pennsylvania, and Connecticut.

Hemlock decline and mortality typically occur within 4 to 10 years of infestation in the insect's northern range, but can occur in as little as 3 to 6 years in its southern range. Other hemlock stressors, including drought, poor site conditions, and insect and disease pests such as elongate hemlock scale (*Fiorinia externa*), hemlock looper (*Lambdina fiscellaria fiscellaria*), spruce spider mite (*Oligonychus ununguis*), hemlock borer (*Melanophila fulvogutta*), root rot disease (*Armillaria mellea*), and needlerust (*Melampsora parlowii*), accelerate the rate and extent of hemlock mortality.

Hosts

The hemlock woolly adelgid develops and reproduces on all species of hemlock, but only eastern and Carolina hemlock are vulnerable when attacked. The range of eastern hemlock stretches from Nova Scotia to northern Alabama and west to northeastern Minnesota and eastern Kentucky. Carolina hemlock occurs on dry mountain slopes in the southern Appalachians of western Virginia, North and South Carolina, Georgia, and Tennessee. Eastern hemlock is also commonly planted as a tree, shrub, or hedge in ornamental landscapes. At least 274 cultivars of eastern hemlock are known to exist.

Description

The hemlock woolly adelgid is tiny, less than 1/16-inch (1.5-mm) long, and varies from dark reddish-brown to purplish-black in color. As it matures, it produces a covering of wool-like wax filaments to protect itself and its eggs from natural enemies and prevent them from drying out. This "wool" (ovisac) is most conspicuous when the adelgid is mature and laying eggs. Ovisacs can be readily observed from late fall to early summer on the underside of the outermost branch tips of hemlock trees (figure 1).

FIGURE 1.—Hemlock woolly adelgid ovisacs.

Life History

The hemlock woolly adelgid is parthenogenetic (all individuals are female with asexual reproduction) and has six stages of development: the egg, four nymphal instars, and the adult. The adelgid completes two generations a year on hemlock. The winter generation, the sistens, develops from early summer to midspring of the following year (June–March). The spring generation, the progrediens, develops from spring to early summer (March–June). The generations overlap in mid to late spring.

The hemlock woolly adelgid is unusual in that it enters a period of dormancy during the hot summer months. The nymphs during this time period have a tiny halo of woolly wax surrounding their bodies (figure 2). The adelgids begin to feed once cooler temperatures prevail, usually in October, and continue throughout the winter months.

The ovisacs of the winter generation contain up to 300 eggs, while the spring generation ovisacs contain between 20 and 75 eggs. When hatched, the first instar nymphs, called crawlers, search for suitable feeding sites on the twigs at the base of hemlock needles. Once settled, the nymphs begin feeding on the young twig tissue and remain at that location throughout the remainder of their development. Unlike closely related insects that feed on nutrients in sap, the hemlock woolly adelgid feeds on stored starches. These starch reserves are critical to the tree's growth and long-term survival.

FIGURE 2.—Hemlock woolly adelgid nymphs in dormancy.

FIGURE 3.—Chemical treatment using the soil injection method.

FIGURE 4.—Predators introduced for control in the Eastern United States, left to right (origin): *Sasajiscymnus tsugae* (Japan), *Scymnus sinuanodulus* (China), and *Laricobius nigrinus* (Western North America).

Dispersal and movement of hemlock woolly adelgid occur primarily during the first instar crawler stage as a result of wind and by birds, deer, and other forest-dwelling mammals that come in contact with the sticky ovisacs and crawlers. Isolated infestations and long-distance movement of hemlock woolly adelgid, though, most often occur as the result of people transporting infested nursery stock.

Control

Cultural, regulatory, chemical, and biological controls can reduce the hemlock woolly adelgid's rate of spread and protect individual trees. Actions such as moving bird feeders away from hemlocks and removing isolated infested trees from a woodlot can help prevent further infestations. State quarantines help prevent the movement of infested materials into noninfested areas.

Chemical control options, such as foliar sprays using horticultural oils and insecticidal soaps, are effective when trees can be saturated to ensure that the insecticide comes in contact with the adelgid. Several systemic insecticides have also proven effective on large trees when applied to the soil around the base of the tree or injected directly into the stem (figure 3). Chemical control is limited to individual tree treatments in readily accessible, nonenvironmentally sensitive areas; it is not feasible in forests, particularly when large numbers of trees are infested. Chemical treatments offer a short-term solution, and applications may need to be repeated in subsequent years.

The best option for managing hemlock woolly adelgid in forests is biological control. Although there are natural enemies native to Eastern North America that feed on hemlock woolly adelgid, they are not effective at reducing populations enough to prevent tree mortality. Therefore, biological control opportunities using natural enemies (predators and pathogens) from the adelgid's native environment are currently being investigated. Several predators known to feed exclusively on adelgids have been imported from China, Japan, and Western North America and are slowly becoming established throughout the infested region (figure 4). It will likely take a complex of natural enemies to maintain hemlock woolly adelgid populations below damaging levels. Efforts to locate, evaluate, and establish other natural enemies continue.

Pesticide Precautionary Statement

Pesticides used improperly can be injurious to humans, animals, and plants. Follow the directions and heed all precautions on the labels.

Note: Some States have restrictions on the use of certain pesticides. Check your State and local regulations. Also, because registrations of pesticides are under constant review by the Federal Environmental Protection Agency, consult your county agricultural agent or State extension specialist to be sure the intended use is still registered.

For additional information or copies of this publication, visit http://www.na.fs.fed.us/fhp/hwa.

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State and Private Forestry
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Pest Alert

ATTACHMENT VII

United States
Department of Agriculture
Forest Service
Northeastern Area
State and Private Forestry
NA–PR–02–10
Revised August 2010

Thousand Cankers Disease

Dieback and mortality of eastern black walnut (*Juglans nigra*) in several Western States have become more common and severe during the last decade. A tiny bark beetle is creating numerous galleries beneath the bark of affected branches, resulting in fungal infection and canker formation. The large numbers of cankers associated with dead branches suggest the disease's name—*thousand cankers disease*.

The principal agents involved in this disease are a newly identified fungus (*Geosmithia* sp. with a proposed name of *Geosmithia morbida*) and the walnut twig beetle (*Pityophthorus juglandis*). Both the fungus and the beetle only occur on walnut species. An infested tree usually dies within 3 years of initial symptoms.

Thousand cankers disease has been found in many Western States (figure 1). The first confirmation of the beetle and fungus within the native range of black walnut was in Tennessee (July 2010). The potential damage of this disease to eastern forests could be great because of the widespread distribution of eastern black walnut, the susceptibility of this tree species to the disease, and the capacity of the fungus and beetle to invade new areas and survive under a wide range of climatic conditions in the west.

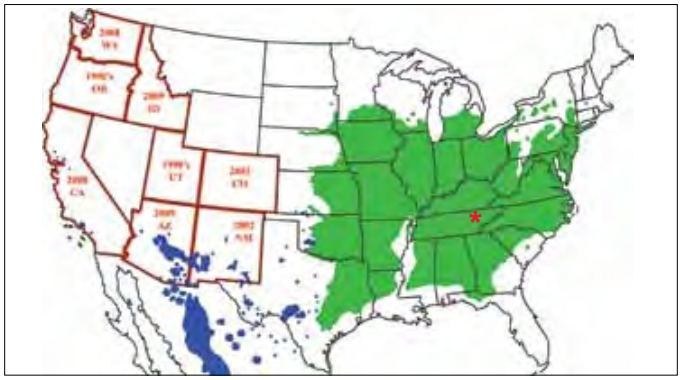

Figure 1. Thousand cankers disease occurs in eight western states (outlined in red) and in the east was first confirmed in Knoxville, TN in July 2010 (see *). In the west the year when symptoms were first noted is given. Native distributions of four species of western walnuts (blue) and eastern black walnut (green) are also shown. Eastern black walnut is widely planted in the West, but not depicted on this map.

Figure 2. Wilting black walnut in the last stages of thousand cankers disease.

Figure 3. Small branch cankers caused by *Geosmithia morbida*.

Disease Symptoms

The three major symptoms of this disease are branch mortality, numerous small cankers on branches and the bole, and evidence of tiny bark beetles. The earliest symptom is yellowing foliage that progresses rapidly to brown wilted foliage, then finally branch mortality (figure 2). The fungus causes distinctive circular to oblong cankers in the phloem under the bark, which eventually kill the cambium (figure 3). The bark surface may have no symptoms, or a dark amber stain or cracking of the bark may occur directly above a canker. Numerous tiny bark beetle entrance and exit holes are visible on dead and dying branches (figure 4), and bark beetle galleries are often found within the cankers. In the final stages of disease, even the main stem has beetle attacks and cankers.

Geosmithia sp.

Members of the genus *Geosmithia* have not been considered to be important plant pathogens, but

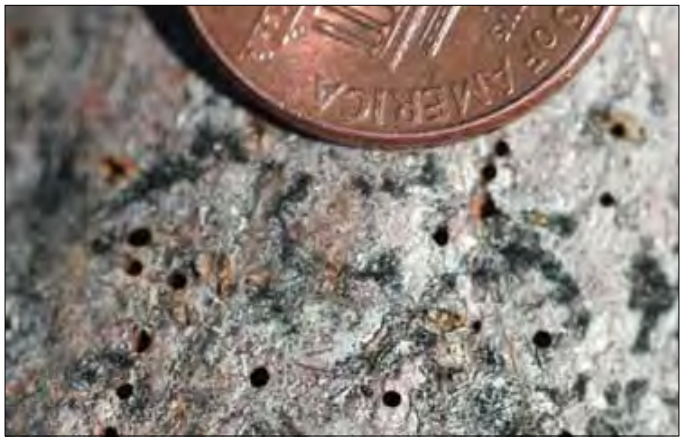

Figure 4. Exit holes made by adult walnut twig beetles.

Geosmithia morbida appears to be more virulent than related species. Aside from causing cankers, the fungus is inconspicuous. Culturing on agar media is required to confirm its identity. Adult bark beetles carry fungal spores that are then introduced into the phloem when they construct galleries. Small cankers develop around the galleries; these cankers may enlarge and coalesce to completely girdle the branch. Trees die as a result of these canker infections at each of the thousands of beetle attack sites.

Walnut Twig Beetle

The walnut twig beetle is native to Arizona, California, and New Mexico. It has invaded Colorado, Idaho, Oregon, Utah, and Washington where walnuts have been widely planted. The beetle has not caused significant branch mortality by itself. Through its association with this newly identified fungus, it appears to have greatly increased in abundance. Adult beetles are very small (1.5 to 2.0 mm long or about 1/16 in) and are reddish brown in color (figure 5). This species is a typical-looking bark beetle that is characterized by its very small size and four to six concentric ridges on the upper surface of the pronotum (the shield-like cover behind and over the head) (figure 5A). Like most bark beetles, the larvae are white, C shaped, and found in the phloem. For this species, the egg galleries created by the adults are horizontal (across the grain) and the larval galleries tend to be vertical (along the grain) (figure 6).

Survey and Samples

Visually inspecting walnut trees for dieback is currently the best survey tool for the Eastern United States. Look for declining trees with the symptoms described above. If you suspect that your walnut trees have thousand cankers disease, collect a branch 2 to 4 inches

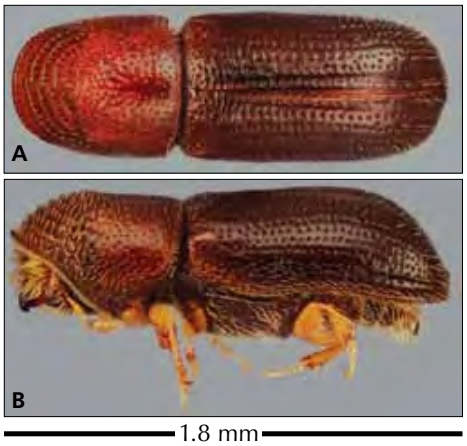

Figure 5. Walnut twig beetle: top view (A) and side view (B).

Figure 6. Walnut twig beetle galleries under the bark of a large branch.

in diameter and 6 to 12 inches long that has visible symptoms. Please submit branch samples to your State's plant diagnostic clinic. Each State has a clinic that is part of the National Plant Diagnostic Network (NPDN). They can be found at the NPDN Web site (www.npdn.org). You may also contact your State Department of Agriculture, State Forester, or Cooperative Extension Office for assistance.

Prepared by:
Steven Seybold, Research Entomologist, U.S. Forest Service, Pacific Southwest Research Station

Dennis Haugen, Forest Entomologist, and Joseph O'Brien, Plant Pathologist, U.S. Forest Service, Northeastern Area State and Private Forestry

Andrew Graves, Postdoctoral Research Associate, UC-Davis, Department of Plant Pathology

Photographs:
Figure 1: Andrew Graves
Figure 2: Manfred Mielke, U.S. Forest Service
Figures 3, 4, 6: Whitney Cranshaw, Colorado State University, www.forestryimages.org
Figure 5: Steve Valley, Oregon Department of Agriculture

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Pest Alert

ATTACHMENT VIII

United States
Department of Agriculture
Forest Service
State and Private Forestry
Northeastern Area

NA-PR-02-02
January 2002

Sudden Oak Death

Oak mortality is caused by a new pathogen, Phytophthora ramorum

A phenomenon known as Sudden Oak Death was first reported in 1995 in central coastal California. Since then, tens of thousands of tanoaks (Lithocarpus densiflorus), coast live oaks (Quercus agrifolia), and California black oaks (Quercus kelloggii) have been killed by a newly identified fungus, Phytophthora ramorum. On these hosts, the fungus causes a bleeding canker on the stem. The pathogen also infects Rhododendron spp., huckleberry (Vaccinium ovatum), bay laurel (Umbellularia californica), madrone (Arbutus menziesii), bigleaf maple (Acer macrophyllum), manzanita (Arctostaphylos manzanita), and California buckeye (Aesculus californica). On these hosts the fungus causes leaf spot and twig dieback.

In California Phytophthora ramorum **causes crown symptoms and tree mortality.**

As of January 2002, the disease was known to occur only in California and southwestern Oregon; however, transporting infected hosts may spread the disease. The pathogen has the potential to infect oaks and other trees and shrubs elsewhere in the United States. Limited tests show that many oaks are susceptible to the fungus, including northern red oak and pin oak, which are highly susceptible.

On oaks and tanoak, cankers are formed on the stems. Cankered trees may survive for one to several years, but once crown dieback begins, leaves turn from green to pale yellow to brown within a few weeks. A black or reddish ooze often bleeds from the cankers, staining the surface of the bark and the lichens that grow on it. Bleeding ooze may be difficult to see if it has dried or has been washed off by rain, although remnant dark staining is usually present.

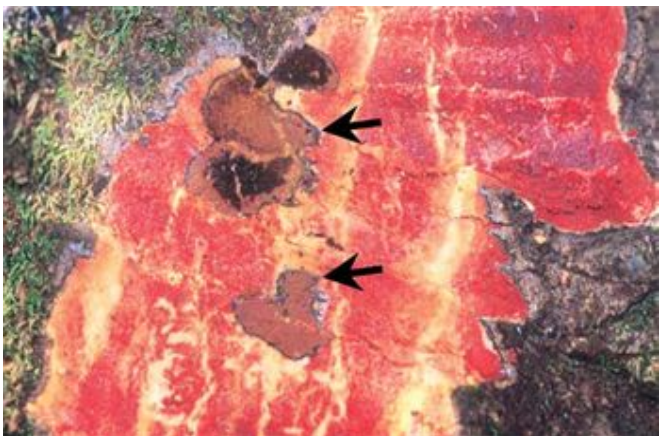
Necrotic bark tissues surrounded by black zone lines are usually present under affected bark. Because these symptoms can also be caused by other Phytophthora species, laboratory tests must be done to confirm pathogen identity.

In the Eastern United States, other disorders of oaks have similar symptoms. See the reverse of this sheet for descriptions. If unusual oak mortality occurs and symptoms do not match these regional disorders, evaluate affected trees for Phytophthora ramorum.

In the United States, sudden oak death is known to occur only along the west coast. However, the fact that widely traded rhododendron ornamentals can be infected with the pathogen and the demonstrated susceptibility of some important eastern oaks make introduction to eastern hardwood forests a significant risk. Early detection will be important for successful eradication. Oaks defoliated early in the growing season by insects or pathogens may appear dead, but leaves usually reflush later in the season. Canker rots, slime flux, leaf scorch, root diseases, freeze damage, herbicide injury, and other ailments may cause symptoms similar to those caused by P. ramorum. Oak wilt, oak decline, and red oak borer damage are potentially the most confusing. See the reverse of this sheet for comparisons with sudden oak death symptoms.

To report infected trees or to receive additional information, please contact your State or Federal forest health specialist. On the Internet, visit the SOD home page at www.suddenoakdeath.org. To distinguish this new disease from diseases with similar appearance, visit www.na.fs.fed.us/SOD.

Ooze bleeds from a canker on an infected oak.



Black zone lines are found under diseased bark in oak.

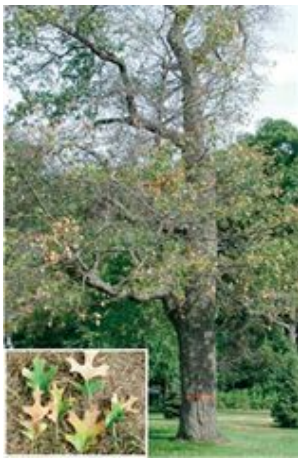
Eastern Oak Disorders That Resemble Sudden Oak Death

In eastern hardwood forests, sudden oak death can be confused, in particular, with oak wilt, oak decline, and red oak borer damage. Descriptions of these disorders and comparisons with sudden oak death follow.

Oak Wilt

Oak wilt is an aggressive fungus disease caused by Ceratocystis fagacearum. It is one of the most serious diseases in the Eastern United States, killing thousands of oak trees in forests, woodlots, and home landscapes. Susceptible hosts include most oaks in the red oak group and Texas live oak. Symptoms include wilting and discoloration of the foliage, premature leaf drop, and rapid death of the tree within days or weeks of the first symptoms. Trees become infected with oak wilt in two ways: through connections between root systems of adjacent trees, and through insects that carry the fungus to other trees that have been wounded.

Similarities: Oak wilt can also kill trees very quickly, especially if infection begins through root grafts. Differences: The oak wilt pathogen does not cause cankers on the stems, and no bleeding is associated with this disease. Dark staining may be evident under the bark of trees with oak wilt, but there are no conspicuous zone lines. Oak wilt typically causes red oak leaves to turn brown around the edges while the veins remain green. Leaves are rapidly shed as the tree dies. Conversely, in live oak with the sudden oak death pathogen, the veins first turn yellow and eventually turn brown. Leaves are often retained on the tree after it dies.



Oak wilt quickly kills most infected trees. Wilting leaves turn brown at the margins (inset) and fall as the tree dies.

Oak Decline

Oak decline is a slow-acting disease complex that can kill physiologically mature trees in the upper canopy. Decline results from interactions of multiple stresses, such as prolonged drought and spring defoliation by late frost or insects, opportunistic root disease fungi such as Armillaria mellea, and inner-bark-boring insects such as the twolined chestnut borer and red oak borer. Progressive dieback of the crown is the main symptom of oak decline and is an expression of an impaired root system. This disease can kill susceptible oaks within 3-5 years of the onset of crown symptoms. Oak decline occurs throughout the range of eastern hardwood forests, but is particularly common in the Southern Appalachian Mountains in North Carolina, Tennessee, and Virginia, as well as the Ozark Mountains in Arkansas and Missouri.

Similarities: Oak decline can cause death of many oaks on a landscape scale. Moist, dark stains may be present on the trunk of trees affected by oak decline. Differences: Oak decline shows evidence that dieback has occurred over several years from the top down and outside inward. Newly killed branches with twigs attached are usually found in the same crown as those in a more advanced state of deterioration killed years before. Dieback associated with sudden oak death occurs over a growing season or two. The inner bark beneath the dark stain associated with stem-boring-insect attacks has a discrete margin with no zone lines or evidence of canker development beyond the attack site.

Oak decline can take years to kill an entire tree.

Red Oak Borer

Red oak borer (Enaphalodes rufulus (Haldeman)) attacks oaks of both red and white groups throughout the eastern United States, but prefers members of the red oak group; however, it does not kill trees. Outbreaks are associated with stressed trees that eventually die from oak decline. The complete life cycle takes 2 years. Adults are 1-1.5 inches long with antennae one to two times as long as the body. Larvae are the damaging life stage. Adult females lay eggs in mid-summer in refuges in the crevices of the bark. Newly hatched larvae bore into the phloem, where they mine an irregular burrow 0.5-1 inch in diameter before fall. In spring and summer of the second year, dark, moist stains and fine, granular frass may be seen on the trunk. Exposure of the inner bark reveals the frass-packed burrow and the larva, if it has not bored more deeply into the wood to complete development. Mature larvae are stout, round-headed grubs about 2 inches long before they pupate deep in the wood.

Similarities: Moist, dark stains and fine frass may be present at sites of red oak borer attack. Differences: With red oak borer the inner bark beneath the dark stain contains a frass-packed burrow and has a discrete margin with no zone lines or evidence of canker development beyond it.

Tunnels in the inner bark indicate the presence of red oak borer.

For further information on related disorders:

Oak Wilt: http://www.na.fs.fed.us/spfo/pubs/howtos/ht_oakwilt/toc.htm
Oak Decline: http://www.na.fs.fed.us/spfo/pubs/fidls/oakdecline/oakdecline.htm
Red Oak Borer: http://www.na.fs.fed.us/spfo/pubs/fidls/Red%20Oak%20Borer/redoak.htm
Other Pest Publications: http://www.na.fs.fed.us/spfo/fth_pub.htm

Prepared by:

Joseph G. O'Brien, USDA Forest Service, Northeastern Area
Manfred E. Mielke, USDA Forest Service, Northeastern Area
Steve Oak, USDA Forest Service, Southern Region
Bruce Moltzan, Missouri Department of Conservation

Attachment X

i-Tree Eco

What Is i-Tree Eco?

i-Tree Eco version 6 is a flexible software application designed to use data collected in the field from single trees, complete inventories, or randomly located plots throughout a study area along with local hourly air pollution and meteorological data to quantify forest structure, environmental effects, and value to communities.

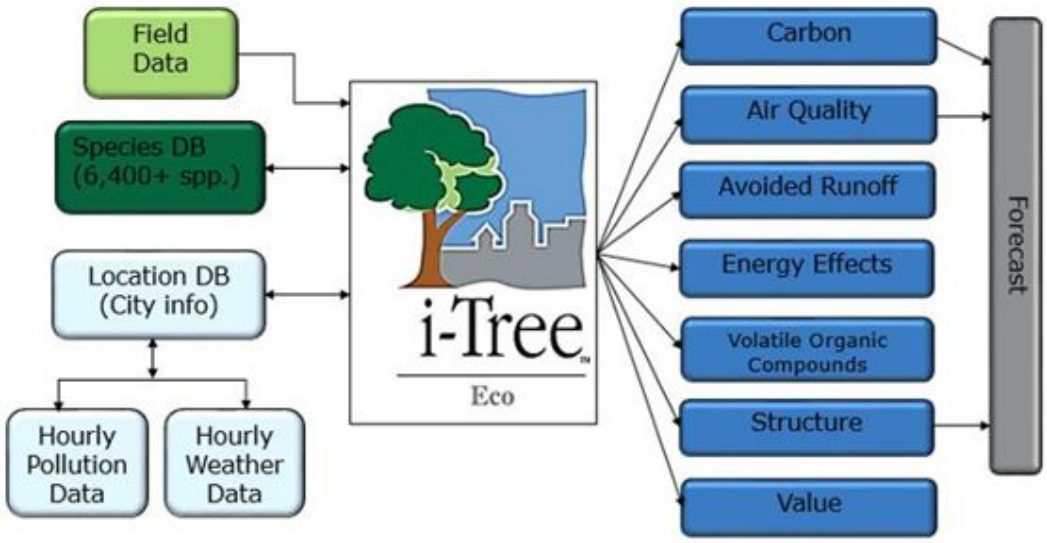
Eco v6 is a model that uses tree measurements and other data to estimate ecosystem services and structural characteristics of urban or rural forest.
Eco is a complete package that provides:

- **Sampling and data collection protocols** - For plot-based sample projects, total population estimates, and standard error of estimates are calculated based on sampling protocols. For complete inventories, eco calculates values for each tree.
- **Flexible data collection options** - Use the mobile data collection system with web-enabled smartphones and tablets, or traditional paper sheets.
- **Automated processing** - A central computing engine that makes estimates of the forest effects based on peer-reviewed scientific equations to predict environmental and economic benefits.
- **Reports** - Summary reports that include charts, tables, and a written report.

Eco Model Basics

How Eco Works

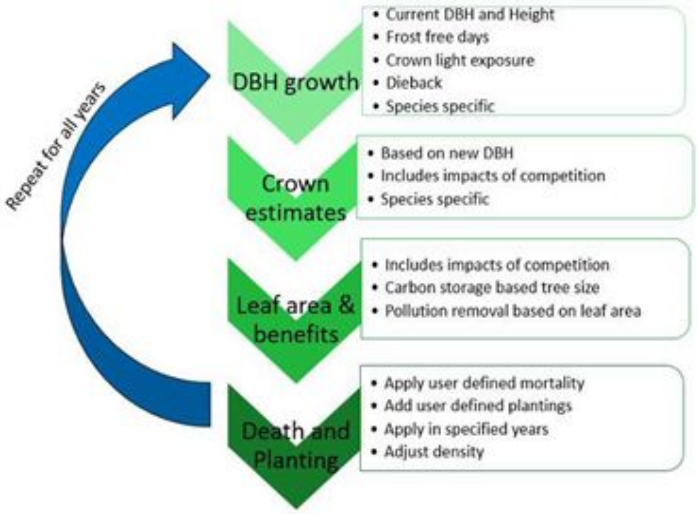
Tree measurements and field data are entered into the Eco application either by web form or by manual data entry; they are merged with local preprocessed hourly weather and air pollution concentration data. These data make it possible for the model to calculate structural and functional information using a series of scientific equations or algorithms.



i-Tree Eco

Forecast Modeling

The new forecast module can be run after Eco results are generated. Forecast uses structural estimates, environmental and location variables, species characteristics along with growth and mortality rates to forecast future tree DBH and crown size. Forecasted benefits such as pollution removal, carbon storage and carbon sequestration are then estimated based on the projected tree growth and leaf area. Tree planting inputs, pest and disease impacts, and storm effects can be modeled also.



i-Tree Eco Is Currently Designed To Provide Estimates Of:

- **Urban forest structure** - Species composition, number of trees, tree density, tree health, etc.
- **Pollution reduction** - Hourly amount of pollution removed by the urban forest, and associated percent air quality improvement throughout a year. Pollution removal is calculated for ozone, sulfur dioxide, nitrogen dioxide, carbon monoxide and particulate matter 2.5 (<2.5 microns).
- **Public health impacts** – Health incidence reduction and economic benefit based on the effect of trees on air quality improvement for the United States only.
- **Carbon** - Total carbon stored and net carbon annually sequestered by the urban forest.
- **Energy Effects** - Effects of trees on building energy use and consequent effects on carbon dioxide emissions from power plants.
- **Avoided runoff** - Yearly avoided runoff attributed to trees summarized by tree species or strata.
- **Forecasting** - Models tree and forest growth over time; considers factors like mortality rates, tree planting inputs, pest and disease impacts and storm effects. Some ecosystem services including carbon and pollution benefits are also forecasted.
- **Bioemissions** - Hourly urban forest volatile organic compound emissions and the relative impact of tree species on net ozone and carbon monoxide formation throughout the year.
- **Values** - Compensatory value of the forest, as well as the estimated economic value of ecosystem services.
- **Potential pest impacts** - based on host susceptibility, pest/disease range and tree structural value.

Not all reporting options may be available depending on project configuration, data options, and project country location.

How Can I Get More Information About i-Tree Eco?

- Visit the i-Tree website at www.itreetools.org
- Register online and download the free software
- Contact i-Tree support staff at info@itreetools.org

ATTACHMENT IX

Pest Alert

United States
Department of Agriculture

Forest Service

**Animal and Plant
Health Inspection Service**

NA-PR-01-99GEN
Revised August 2008

Asian Longhorned Beetle *(Anoplophora glabripennis)*: A New Introduction

The Asian longhorned beetle (ALB) has been discovered attacking trees in the United States. Tunneling by beetle larvae girdles tree stems and branches. Repeated attacks lead to dieback of the tree crown and, eventually, death of the tree. ALB probably travelled to the United States inside solid wood packing material from China. The beetle has been intercepted at ports and found in warehouses throughout the United States.

This beetle is a serious pest in China, where it kills hardwood trees in roadside plantings, shelterbelts, and plantations. In the United States the beetle prefers maple species (*Acer* spp.), including ***boxelder, Norway, red, silver,*** and ***sugar maples***. Other preferred hosts are ***birches, Ohio buckeye, elms, horsechestnut,*** and ***willows***. Occasional to rare hosts include ***ashes, European mountain ash, London planetree, mimosa,*** and ***poplars***. A complete list of host trees in the United States has not been determined.

Currently, the only effective means to eliminate ALB is to remove infested trees and destroy them by chipping or burning. To prevent further spread of the insect, quarantines are established to avoid transporting infested trees and branches from the area. Early detection of infestations and rapid treatment response are crucial to successful eradication of the beetle.

The ALB has one generation per year. Adult beetles are usually present from July to October, but can be found later in the fall if temperatures are warm. Adults usually stay on the trees from which they emerged or they may disperse short distances to a new host to feed and reproduce. Each female usually lays 35-90 eggs during her lifetime. Some are capable of laying more than that. The eggs hatch in 10-15 days. The larvae feed under the bark in the living tissue of the tree for a period of time and then bore deep into the wood where they pupate. The adults emerge from pupation sites by boring a tunnel in the wood and creating a round exit hole in the tree.

For more information about Asian longhorned beetle in the United States, visit these U.S. Department of Agriculture Web sites:

www.na.fs.fed.us/fhp/alb/

www.aphis.usda.gov/plant_health/plant_pest_info/asian_lhb/index.shtml

If you suspect an Asian longhorned beetle infestation, please collect an adult beetle in a jar, place the jar in the freezer, and immediately notify any of these officials or offices in your State:

State Department of Agriculture:
- State Plant Regulatory Official
- State Entomologist

U.S. Department of Agriculture:
- Animal and Plant Health Inspection Service, Plant Protection and Quarantine
- Forest Service

County Cooperative Extension Office
State Forester or Department of Natural Resources

Asian Longhorned Beetle
WHAT TO LOOK FOR:

1. Adult beetles. Individuals are ¾ to 1¼ inches long, with jet black body and mottled white spots on the back. The long antennae are 1½ to 2½ times the body length with distinctive black and white bands on each segment. The feet have a bluish tinge.

2. Oval to round pits in the bark. These egg-laying sites or niches are chewed out by the female beetle, and a single egg is deposited in each niche.

3. Oozing sap. In the summer, sap may flow from egg niches, especially on maple trees, as the larvae feed inside the tree.

4. Accumulation of coarse sawdust around the base of infested trees, where branches meet the main stem, and where branches meet other branches. This sawdust is created by the beetle larvae as they bore into the main tree stem and branches.

5. Round holes, 3/8 inch in diameter or larger, on the trunk and on branches. These exit holes are made by adult beetles as they emerge from the tree.

Photo Sources:

USDA Forest Service

USDA Animal and Plant Health Inspection Service

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Board Agenda Item
February 28, 2017

ACTION - 3

Approval of the Disease Carrying Insects Program

ISSUE:
Board approval of the annual submission of the Disease Carrying Insects Program (DCIP).

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors direct staff to take the following actions concerning Fairfax County's Disease Carrying Insects Program:

Mosquitoes, West Nile virus, Zika virus and Other Mosquito-borne Diseases

1. Continue to conduct a county-wide mosquito surveillance program.

2. Continue to test mosquitoes for West Nile virus, Zika virus, and other pathogens as necessary.

3. Continue proactive treatment of storm drains and other mosquito breeding areas in the County using appropriate and approved larvicides according to established criteria in as many rounds during the May to October mosquito season as necessary.

4. Continue to conduct an aggressive community outreach and education program to increase County residents' awareness of mosquitoes, West Nile virus, Zika virus, and other mosquito-borne diseases, as well as personal protection and prevention methods.

5. If deemed necessary to protect public health, continue to use adult mosquito control methods as necessary.

Ticks, Lyme disease, and other Tick-borne Diseases

1. Continue to conduct tick surveillance activities.

2. Continue to test ticks for pathogens, including the bacteria that causes Lyme disease.

3. Continue to conduct an aggressive community outreach and education program to increase County residents' awareness of ticks, Lyme disease,

and other tick-borne diseases, as well as personal protection and prevention methods.

Other Disease-transmitting Insects of Public Health Importance

1. Continue to work with Environmental Health staff to provide information on other disease-transmitting insects of public health importance.

Board action on this item will cover all Disease Carrying Insects Program activities carried out through June 30, 2018.

TIMING:
Board approval is requested on February 28, 2017, in order to (1) continue mosquito suppression strategies (i.e., surveillance, larviciding mosquito breeding areas, and public outreach), (2) continue tick surveillance program and public outreach and (3) continue outreach and education efforts for other disease-transmitting insects.

BACKGROUND:
The *Code of the County of Fairfax, Virginia* requires the submission of the annual Disease Carrying Insects Program for Board of Supervisors' approval. (Appendix I, Section 7) The Annual Report for the program (Attachment I) provides an overview of many program activities and highlights the importance of vector-borne disease prevention and control.

West Nile Virus, Zika virus, and Other Mosquito-borne Diseases
During 2016, West Nile virus (Attachment II) continued to inflict disease and death across the continental United States as anticipated by the Centers for Disease Control and Prevention (CDC). Fairfax County WNV surveillance indicated that the virus was present and widespread throughout most of the County. By the end of the 2016 WNV season (October 2016), the virus had been detected in mosquitoes collected in many of the surveillance stations in the County. Although zero human cases were recorded in the County in 2016, eight cases were reported in 2015 with one fatality. Four fatal cases in the County since 2002 underlie the potential severity of this disease. Many factors have been suggested as influencing the presence of human cases in the County:

1. Viral activity in the mosquito vectors as found in the surveillance efforts;
2. Presumed feeding habits of *Culex pipiens;*
3. Birds acting as natural amplifiers of the virus;
4. Ambient temperatures which influence the development of the virus within the mosquito;
5. Increased public awareness resulting in increased use of personal protection

measures; and
6. Proactive larvicide treatments to help control *Culex* mosquitoes.

Due to the flood-prone nature of the area, the DCIP maintains surveillance and treatment activities in the Huntington area.

Based on past surveillance information, the DCIP will continue storm drain larviciding activities, as was done in the 2016 mosquito season. The DCIP will initiate treatment in mid-May and continue at approximately six-week intervals for the duration of the season. Larviciding will also be done in targeted storm water detention ponds that are identified as a result of the larval surveillance activities.

As in previous seasons, DCIP staff will continue to carry out mosquito surveillance activities during mosquito season (May to October). The Fairfax County Health Department's Epidemiology and Communicable Disease Unit will continue to carry out human case surveillance. The Mosquito Surveillance and Management Subcommittee, a group with representatives from multiple County agencies as well as other jurisdictions covered by the program, will meet three times this year to ensure an aggressive response to WNV, Zika or other vector-borne diseases, in order to reduce the impact of disease on County residents.

The Health Department Laboratory began testing mosquitoes using molecular diagnostics in 2012. The laboratory offers WNV and Zika virus testing for mosquito samples. Tick testing for the Lyme disease bacteria became available in 2016. In 2017, all mosquito testing and tick testing will be performed by the Health Department Laboratory.

All insecticides used in this program, are registered with the U.S. EPA and sanctioned for use by the Commonwealth of Virginia. The principal larvicides that the County or its contractor will use are Spinosad and *Bacillus sphaericus* (Attachments III, IV, V, VI and VII). Some applications may require a mineral oil-based pupicide to control immature mosquitoes (Attachment VIII). Adult mosquito control is not routinely performed by the Health Department. Under exceptional circumstances, the Health Department may apply insecticides to control adult mosquitoes, and in these instances, the application will target those mosquitoes which potentially transmit disease to humans. The Health Department has the ability to apply pesticides for adult mosquitoes should the public health need arise. The Health Department does not spray for nuisance mosquitoes. Synthetic pyrethroids (Attachment IX) or other insecticides may be used to control adult mosquitoes. All applications of pesticides will be performed by certified applicators according to the label.

The DCIP will continue to utilize an active and engaging outreach and education strategy. The program will also focus messaging to address at-risk groups, such as residents over

50 years of age who are at greater risk of developing a more severe form of the West Nile virus. Because the Zika virus has the potential to cause birth defects, specific messaging has also been developed for pregnant women and their partners to help minimize exposure. The program will also continue to seek out new ways to deliver its public health messages to the County's diverse population. In 2016, the DCIP's outreach activities included the preparation and production of another 18-month calendar full of educational information that was widely distributed to County residents and a children's storybook promoting mosquito and tick awareness.

The Disease Carrying Insects Program Annual Report highlights the 2016 season activities and presents wide-ranging plans for minimizing the impact and risk of mosquito-borne diseases through:

1. Countywide monitoring of WNV activity including mosquito and human surveillance;
2. An integrated approach to mosquito management and control practices which will primarily target those mosquito species that have been shown to be the most probable WNV vectors in the County;
3. An aggressive and intensive community outreach and education program to increase awareness of mosquitoes and WNV and other mosquito-borne diseases in County residents; and
4. A continuation of the multi-jurisdictional and multi-agency collaboration efforts to identify ways to minimize the risk of WNV transmission.

The Chikungunya virus (CHIKV) and the Zika virus (ZIKAV), which are transmitted by Aedes mosquitoes, began circulating in the Americas in 2013 and 2015, respectively (Attachments X and XI). Locally-acquired cases of both viruses have been reported in many countries in the Americas. In Virginia, cases have been reported in returning travelers. However, mosquito-borne transmission of ZIKAV and CHIKV in the continental United States has been reported in Florida and Texas. If there are locally-acquired cases of CHIKV or ZIKAV in the County, the Health Department will utilize guidance from the CDC and VDH in their response activities, which would include case investigation, vector surveillance and control activities, and community education.

In 2016, the DCIP worked closely with other Health Department staff to prepare for the possibility of locally-transmitted ZIKAV in the midst of the large outbreak that was occurring in the Americas. The Health Department engaged the Board of Supervisors, other county agencies, and the residents of our county in order to educate the community about mosquito and mosquito bite prevention methods. The DCIP and the Health Department will maintain their vigilance for locally-transmitted ZIKAV and will continue to engage their partners and the community to protect county residents. In 2016, a ZIKAV fact sheet was developed by the Health Department (Attachment XII) and will continue to be updated and available as needed.

Tick-Borne Disease
During 2016, Lyme disease (Attachment XIII) continued to be a major concern for County residents and it was the most frequently-reported vector-borne disease in the County. Tick surveillance efforts in the County have indicated that the bacterium that causes Lyme disease was present and widespread throughout most of the County. The Health Department recorded and reported at least 189 cases of Lyme disease in Fairfax County in 2016. Some of the factors that influence human cases in the County include:

1. Presence of the Lyme disease-causing bacteria in the black-legged tick vectors, as found in the surveillance efforts;
2. White-footed mice acting as natural amplifiers of the bacteria;
3. Large deer populations that act as a tick transport system, distributing the ticks throughout the County, as well as a source of blood for the females to develop their eggs; and
4. Increased public awareness resulting in increased use of personal protection measures.

Based on this information, Health Department staff plan to perform tick surveillance, tick ID service, collections from veterinary clinics, collections from deer hunts, and human case surveillance in 2017.

The Disease Carrying Insects Program will continue to include tick prevention and personal protection from ticks in its outreach and education strategy. The Disease Carrying Insects Program Annual Report reviews the 2016 season activities and presents wide-ranging plans for minimizing the impact and risk of tick-borne diseases through:

1. Countywide surveillance for the presence of Lyme disease and other tick-borne pathogens, including black-legged (deer) tick and human surveillance;
2. An aggressive and intensive community outreach and education program to increase tick, Lyme disease and tick-borne disease awareness in the County;
3. A continuation of the multi-jurisdictional and multi-agency collaboration efforts to identify ways to minimize the risk of Lyme disease transmission.

Other Disease-transmitting Insects of Public Health Importance
The DCIP's 2016 Annual Report presents plans for minimizing the impact and risk of other diseases transmitted by insects through:

1. An aggressive and intensive community outreach and education program to increase awareness of other insects that may transmit diseases of public health importance.

Board Agenda Item
February 28, 2017

FISCAL IMPACT:
The Disease Carrying Insects Program is primarily funded by a Special Service District for the Control of Infestations that May Carry a Disease that is Dangerous to Humans, Gypsy Moth, Fall Cankerworm, and Certain Identified Pests of $0.001 per $100 of assessed value and is budgeted in Fund 40080, Integrated Pest Management Program. No additional funding is required as the current funding level is sufficient to meet anticipated program needs.

ENCLOSED DOCUMENTS:
Attachment I - Disease Carrying Insects Program Annual Report
Attachment II - CDC WNV Fact Sheet
Attachment III - Natular G Label
Attachment IV - Natular G30 Label
Attachment V - Natular T30 Label
Attachment VI - VectoLex FG Label
Attachment VII - VectoLex WSP Label
Attachment VIII - Cocobear Label
Attachment IX - Flit 10EC Label
Attachment X - CDC Chikungunya Fact Sheet
Attachment XI - CDC Zika Fact Sheet
Attachment XII - Zika Fact Sheet
Attachment XIII - CDC Lyme disease brochure

STAFF:
Pat Harrison, Deputy County Executive
Gloria Addo-Ayensu, MD, MPH, Director of Health
Pieter Sheehan, Director of Division of Environmental Health

Disease Carrying Insects Program Annual Report

Presented by

Pieter A. Sheehan, REHS
Director of Environmental Health
Fairfax County Health Department

February 2017

This information can be made available in an alternative format upon request. Please call 703-246-2300 / TTY 711. Allow seven working days for preparation of the material.

Mosquitoes, ticks and other vectors are responsible for transmitting pathogens that can result in life-changing illnesses such as West Nile virus, Lyme disease, and the Zika virus. The Health Department's Disease Carrying Insects Program was established in 2003 and works to protect county residents and visitors from vector-borne diseases. The program uses an integrated approach to monitor and manage vectors. The program continuously promotes personal protection and vector prevention methods in the community to raise awareness of these public health pests, the diseases they transmit, and what residents can do to protect themselves and their family.

Vision, Mission and Values

As part of the Health Department, the Disease Carrying Insects Program strives to help the agency meet its goals and embody the Vision, Mission and Values of the department.

West Nile Virus

The United States continued to experience the effects of West Nile virus (WNV) in 2016 with cases and deaths throughout the country. During 2016, at least 2,038 human cases with 94 deaths were reported to the Centers for Disease Control and Prevention (CDC).[1] Since 1999 when the first locally-acquired cases of WNV were reported in New York, there have been 45,975 reported cases and 2,005 reported deaths in the United States.

In Fairfax County, WNV was first detected in 2000, when the virus was detected in a dead crow. In 2001, additional infected birds were detected and in 2002, the virus was found in birds, horses, mosquitoes and humans. There were 8 human cases and no deaths reported in Virginia in 2016. No cases of WNV were reported in Fairfax County in 2016. From 2002 to present, there have been 158 human cases of WNV and 11 WNV-associated deaths in Virginia.

[1] Data as of January 17, 2017, obtained from CDC web site, not the final report.

In that same time period, 45 human WNV cases, including four deaths, were reported in Fairfax County.

Other Mosquito-borne Diseases

The Chikungunya virus (CHIKV) and the Zika virus (ZIKAV), which are transmitted by *Aedes* mosquitoes, began circulating in the Americas in 2013 and 2015, respectively. Locally-acquired cases of both viruses have been reported in many countries in the Americas. Other travel-associated, mosquito-borne diseases routinely reported to the CDC include dengue (DENV) and malaria.

In 2016, an outbreak of ZIKAV, a mosquito-borne disease, was ongoing throughout much of the western hemisphere. Zika is of particular public health importance because it can be passed from a pregnant woman to her fetus and infection during pregnancy can cause certain birth defects. From 2015 through January 18, 2017, 4,682 travel-associated Zika cases in the US have been reported to CDC.[2] In Virginia, 107 travel-associated cases have been reported during the same time period. In 2016, 171 cases of CHIKV were reported in the U.S., with six of those cases being reported from Virginia.[1] There were 731 imported cases of DENV in the U.S. in 2016. Of that total, 25 were reported from Virginia. Malaria, a parasitic disease transmitted by mosquitoes, is reported from approximately 1,500-2,000 travelers each year.

Occasionally, local mosquitoes are able to acquire these pathogens from sick individuals and transmit these diseases in the continental U.S. The only evidence of local mosquito transmission of the Zika virus in the continental United States so far has been in the Miami, Florida, area (211 cases) and south Texas (6 cases). To date, the only evidence of local transmission of CHIKV has been in Florida and Texas. Over the last several years, sporadic DENV outbreaks have been identified in Florida. Local transmission of malaria has occurred in several locations in the U.S. In the last 20 years, it has occurred twice in Virginia with a total of 4 reported cases. If there are locally-acquired cases of CHIKV, DENV, ZIKAV or malaria in the County, the Health Department will utilize guidance from the CDC and Virginia Department of Health (VDH).

Tick-borne Disease

Tick-borne diseases are the most commonly reported vector-borne diseases in the United States. Lyme disease, transmitted by the blacklegged tick is common in many areas of the United States, including Virginia. Fairfax County began tick and Lyme disease surveillance in 2005 with a small pilot program. In light of significant results from the first year of tick surveillance, the DCIP implemented an enhanced surveillance program in subsequent years.

Tick-borne diseases continue to impact public health causing serious acute illness, long-term effects and, sometimes, death. The recent and widespread encroachment of suburban sprawl into areas that were once undeveloped or farmland, and the large deer populations in these suburban communities, have increased the prevalence of disease-carrying ticks and the exposure of the human population to the disease pathogens they carry.

Other Disease Transmitting Insects of Public Health Importance

[2] Data as of January 18, 2017, obtained from CDC web site, not the final report.

Other insects with the potential to transmit disease can be found throughout Fairfax County. These insects or the conditions that allow them to proliferate, could, at times, be considered public health or safety menaces.

Human Case Surveillance

West Nile virus, Lyme disease, and other vector-borne diseases are among the over 70 notifiable diseases and conditions in Virginia. The Fairfax County Health Department (FCHD) uses enhanced passive surveillance to monitor physician and laboratory reporting of these diseases.

The Health Department encourages physicians and laboratories to report cases of these illnesses by educating medical practitioners about the importance of reporting vector-borne diseases and by contacting key medical staff at hospital centers to inquire about potential cases. See Table 1 for selected reported cases.

Table 1: Reported Human Cases of Vector-borne Disease, Fairfax County

Condition	Number of Cases, Fairfax Health District	
	CY 2015	CY 2016*
Mosquito-borne Disease		
WNV (neuroinvasive and non-neuroinvasive)	8	0
Dengue**	8	9
Chikungunya**	7	3
Malaria**	17	25
Tick-borne Disease		
Lyme Disease	202	203
Ehrlichiosis/Anaplasmosis	8	6
Spotted Fever Rickettsiosis	14	10

*2016 data are provisional and subject to change.
**Travel-associated cases.

Integrated Mosquito Management

The Disease Carrying Insects Program uses Integrated Mosquito Management (IMM) principles to carry out its duties. This comprehensive program utilizes three basic strategies: surveillance, control, and public education.

Integrated Mosquito Management is a comprehensive mosquito prevention/ control strategy that utilizes all available mosquito control methods singly or in combination to exploit the known vulnerabilities of mosquitoes in order to reduce their numbers to tolerable levels while maintaining a quality environment. IMM does not emphasize mosquito elimination or eradication. Integrated mosquito management methods are specifically tailored to safely counter each stage of the mosquito life cycle. Prudent mosquito management practices for the control of immature mosquitoes include such methods as the use of biological controls, source reduction, water sanitation practices as well as the use of EPA-registered larvicides. When source elimination or larval control measures are not feasible or are clearly inadequate, or when faced with imminent mosquito-borne disease, application of EPA-registered adulticides by applicators trained in the special handling characteristics of these products may be needed. Adulticide products are chosen based upon their demonstrated efficacy against species

targeted for control, resistance management concerns and minimization of potential environmental impact.

IMM requires a thorough understanding of mosquitoes and their bionomics by control personnel; careful inspection and monitoring for their presence and conditions favoring their development; and prevention of oviposition and human/mosquito contact through effective public education, sanitation and facility maintenance. The Disease Carrying Insects Program strives to employ these IMM components to the extent possible, but resource availability may limit what the program will do.

All intervention measures will be driven by a demonstrated need based on surveillance data and action thresholds. IMM is knowledge-based and surveillance-driven, and when properly practiced is specifically designed to accomplish the following:

1. Protect human, animal and environmental health.
2. Promote a rational use of pesticides.
3. Reduce environmental contamination to soil, ground water, surface water, pollinators, wildlife and endangered species as a result of mosquito control activities.
4. Utilize biological controls (native, noninvasive predators) to conserve and augment other control methods.
5. Utilize source reduction (elimination, removal or reduction of larval mosquito habitats) where practical and prudent.
6. Use target-specific pesticides at the lowest effective rates to the extent possible.
7. Emphasize the proper timing of applications.
8. Minimize pesticide resistance problems.

Surveillance

Surveillance is essential to an integrated pest management program. The DCIP conducts surveillance for different vectors and some of the diseases they may carry. Surveillance is done for both adult and immature mosquitoes and for West Nile and Zika viruses. It is important to note that absolute high numbers of mosquitoes do not necessarily reflect high risk of human infection with WNV or other mosquito-borne disease. Surveillance for other vectors such as ticks is also performed.

Mosquito Surveillance: The program is anchored by a strong surveillance component that will monitor mosquito populations during the 2017 mosquito season for possible increases in vector abundance and viral activity. During the 2016 season Fairfax County continued its comprehensive mosquito surveillance program at 71 fixed, weekly collection sites (Figure 1) for a total of 4,358 trapping periods. A trap period was defined as 24 hours since some traps collected mosquitoes that were active during the day and others collected mosquitoes that were active at night. One new trap site was added in 2016.

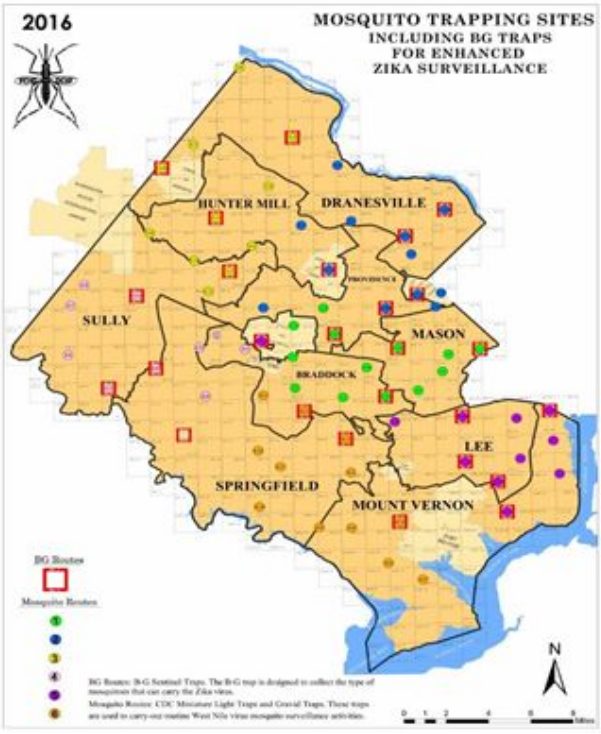

Figure 1: Mosquito Trap Locations, Fairfax County

The program uses three types of mosquito traps to collect mosquitoes: CDC miniature light traps, gravid traps, and BG Sentinel traps. All 71 sites had one CDC miniature light trap and one gravid trap. The number of fixed BG Sentinel trap sites increased from 7 to 26 in2016.

During the 2016 mosquito surveillance season, 141,397 mosquitoes identified from routine trapping activities (Figure 2). An additional 777 adult mosquitoes were collected through non-routine trapping.

Figure 2: Staff sorting and identifying mosquitoes (left) and mosquitoes through the microscope (right).

Figure 3: CDC Miniature Light Trap (left) and Gravid Trap (right).

The **CDC miniature light trap** (Figure 3) is a trap that collects mosquitoes that are searching for something to bite. This trap is baited with carbon dioxide (dry ice) and a small light. This trap typically collects the greatest variety of mosquitoes and 28 different species were picked up in 2016 (Figure 4). In 2016, the CDC traps were set for 1,765 trap periods and collected almost 21,000 mosquitoes.

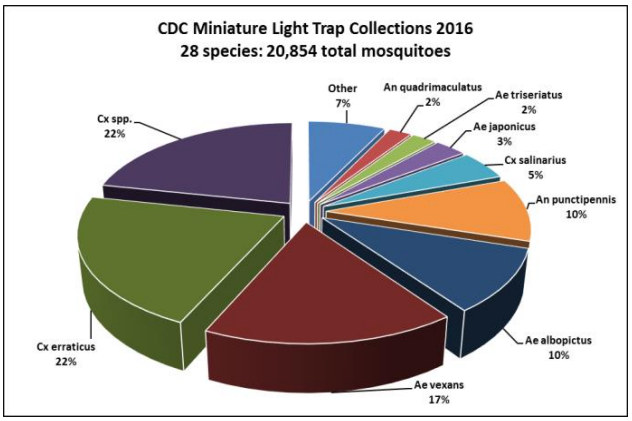

Figure 4: CDC Miniature Light Trap Collections, 2016.

The **gravid trap** (Figure 3) is a trap that collects mosquitoes that are looking for a place to lay their eggs. This trap is baited with an infusion (water, grass, straw, yeast) that is attractive to the *Culex* mosquitoes that are the primary vectors of WNV. The majority of mosquitoes collected in this trap are *Culex* species (*Culex pipiens* and *Culex restuans*) (Figure 5). In 2016, this trap was set for 1,975 trap periods and collected over 103,000 mosquitoes. Twenty different species of mosquitoes were collected in the trap in 2016, but 92 percent were *Culex* species. In 2016, the population of the *Culex* mosquitoes followed the same general trend as seen in the average of the previous five years (Figure 6).

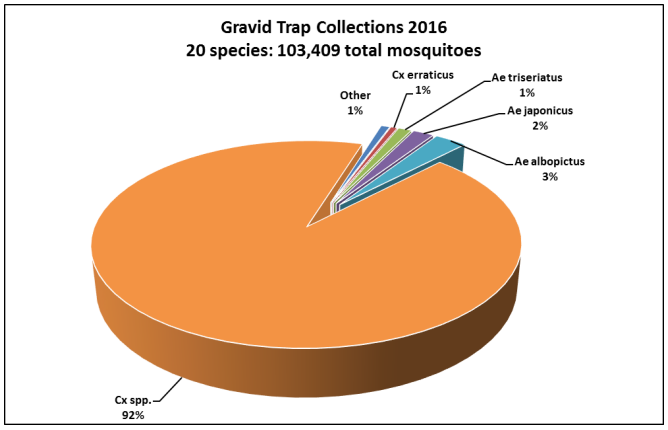

Figure 5: Gravid Trap Collections, 2016.

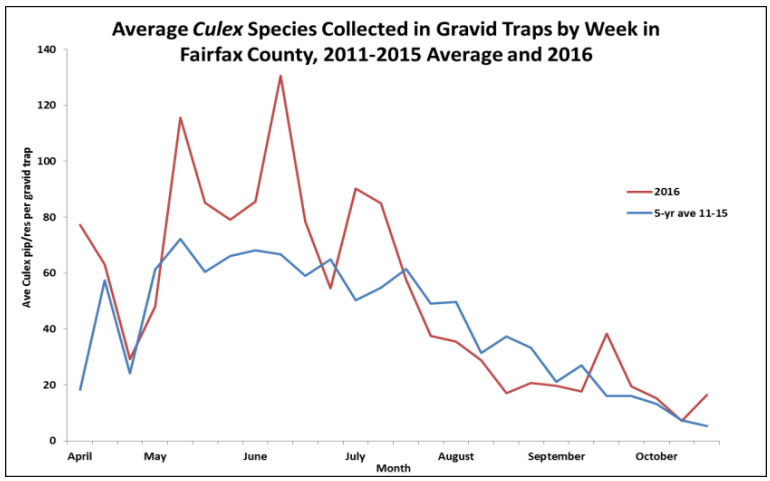

Figure 62: Average Number of Culex species collected in Gravid Traps, 5 year average and 2016.

The **BG Sentinel trap** (Figure 7) is another trap that collects mosquitoes that are looking for something to feed on. This trap is baited with carbon dioxide (dry ice) as well as a special lure that is based on the scent of human sweat. This trap collected 25 mosquito species throughout the 2016 season, but it is most effective at collecting *Aedes albopictus* (Figure 8), a potential vector of a variety of pathogens including the Zika virus. In 2016, the trap was set for 618 trap periods at the fixed mosquito trap sites and collected over 17,000 mosquitoes. Although *Aedes albopictus* followed the same trends seen in the previous four years, the average number of mosquitoes per trap was generally lower than the average throughout the season (Figure 9).

Figure 7: BG Sentinel Trap.

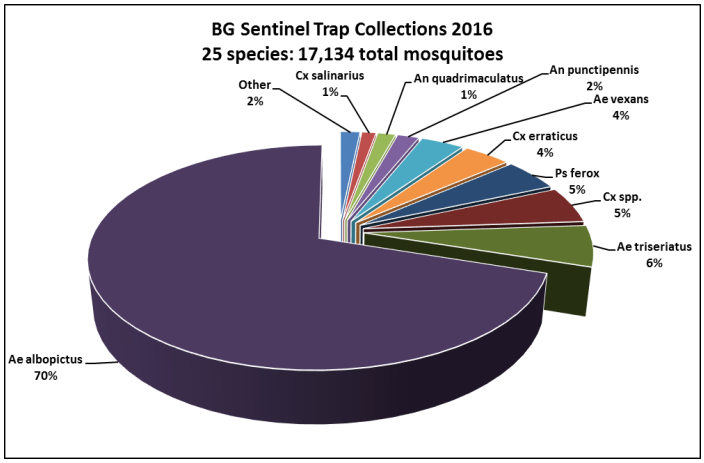

Figure 8: BG Sentinel Trap Collections, 2016.

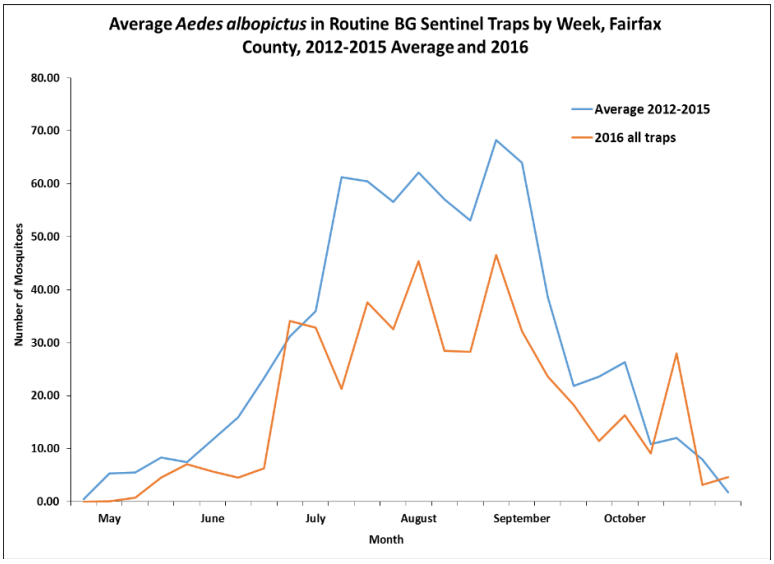

Figure 9: Average Number of Aedes albopictus *Collected in BG Sentinel Traps, 4-year Average and 2016.*

In the 2016 mosquito season, 121,025 mosquitoes were tested in 4,074 pools. These pools included mosquitoes collected outside of normal routine surveillance activities. There were 46 positive WNV pools. Positive mosquitoes were found in many parts of the county (Figure 10).

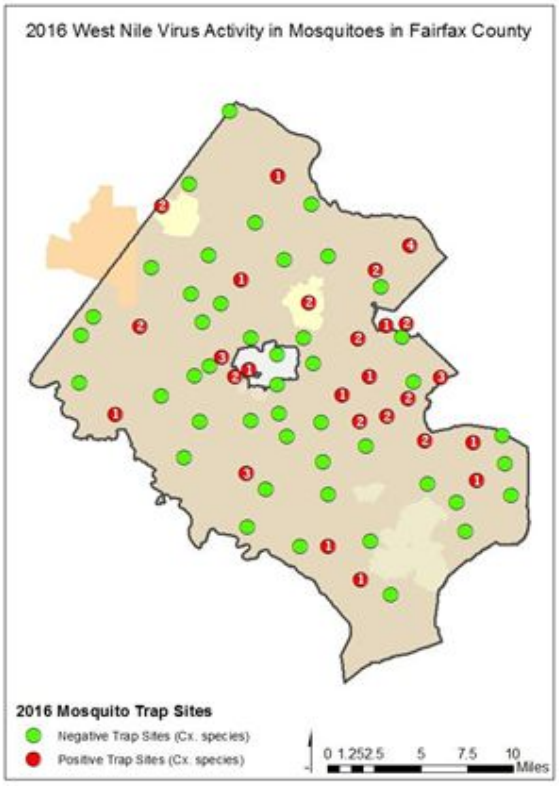

Figure 10: Map of WNV-positive Mosquito Trap Sites, 2016.

During 2015, 111,781 mosquitoes were tested in 3,742 routine pools, of which 479 were positive. In 2016, only *Culex* species of mosquitoes (*Culex pipiens* and *Culex restuans*) tested

positive for West Nile virus. In previous years, five other species have also tested positive for WNV in the County.

The first WNV-positive mosquitoes of 2016 were collected in late June. The peak infection rate (maximum likelihood estimate: MLE) in 2016 came in late August when the MLE

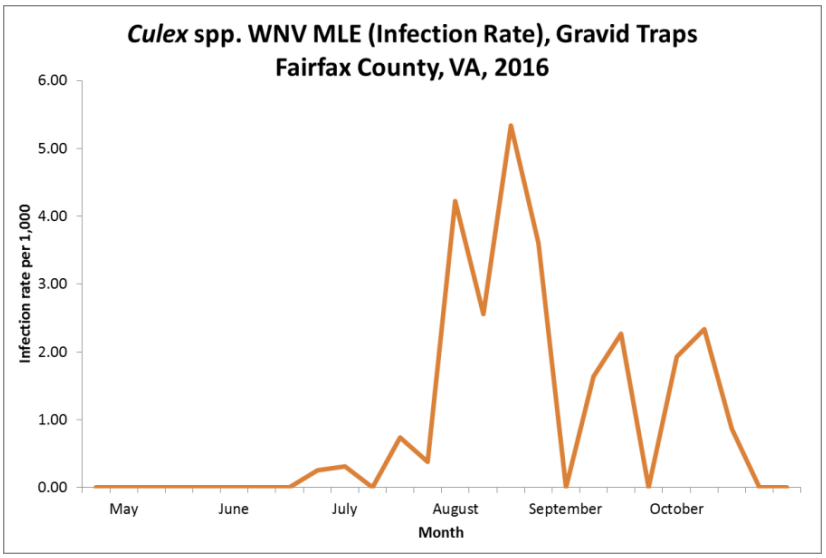

Figure 11: West Nile Virus Infection Rate in Culex *Mosquitoes, 2016.*

was calculated at 5.33 mosquitoes per 1,000. The last positive mosquitoes were collected in mid-October (Figure 11). The infection rate followed the general trend seen in previous years; however, the weekly infection rate remained lower than was seen in many of the last several years.

A subset of the mosquito pools submitted (13,200 *Aedes albopictus* mosquitoes in 502 pools) was also tested for Zika virus. No mosquito pools were positive for Zika virus.

Tick Surveillance: In 2016, 3,509 ticks (including 287 blacklegged ticks) were collected throughout the year using various techniques including carbon dioxide-baited traps, collecting off harvested deer and collections from vet clinics. The majority of the ticks collected are from the carbon dioxide-baited tick traps (n=3,019). The lone star tick *Amblyomma americanum* is the most abundant tick collected using this method (Figure 12).

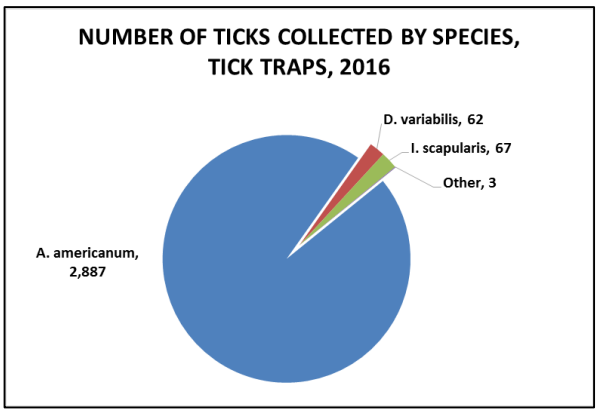

Figure 12: Ticks Collected on Tick Traps, 2016.

Tick testing for Lyme disease was made available at the Health Department Laboratory in 2016. Blacklegged ticks from 2015 were tested in 2016 and of the 217 tested, 24 (11%) were positive for the Lyme disease bacteria. Eighty-six of the blacklegged ticks collected in 2016 are being submitted for testing. Ticks that have been feeding are not submitted for testing per protocol as the vertebrate blood in the ticks may interfere with the

testing. As in previous years, tick surveillance and the tick identification service will be conducted by existing staff in the DCIP and will follow previously-established protocols.

Control

Mosquito control is a component of an integrated management program. Routine and non-routine control decisions take a variety of factors into consideration including mosquito species, presence of mosquito-borne disease, proximity to people, mosquito tolerance, weather patterns, environment, non-target impacts, health and safety, mosquito habitat, and accessibility for surveillance and treatment. Pesticide applications are made according to the label. Federal and state regulatory guidance is adhered to.

Larval Control: In 2016, the program embarked on a project to evaluate county-maintained stormwater dry ponds and their mosquito production. During the latter half of the season, six staff (three teams of two) checked 1,317 individual storm water sites throughout the county and performed 2,080 inspections (e.g, Figure 13). Of those inspections, 828 had water that could be sampled for mosquitoes. There were 278 inspections where mosquito larvae were collected; 92 had enough larvae to meet the treatment threshold (3 larvae per dip or sample with a minimum of 3 dips). A total of 111 treatments were made with either Natular G, Natular G30, or Cocobear. All applications were made by certified pesticide applicators or registered technicians and were made according to label guidelines.

Figure 13: Staff inspecting and treating a storm water pond.

Using GIS, staff have made maps of each site and have divided all the sites up within their respective magisterial district. This will help improve field staff efficiency next season as we try to visit each site once per month during mosquito season.

A contractor continued to provide storm drain treatment service from May through September. Three rounds were performed during the season. A total of 53,408 applications were made by the contractor, which was 51% of the targeted number of treatments for the season.

Adult Control: Adult mosquito control is not routinely performed by the Health Department. While source reduction and the application of larvicides are the principal and most effective interventions to reduce mosquito populations, situations may arise in which infected adult mosquitoes are present in significant numbers and pose a threat to human health. In these situations, judicious application of adulticides to control mosquito populations will be added to all other mosquito control activities as an additional measure to reduce vector populations.

Guidelines from CDC state that adulticiding based on surveillance data is an extremely important part of any integrated mosquito management program and should be used when there is significant risk of human illness. Under exceptional circumstances, the Health

Department may apply insecticides to control adult mosquitoes, and in these instances, the application will target those mosquitoes which potentially transmit disease to humans.

The Health Department has the ability to apply pesticides for adult mosquitoes should the public health need arise. Over the last year, the program has increased its capacity to respond to a mosquito-borne public health event by purchasing additional equipment to include backpack sprayers (Figure 14) and a truck-mounted ultra-low volume sprayer (Figure 15). Synthetic pyrethroids or other insecticides may be used to control adult mosquitoes. All applications of pesticides will be performed by certified applicators according to the label. The Health Department does not spray for nuisance mosquitoes. In 2016, utilizing guidance from the Virginia Department of Health, three targeted applications were made with a backpack sprayer. Previously, targeted barrier applications had also been made in 2005, 2006, and 2007.

Figure14: Application with a backpack sprayer.

Figure 15: Ultra-low volume sprayer mounted in the back of a pick-up truck.

Community Outreach and Education

Figure 16: Pictures from different outreach events.

Fairfax County will continue to emphasize personal protection measures from mosquito bites, mosquito-borne disease, and mosquito prevention and control. This is done through distribution of informational materials, media interviews, advertising, Web pages, presentations, community events (Figure 16), and collaborations with community groups and homeowners associations. In 2017, the program will also continue its tick outreach activities as originally requested by the BOS.

The twelfth 18-month "Fight the Bite" calendar was produced in 2016. The calendar was once again distributed to fourth graders in all Fairfax County Public Schools prior to the end of the school year. An eighth children's storybook "Bite Buster's Bug Time Stories" was created and printed in 2016. Additional materials were developed or updated in 2016 including a Zika fact sheet in multiple languages, three video PSAs made with the assistance of Channel 16, and

outreach materials targeted to homeowners associations. (See Figure 17.) The calendar, storybook, and other materials were distributed at various events and venues throughout the County, including libraries, recreation centers and other County offices.

Figure 17: Some examples of outreach material.

The demand for educational material, especially information on mosquitoes and the Zika virus, was exceptional in 2016. Approximately 126,000 pieces of educational material were distributed by Health Department and other County staff during 2016. In addition to the demand for materials, the Disease Carrying Insects Program attended scores of community events giving approximately 75 presentations and participating in 35 other community-based events such as health fairs, Celebrate Fairfax, Fall for Fairfax KidsFest, and SpringFest.

The program will continue to work with the Health Department's Communications Office and Community Outreach Team to develop messaging and provide messaging to all communities within the County.

Service Requests: The FCHD continued to promote source reduction (elimination of mosquito breeding sites) in 2016 through the outreach campaign. The Asian tiger mosquito (*Aedes albopictus*) was the source of the majority of mosquito-related complaints received in 2016. This mosquito, which generally lays its eggs in and develops in containers (Figure 18), is an aggressive, persistent biter that can be found in large numbers around residences. Several factors contributed to the presence of *Aedes albopictus* around these homes; however, the presence of black corrugated pipes at the end of the downspouts from the roof gutters, even

Figure 18: Some of the container breeding sites found on service requests.

when placed underground, seemed to be a frequent source of the problem. Most of these corrugated pipes do not drain adequately and they retain water throughout the season, thus providing great mosquito breeding habitat. This mosquito is also a potential vector of the Chikungunya and Zika viruses. During 57 site visits and inspections, the Disease Carrying Insects Program (DCIP) educated property owners and managers about the benefits of eliminating breeding sites and/or provided Mosquito Dunks®.

Tick Identification Service: The Health Department's tick identification service encourages County residents to bring their ticks to the Health Department to help raise awareness of Lyme disease and provide information on ticks and tick-borne diseases. In 2016, 180 specimens were brought to the Health Department for identification. Of these, 169 were ticks: 120 Lone Star ticks (*Amblyomma americanum*), 32 blacklegged ticks (*Ixodes scapularis*) and 17 American Dog ticks (*Dermacentor variabilis*) were brought to the tick identification service. Three of the 11 specimens that were not ticks were insects or other arthropods.

Zika Response Activities

In 2016, the World Health Organization declared Zika virus to be a "Public Health Emergency of International Concern" due to the ongoing epidemic and concern about Zika's relationship to birth defects including microcephaly. The CDC and VDH continuously provided guidance before and throughout the 2016 mosquito season. The Fairfax County Health Department's Incident Command System (ICS) was active from March through October as staff worked together to develop a response plan and educate and engage the community and stakeholders. The Disease Carrying Insects Program worked together with other Fairfax County Health Department staff to help prepare for any potential local, mosquito-borne ZIKAV transmission. The Communicable Disease and Epidemiology section of the Health Department performed human case investigations and coordinated human testing. The Health Department Laboratory also helped with human testing coordination. Environmental investigations and mosquito-related activities were performed by DCIP staff. These activities included site visits, education and outreach, source reduction, vector surveillance and vector abatement activities. The Health Department Laboratory performed mosquito testing for ZIKAV.

***

In 2017, the program will continue perform vector surveillance, community outreach and public education, and mosquito control, primarily through proactive larviciding. We encourage the community to do their part by tipping and tossing standing water to prevent mosquitoes and by preventing mosquito and tick bites. A healthier community begins with you!

West Nile Virus (WNV) Fact Sheet

What Is West Nile Virus?

West Nile virus infection can cause serious disease. WNV is established as a seasonal epidemic in North America that flares up in the summer and continues into the fall. This fact sheet contains important information that can help you recognize and prevent West Nile virus.

What Can I Do to Prevent WNV?

The easiest and best way to avoid WNV is to prevent mosquito bites.

- When outdoors, use repellents containing DEET, picaridin, IR3535, some oil of lemon eucalyptus or para-menthane-diol. Follow the directions on the package.
- Many mosquitoes are most active from dusk to dawn. Be sure to use insect repellent and wear long sleeves and pants at these times or consider staying indoors during these hours.
- Make sure you have good screens on your windows and doors to keep mosquitoes out.
- Get rid of mosquito breeding sites by emptying standing water from flower pots, buckets and barrels. Change the water in pet dishes and replace the water in bird baths weekly. Drill holes in tire swings so water drains out. Keep children's wading pools empty and on their sides when they aren't being used.

What Are the Symptoms of WNV?

- **Serious Symptoms in a Few People**. About 1 in 150 people infected with WNV will develop severe illness. The severe symptoms can include high fever, headache, neck stiffness, stupor, disorientation, coma, tremors, convulsions, muscle weakness, vision loss, numbness and paralysis. These symptoms may last several weeks, and neurological effects may be permanent.
- **Milder Symptoms in Some People.** Up to 20 percent of the people who become infected will have symptoms which can include fever, headache, body aches, nausea, vomiting, and sometimes swollen lymph glands or a skin rash on the chest, stomach and back. Symptoms can last for as short as a few days to as long as several weeks.
- **No Symptoms in Most People**. Approximately 80 percent of people who are infected with WNV will not show any symptoms at all, but there is no way to know in advance if you will develop an illness or not.

How Does West Nile Virus Spread?

- **Infected Mosquitoes.**
  WNV is spread by the bite of an infected mosquito. Mosquitoes become infected when they feed on infected birds. Infected mosquitoes can then spread WNV to humans and other animals when they bite.
- **Transfusions, Transplants, and Mother-to-Child.**
  In a very small number of cases, WNV also has been spread directly from an infected person through blood transfusions, organ transplants, breastfeeding and during pregnancy from mother to baby.
- **Not through touching.**
  WNV is not spread through casual contact such as touching or kissing a person with the virus.

How Soon Do Infected People Get Sick?

People typically develop symptoms between 3 and 14 days after they are bitten by the infected mosquito.

How Is WNV Infection Treated?

There is no specific treatment for WNV infection. In cases with milder symptoms, people experience symptoms such as fever and aches that pass on their own, although illness may last weeks to months. In more severe cases, people usually need to go to the hospital where they can receive supportive treatment including intravenous fluids, help with breathing, and nursing care.

What Should I Do if I Think I Have WNV?

Milder WNV illness improves on its own, and people do not need to seek medical attention for this infection though they may choose to do so. If you develop symptoms of severe WNV illness, such as unusually severe headaches or confusion, seek medical attention immediately. Severe WNV illness usually requires hospitalization. Pregnant women and nursing mothers are encouraged to talk to their doctor if they develop symptoms that could be WNV.

National Center for Emerging and Zoonotic Infectious Diseases
Division of Vector-Borne Diseases

CS242240-A

What Is the Risk of Getting Sick from WNV?

- **People over 50 at higher risk to get severe illness.** People over the age of 50 are more likely to develop serious symptoms of WNV if they do get sick and should take special care to avoid mosquito bites.
- **Being outside means you're at risk.** The more time you're outdoors, the more time you could be bitten by an infected mosquito. Pay attention to avoiding mosquito bites if you spend time outside, either working or playing.
- **Risk through medical procedures is very low.** All donated blood is checked for WNV before being used. The risk of getting WNV through blood transfusions and organ transplants is very small, and should not prevent people who need surgery from having it. If you have concerns, talk to your doctor.

What Is CDC Doing About WNV?

CDC is working with state and local health departments, the Food and Drug Administration and other government agencies, as well as private industry, to prepare for and prevent new cases of WNV.

Some things CDC is doing include:

- Coordinating a nation-wide electronic database where states share information about WNV
- Helping states develop and carry out improved mosquito prevention and control programs
- Developing better, faster tests to detect and diagnose WNV
- Creating new education tools and programs for the media, the public, and health professionals
- Working with partners to develop vaccines.

What Else Should I Know?

West Nile virus infects birds. In nature, West Nile virus cycles between mosquitoes and birds. Some infected birds can develop high levels of the virus in their bloodstream and mosquitoes can become infected by biting these infected birds. Some, but not all infected birds get sick and die of disease. One way health officials conduct surveillance for West Nile virus is by testing local birds. Finding dead birds may be a sign that West Nile virus is circulating between birds and the mosquitoes in an area. By reporting dead birds to state and local health departments, you can play an important role in monitoring West Nile virus. State and local agencies have different policies for collecting and testing birds, so check with your county or state health department to find information about reporting dead birds in your area.

If you find a dead bird: Don't handle the body with your bare hands. Contact your local health department for instructions on reporting and disposing of the body. They may tell you to dispose of the bird after they log your report.

For more information, visit www.cdc.gov/westnile, or call CDC at 800-CDC-INFO (English and Spanish) or 888-232-6348 (TTY).

NATULAR® G

Mosquito Larvicide Granule

To be used in governmental mosquito control programs, by professional pest control operators, or in other mosquito or midge control operations.

Controls larvae of mosquitoes which may transmit Dengue, Chikungunya, or Zika.

Active Ingredient:	
Spinosad (a mixture of Spinosyn A and Spinosyn D *	0.5%
Other Ingredients	99.5%
Total	100.0%

U.S. Patent No. 5,362,634 and 5,496,931

Group	5	INSECTICIDE

KEEP OUT OF REACH OF CHILDREN

CAUTION

Precautionary Statements

Hazards to Humans and Domestic Animals

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wear protective eyewear. Remove and wash contaminated clothing before reuse. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.

FIRST AID
If in eyes: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-214-7753 for emergency medical treatment information.

Environmental Hazards

This product is toxic to aquatic invertebrates. Non-target aquatic invertebrates may be killed in water where this pesticide is used. Do not contaminate water when cleaning equipment or disposing of equipment washwaters. Do not apply when weather conditions favor drift from treated areas. Drift from treated areas may be hazardous to aquatic organisms in neighboring areas. Apply this product only as specified on the label.

Directions For Use

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Read all Directions for Use carefully before applying.

Product Information

NATULAR® G is a product for killing mosquito and midge larvae. This product's active ingredient, spinosad, is biologically derived from the fermentation of *Saccharopolyspora spinosa*, a naturally occurring soil organism. NATULAR® G may be applied with suitable ground or aerial application equipment.

Use Precautions

Integrated Pest Management (IPM) Programs

NATULAR® G is intended to kill mosquito and midge larvae. Mosquitoes are best controlled when an IPM program is followed. Larval control efforts should be managed through habitat mapping, active adult and larval surveillance, and integrated with other control strategies such as source reduction, public education programs, harborage or barrier adult mosquito control applications, and targeted adulticide applications.

Insecticide Resistance Management (IRM)

NATULAR® G contains a Group 5 insecticide. Insect biotypes with acquired resistance to Group 5 insecticides may eventually dominate the insect population if appropriate resistance management strategies are not followed. Currently, only spinetoram and spinosad active ingredients are classified as Group 5 insecticides. Resistance to other insecticide groups is not likely to impact the effectiveness of this product. Spinosad may be used in rotation with all other labeled products in a comprehensive IRM program.

To minimize the potential for resistance development, the following practices are recommended:

- Base insecticide use on comprehensive IPM and IRM programs.
- Routinely evaluate applications for loss of effectiveness.
- Rotate with other labeled effective mosquito larvicides that have a different mode of action.
- In dormant rice fields, standing water within agricultural/crop sites, and permanent marine and freshwater sites, do not make more than 20 applications per year.
- Use insecticides with a different mode of action (different insecticide group) on adult mosquitoes so that both larvae and adults are not exposed to products with the same mode of action.
- Contact your local extension specialist, technical advisor, and/or Clarke representative for insecticide resistance management and/or IPM recommendations for the specific site and resistant pest problems.
- For further information or to report suspected resistance, you may contact your local Clarke representative by calling 800-323-5727.

Spray Drift Management

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determines the potential for spray drift. The applicator is responsible for considering all these factors when making decisions. Where states have more stringent regulations, they should be observed.

Application

Proper application techniques help ensure adequate coverage and correct doasge necessary to obtain optimum kill of mosquito and midge larvae. Apply NATULAR® G prior to flooding as a prehatch application to areas that breed mosquitoes, or at any stage of larval development after flooding in listed sites. The following recommendations are provided for ground and aerial application of NATULAR® G.

Ground Application

Use conventional ground application equipment and apply NATULAR® G at the designated rate for the targeted site.

Spot Treatment

Apply NATULAR® G as a spot treatment to areas where mosquitoes are breeding at rates appropriate for the treatment site habitat and conditions.

Aerial Application

Equipment used in the application of NATULAR® G should be carefully calibrated before use and checked frequently during application to be sure it is working properly and delivering a uniform distribution pattern. Avoid overlaps that will increase NATULAR® G dosage above recommended limits.

SAMPLE LABEL

AL0478

Application Sites and Rates

The rates listed are typical for efficaciously killing mosquito and midge larvae in the listed habitat sites. Within this range, use lower rates when water is shallow, vegetation and/or pollution are minimal, and mosquito populations are low. Do not use less than labeled minimum rate. NATULAR® G may be applied at rates up to 20 lb per acre in waters high in organic content (such as polluted water, sewage lagoons, animal waste lagoons, and waters with high concentrations of leaf litter or other organic debris), deep-water mosquito habitats or those with dense surface cover, and where monitoring indicates a lack of kill at typical rates. Do not re-apply within 7 days of the initial application unless monitoring indicates that larval populations have reestablished or weather conditions have rendered initial treatments ineffective. Do not apply to water intended for irrigation.

For killing mosquito larvae species in the following non-crop sites:

Non-Crop Site	NATULAR® G lb/acre (lb ai/acre)
Temporary Standing Water: Woodland pools, snow pools, roadside ditches, retention ponds, freshwater dredge spoils, tire tracks and other natural or man-made depressions, rock holes, pot holes and similar areas subject to holding water **Other Freshwater Sites:** Natural and manmade aquatic sites, edges of lakes, ponds, canals, stream eddies, creek edges, detention ponds	3.5 - 6.5 (0.018 - 0.033)
Freshwater Swamps and Marshes: Mixed hardwood swamps, cattail marsh, common reed wetland, water hyacinth ponds, and similar freshwater areas with emergent vegetation **Marine/Coastal Areas:** Intertidal areas above the mean high water mark, mangroves, brackish water swamps and marshes, coastal impoundments and similar areas	9 (0.045)
Stormwater/Drainage Systems: Storm sewers, catch basins, drainage ditches, and similar areas **Wastewater:** Sewage effluent, sewers, sewage lagoons, cesspools, oxidation ponds, septic ditches and tanks, animal waste lagoons and settling ponds, livestock runoff lagoons, wastewater impoundments associated with fruit and vegetable processing, and similar areas	6.5 - 9 (0.033 - 0.045)
Dormant Rice Fields: Impounded water in dormant rice fields (for application only during the interval between harvest and preparation of the field for the next cropping cycle)	3.5 - 6.5 (0.018 - 0.033)
Natural and Artifical Containers: Tree holes, bromeliads, leaf axils, and other similar natural water holding containers, cemetery urns, bird baths, flower pots, rain barrels, buckets, single tires, tires stockpiled in dumps, landfills, recycling plants and other similar areas, abandoned swimming pools, ornamental ponds, flooded roof tops and similar water holding sites. Landfill containers, salvage yards, abandoned vehicles Do not apply to natural or artificial containers of water intended for consumption by people, animals, or livestock.	3.5 - 9 (0.018 - 0.045) For small to medium size containers, apply 1/8 teaspoon (about 0.37 g) of Natular G per 10-20 gallons of water. For very small containers, apply a pinch of Natular G (0.02 g) per 1/2 - 1 gallon of water. This is approximately 7-9 granules per 1/2 - 1 gallon of water.

Agricultural/Crop Sites Where Mosquito Breeding Occurs:

Apply NATULAR® G at the rate of 3.5 to 9 lb per acre in standing water within agricultural/crop sites where mosquito breeding occurs: pastures/hay fields, rangelands, orchards, vineyards, and citrus groves. Do not apply to waters intended for irrigation.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

Pesticide Storage: Store in original container only. In case of leak or spill, contain material with absorbent materials and dispose as waste.

Pesticide Disposal: Wastes resulting from the use of this product must be disposed of on site according to label use directions or at an approved waste disposal facility.

Container Handling for Non-Refillable Bag: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Offer for recycling, if available, or puncture and dispose of in a sanitary landfill or by incineration, or by other procedures allowed by state and local authorities.

Container Handling for Rigid Refillable Tote: Refillable container. Refill this container with granular spinosad pesticide formulation only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment. Use a sprayer with water to quickly and completely rinse the interior of the container. Ensure the top, bottom, and all sides are rinsed. A high pressure sprayer with a rinsing nozzle could provide a thorough rinse of the interior. Drain and collect rinsate from the container into a collection system for later disposal. Drain the container dry so no water remains. Return to point of sale. Then offer for recycling if available or reconditioning if appropriate or puncture and dispose of in a sanitary landfill or by incineration, or by other procedures allowed by State and local authorities.

Warranty: To the extent consistent with applicable law CLARKE MOSQUITO CONTROL PRODUCTS, INC. makes no warranty, express or implied, concerning the use of this product other than as indicated on the label. Buyer assumes all risk of use/handling of this material when use and/or handling is contrary to label instructions.

Manufactured For:
CLARKE MOSQUITO CONTROL PRODUCTS, INC.
159 North Garden Avenue
Roselle, IL 60172,
U.S.A.

EPA Reg. No.: 8329-80 NET WEIGHT: _____

EPA Est. No.: LOT:_____

Natular® is a Trademark of Clarke Mosquito Control Products, Inc.

AL0478

NATULAR® G30

Mosquito Larvicide / Extended Release Granule

To be used in governmental mosquito control programs, by professional pest control operators, or in other mosquito or midge control operations.

Controls larvae of mosquitoes which may transmit Dengue, Chikungunya, or Zika.

Active Ingredient (dry weight basis):	
Spinosad (a mixture of Spinosyn A and Spinosyn D)	2.5%
Other Ingredients	97.5%
Total	100.00%

U.S. Patent No. 5,362,634 and 5,496,931
Natular® G30 is a 2.5% extended release granule.

Group	5	INSECTICIDE

KEEP OUT OF REACH OF CHILDREN

CAUTION

Precautionary Statements

Hazards to Humans and Domestic Animals

Harmful if swallowed. Causes moderate eye irritation. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Avoid contact with eyes or clothing. Wear protective eyewear (such as goggles, face shield, or safety glasses).

First Aid	
If swallowed:	• Call a poison control center or doctor immediately for treatment advice. • Have a person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give anything to an unconscious person.
If in eyes:	• Hold eye open and rinse slowly and gently with warm water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing. • Call a poison control center or doctor for treatment advice.
Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-800-214-7753 for emergency medical treatment information.	

Environmental Hazards

This product is toxic to aquatic organisms. Non-target aquatic invertebrates may be killed in waters where this pesticide is used. Do not contaminate water when cleaning equipment or disposing of equipment washwaters.

Directions For Use

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Read all Directions for Use carefully before applying.

Product Information

Natular® G30 is a product for killing mosquito and midge larvae. This product's active ingredient, spinosad, is biologically derived from the fermentation of *Saccharopolyspora spinosa*, a naturally occurring soil organism. Natular® G30 releases effective levels of spinosad for up to 30 days under typical environmental conditions. Natular® G30 may be applied with ground or aerial equipment.

Use Precautions

Integrated Pest Management (IPM) Programs

Natular® G30 is intended to kill mosquito and midge larvae. Mosquitoes are best controlled when an IPM program is followed. Larval control efforts should be managed through habitat mapping, active adult and larval surveillance, and integrated with other control strategies such as source reduction, public education programs, harborage or barrier adult mosquito control applications, and targeted adulticide applications.

Insecticide Resistance Management (IRM)

Natular® G30 contains a Group 5 insecticide.Insect biotypes with acquired resistance to Group 5 insecticides may eventually dominate the insect population if appropriate resistance management strategies are not followed. Currently, only spinetoram and spinosad active ingredients are classified as Group 5 insecticides. Resistance to other insecticides is not likely to impact the effectiveness of this product. Spinosad may be used in rotation with all other labeled products in a comprehensive IRM program.

To minimize the potential for resistance development, the following practices are recommended:

- Base insecticide use on comprehensive IPM and IRM programs.
- Routinely evaluate applications for loss of effectiveness.
- Rotate with other labeled effective mosquito larvicides that have a different mode of action.
- In dormant rice fields, standing water within agricultural/crop sites, and permanent marine and freshwater sites, do not make more than 5 applications per year.
- Use insecticides with a different mode of action (different insecticide group) on adult mosquitoes so that both larvae and adults are not exposed to products with the same mode of action.
- Contact your local extension specialist, technical advisor, and/or Clarke representative for insecticide resistance management and/or IPM recommendations for the specific site and resistant pest problems.
- For further information or to report suspected resistance, you may contact your local Clarke representative by calling 800-323-5727.

Application

Proper application techniques help ensure adequate coverage and correct doasge necessary to obtain optimum kill of mosquito and midge larvae. Apply Natular® G30 prior to flooding as a prehatch application to areas that breed mosquitoes, or at any stage of larval development after flooding in listed sites. Do not allow this product to drift onto neighboring crops or non-crops areas or use in a manner or at a time other than in accordance with label directions.

Ground Application

Use conventional ground application equipment that provides even coverage at labeled rates.

Aerial Application

Fixed wing aircraft or helicopters equipped with granular spreaders capable of applying rates from 5 to 20 lb per acre may be used to apply Natular® G30. Aerial application equipment should be carefully calibrated before use to be sure it is working properly and delivering a uniform distribution pattern. Avoid flight path overlaps while dispensing granules. Do not exceed labeled limits.

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator and the treatment coordinator are responsible for considering all these factors when making application decisions.

Application Sites and Rates

Apply Natular® G30 at rates (see table) for the targeted treatment site. Within these rate ranges apply at a rate appropriate to site habitat and conditions at the time of application. Use lower labeled rate when water is shallow, vegetation and/or pollution are minimal, and mosquito populations are low. Do not use less than labeled minimum rate. Within the labeled rate range, use higher rates when water is deep, vegetation and/or pollution are high, and mosquito populations are high in number.

AL0479

SAMPLE LABEL

Natular® G30 may be applied at rates up to 20 lb per acre in waters high in organic content, deep-water mosquito habitats or those with dense surface cover, and where monitoring indicates a lack of kill at typical rates.

Reapply after 30 days, if needed for extended control in continuously flooded habitat. More frequent applications may be made if monitoring indicates that larval populations have reestablished or weather conditions have rendered initial treatments ineffective.

Treatment Area	Natular® G30
Temporary Standing Water: Woodland pools, snow pools, roadside ditches, retention ponds, freshwater dredge spoils, tire tracks and other natural or manmade depressions, rock holes, pot holes and similar areas subject to holding water. **Other Freshwater Sites:** Natural and manmade aquatic sites; edges of lakes, ponds, canals, stream eddies, creek edges, and detention ponds. **Dormant Rice Fields:** Impounded water in dormant rice fields (for application only during the interval between harvest and preparation of the field for the next cropping cycle). **Freshwater Swamps and Marshes:** Mixed hardwood swamps, cattail marsh, common reed wetland, water hyacinth ponds, and similar freshwater areas with emergent vegetation. **Marine/Coastal Areas:** Intertidal areas above the mean high water mark, mangroves, brackish water swamps and marshes, coastal impoundments and similar areas.	Apply 5 to 12 lbs per acre (5.6 to 13.5 kg per hectare). Rate is equivalent to 5 to 12 g per 100 sq. ft. of water.
Stormwater/Drainage Systems: Storm sewers, catch basins, drainage ditches, and similar areas. **Wastewater:** Sewage effluent, sewers, sewage lagoons, cesspools, oxidation ponds, septic ditches and tanks, animal waste lagoons and settling ponds, livestock runoff lagoons, wastewater impoundments associated with fruit and vegetable processing, and similar areas. **Natural and Artifical Containers:** Tree holes, bromeliads, leaf axils, and other similar natural water holding containers; cemetery urns, bird baths, flower pots, rain barrels, buckets, single tires, tires stockpiled in dumps, landfills, recycling plants and other similar areas, abandoned swimming pools, ornamental ponds, flooded roof tops and similar water holding sites; landfill containers, salvage yards, abandoned vehicles. Do not apply to natural or artificial containers of water intended for consumption by people, animals, or livestock.	Apply 5 to 20 lbs per acre (5.6 to 22.4 kg per hectare). Rate is equivalent to 5 to 20 g per 100 sq. ft. of water. For small to medium size containers, apply 0.15 g of Natular G30 per 10-25 gallons of water. For very small containers, apply a pinch of Natular G30 (about 0.02 g) per 5 liters (1.3 gallons) of water. This is approximately 8-10 granules per 5 liters of water.
Agricultural/Crop Sites Where Mosquito Breeding Occurs Apply Natular® G30 to standing water within agricultural/crop sites where mosquito breeding occurs to kill mosquito larvae species, including: pastures/hay fields, rangeland, orchards, vineyards, and citrus groves. **Do not apply to waters intended for irrigation.**	Apply 5 to 20 lbs per acre (5.6 to 22.4 kg per hectare). Rate is equivalent to 5 to 20 g per 100 sq. ft. of water.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage and disposal.

Pesticide Storage: Store in a cool dry place in original container only. Keep away from moisture.

Pesticide Disposal: Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

Container Handling for Non-Refillable Bag: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Offer for recycling, if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Container Handling for Rigid Refillable Tote: Refillable container. Refill this container with granular spinosad pesticide formulation only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment. Use a sprayer with water to quickly and completely rinse the interior of the container. Ensure the top, bottom, and all sides are rinsed. A high pressure sprayer with a rinsing nozzle could provide a thorough rinse of the interior. Drain and collect rinsate from the container into a collection system for later disposal. Drain the container dry so no water remains. Return to point of sale. Then offer for recycling if available or reconditioning if appropriate or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by State and local authorities.

Warranty: To the extent consistent with applicable law, CLARKE MOSQUITO CONTROL PRODUCTS, INC. makes no warranty, express or implied, concerning the use of this product other than as indicated on the label. Buyer assumes all risk of use/handling of this material when use and/or handling is contrary to label instructions.

Manufactured For:
CLARKE MOSQUITO CONTROL PRODUCTS, INC.
159 North Garden Avenue
Roselle, IL 60172, U.S.A.
1-800-323-5727

EPA Reg. No.: 8329-83
EPA Est. No.:
Net Contents: _____
Lot: _____

Natular® is a Trademark of Clarke Mosquito Control Products, Inc.

AL0479

NATULAR® T30

Mosquito Larvicide / 30-Day Tablet

Controls larvae of mosquitoes which may carry Dengue, Chikungunya, or Zika.

To be used in governmental mosquito control programs, by professional pest control operators, or in other mosquito or midge control operations.

Active Ingredient:	
Spinosad (a mixture of spinosyn A and spinosyn D)	8.33%
Other ingredients:	91.67%
Total	100.00%

U.S. Patent No. 5,362,634 and 5,496,931

Natular T30 is an 8.33% tablet. This product may absorb moisture; therefore, the weight of the tablet and percent by weight of active ingredient will vary with hydration.

Group	5	INSECTICIDE

Keep Out Of Reach Of Children

CAUTION

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

Harmful if swallowed. Causes moderate eye irritation. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Avoid contact with eyes or clothing. Wear protective eyewear (such as goggles, face shield, or safety glasses).

First Aid	
If swallowed:	• Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give anything to an unconscious person.
If in eyes:	• Hold eye open and rinse slowly and gently with warm water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing. • Call a poison control center or doctor for treatment advice.
Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-800-214-7753 for emergency medical treatment information.	

Environmental Hazards

This product is toxic to aquatic organisms. Non-target aquatic invertebrates may be killed in waters where this pesticide is used. Do not contaminate water when cleaning equipment or disposing of equipment washwaters.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Read all Directions for Use carefully before applying.

Product Information

Natular T30 is a product for killing mosquito and midge larvae. This product's active ingredient, spinosad, is biologically derived from the fermentation of Saccharopolyspora spinosa, a naturally occurring soil organism. Natular T30 releases effective levels of spinosad for up to 30 days under typical environmental conditions.

Release of spinosad is affected by the dissolution of the Natular T30 tablet. If tablets become covered by obstructions such as debris, vegetation, or loose sediment as a result of high rainfall or flow, normal dispersion of the active ingredient can be inhibited. Water flow may increase the dissolution of the tablet, thus reducing the residual life of the tablet. Inspect areas of water flow to determine appropriate retreatment intervals. To assure positive results, place Natular T30 tablets where they will not be swept away by flushing action.

Use Precautions

Integrated Pest Management (IPM) Programs

Natular T30 is intended to kill mosquito and midge larvae. Mosquitoes are best controlled when an IPM program is followed. Larval control efforts should be managed through habitat mapping, active adult and larval surveillance, and integrated with other control strategies such as source reduction, public education programs, harborage or barrier adult mosquito control applications, and targeted adulticide applications.

Insecticide Resistance Management (IRM)

Natular T30 contains a Group 5 insecticide.

Insect biotypes with acquired resistance to Group 5 insecticides may eventually dominate the insect population if appropriate resistance management strategies are not followed. Currently, only spinetoram and spinosad active ingredients are classified as Group 5 insecticides. Resistance to other insecticide groups is not likely to impact the effectiveness of this product. Spinosad may be used in rotation with all other labeled products in a comprehensive IRM program.

To minimize the potential for resistance development, the following practices are recommended:

- Base insecticide use on comprehensive IPM and IRM programs
- Do not use less than the labeled rates.
- Routinely evaluate applications for loss of effectiveness.
- Rotate with other labeled effective mosquito larvicides that have a different mode of action.
- In dormant rice fields, standing water within agricultural/crop sites, and permanent marine and freshwater sites, do not make more than 5 applications per year.
- Use insecticides with a different mode of action (different insecticide group) on adult mosquitoes so that both larvae and adults are not

AL0481

SAMPLE LABEL

exposed to products with the same mode of action.
- Contact your local extension specialist, technical advisor, and/or Clarke representative for insecticide resistance management and/or IPM recommendations for the specific site and resistant pest problems.
- For further information or to report suspected resistance, you may contact your local Clarke representative by calling 800-323-5727.

Application

Proper application techniques help ensure adequate coverage and correct dosage necessary to obtain optimum kill of mosquito and midge larvae. Natular T30 tablets provide up to 30 days of residual kill. Natular T30 can be applied prior to flooding, on snow and ice in breeding sites prior to spring thaw, or at anytime after flooding in listed sites. Continue treating through the last brood of the season. Natular T30 tablets will be unaffected in dry down situations and will begin working again during subsequent wetting events until the tablet is exhausted. Note: Natular T30 has no effect on mosquitoes which have reached the pupal or adult stage prior to treatment.

Application Sites and Rates

Natular T30 tablets are designed to kill mosquitoes in small bodies of water. Do not apply to water intended for irrigation. Examples of application sites are:

Storm water drainage areas, sewers and catch basins, woodland pools, snow pools, roadside ditches, retention ponds, freshwater dredge spoils, tire tracks, rock holes, pot holes and similar areas subject to holding water.

Natural and manmade aquatic sites, fish ponds, ornamental ponds and fountains, other artificial water-holding containers, flooded crypts, transformer vaults, abandoned swimming pools, construction and other natural or manmade depressions.

Stream eddies, creek edges, detention ponds.

Freshwater swamps and marshes including mixed hardwood swamps, cattail marsh, common reed wetland, water hyacinth ponds, and similar freshwater areas with emergent vegetation.

Brackish water swamps and marshes, intertidal areas.

Sewage effluent, sewers, sewage lagoons, cesspools, oxidation ponds, septic ditches and tanks, animal waste lagoons and settling ponds, livestock runoff lagoons, wastewater impoundments associated with fruit and vegetable processing and similar areas.

Also for use in dormant rice fields (for application only during the interval between harvest and preparation of the field for the next cropping cycle) and in standing water where mosquito breeding occurs within agricultural areas: pastures/hay fields, rangeland, orchards, vineyards, and citrus groves. Do not apply to waters intended for irrigation.

For mosquito kill in non- or low-flow, shallow depressions (up to 2 feet in depth) treat on the basis of surface area placing 1 Natular T30 tablet per 100 sq ft.

Natular T30 Application Chart

Number of Tablets per 100 sq. ft.	Water Depth (ft)
1	0 - 2
2	2 - 4
3	4 - 6
4	6 - 8

For applications in storm water drainage areas, sewers and catch basins, place Natular T30 tablet into each catch basin.

For application sites connected by a water system, i.e., storm drains or catch basins, treat all of the water holding sites in the system to maximize the efficiency of the treatment program.

For application to small contained sites which may not be amenable to a rate of a single tablet per 100 sq ft, use 1 tablet per contained site (e.g., cesspools and septic tanks, transformer vaults, abandoned pools, and other small artificial water-holding containers).

Restriction: Do not apply to natural or artificial containers of water intended for consumption by people, animals, or livestock.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage and disposal.

Pesticide Storage: Store in a cool dry place in original container only.

Pesticide Disposal: Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

Container Handling:

For Refillable Container: Refillable container. Refill this container with spinosad pesticide formulation only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.Offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

For Nonrefillable Container: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

WARRANTY: To the extent consistent with applicable law Clarke Mosquito Control Products, Inc. makes no warranty, express or implied, concerning the use of this product other than as indicated on the label. Buyer assumes all risk of use/handling of this material when use and/or handling is contrary to label instructions.

Natular® is a Registered Trademark of Clarke Mosquito Control Products, Inc.

Manufactured For:
Clarke Mosquito Control Products, Inc.
159 North Garden Avenue
Roselle, Illinois 60172 U.S.A.
1-800-323-5727

EPA Reg. No.: 8329-85 EPA Est. No.: _____

Net Weight: _____ Lot No.:_____

AL0481

VectoLex® WSP

BIOLOGICAL LARVICIDE

WATER SOLUBLE POUCH

ACTIVE INGREDIENT:

Bacillus sphaericus 2362, Serotype H5a5b, strain ABTS 1743 Technical Powder (670 BsITU/mg)	7.5%
OTHER INGREDIENTS	92.5%
TOTAL	100.0%

Potency: This product contains 50 BsITU/mg or 0.023 Billion BsITU/lb.

Expiration Date: (Two years from the date of manufacture).

The percent active ingredient does not indicate product performance and potency measurements are not federally standardized.

EPA Reg. No. 73049-20 List No. 05722
EPA Est. No. 33762-IA-001 (Lot No. Suffix 'N8')
EPA Est. No. 33967-NJ-1 (Lot No. Suffix 'Q5')

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  5.1 Application Directions
6.0 Notice to User

KEEP OUT OF REACH OF CHILDREN

CAUTION

1.0

FIRST AID	
If in eyes	• Hold eye open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center for treatment advice.
If on skin or clothing	• Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.

HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-315-9819 (24 hours) for emergency medical treatment and/or transport emergency information. For all other information, call 1-800-323-9597.

2.0 PRECAUTIONARY STATEMENTS

2.1 HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if absorbed through the skin. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling.

2.2 ENVIRONMENTAL HAZARDS

Do not contaminate water when disposing of equipment washwaters or rinsate. Do not apply directly to treated, finished drinking water reservoirs or drinking water receptacles when the water is intended for human consumption.

3.0 DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

4.0 STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal. Do not contaminate water when disposing of equipment washwaters.

Pesticide Storage: Store in a cool, dry place.

Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Container Disposal: Non refillable container. Do not reuse or refill this container. Offer for recycling if available. Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke. For Water Soluble Pouches, dispose of empty outer foil bag in trash.

Continued

SPECIMEN

5.0 DIRECTIONS FOR USE - VECTOLEX WATER SOLUBLE POUCHES (WSP)

Once the foil bag containing Water Soluble Pouches is opened, use pouches within one day.

5.1 APPLICATION DIRECTIONS

MOSQUITO CONTROL

VectoLex WSP is a selective microbial insecticide for use against mosquito larvae in a variety of habitats. VectoLex WSP can be applied to areas that contain fish, other aquatic life, and plants. VectoLex WSP can be applied to areas used by or in contact with humans, pets, horses, livestock, birds or wildlife.

I. For control of mosquito larvae species* in the following non-crop sites:

Habitat	Rate Range
Drainage/Drainage Systems: Storm drains, catch basins, retention, detention and seepage ponds.	1 pouch/50 sq.ft.(1)

Treatment Areas (For Use In)(1):

Ponds	Standing water	Unused swimming pools or spas
Lagoons	Storm water retention areas	Flooded basements
Water gardens	Catch basins	Pool covers
Hollow trees and tree holes	Birdbaths	Gutters and drains
Urns	Fountains	Wheelbarrows
Rain barrels	Flowerpots and planters	Garbage cans and covers
Livestock watering troughs/ponds/tanks	Snowmelt pools	Discarded tires
Irrigation ditches	Abandoned swimming pools	
Roadside ditches		
Flood water		

Any location where water accumulates and remains standing for periods of time, except treated, finished drinking water for human consumption.

(1) Treat on basis of surface area of potential mosquito breeding sites by placing one (1) VectoLex Soluble Pouch for up to 50 square feet of treatment area. Re-apply as needed after 1 to 4 weeks.

5.1 APPLICATION DIRECTIONS (cont'd)

Longer periods of mosquito population suppression may result where sufficient numbers of non-target aquatic invertebrate parasites and predators are present since these are not affected by the product and contribute to mosquito population reduction.

* Mosquito species effectively controlled by VectoLex WSP, including many of those known to carry/transmit West Nile Virus:

Culex spp.	
Aedes vexans	
Ochlerotatus melanimon	*(Aedes melanimon)*
Ochlerotatus stimulans	*(Aedes stimulans)*
Ochlerotatus nigromaculis	*(Aedes nigromaculis)*
Psorophora columbiae	
Psorophora ferox	
Ochlerotatus triseriatus	*(Aedes triseriatus)*
Ochlerotatus sollicitans	*(Aedes sollicitans)*
Anopheles quadrimaculatus	
Coquillettidia perturbans	

6.0 NOTICE TO USER

To the fullest extent permitted by law, seller makes no warranty, express or implied, of merchantability, fitness or otherwise concerning the use of this product other than as indicated on the label. User assumes all risks of use, storage or handling not in strict accordance with accompanying directions.

VALENT BIOSCIENCES CORPORATION
870 TECHNOLOGY WAY
LIBERTYVILLE, IL 60048 USA
PH: 800-323-9597

04-7321/R6 ©Valent BioSciences Corporation, August 2012

VectoLex® FG

BIOLOGICAL LARVICIDE

FINE GRANULE

ACTIVE INGREDIENT:
Bacillus sphaericus 2362, Serotype H5a5b, strain ABTS 1743 fermentation solids, spores, and insecticidal toxins . . . 7.5%
OTHER INGREDIENTS 92.5%
TOTAL 100.0%

Potency: This product contains 50 BsITU/mg or 0.023 Billion BsITU/lb.
Expiration Date: (Two years from the date of manufacture).

The percent active ingredient does not indicate product performance and potency measurements are not federally standardized.

EPA Reg. No.73049-20
EPA Est. No. 33762-IA-001 List No. 05722

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1.0 First Aid
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5.0 Directions for Use - VectoLex FG
5.1 Application Directions
6.0 Notice to User

KEEP OUT OF REACH OF CHILDREN
CAUTION

1.0 FIRST AID

If in eyes	• Hold eye open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center for treatment advice.
If on skin or clothing	• Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.
If inhaled	• Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth if possible. • Call a poison control center or doctor for further treatment advice.

HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-315-9819 (24 hours) for emergency medical treatment and/or transport emergency information. For all other information, call 1-800-323-9597.

2.0 PRECAUTIONARY STATEMENTS

2.1 HAZARDS TO HUMANS AND DOMESTIC ANIMALS
CAUTION

Causes moderate eye irritation. Harmful if absorbed through the skin or inhaled. Avoid contact with skin, eyes or clothing. Wear protective eyewear. Avoid breathing dust. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

Mixers/loaders and applicators not in enclosed cabs or aircraft, must wear a dust/mist filtering respirator meeting NIOSH standards of at least N-95, R-95, or P-95. Repeated exposure to high concentrations of microbial proteins can cause allergic sensitizations.

2.2 Environmental Hazards

Do not apply directly to treated, finished drinking water reservoirs or drinking water receptacles when the water is intended for human consumption.

3.0 DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

For use only by federal, state, tribal or local government officials responsible for public health or vector control, or by persons certified in the appropriate category or otherwise authorized by the state or tribal lead pesticide regulatory agency to perform mosquito control applications, or by persons under their direct supervision. IN CALIFORNIA: This product is to be applied by County Health Department, State Department of Health Services, Mosquito and Vector Control or Mosquito Abatement District personnel, or persons under contract to these entities only.

4.0 STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal. Do not contaminate water when disposing of equipment washwaters.

Pesticide Storage: Store in a cool, dry place.

Pesticide Disposal: Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

Container Handling: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment, then offer for recycling if available or dispose of empty bag in a sanitary landfill or by incineration or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

5.0 DIRECTIONS FOR USE - VECTOLEX FG

5.1 Application Directions

MOSQUITO CONTROL

VectoLex® FG Biological Larvicide Fine Granule (hereafter referred to as VectoLex FG) is a selective microbial insecticide for use against mosquito larvae in a variety of habitats. VectoLex FG can be applied to areas that contain fish, other aquatic life, and plants. VectoLex FG can be applied to areas used by or in contact with humans, pets, horses, livestock, birds, or wildlife.

CONTINUED

SPECIMEN

I. For control of mosquito larvae species* in the following non-crop sites:

Habitat	Rate Range
Wastewater: Sewage effluent, sewage lagoons, oxidation ponds, septic ditches, animal waste lagoons, impounded wastewater associated with fruit and vegetable processing.	5-20 lbs/acre**
Stormwater/Drainage Systems: Storm sewers, catch basins, drainage ditches, retention ponds, detention ponds and seepage ponds.	5-20 lbs/acre**
Marine/Coastal Areas: Salt marshes, mangroves, estuaries.	5-20 lbs/acre**
Water Bodies: Natural and manmade aquatic sites such as lakes, ponds, rivers, canals, streams and livestock watering ponds and troughs.	5-20 lbs/acre**
Dormant Rice Fields: Impounded water in dormant rice fields. (For application only during the interval between harvest and preparation of the field for the next cropping cycle.)	5-20 lbs/acre**
Waste Tires: Tires stockpiled in dumps, landfills, recycling plants, and other similar sites.	0.5-2 lbs/ 1000 sq. ft.

II. For the control of mosquito larvae species* in the following agricultural/crop sites where mosquito breeding occurs:

Habitats:	Rate Range
Rice, pastures/hay fields, orchards, citrus groves, irrigated crops.	5-20 lbs/acre**

Apply VectoLex FG uniformly by aerial or conventional ground equipment. Reapply VectoLex FG as needed after 1 to 4 weeks.

* Mosquito species effectively controlled by VectoLex FG, including many of those known to carry/transmit West Nile virus:

Culex spp.	
Aedes vexans	
Ochlerotatus melanimon	*(Aedes melanimon)*
Ochlerotatus stimulans	*(Aedes stimulans)*
Ochlerotatus nigromaculis	*(Aedes nigromaculis)*
Psorophora columbiae	
Psorophora ferox	
Ochlerotatus triseriatus	*(Aedes triseriatus)*
Ochlerotatus sollicitans	*(Aedes sollicitans)*
Anopheles quadrimaculatus	
Coquillettidia perturbans	

**Use higher rates (10 to 20 lbs/acre) in areas where extended residual control is necessary, or in habitats having deep water or dense surface cover.

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator and the treatment coordinator are responsible for considering all these factors when making decisions.

6.0 NOTICE TO USER

To the extent consistent with applicable law, seller makes no warranty, express or implied, of merchantability, fitness or otherwise concerning the use of this product other than as indicated on this label. To the extent consistent with applicable law, user assumes all risks of use, storage or handling not in accordance with accompanying directions.

VALENT BIOSCIENCES CORPORATION
870 TECHNOLOGY WAY
LIBERTYVILLE, IL 60048 USA
PH: 800-323-9597

04-8636/R2 ©Valent BioSciences Corporation, June 2015

COCOBEAR™
Mosquito Larvicide Oil

Kills larvae and pupa stages of mosquitoes. Physical control of mosquito broods: kills by suffocation - mosquitoes do not develop resistance. Prevents mosquito emergence.

Standing water treatment. Use on: ponds, pools, ditches, standing water within irrigated croplands and pastures, flood waters, and other listed areas where mosquitoes develop.

ACTIVE INGREDIENT	
Mineral Oil*	10.0%
OTHER INGREDIENTS	90.0%
TOTAL	100.0%

* Contains petroleum distillate

KEEP OUT OF REACH OF CHILDREN

CAUTION

FIRST AID	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-214-7753 for emergency medical treatment information.	
IF SWALLOWED:	Call a poison control center or doctor immediately for treatment advice. DO NOT induce vomiting unless told to do so by a poison control center or doctor. Do not give ANY liquid to the person. Do not give anything by mouth to an unconscious person.
NOTICE TO PHYSICIANS: This product contains petroleum distillate and may pose an aspiration pneumonia hazard.	

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS & DOMESTIC ANIMALS

CAUTION. Harmful if swallowed. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.

Personal Protective Equipment (PPE): Mixers, loaders, applicators, and other handlers must wear long-sleeved shirt and long pants, and shoes plus socks.

User Safety Requirements: Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry. Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.

User Safety Recommendations: Users should wash hands before eating, drinking, chewing gum, tobacco, or using the toilet. Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should remove PPE immediately after handling this product. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

Do not apply directly to water, except as directed for use on this label. Aquatic organisms may be killed in waters where this pesticide is used. Consult with the State or tribal agency with primary authority for regulating pesticides before applying this product to public waters to determine if a permit is needed.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

This product may cause injury to plants in the treatment area. Stressed plants may be more susceptible.

COCOBEAR may only be used to control mosquito larvae and pupae. COCOBEAR leaves a thin film on the surface of treated, non-flowing water and kills mosquito larvae and pupae by suffocation. COCOBEAR kills immature mosquitoes where they develop.

This product may be used for surface applications to standing water within irrigated croplands and pastures, drainage areas, ditches, stagnant pools, swamps, marshes, temporary rain pools, sloughs, log ponds, open sewage basins, settling ponds, catch basins, waste tires and intermittently flooded areas.

Apply at uniform rates of 3 gallons per surface acre (for smaller areas, treat at 10 ounces per 1,000 sq. ft. or 1 1/2 quart per 5,000 sq. ft.). Where there is extremely dense vegetation or if the water to be treated is high in organic content, up to 5 gallons per acre (15 ounces per 1,000 sq. ft. or 2 quarts per 5,000 sq. ft.) may be used.

When applying by aerial application, adjust spray volume up to 5 gallons per acre dependent on vegetation and surface conditions. 3 gallons per acre (36 gallons per 100 ft swath mile) is likely to be sufficient for most conditions.

Spray Drift Management

A variety of factors including weather conditions (e.g. wind direction, wind speed, temperature, and relative humidity) and method of application (e.g. ground, aerial) can influence pesticide drift. The applicator must evaluate all factors and make appropriate adjustments when applying this product.

Wind Speed: Do not apply this product at wind speeds greater than 15 mph at the application site.

Droplet Size: Apply as a medium or coarser spray (ASABE Standard

SAMPLE LABEL

AL0337

572), and the minimum mean volume diameter (VMD) for spinning atomizer nozzles.

Temperature Inversions: Application is allowed under stable and/or temperature inversion conditions as long as application is done below the point in the atmosphere where the inversion begins and the droplet size meets the dimensions of very coarse or extremely coarse as defined in ASABE Standard 572 (VMD of 400-500 microns).

Release Height for Ground Applications: Apply using a nozzle height of no more than 4 feet above the surface.

Aerial Applications: Applications must conform to the requirements indicated above regarding wind speed, droplet size, and temperature inversions and to the additional requirements listed below.

Release Height: Aircraft altitude should be maintained at the lowest altitude necessary for aircraft safety in order to reduce the exposure of droplets to evaporation and wind.

Boom Length: The boom length must not exceed 75% of the wingspan or 90% of the rotor blade diameter. Nozzle placement may be extended to 100% of rotor blade diameter when very coarse droplets of VMD 400-500 microns (ASABE Standard 572) are used. Orient nozzles to spray backward and parallel to the air stream.

Swath Adjustment: When applications are made with a cross-wind, the swath will be displaced downwind. The applicator must compensate for this displacement at the upwind and downwind edges of the application area by adjusting the path of the aircraft upwind.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage and disposal.

PESTICIDE STORAGE: Store upright at room temperature. In case of spill or leakage, soak up with absorbent material such as sand, sawdust, earth, fuller's earth, etc.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL:

(REFILLABLE DRUMS & TOTES): Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning the container before refilling is the responsibility of the refiller. To clean the container before disposal, drain the container until it is empty. Add a minimum amount of clean water to allow recirculation through the pump, meter and hoses. A commercial tank-cleaning detergent may be used, if desired. Thoroughly drench the interior sides, ceiling, and floor of the container. Using a steam-cleaning process or a high-pressure/low-water process, clean sides, ceiling, and floor of container. Recirculate wash water through the pump, meter and hoses. Drain the tank. Dispose of wash water or rinsate with pesticide waste. Offer cleaned container for recycling, if available, or puncture and dispose of it in a sanitary landfill, or by other procedures approved by State and local authorities.

(2.5 GALLON JUGS): Nonrefillable container. Do not reuse or refill this container. When container is empty, drain it completely, then puncture and dispose of it in a sanitary landfill or by other procedures approved by State and local authorities.

MANUFACTURED FOR:
CLARKE MOSQUITO CONTROL PRODUCTS, INC.
159 N. GARDEN AVENUE
ROSELLE, ILLINOIS 60172
For more information call: 1-800-323-5727

EPA REG. NO. 8329-93

EPA EST. NO._____

Available Packaging: 2.5 GAL, 30 GAL, 55 GAL, 275 GAL, BULK

LOT NO: Marked on Container Label

COCOBEAR™ is a trademark of Clarke Mosquito Control Products, Inc.

NOTICE: To the extent consistent with applicable law, Clarke Mosquito Control Products, Inc. makes no warranty, express or implied, concerning the use of this product other than as indicated on the label. To the extent consistent with applicable law, buyer assumes all risk of use/handling of this material when use and/or handling is contrary to label instructions.

AL0337

FLIT™ 10EC

Broad Spectrum Multi-Use Insecticide

QUICK KNOCKDOWN. FOR AGRICULTURAL/COMMERCIAL USE ONLY.
For Use Outdoors and in Homes, Kennels and the Non-Food/Feed Areas of Commercial Buildings, Institutions, Warehouses, Theaters, Office Buildings, Schools, Motels, Hotels, Restaurants and Food/Feed Handling Establishments.

Active Ingredient:	
*Permethrin (3-phenoxyphenyl) methyl (=/-) cis/trans 3-(2,2-dichloroethenyl) 2,2- dimethyl cyclopropanecarboxylate	10.0%
†OTHER INGREDIENTS:	90.0%
	100.0%

*Cis/trans ratio: Max. 65% (+-) trans and min. 35% (+-) cis.
†Contains Petroleum Distillates

KEEP OUT OF REACH OF CHILDREN

WARNING

FIRST AID

Have the product container or label with you when calling a poison control center or doctor or going for treatment. For Medical Emergencies, call the International Poison Control Center at 1-800-214-7753.

IF INHALED: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth. Call a poison control center or doctor for further treatment advice.

IF ON SKIN OR CLOTHING: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

IF SWALLOWED: Immediately call a poison control center or doctor. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give any liquid to the person. Do not give anything by mouth to an unconscious person.

IF IN EYES: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing the eye. Call a poison control center or doctor for treatment advice.

NOTE TO PHYSICIAN: This product contains petroleum distillate. Vomiting may cause aspiration pneumonia.

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS & DOMESTIC ANIMALS

WARNING Causes skin irritation and moderate eye injury. Do not get on skin or on clothing. Harmful if inhaled. Avoid breathing vapor or spray mist and contact with eyes. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse. Wear full-faced gas mask with canister type recommended for general insecticide protection for applying indoors as a space spray or fog.

ENVIRONMENTAL HAZARDS

This product is highly toxic to fish. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not apply where runoff is likely to occur. Do not apply when wind speeds exceed 10 mph. Do not contaminate water when disposing of equipment washwaters. Shrimp and crab may be killed if application rates recommended on this label are exceeded. Use with caution where these are important resources. This pesticide is highly toxic to bees exposed to direct treatment or to residues remaining on the treated area. Do not apply this product or allow drift when bees are actively visiting the treatment area. Applications should be timed to provide the maximum possible interval between treatment and the next period of bee activity.

PHYSICAL AND CHEMICAL HAZARDS

Do not use or store near heat or open flame. Do not use this product in or on electrical equipment due to the possibility of shock hazard.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

To prepare dilutions, the concentrate should first be stirred or agitated well. Add the required amount of concentrate to water or oil and blend thoroughly. Do not hold dilutions for more than 24 hours. For maximum effectiveness, a combination of localized application and space treatment is recommended.

Do not use in federally inspected meat and poultry plants. Do not use in food/feed areas of food/feed handling establishments, restaurants or other areas where food/feed is commercially prepared or processed. Do not use in serving areas while food is exposed or facility is in operation. Serving areas are areas where prepared food is served such as dining rooms but excluding areas where foods may be prepared or held. In the home, all food processing surfaces and utensils should be covered during treatment or thoroughly washed before use. Exposed food/feed should be covered and removed.

NON FOOD/FEED AREAS include (but not limited to) garbage rooms, lavatories, floor drains (to sewers) entries and vestibules, offices, locker rooms, machine rooms, boiler rooms, garages, mop closets, and storage (after canning or bottling).

Do not apply to classrooms when in use. Do not apply this product in patient rooms or in any rooms when occupied by the elderly or infirm. Remove pets, birds and cover fish aquaria before spraying. Do not allow spray treatment to contaminate pasture land, cropland, poultry ranges or water supplies. Do not use on crops used for food, forage or pasture.

INDOOR USE AREAS (Non-Food/Feed Areas)
Bakeries, Beverage Plants, Canneries, Flour Mills, Grain Elevators, Granaries, Homes, Hospitals (non-patient rooms), Hotels, Industrial Installations, Kennels, Meat Packing Plants, Motels, Office Buildings, Railroad Cars, Restaurants, Schools, Ships' Holds, Supermarkets, Truck Trailers, Warehouses.

(Directions For Use Continued on Next Panel)

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.
Pesticide Storage and Spill Procedures: Store upright at room temperature. Avoid exposure to extreme temperatures. In case of spill or leakage, soak up with an absorbent material such as sand, sawdust, earth, fuller's earth, etc. Dispose of with chemical waste.
Pesticide Disposal: Pesticide, spray mixture or rinse water that cannot be used according to label instructions must be disposed of at or by an approved waste disposal facility.
Container Disposal: Triple rinse (or equivalent) then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other approved State and local procedures.

IN CASE OF MEDICAL EMERGENCY, CALL THE INTERNATIONAL POISON CONTROL CENTER 1-800-214-7753

IN CASE OF TRANSPORTATION EMERGENCY, CALL INFO-TRAC 1-800-553-5053

FOR MORE INFORMATION CALL 1-800-323-5727

Sold By
CLARKE MOSQUITO CONTROL PRODUCTS, INC.
159 N. Garden Avenue
Roselle, IL 60172

Net Contents: _____ EPA Reg. No. 8329-67

Lot No.: Marked on Container Label EPA Est. No. _____

AL0418

SAMPLE LABEL

APPLICATION SITES	PESTS CONTROLLED	USE DIRECTIONS	DILU-ENT	DILUTION RATE	APPLICA-TION RATE	DOSE RATE
AS A SPACE SPRAY: Animal Houses, Corrals, Drive-in Restaurants, Drive-in Theaters, Feedlots, Gardens, Golf Courses, Parks, Playgrounds, Recreational Areas, Urban Areas, Zoos, etc.	Mosquitoes, Gnats, biting and non-biting Midges, Blackflies, and other biting Flies.	Apply using vehicle mounted ULV equipment to create an insecticidal swath. For best results apply when there is a light breeze (ie. about 5 mph) and apply in direction of breeze to obtain maximum swath and better distribution. Do not apply if winds exceed 10 mph. The target dose rate to be applied is up to 0.007 lb. a.i. per acre. This can be achieved under different conditions by altering the flow of insecticide from the equipment and/or the speed of the vehicle. Apply 3.5 to 7.0 fluid ounces per minute at vehicle speeds of 5-10 miles per hour using swath widths of 150-300 feet as appropriate to local conditions. At higher vehicle speeds flow rates should be increased proportionately to achieve the target dose rate. Not to be used within 100 feet (30 meters) of lakes and streams. In treatment of corrals, feed lots, swine lots and zoos, cover any exposed drinking water, drinking fountains and animal feed before application. Allow 24 hours before retreating. Do not apply more than once in a 24 hour period.	Oil or Water	1 part concentrate with 1 part suitable oil solvent, or at proportional oil dilutions calculated on the basis of applicator speed and swath width to achieve the target dose.	Dependent of swath width, flow rate and speed of vehicle.	Up to 0.007 lbs of active ingredient per acre.
AS A SPACE SPRAY: LIVESTOCK PREMISES: Barns, Milking Parlors, Milk Rooms, Dairies, Poultry Houses, Swine and Livestock Housing.	Flies, Mosquitoes and Gnats	Apply as a fog or fine mist, directing the spray toward the ceiling and upper corners until the area is filled with mist, using about 2 ounces per 1000 cubic feet of space. For best results, close doors and windows before spraying and keep them closed for ten to fifteen minutes. Vacate the treated area and ventilate before reoccupying.	Water	1 part concentrate in 20 parts water (6.5 Fl. ounces per gallon).		
Bakeries, Beverage Plants, Canneries, Flour Mills, Food Processing Plants, Granaries, Homes, Hospitals, Hotels, Industrial Installations, Kennels, Meat Packaging Plants, Motels, Office Buildings, Railroad Cars, Restaurants, Schools, Ships' Holds, Supermarkets, Truck Trailers, Warehouses.	House Flies, Fruit Flies, Gnats, Mosquitoes, Skipper Flies, Wasps, Hornets, Bees, Blackflies, Small Flying Moths.	Apply with mechanical or compressed air equipment (non-thermal) adjusted to deliver a fine mist. Close doors and windows and shut off ventilating systems. When using an oil dilution for space spraying, extinguish all flames and pilot lights when applying. For rapid control of Houseflies, Fruit Flies, Gnats, Mosquitoes, Skipper Flies, Wasps, Hornets, Bees, Blackflies, Small Flying Moths, direct spray at an upward angle distributing it uniformly through the entire area at a rate of 1 ounce per 1000 cubic feet of space. Keep area closed for at least 10 minutes. Vacate areas after treatment and ventilate and sweep up dead insects before reoccupying. For rapid kill of exposed or accessible stages of other insects named on this label, apply using conventional, mechanical or compressed air equipment (non-thermal) following directions for space spraying.	Oil or Water	1 part concentrate in 20 parts oil or water (6.5 fluid ounces per gallon).	1 ounces per 1000 cubic feet	
BARRIER SPRAY: Perimeter of residential yards, public facilities, paths and recreational areas.	As an aid in reducing mosquito annoyance. To kill and control biting and non-biting midges, deer flies and other biting flies.	Apply when walking at a speed of approximately 2 mph or a swath of 50 feet treating approximately 0.2 acre/minute.	Oil or Water	1 part concentrate to 1 part of a suitable diluent, or at proportional dilutions calculated on the basis of applicator speed and swath width to achieve the target dose.	Apply 17.5 fluid ounces of diluted material per acre.	Approx. 0.1 lb. per acre
AS A SURFACE SPRAY: Walls, ceilings, moldings, screens, door frames, beams, light cords, and similar resting places.	Mosquitoes, Wasps, Gnats, Skippers	Treat surface using coarse wet spray. Spray thoroughly but do not let runoff occur.	Water	1 part concentrate in 20 parts of water (6.5 fl. ounces per 1 gallon of water)		

READ BEFORE USE

By using this product, user or buyer accepts the following conditions, warranty, disclaimer of warranties and limitations of liability.

CONDITIONS: The directions for use of this product are believed to be adequate and should be followed carefully. However, because of manner of use and other factors beyond Clarke Mosquito Control Products control, it is impossible for Clarke Mosquito Control Products to eliminate all risks associated with the use of this product. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: THERE ARE NO WARRANTIES, EXPRESS OR IMPLIED OF MERCHANTABILITY OR OF FITNESS FOR PARTICULAR PURPOSE OR OTHERWISE, WHICH EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Clarke Mosquito Control Products is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. Clarke Mosquito Control Products disclaims any liability whatsoever for incidental or consequential damages, including, but no limited to, liabilities arising out of breach of contract, express or implied warranty (including warranties of merchantability and fitness for a particular purpose), tort, negligence, strict liability or otherwise.

LIMITATION OF LIABILITY: THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT CLARKE MOSQUITO CONTROL PRODUCT'S ELECTION, THE REPLACEMENT OF PRODUCT

AL0418

Chikungunya Virus: What you need to know

Chikungunya (pronunciation: \chik-en-gun-ye) is:

- A virus spread through *Aedes* species mosquito bites. *Aedes* mosquitoes also spread dengue and Zika viruses.
- A risk to anyone traveling to a region of the world where chikungunya virus is found.

Global risk

Outbreaks have occurred in parts of Africa, Europe, Southeast Asia, and islands in the Indian and Pacific Oceans.

In 2013, chikungunya was found for the first time in the Americas and has spread to the Caribbean, South and Central America, and North America.

For information on where chikungunya virus is found, see: http://www.cdc.gov/chikungunya/geo/.

Traveling? For country-specific travel information and recommendations, visit www.cdc.gov/travel.

Signs and symptoms of chikungunya virus disease (chikungunya)

- Common symptoms include fever and severe joint pain. Other symptoms may include headache, muscle pain, joint swelling, or rash.
- Symptoms usually begin 3—7 days after being bitten by an infected mosquito.
- Most patients will feel better within a week. In some people, the joint pain may persist for months. Death is rare.
- People at risk for more severe disease include newborns infected around the time of birth, older adults (≥65 years), and people with medical conditions such as high blood pressure, diabetes, or heart disease.

CS258143B September 23, 2015

Sick? Could it be chikungunya?

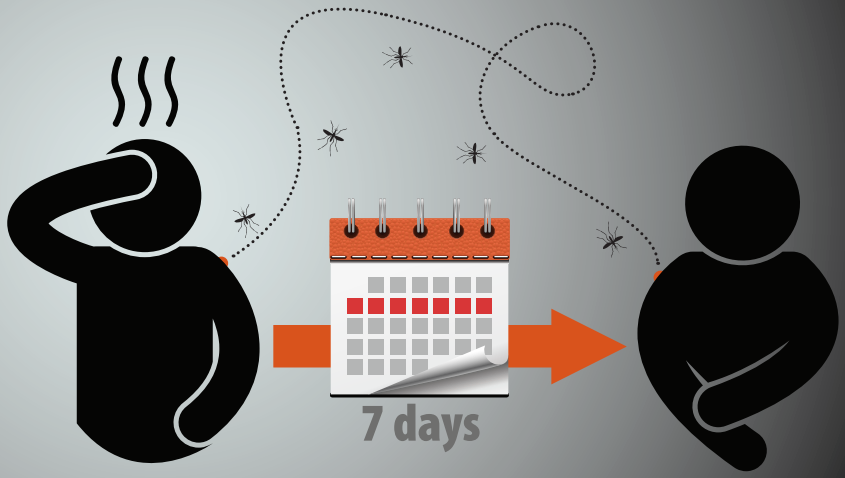
- See your healthcare provider.
- Your healthcare provider may order tests to look for chikungunya or similar diseases, like dengue or Zika.

Chikungunya is preventable, but not treatable

- No vaccine to prevent or medicine to treat infection is available.
- Mosquitoes that spread chikungunya bite aggressively during the day. Avoid infection by preventing mosquito bites.
  - » Use insect repellents. Repellents containing DEET, picaridin, IR3535, and some oil of lemon eucalyptus or para-menthane-diol products provide long-lasting protection.
  - » Use air conditioning or window/door screens.
  - » Wear long-sleeved shirts and long pants or permethrin-treated clothing.
  - » Once a week, empty and scrub, turn over, cover, or throw out items that hold water, such as tires, buckets, planters, toys, or trash containers. Check inside and outside your home.

If you are sick with chikungunya:

- During the first week of infection, chikungunya virus can be found in your blood. If a mosquito bites you, it can become infected and spread the virus to other people through bites.
- To help prevent others from getting sick, protect yourself from mosquito bites during the first week of illness.



www.cdc.gov/chikungunya

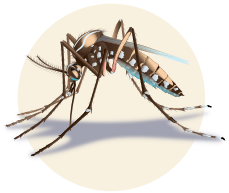
CDC's Response to **Zika**

ZIKA: THE BASICS OF THE VIRUS AND HOW TO PROTECT AGAINST IT

About Zika

Zika virus spreads to people primarily through the bite of an infected *Aedes* species mosquito (*Ae. aegypti* and *Ae. albopictus*). Zika can also be passed through sex from a person who has Zika to his or her sex partners and it can be spread from a pregnant woman to her fetus. People can protect themselves from mosquito bites and getting Zika through sex. This fact sheet explains who's most affected and why, symptoms and treatment, and how to protect against Zika.

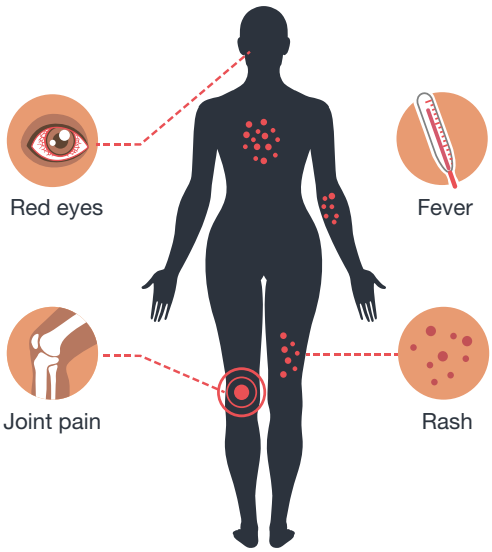
How Zika Spreads



Protect yourself and your family from mosquito bites all day and night, whether you are inside or outside. A mosquito becomes infected when it bites a person already infected with Zika. That mosquito can then spread the virus by biting more people.

Zika virus can also spread:

- During sex with a person who has Zika to his or her sex partners.
- From a pregnant woman to her fetus during pregnancy or around the time of birth.
- Through blood transfusion (likely but not confirmed).



Zika Symptoms

Many people infected with Zika won't have symptoms or will only have mild symptoms. The most common symptoms are fever, rash, joint pain, or red eyes. Other common symptoms include muscle pain and headache. Symptoms can last for several days to a week. People usually don't get sick enough to go to the hospital, and they very rarely die of Zika. Once a person has been infected with Zika, they are likely to be protected from future infections.

Current Zika Outbreak

Zika outbreaks are currently happening in many countries and territories. The mosquitoes that can become infected with and spread Zika live in many parts of the world, including parts of the United States.

Specific areas where Zika virus is spreading are often difficult to determine and are likely to change over time. If traveling, please visit the CDC Travelers' Health website for the most recent travel information.

www.cdc.gov/zika

CS265799A August 12, 2016

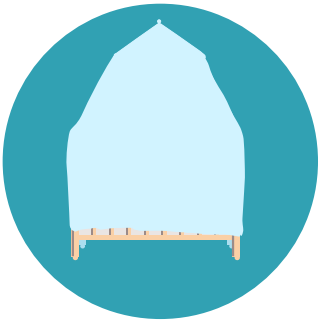
U.S. Department of Health and Human Services
Centers for Disease Control and Prevention

Why Zika is Risky for Some People

Zika infection during pregnancy can cause fetuses to have a birth defect of the brain called microcephaly. Other problems have been detected among fetuses and infants infected with Zika virus before birth, such as defects of the eye, hearing deficits, and impaired growth. There have also been increased reports of Guillain-Barré syndrome, an uncommon sickness of the nervous system, in areas affected by Zika.

Microcephaly

How to Prevent Zika



There is no vaccine to prevent Zika. The best way to prevent diseases spread by mosquitoes is to protect yourself and your family from mosquito bites. **Here's how:**

- Wear long-sleeved shirts and long pants.
- Stay in places with air conditioning and window and door screens to keep mosquitoes outside.
- Take steps to control mosquitoes inside and outside your home.
- Treat your clothing and gear with permethrin or buy pre-treated items.
- Use Environmental Protection Agency (EPA)-registered insect repellents. Always follow the product label instructions.
- When used as directed, these insect repellents are proven safe and effective even for pregnant and breastfeeding women.
- Do not use insect repellents on babies younger than 2 months old.
- Do not use products containing oil of lemon eucalyptus or para-menthane-diol on children younger than 3 years old.
- Mosquito netting can be used to cover babies younger than 2 months old in carriers, strollers, or cribs to protect them from mosquito bites.
- Sleep under a mosquito bed net if air conditioned or screened rooms are not available or if sleeping outdoors.
- Prevent sexual transmission of Zika by using condoms or not having sex.

What to Do if You Have Zika

There is no specific medicine to treat Zika. Treat the symptoms:

- Get plenty of rest.
- Drink fluids to prevent dehydration.
- Take medicine such as acetaminophen to reduce fever and pain.
- Do not take aspirin or other non-steroidal anti-inflammatory drugs.
- If you are taking medicine for another medical condition, talk to your healthcare provider before taking additional medication.

To help prevent others from getting sick, strictly follow steps to prevent mosquito bites during the first week of illness.

www.cdc.gov/zika

ZIKA: What you need to know.

WHAT WE KNOW ABOUT ZIKA

(Aedes albopictus, or Asian tiger mosquito, is common in Northern Virginia.)

- **Zika is a viral disease spread to people mostly through the bite of an infected mosquito.** It is transmitted primarily by the yellow fever mosquito (*Aedes aegypti*). The Asian tiger mosquito (*Aedes albopictus*), which is common in Northern Virginia, can also spread the virus. These are both aggressive, daytime-biting mosquitoes.
- **There is a risk of Zika being imported into Virginia and being transmitted by local mosquitoes.**
- Zika can be passed through sex from a person who has Zika to his or her partners.
- Zika may be transmitted through blood transfusions.
- Zika can pass from a pregnant woman to her fetus.
- **Infection with Zika during pregnancy is linked to birth defects in babies, including microcephaly** (a condition in which a baby's head is smaller than expected).
- **Pregnant women are advised to avoid travel to Zika-infected areas.**
- **There is no vaccine or medicine for Zika.**
- Once a person has been infected with Zika, he or she is likely to be protected from future infections.
- Outbreaks of the disease are occurring in many countries and territories throughout Central and South America and the Caribbean.

SYMPTOMS OF ZIKA

Most people with Zika won't even know they have it. The illness is usually mild with symptoms lasting for several days to a week.

The most common symptoms of Zika are fever, rash, joint pain and conjunctivitis (red eyes). If you suspect you may be infected with Zika, contact your medical practitioner, especially if pregnant. Even if you do not feel sick, take steps to prevent mosquito bites for three weeks by staying indoors or wearing protective clothing and insect repellent. This will help prevent mosquitoes from biting you and spreading the virus to others in the community.

DO YOUR PART FROM THE START:
Prevent & Protect Against Mosquito Bites!

Control Mosquitoes in Your Yard

- *Aedes* mosquitoes lay eggs in containers. **To prevent mosquitoes in your yard, eliminate standing water.** Tip and toss standing water from containers like tires, buckets, flower pots, drain pipes, tarps, bird baths, toys, etc. Discard containers or place indoors.

- If you cannot dump water from a container, **treat it with a larvicide** like *Bacillus thuringiensis var. israelensis* (follow label instructions).
- If mosquitoes are flying and biting, **use insecticides in your yard** to control them. Treat areas where they hide, like bushy green plants, ivy and bamboo (follow label instructions).

Prevent Mosquito Bites

- **Use insect repellents** containing DEET, picaridin, oil of lemon eucalyptus or IR3535 (follow label instructions).
- **Cover exposed skin.** Wear light-colored, long-sleeved shirts and long pants.
- **Treat clothing with permethrin.** Treated clothing remains protective after multiple washings. Never apply permethrin to skin (follow label instructions).
- **Keep window and door screens in good repair** to keep mosquitoes out.

RESOURCES

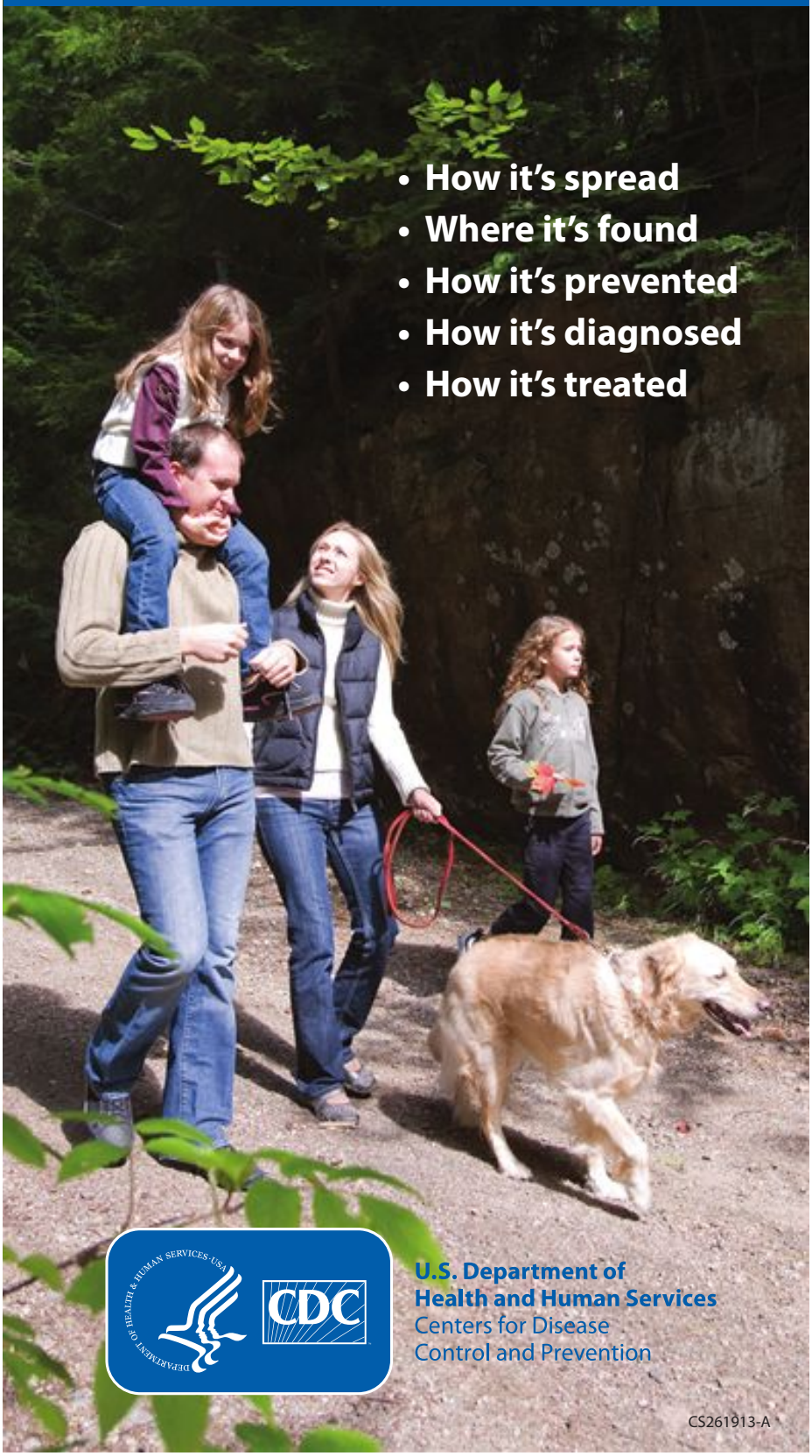
www.fairfaxcounty.gov/hd/westnile/zika-virus.htm
www.vdh.virginia.gov/epidemiology/Zika/index.htm
www.cdc.gov/zika/index.htm

Fairfax County Health Department

A Fairfax County, Va., publication. Updated Aug. 2016. To request this information in an alternate format, please call the Health Department at 703-246-2411, TTY 711.

Attachment XIII

LYME DISEASE:
What you need to know



Lyme Disease

Lyme disease is caused by bacteria called *Borrelia burgdorferi* and is transmitted to humans through the bite of infected blacklegged ticks. Typical symptoms include fever, headache, fatigue, and a characteristic skin rash called erythema migrans. If left untreated, infection can spread to joints, the heart, and the nervous system. Lyme disease is diagnosed based on symptoms, physical findings (e.g., rash), and the possibility of exposure to infected ticks; laboratory testing is helpful if used correctly and performed with validated methods. Most cases of Lyme disease can be treated successfully with a few weeks of antibiotics. Steps to prevent Lyme disease include using insect repellent, removing ticks promptly, applying pesticides, and reducing tick habitat.

Lyme disease is an infection caused by the corkscrew-shaped bacterium Borrelia burgdorferi, *a member of the family of spirochetes.*

How ticks spread Lyme disease

Lyme disease bacteria, *Borrelia burgdorferi*, are spread through the bite of infected ticks. The blacklegged tick (or deer tick, *Lxodes scapularis*) spreads the disease in the northeastern, mid-Atlantic, and north-central United States, and the western blacklegged tick (*Ixodes pacificus*) spreads the disease on the Pacific Coast. These ticks are usually found in wooded areas and have complex life cycles. In some regions, blacklegged ticks can spread other diseases in addition to Lyme disease, including babesiosis and anaplasmosis. In general, ticks need to be attached for 36 to 48 hours before they can transmit Lyme disease bacteria.

Ixodes *ticks are much smaller than the common dog and cattle ticks. In their larval and nymphal stages, they are no bigger than a pinhead. Adult* Ixodes *ticks are larger, about the size of a small apple seed. Left to right: adult female, adult male, nymph, larva. (Not to scale.)*

1

Photo courtesy of Durland Fish.

Ticks can attach to any part of the human body but are often found in hard-to-see areas such as the groin, armpits, and scalp. In most cases, the tick must be attached for 36-48 hours or more before the Lyme disease bacterium can be transmitted. Shown is an attached *Ixodes* nymph.

Most humans are infected through the bites of immature ticks called nymphs. Nymphs are tiny (less than 2 mm) and difficult to see; they feed during the spring and summer months.

Adult ticks can also transmit Lyme disease bacteria, but they are much larger and may be more likely to be discovered and removed before they have had time to transmit the bacteria. Adult *Ixodes* ticks are most active during the fall.

Ixodes ticks search for host animals from the leaf litter on the forest floor or from the tips of grasses and shrubs. Ticks crawl onto animals or people as they brush against them; ticks cannot jump or fly. Ticks found on the scalp usually have crawled there from lower parts of the body. Ticks obtain blood by inserting their mouth parts (not their whole bodies) into the skin of a person or animal. *Ixodes* ticks are slow feeders: one meal can take several days. As they feed, their bodies slowly enlarge.

The risk of exposure to ticks is greatest in the woods and in the edge area between lawns and woods; however, ticks can also be carried by animals onto lawns and gardens and into houses by pets. Campers, hikers, outdoor workers, and others may be exposed to infected ticks in wooded, brushy, and grassy places. People who spend time in heavily wooded areas where infected ticks are common are at higher risk for exposure. Although in theory Lyme disease could be spread through blood transfusions or other contact with infected blood, there are no known cases

of this happening. **There is no evidence that Lyme disease is transmitted from person-to-person through touching, kissing, or having sex with a person who has Lyme disease.** There are no reports of Lyme disease transmission through breast milk.

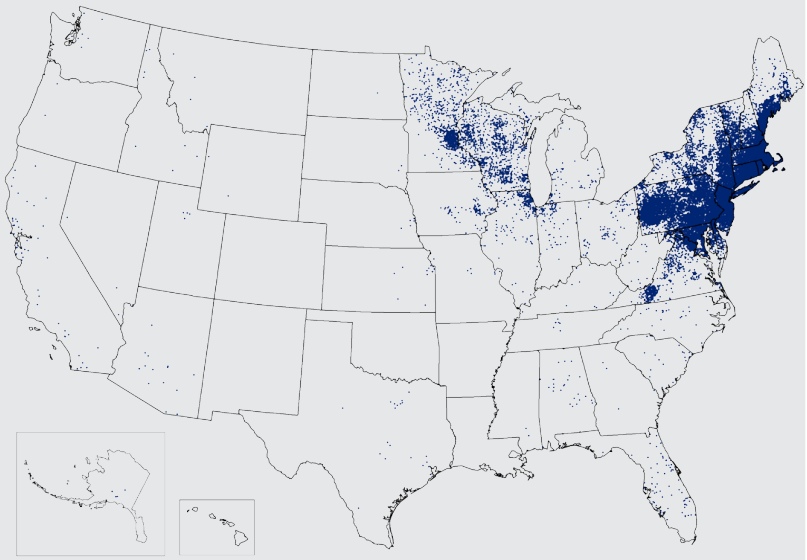
Places where you are most likely to get infected

Lyme disease is distributed over a wide geographic area in northern temperate regions of the world. In the United States, most infections occur in the following areas:

- Northeast, from Virginia to Maine
- North-central states, mostly in Wisconsin and Minnesota
- West Coast, particularly northern California

For Lyme disease to exist in an area, three elements must be present in the natural environment: 1) animals that are infected with Lyme disease bacteria, 2) ticks that can transmit the bacteria, and 3) animal hosts (such as mice and deer) that can provide food for the ticks in their various life stages. Ticks that transmit Lyme disease bacteria need constant, high relative humidity at ground level.

Reported Cases of Lyme Disease - United States, 2014



1 dot placed randomly within county of residence for each confirmed case

Through Lyme disease cases have been reported in nearly every state, cases are reported from the infected person's county of residence, not the place where they were infected.

What you can do to protect yourself

You can decrease the chances of being bitten by a tick with a few precautions.

Avoid tick-infested areas. This is especially important in May, June, and July. Many local health departments and park or extension services have information on the local distribution

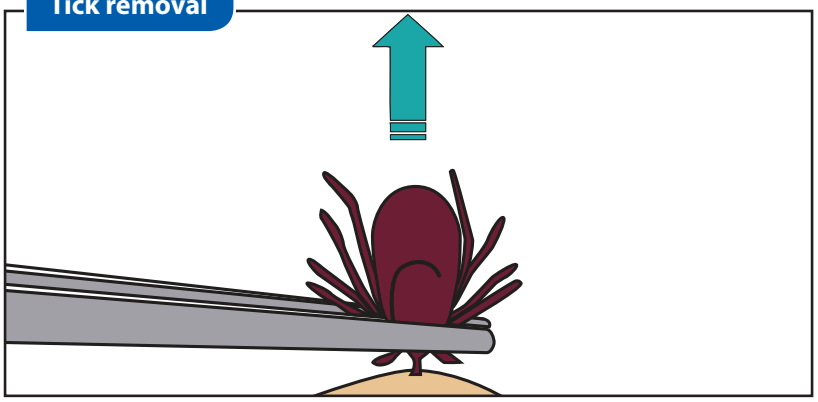
of ticks. If you are in tick-infested areas, walk in the center of trails to avoid contact with overgrown grass, brush, and leaf litter at trail edges.

Use insect repellent. Spray repellent containing a 20% concentration of DEET on clothes and on exposed skin. You can also treat clothes (especially pants, socks, and shoes) with permethrin, which kills ticks on contact, or buy clothes that are pre-treated. Permethrin can also be used on tents and some camping gear. Do not use permethrin directly on skin. Always follow the manufacturer's instructions when applying repellent.

Repellent use

Perform daily tick checks. Always check for ticks after being outdoors, even in your own yard. Because ticks must usually be attached for at least a day before they can transmit the bacteria that cause Lyme disease, early removal can reduce the risk of infection. Inspect all body surfaces carefully, and remove attached ticks with tweezers. Avoid crushing the tick's body. DO NOT use petroleum jelly, a hot match, nail polish, or other products. Grasp the tick firmly and as close to the skin as possible. With a steady motion, pull the tick's body away from the skin. Do not be alarmed if the tick's mouthparts remain in the skin. Cleanse the area with an antiseptic.

Tick removal



Bathe or shower. Bathe or shower as soon as possible after coming indoors (preferably within 2 hours) to wash off and more easily find ticks that are crawling on you.

Ticks can get a ride indoors on your clothes. After being outdoors, wash and dry clothing at a high temperature to kill any ticks that may remain on clothing.

Recognize the signs and symptoms of Lyme disease and act quickly

The early diagnosis and proper treatment of Lyme disease are important strategies to avoid the costs and complications of late-stage illness. As soon as you notice a characteristic rash or other possible symptoms, consult your health care provider.

Erythema migrans (bull's eye) rash.

Early Lyme disease: The early stage of Lyme disease is usually marked by one or more of the following signs and symptoms:

- a characteristic skin rash, called erythema migrans
- fatigue
- chills and fever
- headache
- muscle and joint pain
- swollen lymph nodes

Erythema migrans is a red circular rash that often appears at the site of the tick bite, usually within 3 to 14 days after the bite of an infected tick. The rash then grows larger. Sometimes many rashes appear, varying in shapes and sizes. Common sites are the thighs, groin, trunk, and armpits. The center of the rash may clear as it enlarges, resulting in a "bull's-eye" appearance. The rash may be warm, but it usually is not painful. Not all rashes that occur at the site of a tick bite are due to Lyme disease, however. An allergic reaction to tick saliva can also occur and be confused with the "bull's-eye" rash of Lyme disease. Allergic reactions to tick saliva usually appear within hours to a few days after the tick bite, usually do not expand, and disappear within a few days.

Late Lyme disease: Some signs and symptoms of Lyme disease may not appear until weeks or months after a tick bite:

- Arthritis is most likely to appear as brief bouts of pain and swelling, usually in one or more large joints, especially the knees.

- Nervous system symptoms can include numbness, pain, nerve paralysis (often of the facial muscles, usually on one side), and meningitis (fever, stiff neck, and severe headache).
- Rarely, irregularities of the heart rhythm may occur.
- Problems with memory or concentration, fatigue, headache, and sleep disturbances sometimes persist after treatment.

Different people exhibit different signs and symptoms of Lyme disease. Some people never develop a bull's-eye rash. Some people only develop arthritis, and for others nervous system problems are the only symptom of Lyme disease.

Many of the symptoms of Lyme disease are similar to those of other diseases. The fever, muscle aches, and fatigue of Lyme disease can be mistaken for viral infections, such as influenza or infectious mononucleosis. Joint pain can be mistaken for other types of arthritis, such as juvenile rheumatoid arthritis, and neurologic signs can mimic those caused by other conditions, such as multiple sclerosis. Other infections, arthritis, or neurologic diseases can also be misdiagnosed as Lyme disease.

How Lyme disease is diagnosed

Diagnosis of Lyme disease should take into account the following factors:

- History of possible exposure to ticks in areas where Lyme disease is known to occur
- Signs and symptoms of the illness
- The results of blood tests used to detect whether the patient has antibodies to Lyme disease bacteria

Currently, a two-stage testing process to measure the body's production of antibodies to Lyme disease bacteria is recommended:

1) an "EIA" (enzyme immunoassay) or rarely, an "IFA" (indirect immunofluorescence assay), followed by
2) a Western immunoblot of samples that tested positive or equivocal by EIA or IFA.

These tests measure antibodies that the body makes against Lyme disease bacteria. It can take 4-6 weeks after infection for the body to produce measurable levels of antibodies. Therefore, laboratory tests for Lyme disease must be interpreted based on the length of infection. Patients who were recently infected and have erythema migrans may test negative even though they are infected (false negative). On the other hand, patients who have been infected for longer than 4 weeks and have arthritis will almost always test positive. A negative test in a patient with arthritis or other long standing symptoms is strong evidence that Lyme disease is not the cause of their illness.

How Lyme disease is treated

Several antibiotics are effective for treating Lyme disease. These are usually given by mouth but may be given intravenously in more severe cases. Patients treated with antibiotics in the early stages of the infection usually recover rapidly and completely. Most patients who are treated in later stages of the disease also respond well to antibiotics. A few patients may have persistent or recurrent symptoms and may require an additional course of antibiotic treatment. Longer courses of antibiotics have not been shown to be beneficial in patients who have been previously treated and have chronic symptoms. Varying degrees of permanent damage to joints or the nervous system can develop in patients with late Lyme disease. Typically these are patients in whom Lyme disease was unrecognized in the early stages or for whom the initial treatment was inadequate. Lyme disease is rarely life-threatening. For the Guidelines of the Infectious Diseases Society of America, see: http://cid.oxfordjournals.org/content/43/9/1089.full

Post-exposure antibiotics

Recent studies have examined the value of giving antibiotics to prevent Lyme disease after a known tick bite. While giving antibiotics for tick bites is not routinely practiced, it may be beneficial in some cases, depending on disease presence in the local area and duration of tick attachment. Physicians must determine whether the advantages of using antibiotics outweigh the disadvantages in any particular instance.

What to do if you suspect Lyme disease during pregnancy

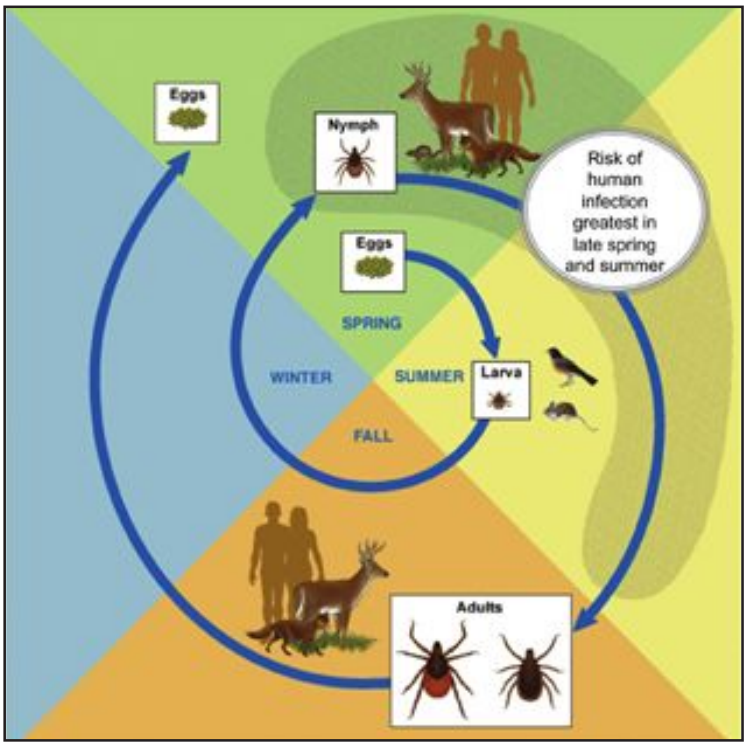
Prevention and early diagnosis of Lyme disease are important during pregnancy. Rarely, Lyme disease acquired during pregnancy may lead to infection of the placenta and may possibly lead to stillbirth. Studies of women infected during pregnancy have found that there are no negative effects on the fetus when the mother receives appropriate antibiotic treatment for her Lyme disease.

Life cycle of Lyme disease ticks

Knowing the complex life cycle of the ticks that transmit Lyme disease bacteria can help in understanding the risk of getting the disease and how to prevent it.

The complete life cycle of *Ixodes* ticks requires 2 years. Tick eggs are laid in the spring, and hatch as larvae in the summer. Larvae feed on mice, birds, and other small animals in the summer and early fall. The larvae may become infected with Lyme disease

7



bacteria when feeding on these animals. Once a tick becomes infected, it stays infected for the rest of its life and can transmit the bacteria to other hosts. After this initial feeding, the larvae usually become inactive until the following spring, when they change into nymphs. Nymphs seek blood meals in order to fuel their growth into adults.

Nymphs feed on small rodents, birds, and other small mammals in late spring and early summer. Nymphs will also feed on humans, and if previously infected with Lyme disease bacteria, they can transmit the disease to humans. Nymphs molt into adult ticks in the fall. In the fall and early spring, adult ticks feed and mate on large animals, such as deer. Adult female ticks will sometimes also feed on humans. In spring, adult female ticks lay their eggs on the ground, completing the 2-year life cycle.

Lyme disease vaccine

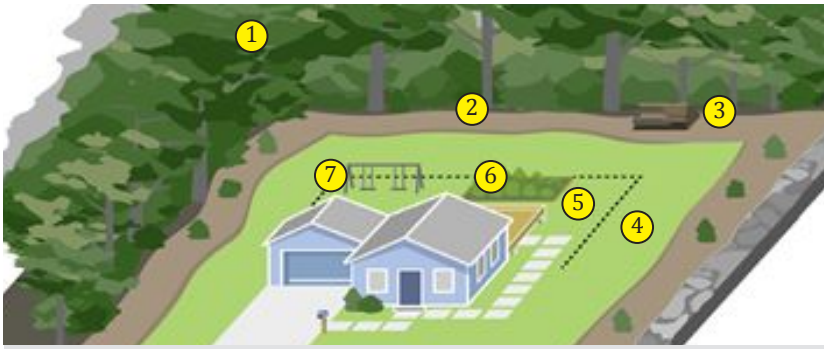
A vaccine for Lyme disease is not currently available.

Tick control

Landscaping to create tick-safe zones. "Tick-Safe Landscaping" techniques should be considered for homes, parks, fields, and recreational areas. *Ixodes* ticks need the higher humidity levels of the woodland to survive; they die quickly in drier environments. Removing leaf litter and clearing tall grass and brush around houses and at the edges of lawns will reduce the numbers of ticks. Placing wood chips or gravel between lawns or play areas and wooded areas creates a dry barrier that is difficult for ticks to cross.

Chemical control. The use of pesticides to control tick populations is another option. Pesticide application to residential properties should be supervised by a licensed professional pest control expert and should be conducted when nymphal tick populations are at their local peaks.

Discourage deer. A complex relationship exists between the abundance of deer and the abundance of *Ixodes* ticks in the eastern United States. Tick populations do not decrease substantially unless deer are eradicated or severely reduced. Removing plants that attract deer and constructing fences or other barriers may help discourage tick-infested deer from coming near homes. Lists of deer-resistant plantings are available from garden centers, nurseries, or local extension agents.



1	**Tick zone**	Avoid areas with forest and brush where deer, rodents, and ticks are common.
2	**Wood chip barrier**	Use a 3 ft. barrier of wood chips or rock to separate the "tick zone" and rock walls from the lawn.
3	**Wood pile**	Keep wood piles on the wood chip barrier, away from the home.
4	**Tick migration zone**	Maintain a 9 ft. barrier of lawn between the wood chips and areas such as patios, gardens, and play sets.
5	**Tick safe zone**	Enjoy daily living activities such as gardening and outdoor play inside this perimeter.
6	**Gardens**	Plant deer resistant crops. If desired, an 8-ft. fence can keep deer out of the yard.
7	**Play sets**	Keep play sets in the "tick safe zone" in sunny areas where ticks have difficulty surviving.

Based on a diagram by K. Stafford, Connecticut Agricultural Experiment Station

Lyme disease in domestic animals

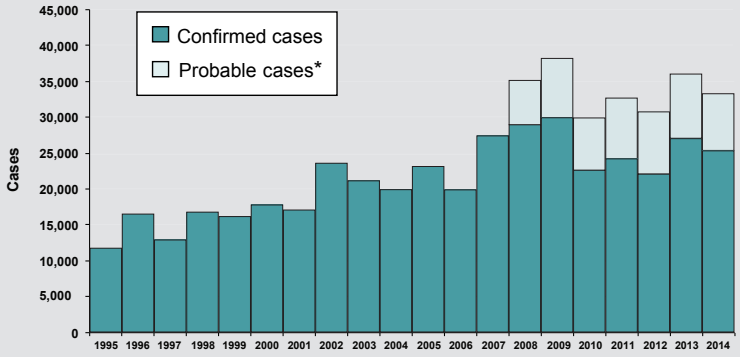
Domestic animals may become infected with Lyme disease bacteria and some of these (dogs, for instance) may develop arthritis. Domestic animals can carry infected ticks into areas where people live. Published studies to determine whether pet owners have an increased risk of Lyme disease have been inconclusive. Veterinary tick control products may help to reduce the presence of ticks on pets.

Lyme disease—past, present, and future

Lyme disease was first recognized in the United States in 1975 after an unusual outbreak of arthritis near Lyme, Connecticut. Today, over 30,000 cases of Lyme disease are reported to CDC each year; the true number of infections is thought to be several fold higher. Research continues to address the following concerns:

- Where ticks are most likely to be and how best to protect against them.
- Which chemicals and other alternative strategies are best for controlling ticks in each kind of habitat.
- Ways of making diagnostic tests more accurate.
- Better understanding post-treatment Lyme disease syndrome.

Reported Cases of Lyme Disease by Year, United States, 1996 - 2014



*National Surveillance case definition revised in 2008 to include probable cases; details at http://wwwn.cdc.gov/nndss/

For more information please contact:

Centers for Disease Control and Prevention
1600 Clifton Road NE, Atlanta, GA 30329

Telephone: 1-800-CDC-INFO (232-4636)/**TTY:** 1-888-232-6348

Web: www.cdc.gov/Lyme

Board Agenda Item
February 28, 2017

ACTION - 4

Approval of License Agreement with George Mason University for the Use of County-Owned Property at I-95 Landfill (Mount Vernon District)

ISSUE:
Board approval to license space at the I-95 Landfill to George Mason University (GMU) to permit the installation, operation, and maintenance of at least four apiaries (GMU apiaries).

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors authorize staff to execute a license agreement in substantially the form of Attachment 2.

TIMING:
Board action is requested on February 28, 2017, to allow GMU to initiate this new environmental program at the I-95 Landfill.

BACKGROUND:
The Honeybee Initiative Pollinator Program (HIPP) is a project to install hives of honeybees (*Apis mellifera*) and pollinator habitat at the I-95 landfill property located at 9850 Lorton Road in Lorton, VA. The project consists of partnering with GMU's Honey Bee Initiative to provide bees to pollinate plants for propagation to increase the quantity of desirable wildflower plants at the landfill, which will reduce costs associated with mowing. The presence of the GMU apiaries and associated improved vegetation will be an educational resource for County staff and residents. The GMU apiaries support the County's 20-year Environmental Vision by playing a role in plant and animal species diversity. The presence of the GMU apiaries will help transform the vista of the landfill to provide spring, summer and fall blooming plants to enhance the natural beauty of Fairfax County. As the communities of perennially-blooming plants become established, this plant propagation will use nutrients available in the soil and will act to prevent nutrient runoff and aiding in protecting water quality. The GMU Honey Bee Initiative contributes to growing efforts related to honey bee sustainability in the region by:

- Educating students and the community about the interdependence of pollinators and human food sources, and modeling best-practices in the management of honeybee hives.

- Advancing global sustainability initiatives and economic alternatives for underserved regions.

- Collaborating with public and private groups on honey bee sustainability including proper queen selection and regional distribution.

The license agreement will have an initial term of one year, with ten renewal options of one year each, and will not require GMU to pay any funds for use of the designated apiary areas because the County benefits from the presence of the GMU apiaries as described above and in Attachment 2.

GMU will coordinate its visits with site personnel to ensure that its activities do not interfere with landfill operations.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1 – Location Map for I-95 Landfill
Attachment 2 – License Agreement between County and GMU

STAFF:
David J. Molchany, Deputy County Executive
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
John W. Kellas, Deputy Director, DPWES, Solid Waste Management Program

ASSIGNED COUNSEL:
Daniel Robinson, Assistant County Attorney

Attachment 1
Location Map for I-95 Landfill
9850 Furnace Road
Lorton, VA 22079
Aplary #1
N 38°41'47"
W 77°14'41"
Aplary #2
N 38°41'3"
W 77°15'13"
Aplary #3
N 38°40'56"
W 77°14'8"
Aplary #4
N 38°40'58"
W 77°14'49"
Ox Road
Furnace Road
Mordor Drive
I-95

LICENSE AGREEMENT
By and Between
THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY
And
GEORGE MASON UNIVERSITY

This License Agreement ("Agreement"), dated this ___ day of February 2017, is made by and between the Board of Supervisors for Fairfax County ("Licensor"), located at 12000 Government Center Parkway, Fairfax, Virginia 22035, and George Mason University ("Licensee" or the "University"), located at 4400 University Drive, Fairfax, Virginia 22030.

WHEREAS, Licensee is an educational institution and agency of the Commonwealth of Virginia interested in furthering its research studies in beekeeping and sustainability, specifically the study of European honey bee queen strength and viability ("Honey Bee Initiative"); and

WHEREAS, Licensor in its desire to help enhance the local bee population and its positive effect on the surrounding community is willing to provide certain space to Licensee to serve as a research field station for its Honey Bee Initiative as provided herein;

NOW, THEREFORE, in consideration of the mutual promises and benefits hereunder and other good and valuable consideration, the parties mutually agree to all of the following:

1. **PREMISES.** Licensor hereby grants a nonexclusive license to Licensee for the use of the one half (1/2) acre portion of the 95 Landfill Complex located at 9850 Furnace Road, Lorton, Virginia, 22030, which is situated at these four areas: Site 1: N 38^{o} 41' 47", W 77^{o} 14' 41", Site 2: N 38^{o} 41' 3", W 77^{o} 15' 13", Site 3: N 38^{o} 40'58", W 77^{o} 15' 8" and Site 4: N 38^{o} 40' 58", W 77^{o} 14' 49" (the "Premises"), **Attachment 1**, Aerial photograph to show general area, incorporated herein by reference, subject to the conditions stated in this Agreement. The Premises shall be used by the Licensee solely for the Permitted Use set forth below. Licensee agrees to confine its use of the Premises to the areas specifically described in Attachment 1 of this Agreement and to any common areas of the Complex necessary for entering or leaving the Premises. Licensee agrees not to use, occupy or obstruct any portion of the Premises not specifically licensed to Licensee.

2. **TERM.** The term of this Agreement (the "Initial Term") shall begin on March 1, 2017 (the "Commencement Date") and terminate on February 28, 2018 (the "Termination Date"); however, this Agreement may be terminated by either party without cause at any time by serving written notice of its intent to terminate not less than sixty (60) days in advance of such termination. In addition the Licensor and the Licensee agree that this License shall be automatically renewed for ten (10) additional terms of one (1) year unless written notice to the contrary is given by either party 60 days prior to the end of the then current term, and in this event the License shall terminate at the end of the effective term. If the License is automatically renewed then all covenants, conditions and terms will remain the same. At the termination of this Agreement, Licensee shall deliver peacefully the Premises in as good order and repair as the same were on the Commencement Date, reasonable wear and tear excepted.

3. **RENT.** As consideration for use of the Premises, Licensee agrees to install, operate, and maintain at least four apiaries ("GMU apiaries") which will provide pollinators for the vegetation on the landfill and surrounding areas. The bees from the GMU apiaries will pollinate plants for propagation to increase the quantity of desirable wildflower plants at the landfill, which will reduce Licensor's costs associated with mowing the landfill. The presence of the apiaries and associated improved vegetation will be an educational resource for County staff and residents. The GMU apiaries support the county's 20-year Environmental Vision by playing a role in plant and animal species diversity. The presence of the GMU apiaries will help transform the vista of the landfill to provide spring, summer and fall blooming plants to enhance the natural beauty of Fairfax County. As the plant species become established communities of perennially-blooming plants, this plant propagation will use nutrients available in the soil and will act to prevent nutrient runoff and aiding in protecting water quality.

4. **RENEWAL.** Unless otherwise terminated as herein provided, at the end of the Initial Term, this Agreement may be extended by mutual written agreement of both parties.

5. **USE OF PREMISES.** The Premises are to be used and occupied by Licensee lawfully for its placement of an apiary research field station, monitoring and maintenance of the apiary field station, and related Honey Bee Initiative collaborative research and community educational programs offered in coordination with Licensor (collectively "Permitted Use") and for no other purpose. Licensee agrees to use the Premises in accordance with this Agreement and all of Licensor's policies and procedures and agrees to abide by all of the laws and regulations of all lawful authorities related to said use. No alterations or improvements shall be made to said Premises without the prior written consent of Licensor.

6. **PARKING.** Licensor shall permit University faculty and students that are present at the Complex in connection with the Permitted Use to utilize the parking area nearest to the Premises.

7. **MAINTENANCE.** Licensor shall trim overhanging limbs and shall keep the Premises in sanitary condition. Licensor shall remove or ameliorate any safety hazards or dangers in the Premises of which it is aware.

8. **LICENSOR OBLIGATIONS.**

(a) Licensor shall equip and make such alterations and additions to the Premises as may be necessary at all times to comply with the policies and procedures of Licensor and the provisions of applicable Federal, State and Local laws, ordinances, and regulations pertaining to health, safety, fire and public welfare.

9. **ACCEPTANCE OF CONDITION OF PREMISES.** Licensee covenants that it has inspected the Premises and accepts the Premises "as is" without any representations or warranties by Licensor as to the condition or usefulness of the Premises for any purpose.

10. ASSIGNMENT AND SUBLETTING. Licensee shall neither assign nor transfer this Agreement, nor sublet any part of the Premises, without the prior written consent of Licensor, which consent Licensor may withhold in its sole discretion. Any attempted assignment, transfer or delegation without such consent shall be void.

11. ACCESS BY LICENSOR. Licensor and its representatives may enter the Premises at any time to make emergency repairs, preserve the Premises or to prevent or abate any nuisance, hazard, or unlawful conditions. Licensor acknowledges that protective clothing is recommended upon entering the apiary research field station.

12. LIABILITY; INSURANCE.

(a) Licensee. Licensee shall be responsible for the ordinary negligent acts or omissions of its agents and employees causing harm to persons not a party to this Agreement. Nothing herein shall be deemed a waiver of the sovereign immunity of the Commonwealth of Virginia. To the extent provided by the laws of the Commonwealth of Virginia, Licensee agrees to reimburse the Licensor for any damages incurred by Licensor that were caused by the acts or omissions of Licensee's personnel utilizing Licensor's space. Licensee is an agency of the Commonwealth of Virginia and is self-insured by the Commonwealth of Virginia Risk Management Plan for all claims up to the maximum provided by the Code of Virginia. Licensee will provide a Certificate of Insurance upon request.

(b) Licensor. Licensor is a self-insured governmental body with an AAA bond rating with S&P, Moody's and Fitch. As such, it accepts full responsibility for its own negligence. Licensor is prescribed by law from extending its self-insurance to outside parties.

13. DAMAGE OR DESTRUCTION.

(a) If the Premises of which the Premises forms a part are damaged or destroyed by fire or other casualty, Licensee shall notify Licensor immediately, and vice versa.

(b) If the Premises of which the Premises forms a part, or any portion thereof, are damaged or destroyed by fire or other casualty and, in the sole opinion of Licensor, the Premises are thereby rendered unfit for occupancy, either the Licensor or Licensee shall have the right to terminate this Agreement by notice to the other party within thirty (30) days after such fire or other casualty.

14. ACCESS.

The Premises are partially gated but remains open at all times. Licensee and its faculty, staff, and students shall sign in at the Administration Office prior to accessing the facility and sign out upon leaving. No keys are necessary to enter the Premises by Licensee and its faculty, staff, and students.

15. ENVIRONMENTAL CONTAMINATION.

Licensee shall not engage in or allow any activity on the Premises involving: (i) the handling of any toxic or hazardous substances, (ii) the discharge of toxic or hazardous substances to the air, soil, surface water or groundwater, (iii) the storage, treatment or disposal of any toxic or hazardous substances (for purposes of this Agreement, "hazardous substance(s)" shall have the meaning of "hazardous substance" set forth in 42 U.S.C. Section 9601(14), as amended, and of "regulated substance" at 42 U.S.C. Section 6991(2), as amended), or (iv) any other substances which may be the subject of liability pursuant to any environmental law of the United States or the Commonwealth of Virginia.

16. EVENTS OF DEFAULT.

(a) The following events shall be deemed to be an event of default ("Event of Default") by the Licensor under this Agreement:

If either party fails to perform or observe any covenants, terms or conditions in this Agreement within thirty (30) days after written notice thereof from the non-defaulting party.

(b) When there is an Event of Default, the non-defaulting party shall have the right to terminate this Agreement by providing the defaulting party with written notice in accordance with Section 18 ("Notice of Termination"). Upon service of a Notice of Termination, Licensee shall have thirty (30) days to vacate the Premises and shall deliver the Premises to Licensor in accordance with Section 2 above.

(c) No right or remedy herein conferred upon or reserved to Licensor shall be exclusive of any other right or remedy, and every right and remedy shall be cumulative and in addition to any other right or remedy given hereunder or now or hereafter existing at law.

17. BINDING EFFECT; AMENDMENTS. The covenants, agreements, and rights contained in this Agreement shall bind and inure to the respective heirs, personal representatives, successors and assigns of Licensor and Licensee. This Agreement constitutes the entire, full and complete understanding and agreement between Licensor and Licensee, and all representations, statements, warranties, covenants, promises or agreements previously made or given by either party to the other are expressly merged into this Agreement and shall be null, void and without legal effect. Neither party, nor any agent of either party, has authority to alter, amend or modify any of the terms of this Agreement, unless the amendment is in writing and executed by all parties to this Agreement with the same formality as this Agreement.

18. NOTICES.

(a) All notices to Licensor required or permitted under this Agreement shall be given by mailing the notice by certified U.S. mail, postage prepaid, return receipt requested, addressed to:

SWMP
Complex Manager
I95 Landfill Complex
9850 Furnace Road
Lorton, VA 22079
(703) 691-1703

with a copy to:

Fairfax County Government Center
Facilities Management Department
Attention: Assistant Director, Real Estate Services
12000 Government Center Parkway
Suite 424
Fairfax, VA 22035-0011

(b) All notices to Licensee required or permitted under this Agreement shall be given by mailing the notice by certified U.S. mail, postage prepaid, return receipt requested, addressed to:

George Mason University
Lisa Gring-Pemble, Ph.D.
Associate Professor and Director of Social Entrepreneurship and Global Impact
Center for Innovation and Entrepreneurship
School of Business
George Mason University MS 5F3
Fairfax, Virginia 22030

with a copy to:

Office of University Counsel
George Mason University
4400 University Drive, MSN 2A3
Fairfax, Virginia 22030

(c) Where, under the terms of this Agreement, a notice is sent by certified U.S. mail, postage prepaid, return receipt requested, such notice shall be deemed to have been given as of the date of mailing such notice. Each party to this Agreement shall notify the other party of any new address at which to mail notices, which notice shall be given in the manner provided above, and unless and until such notice of a new address is given, notices to a party hereto shall be sufficient if mailed to such party's address as specified in subsection (a) or (b), as appropriate.

(d) Where, under the terms of this Agreement, a notice is required or permitted to be sent by certified U.S. mail, postage prepaid, return receipt requested, and such notice is not sent in such manner, the notice shall be effective if actually received by the other party, or its appointed agent, to whom the notice is addressed.

19. HEADINGS. The heading of the sections of this Agreement are inserted for convenience only and do not alter or amend the provisions that follow such headings.

20. GENERAL PROVISIONS.

(a) This Agreement is not intended by Licensor and Licensee to constitute or create a joint venture, agency, partnership, or formal business organization of any kind. Each party hereto shall act as an independent contractor, and neither shall act as an agent of the other for other purposes. Neither party has the authority to bind the other party.

(b) Nothing in this License shall be interpreted to create anything other than a license and shall specifically not create any right, title or interest in property nor shall it create an easement.

(c) If any provision of this Agreement is held to be unenforceable, invalid or illegal by any court of competent jurisdiction, such unenforceable invalid or illegal provision shall not affect the remainder of the Agreement.

(d) This Agreement and any disputes arising thereunder shall be construed, governed and interpreted in accordance with the laws of the Commonwealth of Virginia. All disputes arising under this Agreement shall be brought in the Circuit Court for Fairfax County.

(e) Nothing in this Agreement shall be deemed a waiver of the sovereign immunity of the Commonwealth of Virginia or the County of Fairfax, Virginia.

(f) Licensee shall give Licensor prompt written notice of accidents or defects on or about the Premises or damages to the Premises.

(g) To the extent there are any financial obligations of the Licensor under this License, such financial obligations are subject to appropriations by the Fairfax County Board of Supervisors to satisfy payment of such obligations.

(h) This License contains the entire agreement between the Licensee and Licensor. Oral statements, representations and prior agreements not contained or referenced in this License shall have no force or effect. This License may be modified only in writing executed by both parties.

IN WITNESS WHEREOF, each party has caused this Agreement to be signed on its behalf by a duly authorized agent.

George Mason University

By: _____

Name: Anne Magro
Title: Acting Dean, School of Business

Date: _____

By: _____

Name: Peggy Agouris
Title: Dean, College of Science

Date: _____

By: _____

Name: Thomas G. Calhoun
Title: Vice President of Facilities

Date: _____

Board of Supervisors of Fairfax County

By: _____

Name:
Title:

Date: _____

Board Agenda Item
February 28, 2017

ACTION - 5

Adjustment to Fairfax Center, Centreville, Tysons, Tysons-Wide and Tysons Grid of Streets Road Funds (Dranesville, Springfield, Hunter Mill, Braddock, Sully, and Providence Districts)

ISSUE:
Adjustments to Fairfax Center, Centreville, Tysons, Tysons-Wide and Tysons Grid of Streets Road Funds are needed to compensate for inflation, as defined in the Consumer Price Index, to keep pace with increases in construction costs for which the fund areas were established (Attachment 1).

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors approve the attached rate schedule, including a 2.04 percent adjustment of the existing contribution rates in all fund areas with the new rate effective March 1, 2017.

TIMING:
Board action is requested on February 28, 2017, so that the new rates can take effect on March 1, 2017.

BACKGROUND:
One of the principles of the Comprehensive Plan for the Fairfax Center Area is that development above the baseline level established in the plan may be approved, if the developer contributes to a fund for the provision of off-site road improvements. Each of the other funds function in the same manner.

Attachment 1 reflects the increase in developer contribution rates as calculated with the 2.04 percent inflation since 2016. The 2.04 percent is taken from the Consumer Price Index for All Urban Consumers (CPI-U) as required by the Code of Virginia. The rate increase is necessary to keep pace with inflationary construction cost increases. Attachment 2 includes projects previously approved by the Board. County staff is not requesting approval of any new projects at this time.

Attachment 3 includes the guidelines for the Fairfax Center, Tysons-Wide, and Tysons Grid of Streets Road Funds. No changes are proposed to any of the guidelines at this time.

Board Agenda Item
February 28, 2017

FISCAL IMPACT:
Adoption of the revised rates will increase the funds contributed by developers to Fund 30040, Contributed Roadway Improvements, by approximately 2.0 percent over previously anticipated amounts. However, the Procedural Guidelines for the Fairfax Center, Tysons-Wide, and Tysons Grid of Streets specifically stipulate that the contribution amount is determined by the effective rate at the time of development approval by the Board, and that such amounts are fixed for site plans submitted for that approved development during a two-year period. Thus, the primary effects of this increase will be felt in future fiscal years.

ENCLOSED DOCUMENTS:
Attachment 1: Calculation of Revised Contribution Rate for 2017
Attachment 2: Fund 30040 Projects Previously Approved by the Board
Attachment 3: Procedural Guidelines for Annual Review Process; Fairfax Center Area, Tysons-Wide Area and Tysons Grid of Streets Area

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

Attachment 1

CALCULATION OF REVISED CONTRIBUTION RATE – 2017

Inflation rate for 2016 based on the Consumer Price Index published by the US Department of Labor, Bureau of Labor Statistics

Proposed 2017 Contribution Rate

Road Fund Area	Type	Current Rate	Inflationary Increase	Proposed Rate
Tysons	non-residential	$4.37	x 1.0204	$4.46
	residential	$970	x 1.0204	$989
Tysons-Wide	non-residential	$5.90	x 1.0204	$6.02
	residential	$1,045	x 1.0204	$1,066
Tysons-Grid of Streets	non-residential	$6.73	x 1.0204	$6.87
	residential	$1,045	x 1.0204	$1,066
Fairfax Center	non-residential	$5.94	x 1.0204	$6.06
	residential	$1,316	x 1.0204	$1,342
Centreville	non-residential	$6.38	x 1.0204	$6.51
	residential	$2,522	x 1.0204	$2,573

Attachment 2

FUND 30040 Projects Approved by the Board

PROJECTS	PROJECT DESCRIPTION	PRELIMINARY COST ESITMATES *	STATUS
TYSONS ROAD FUND			
Route 7 – from Route 123 to I-495/Capital Beltway	Widening of Route 7 from Route 123 to I-495.	$29,000,000	Currently in Phase II Tysons Improvements project list, scheduled from 2013-2020. Initial project design is underway.
Tysons East Modified Intersection Treatment (Superstreets) Simulation	Conduct a simulation for a portion of Route 123 in the Tysons East area to demonstrate the feasibility of a potential superstreet concept. The superstreet concept modifies left turn movements to facilitate regional through movement. The analysis will assist in the preliminary design of the superstreet section currently being developed.	$150,000	This simulation has been completed. Further work on this project is being implemented as part of the Route 123 Modified Intersection Treatment.
Tysons Transportation Management Association – Start Up Funding	To assist TYTRAN in establishing a TMA in Tysons. Funding will allow a Tysons TMA to operate over the next five years. After this five year period the TMA will be funded through dues from TYTRAN membership.	As Proffers Dictate	To date $339,000 has been transferred to the Tysons TMA

*Project cost estimates were prepared without survey and right-of-way needs information, and could change significantly.
**Funding amount represents Board Authorized Funding from Fund 30040, project total is listed in parenthesis ().

PROJECTS	PROJECT DESCRIPTION	PRELIMINARY COST ESITMATES *	STATUS
State Street Study	Develop and evaluate concepts for a new roadway named State Street, which will connect the future Boone Boulevard and Greensboro Drive in Tysons. Study will assess the potential alignments, property impacts, costs and feasibility	$39,000	Study report drafted and currently under review.
Cleveland Ramp Alternatives Analysis	Develop and assess design concepts for a new ramp connecting the Dulles Airport Access Road to the new Tysons East grid of streets	$145,000	Alternative Analysis is complete. This analysis identified two preferred alternatives, a Braided Ramp Concept and an Auxiliary Lane concept, to be carried forward in an Interchange Modification Report (IMR).
Route 7/Route 123 Street Simulation and Operational Analysis	Develop plan for widening Route 7 and potential improvements to the Route 7 /Route 123 Interchange. This work will include Operational Analysis of the road and interchange, conceptual engineering design of Route 7 corridor and schematic design of recommended improvements to the Route 7/Route 123. Plans will assess the potential alignments property impacts and construction cost.	$600,000	Final simulation is complete and the project is moving forward to design.
Jones Branch Connector	The Jones Branch Connector will provide an alternative route between Tysons East (Route 123) and West (Jones Branch Drive), bypassing the I-495/Route 123 Interchange. Currently the existing Jones Branch Connector carries traffic between Jones Branch Drive and the I-495 Express Lanes ramps. This project will also provide improved access to the I-495 Express Lanes from the east side of Tysons.	$7,200,000** ($60,000,000)	Notice to Proceed for construction was issued on January 27, 2017.

*Project cost estimates were prepared without survey and right-of-way needs information, and could change significantly.
**Funding amount represents Board Authorized Funding from Fund 30040, project total is listed in parenthesis ().

PROJECTS	PROJECT DESCRIPTION	PRELIMINARY COST ESITMATES *	STATUS
Route 123 Modified Interchange Treatment (Superstreets) Outside/Inside the Beltway	This project implements a Restricted Crossing U-turn (superstreet) design concept along Route 123 between International Drive and I-495. This concept would restrict certain left turn movements at intersections and allow for U-turns along Chain Bridge Road to facilitate these movements. The design incorporates pedestrian facilities along the corridor. Funding will be used for the analysis and design of the Route 123 superstreet segments outside the Beltway and also support the future preliminary engineering related efforts for the segments inside the Beltway. Funding will also be used to assess how the segments outside and inside the Beltway are to be implemented (i.e consecutively, or in parallel).	$3,000,000** ($34,000,000)	Outside the Beltway: (segment between International Drive and I-495). Consultant selection underway. Preferred concepts will be developed supplemented with a detailed traffic analysis. Inside the Beltway: (segment between I-495 and Anderson Road): Preliminary design plans (30% level) were developed and a detailed traffic analysis for mid-term condition has been completed. The concept will further be refined supplemented with the detailed traffic analysis for the long term conditions.
Route 123 / Route 7 Interchange	This project consists of reconstructing the interchange of Route 123 & Route 7 to improve operation and safety for all travel modes. Funding will be used to analyze design concepts with input from stakeholders, finalize a preferred concept and begin design work.	$5,000,000** ($52,000,000)	Advancing design based on design charrette recommendation. Planning to meet with stakeholders in late Spring 2017 to present findings.

*Project cost estimates were prepared without survey and right-of-way needs information, and could change significantly.
**Funding amount represents Board Authorized Funding from Fund 30040, project total is listed in parenthesis ().

PROJECTS	PROJECT DESCRIPTION	PRELIMINARY COST ESITMATES *	STATUS
Cleveland Ramps	This project consists of modifying the existing interchange of the Dulles Connector with Dolley Madison Boulevard (Route 123) to facilitate a direction connection from the eastbound Dulles Connector Ramp to Scotts Crossing Road. This connection will provide an alternate route to the already congested Route 123. To facilitate this connection changes will need to be made to the eastbound-off ramps and eastbound on-ramps of the Dulles Connector. These changes include adding new signals, possible reconstruction of the eastbound Dulles Connector bridge over Route 123, and the addition of lanes to Route 123 and the eastbound Dulles connector to facilitate merging traffic.	$2,000,000** ($80,000,000)	The Alternatives Analysis is now complete. This analysis identified two preferred alternatives, a Braided Ramp Concept and an Auxiliary Lane concept, to be carried forward in an Interchange Modification Report (IMR).
TYSONS-WIDE ROAD FUND			
Jones Branch Connector	See description above.	$1,243,000** ($60,000,000)	See status above.
TYSONS GRID ROAD FUND			
Lincoln Street	Lincoln Street is a proposed street on the Tysons Grid of Streets map that connects Route 123 to Magarity Road. It is intersected by existing Old Meadow Road as well as three other future local streets. Lincoln Street serves an important role, moving traffic from the existing and approved developments along Old Meadow Road (such as The Regency, The Encore, The Highland District, etc.) to Magarity Road.	$1,200,000	Funding approved for feasibility study by the Board of Supervisors on October 18, 2016. Scope of work being developed.

*Project cost estimates were prepared without survey and right-of-way needs information, and could change significantly.
**Funding amount represents Board Authorized Funding from Fund 30040, project total is listed in parenthesis ().

PROJECTS	PROJECT DESCRIPTION	PRELIMINARY COST ESITMATES *	STATUS
FAIRFAX CENTER AREA ROAD FUND			
Route 50/Waples Mill Road Interchange	Design of entire interchange including at-grade and flyover components; construction to be phased depending on funding availability.	$5,800,000 (at-grade)	Construction of at-grade improvements completed in December 2006.
Tall Timbers Drive	Construct an east-west roadway, connecting Fields Brigade Drive and North Lake Drive.	$1,800,000	Completed in February 2007.
CENTREVILLE AREA ROAD FUND			
Old Centreville Road at Route 28	Construct improvements to Old Centreville Road approach to Route 28.	$200,000	Complete.
Stone Road	Construct center raised median with left turn lanes between Granville Lane and Sully Park Drive.	$1,000,000	Completed in July 2008.
Clifton Road	Widen to 4-lanes between Braddock Road and Lee Highway (Route 29).	$4,300,000	Completed in 2006.
Centreville Fire Station Emergency Signal	Preemptive Emergency Signal for Centreville Fire Station Access to Old Centreville Road	$30,000	Complete.

*Project cost estimates were prepared without survey and right-of-way needs information, and could change significantly.
**Funding amount represents Board Authorized Funding from Fund 30040, project total is listed in parenthesis ().

ATTACHMENT 3

PROCEDURAL GUIDELINES

FOR THE

ANNUAL REVIEW PROCESS

FAIRFAX CENTER AREA

Adopted by

FAIRFAX COUNTY
BOARD OF SUPERVISORS

November 22, 1982

April 1, 1995

ANNUAL REVIEW PROCESS FOR THE FAIRFAX CENTER AREA

The following guidelines serve to direct staff in the implementation of the Fairfax Center Area Plan. These procedures were adopted by the Board of Supervisors on November 22, 1982, and revised periodically since their adoption. Guidelines for the monitoring of development in the Area as well as a procedure for reviewing the roadway contribution formula are included herein.

A. MAINTENANCE / REVIEW OF LAND USE DATA

It is the intent of the Board of Supervisors that the target or goal for development intensity of the Fairfax Center Area be Level B, as recommended by the Planning Commission. The annual review process will be utilized to assure the achievement of this goal. In addition the Department of Planning and Zoning and the Department of Systems Management for Human Services will collect and maintain the following information with respect to land use development in the Fairfax Center Area:

- the development status of parcels, land development units and unit groups (including acreage, existing zoning, existing land use, planned land use, number and type of dwelling units, and amount and type of non-residential floor area); and

- the identification of activity in the development pipeline for each parcel, land development unit and unit group (including the following stages of development: rezonings pending, rezonings granted, site plans submitted, site plans approved, building permits issued, and projects under construction).

Staff will prepare an annual summary document of this information for presentation to the Board of Supervisors.

B. ROADWAY CONTRIBUTION FORMULA REVIEW PROCESS

The following excerpt from the Comprehensive Plan identifies the intention of the Board of Supervisors to review the method by which the private sector contributes to funding of roadway improvements in the Fairfax Center Area:

> The proportional share of the transportation improvements provided by the private sector will be established by the Board of Supervisors and reviewed periodically through an established public process such as the Annual Plan Review.

The paragraphs that follow specify the review process to be undertaken by the Board and County staff. Clarification on the Contribution Formula, Roadway Improvements Prioritization, and the Road Fund Account are also provided.

An appraisal of funding and implementation of roadway improvements in the Fairfax Center Area will be made annually and presented to the Board. The appraisal will include but not be limited to the following items:

- identification of total funds contributed by the private sector and the funds contributed over the previous year(s);

- review of trends in roadway construction costs reflecting inflation (or deflation) rates;

- listing of right-of-way dedications, roadway construction, and other commitments/contributions provided in previous year(s);

- o examination of the development pipeline toward re-assessment of programming of roadway projects; and

- o discussion regarding the ability of current funding mechanisms to satisfactorily provide for necessary roadway improvements.

This annual appraisal will not be conducted as a full-scale traffic analysis and roadway needs study. Rather, it will evaluate the suitability of roadway project implementation with respect to specific site developments and the overall Fairfax Center Area development. In addition to these items, staff will make recommendations with respect to the prioritization of roadway projects. An examination of the funding formula will also be presented for reconsideration by the Board.

C. CONTRIBUTION FORMULA

The Contribution Formula is designed to represent the participation of the private sector in the funding and implementation of 'off-site' roadway projects and provision of land and facilities for transit-related purposes. 'Off-site' roadway projects are defined for the purposes of this document as:

- o those projects which include major improvements to non-interstate primary facilities such as Routes 29 and 50;

- o improvements to secondary roadways functioning as arterial roadways, including Fairfax County Parkway, Waples Mill Road, Shirley Gate Road, West Ox Road, Stringfellow Road, and Clifton Road;

- o bridges and interchanges on interstate and primary roadways;

- o traffic signals which are not otherwise required within the boundaries of or adjacent to sites subject to development; and

- o those portions of roads internal to the Fairfax Center Area which are not within the boundaries of or adjacent to sites subject to development.

These 'off-site' roadway improvements are identified in the next section titled "Prioritization of Roadway Improvements."

This formula does not relate to the dedication of right-of-way for, or the construction of, local and collector roads traversing the Fairfax Center Area where such roads lie within or adjacent to sites being developed. In addition, this formula does not apply to those improvements necessary for site access (i.e., turn lanes, traffic signals or service drives)[1]. It

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[1] Turning lanes and traffic signals provided on major arterials (e.g. Route 29) are considered to be 'off-site' improvements.

[1] Contribution amounts to the fund have subsequently been modified. A twenty year track of previous revisions is provided at the end of the document.

is expected that these improvements will be provided solely by the owner/developer of the site. These improvements are referred to as 'on-site' projects.

'Transit-related purposes' are defined as the following:

- rail stations and facilities peripheral to their function
- park-n-ride lots
- bus transit transfer stations and facilities peripheral to their function

The formula does not apply to facilities or activities designed to address site-specific needs to reduce the number of single-occupant vehicle (SOV) trips, such as construction of bus shelters and implementation of TDM programs.

As a minimum, the contribution formula will be as follows[1]:

- for any application requesting a level of development above the baseline, the contribution will be $2.50 per gross square foot of building structure of the total proposed non-residential space and $577 per unit of the proposed residential uses;
- up to one-third of the total contribution required can be credited by the dedication of right-of-way for 'off-site' roadway projects or 'transit-related' projects provided no density credits have been granted for the same right-of-way;
- the total contribution requirement can be provided in part or in total by the construction of major portions of 'off-site' roadway projects or 'transit-related' projects.

For the purpose of interpreting these guidelines, development 'above the baseline' shall be construed to mean any uses that generate peak-hour traffic volumes higher than those generated by baseline development levels, regardless of the type of land use modification (rezoning, Special Exception, or other).

The need for a contribution for each application will be identified prior to development approval. Upon approval, the contribution rate at the time of approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate which is in effect at the time of site plan submission or final subdivision plat submission will be utilized to identify the total contribution required. The total contribution will then be adjusted to reflect the deduction of any applicable credit and/or 'in-kind' contribution. 'In-kind' contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of 'off-site' roadways, or 'transit-related' purposes as defined previously.

Credit for land dedicated for the described purposes will be based upon the property's existing County assessment which is in effect at the time of site plan submission or final subdivision plan submission. The value of the land to be dedicated can be credited to no more than one-third of the total required contribution, provided density credits have not been granted for this same dedicated land area. That is, the applicant will have the opportunity to receive credit, based upon right-of-way dedication, for either density of

development or partial satisfaction of the total required contribution. The applicant, prior to development approval, should indicate his intent with regard to the credit opportunities for land dedicated in accordance with these guidelines. Dedication of land for site access improvements will not be eligible for consideration with respect to the total required contribution.

If an applicant elects to construct or provide sufficient funds to construct a portion or portions of 'off-site' roadway projects or 'transit-related' projects, a cost estimate will be provided by the applicant and reviewed by the Department of Public Works and Environmental Services consistent with bonding practice prior to plan or subdivision plat approval. These costs, once verified and accepted by the Department of Public Works and Environmental Services, will be applied against the applicant's total contribution with any applicable land credits as illustrated in Appendix A of these Guidelines. The roadway construction projects will be completed before the respective 'off-site' roadway or 'transit-related' project construction bonds are released.

Prior to or upon site plan or subdivision plat approval, the applicant will contribute 10 percent of the total required contribution minus any applicable credits as discussed previously. The remaining 90% will be required before building permits are issued. If the sum of the cost estimate for the 'in-kind' roadway and 'transit-related' projects and the value of the dedicated land (up to one-third of the total required contribution) is less than the total required contribution, the applicant will supply 10 percent of this differential monetary contribution prior to or upon site plan or subdivision plat building permit. In the event that the combined value of the dedicated land for the 'off-site' roadways or 'transit-related' projects (up to one-third of the total contribution) and the cost estimate for the construction of same exceeds the projected contribution, then it shall be determined that the applicant's commitment to the Fairfax Center Area Road Fund has been met.

As the Fairfax Center Area develops, a schedule for roadway improvements will be established. However, dedicated rights-or-way or monetary contributions will not be conditioned on a specific roadway project or the completion of a project by a specified date.

D. PRIORITIZATION OF ROADWAY IMPROVEMENTS

The timing of the roadway improvements is crucial to the manner in which the Fairfax Center Area develops. The following improvements are considered as high priority and should be scheduled for implementation as closely as possible to the order in which they are listed. Physical, fiscal, and developmental constraints may shift the priorities of the projects as identified through the annual analysis of road improvement needs. The improvement priorities were adopted by the Board of Supervisors on January 9, 2001. (Note: strikeout indicates completed project.)

- Advanced right-of-way acquisition for:
  - ~~Monument Drive west of Fields Brigade Road~~
  - ~~Stringfellow Road relocation~~

- At-grade improvements/construction:
  - ~~West Ox Road / Route 29 at-grade improvements~~
  - ~~Completion of Monument Drive west of Fields Brigade Road~~
  - ~~Stringfellow Road widening between Fair Lakes Parkway to Route 29~~
  - ~~Widen Route 50 to 6 lanes east of Stringfellow Road~~
  - ~~Waples Mill Road / Route 50 at-grade improvements~~
  - Widening of Waples Mill Road to six lanes between Route 50 and Route 29

- Widening of Rugby Road to four lanes between Fairfax County Parkway and Route 50
- Widening of Route 50 to 8 lanes between Waples Mill Road and I-66
- Construction of local and collector roads internal to the Fairfax Center Area which are not within the boundaries of or adjacent to sites under development

o Interchanges:
  - ~~Fairfax County Parkway / Route 29 / West Ox Road~~
  - ~~Fairfax County Parkway / Route 50~~
  - Waples Mill Road / Route 50
  - ~~Fairfax County Parkway / Fair Lakes Parkway / Monument Drive with widening of the Parkway to 6 lanes between I-66 and Route 50~~

o Route 29 reconstruction:
  - East of West Ox Road, including interchanges at Shirley Gate Road and Monument Drive
  - West of West Ox Road, including an interchange at Clifton Road/Stringfellow Road

o Fairfax County Parkway widening:
  - ~~Construction of 4 lanes between Route 29 and Braddock Road~~
  - ~~Widening to 6 lanes between I-66 and Route 50 in conjunction with the construction of an interchange at Fair Lakes Parkway / Monument Drive~~
  - Construction of 6 through lanes between I-66 and Route 29

This priority listing will change due to development and financial considerations. It is important that development not occur without the availability of sufficient roadway access and capacity. This is especially important in the development of those parcels that would utilize the sub-connectors traversing or adjoining their property.

Roadway construction and/or right-of-way dedication by either the private or public sector will not necessarily follow the aforementioned priority listing. However, construction of development projects by the private sector may be predicated upon the completion of adjacent roadways in order that the roadway system can satisfactorily accommodate the change in travel patterns resulting from additional development.

E. ROAD FUND ACCOUNT

A road fund account will be established and maintained by the County. Monies received prior to or upon site plan approval, subdivision plat approval, or building permit issuance, will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County less one-half of one percent for administration.

The monies in this account will be utilized to help fund and implement roadway projects in the Fairfax Center Area as closely as possible to the order in the aforementioned priority list. The widening of I-66 and the construction of sub-connector roads (unless included in the listing of priorities) will not be funded from this account.

Any monies from previous proffers and specified for off-site roadway improvements will go into the road fund account unless otherwise designated in the proffers.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE FAIRFAX CENTER AREA ROAD FUND IN ACCORDANCE WITH THE PROCEDURAL GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON NOVEMBER 22, 1982 AS REVISED EFFECTIVE MARCH 18, 2002.

STEP 1: Total required Contribution:

gsf (or # dwelling units) multiplied by the appropriate rate = total required contribution.

STEP 2: Anticipated Land Credits (if applicable):

sq. feet of land dedicated for 'off-site' and/or 'transit-related' projects multiplied by the per foot assessed value of the land at time of site plan submission or final subdivision plan submission.*

STEP 3: Anticipated "In-Kind" contributions:

Cost to construct a portion or portions of 'off-site' roadway and/or 'transit-related' projects consistent with bonding practices and verified and accepted by DPWES prior to plan or subdivision plat approval.

STEP 4: Total Required Contribution Minus Applicable Credits

Dollar value in Step 1 minus the sum of Steps 2 + 3 will result in the net contribution due the FCAR fund. (Note: if the sum of Steps 2 + 3 is greater then the value of Step 1 then the commitment to the fund is met with dedication of right-of way and 'in-kind' construction.)

*NOTE: This value cannot exceed one-third of the total required contribution calculated in Step 1 provided no density credits have been granted for this land.

Appendix B

Rate Adjustment History

Effective Date	Precent Increase	Non-Residential Rate per square foot	Residential Rate per unit
January 27, 1992	0	$3.97	$883
March 1, 1993	1.75	$4.04	$898
March 1, 1994	0.5	$4.06	$902
April 1, 1995	0.5	$4.08	$906
June 28, 1999	0	$4.08	$906
January 8, 2001	2.5	$4.18	$928
March 18, 2002	2	$4.26	$946
March 24, 2003	3	$4.39	$974
March 15, 2004	2	$4.48	$993
February 28, 2005	6	$4.75	$1,053
September 24, 2007	3.2	$5.07	$1,124
September 22, 2008	3.6	$5.25	$1,164
November 6, 2010	1.013	$5.32	$1,179
December 1, 2011	3.89	$5.53	$1,225
January 1, 2013	2.88	$5.69	$1,260
February 1, 2014	1.98	$5.80	$1,285
February 1, 2016	2.41	$5.94	$1,316

GUIDELINES FOR THE TYSONS-WIDE TRANSPORTATION FUND (the Tysons-Wide Fund)

The following guidelines shall be used to establish, implement, and operate a fund for Tysons-Wide road improvements listed in Table 7 of the Comprehensive Plan. The fund is intended to collect monies in conjunction with development of property within the Tysons Corner Urban Center pursuant to any PTC rezoning action in this area. This will include Special Exception and Special Permit applications that result in an increase in building square footage. The boundary of the Tysons Corner Urban Center is defined in Area II of the 2010 Edition of the Tysons Corner Urban Center Comprehensive Plan (TCP).

Proffered commitments to provide monetary contributions to the fund are anticipated from zoning applications for land use changes that propose construction of new building square footage. The funds will be used to construct or implement transportation projects identified as "Tysons-Wide" in Table 7.

The street sections constructed utilizing Tyson-Wide Transportation Fund monies will include pedestrian and bicycle facilities in their design as recommended in the TCP. Illustrations of the expected cross-sections for road improvements are included with the Comprehensive Plan text and the Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia, and Commonwealth of Virginia, Department of Transportation for design standards and related responsibilities for maintenance of streets as outlined in the Transportation Design Standards for Tysons Corner Urban Center signed September 13, 2011. The Tysons Corner Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, will also apply.

The following criteria were adopted by the Board of Supervisors on January 8, 2013.

TYSONS-WIDE TRANSPORTATION FUND CONTRIBUTION CRITERIA

The cash contribution rate for the Tysons-Wide Transportation Fund improvements provided by the private sector has been established by the Board of Supervisors and will be reviewed and adjusted annually in conformance with Virginia Code Section 15.2-2303.3, Subsection B. The paragraphs that follow discuss the process to administer the Fund.

A number of improvements to the existing roadway and transportation infrastructure are necessary to improve access to, and within, the Tysons Corner Urban Center. These improvements are identified as "Tysons-Wide Road Improvements" in Table 7 of the Comprehensive Plan and are listed in Appendix C of these guidelines. These projects include, but are not limited to, new access points from the Dulles Toll Road, and expanded capacity to interstate and arterial roads. The Tysons-Wide Transportation Fund represents part of the private sector's participation in the funding and implementation of road projects that serve a broader public transportation function.

The contribution rate is as follows:

For any zoning application proposing reconstruction of an improved site, construction on an unimproved site, or additional construction on an improved site, the contribution will be $5.63 per gross square foot ("GSF") of building structure of the total proposed new non-residential space and $1,000 per unit of the proposed new residential uses. The contribution formula does not apply to the GSF for public use facilities.

The amount of the financial contribution anticipated -from each application will be estimated prior to the rezoning -approval. Site Traffic Impact Analysis, Consolidated Traffic Impact Analysis, and/or traffic operational analysis data will be used at the time of rezoning to determine if an improvement is eligible -for credit and the amount of credit (in whole or in part based on the Applicant's proportional impact on said improvement) as applicable. At site plan submittal, the total financial contribution will be adjusted to reflect the deduction of any applicable credit and/or 'in-kind' contribution. 'In-kind' contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the design and construction of qualifying Tysons-Wide road projects.

Credit for land dedicated for the described purposes will be based upon the property's County assessment which is in effect at the time of site plan submission, provided density credits have not been granted for the land to be dedicated. The applicant, prior to rezoning approval, shall indicate his intent to either seek credit for a Tysons-wide dedication or density credit. Dedication of land for site access improvements (i.e., turn lanes at driveways) will not be eligible for credit toward the required contribution.

If an applicant elected at rezoning to construct or provide sufficient funds to construct a portion or portions of Tysons-Wide transportation project(s), beyond improvements identified and proffered in the zoning review as necessary to offset site-generated traffic, and is requesting credit against the contribution, a cost estimate will be provided by the applicant and reviewed by FCDOT consistent with bonding practice prior to site plan approval. Copies of these documents shall also be submitted to DPWES for review and comment at the time of site plan approval.

The applicant will contribute 100% of the total required contribution for each building, less applicable credits, at the time non-residential use permits (Non-RUPs) or residential use permits (RUPs) are issued, based on the actual GSF and/or number of units in each building, subject to the provisions in the Virginia Code.

Applicants seeking rezoning actions in the Tysons Urban Center may receive credit against their contribution to the Tysons-Wide Transportation Fund under specific circumstances. Creditable improvements will be applicable to the entire rezoning application. Unless otherwise approved by the Board of Supervisors at the time of rezoning, the criteria for receiving credit are described as follows:

- Construction of road projects specifically identified in Appendix that are not otherwise required to address the impact of site generated traffic (construction credit);

- Dedication of land or right-of-way from the applicable site for road projects specifically identified in Appendix C (dedication credit) that are not for site access or otherwise not required to address the impact of site generated traffic. Right-of-way will be valued at County assessment at the time of site plan submission. Alternatively, the applicant may elect to provide an appraisal in place of the assessment. In this circumstance the applicant must procure, at its own expense, a County approved

Virginia state board licensed MAI or SRA American Institute designated general appraiser who uses standard appraisal techniques in preparing the appraisal;

- Acquisition of off-site land for construction of road projects specifically identified in Appendix C. Land that receives acquisition credit is not eligible for dedication credit; and,

- Construction of road projects specifically identified in Appendix C in advance of the development timelines negotiated and approved by FCDOT.

TYSONS-WIDE TRANSPORTATION FUND ACCOUNT

A transportation fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account and not the General Fund at the prevailing interest rate earned by the County, less up to one-half of one percent for administration. Any interest expended from the fund for administration will be reported annually to the Tysons Service District Advisory Board (created January 8, 2013). The monies in this account will be utilized to help fund and implement Tysons-wide projects in the Tysons Area.

Annual Assessment

An annual assessment shall be conducted by the Department of Transportation and submitted to the Tysons Service District Advisory Board for review of the Tysons-Wide Transportation Fund, projects and the contribution rates subject to the following:

Review the pace and location of residential and commercial development within Tysons, as well as the construction schedule, funding status, and the funding mechanisms for Tysons' transportation improvements, in concurrence with other Transportation Fund Area review processes, to ensure a sustainable balance between development and transportation infrastructure.

It is understood that this review may result in adjustments to ensure that: the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; that the funding is being spent in an appropriate and efficient manner; and, that the pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding mechanisms and projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders. If improvements beyond those identified in Table 7 are needed before 2050, and such are considered to be more effective in addressing traffic congestion, consideration could be given to substituting those improvements for projects currently included in Table 7, provided that such adjustments are consistent with and sustain the integrity of the recommended policies and

overall allocation of funding responsibilities. This review will consider any new funding sources (such as parking fees) that have been established.

Changes to these guidelines, as appropriate, may be submitted with the annual assessment.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE TYSONS WIDE TRANSPORTATION FUND IN ACCORDANCE WITH THE PROCEDURAL GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON JANUARY 8, 2013.

STEP 1: Total required Contribution:

Amount of GSF (and/or # dwelling units) multiplied by the current Tysons-Wide Transportation Fund rate = total required contribution.

STEP 2: Anticipated "In-Kind" contributions:

The cost to construct a portion or portions of 'off-site' Tysons-wide projects consistent with bonding practices and verified and approved by FCDOT prior to site approval. Plus, if applicable, the value of Right of Way to be dedicated according to the procedures in the guidelines.

STEP 3: Total Required Contribution Minus Applicable Credits

Dollar value in Step 1 minus the sum of Step 2 will result in the net contribution due the Tysons-Wide Transportation Fund. (Note: if the sum of Step 2 is greater then the value of Step 1 then any additional credits may be applied to future Tysons-Wide Road Fund obligations.)

STEP 4: Reconciliation of the Tysons-Wide Road Fund Contribution and Actual "In-Kind" Construction Costs Associated With the Construction of Tysons-Wide Road Projects

Upon completion of Tysons-Wide "In-Kind" construction projects, an applicant shall follow the "Creditable Expense" Guidelines, contained herein, for final reconciliation of the Tysons-Wide Road Fund Contribution (or applicable refund) and Actual "In-Kind" Construction Costs.

APPENDIX B

A GUIDE TO APPLY FOR THE 'OFF-SITE' CONSTRUCTION/Right-of-Way COST CREDIT (Also Known as a 'Creditable Expense')

Assuming credit for a contribution to the Fund that has not already been provided under the criteria described in the guidelines, it is recommended that developers adhere to the following guidance to seek a credit or refund for 'off-site' construction expenditures. Upon completion of 'off-site' construction projects approved by FCDOT and DPWES, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.

- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.

- Invoices - All invoices that are directly related to the construction of the approved 'off-site' construction project should be submitted. If construction is done simultaneously with other parts of the development then the applicant must provide a separate accounting of the portion that applies to the 'off-site' project. FCDOT staff will review the invoices for relevance to the project.

- A copy of the approved rezoning case with approved 'off-site' project cost estimates.

- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed and approved by the department director or his designee, the applicant will receive notification in writing. The applicant shall be notified of the appropriate credit or receive the refund shortly after approval.

GUIDELINES FOR THE TYSONS GRID OF STREETS TRANSPORTATION FUND (the Tysons Grid Fund)

The following guidelines shall be used to establish, implement and operate the Tysons Grid of Streets Transportation Fund. The Fund is intended to collect monies in conjunction with development of property within the Tysons Corner Urban Center pursuant to any PTC rezoning action in this area. This will include Special Exception and Special Permit applications that result in an increase in building square footage. The boundary of the Tysons Corner Urban Center is defined in Area II of the 2010 Edition of the Tysons Corner Urban Center Comprehensive Plan (TCP).

Proffered commitments to provide monetary contributions to the Tysons Grid Fund are anticipated during review of zoning applications for land use changes that propose construction of new building square footage. The funds will be used to construct sections of streets that cannot otherwise be built through private development in Tysons. Projects utilizing these funds are expected to be street links that will enhance transportation service within Tysons. The street sections constructed utilizing Tysons Grid Fund monies will include pedestrian and bicycle facilities in their design as recommended in the TCP. Illustrations of the expected cross-sections for grid streets are included with the Comprehensive Plan text and the Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia and Commonwealth of Virginia, Department of Transportation for design standards and related responsibilities for maintenance of streets as outlined in the Transportation Design Standards for Tysons Corner Urban Center signed September 13, 2011. The Tysons Corner Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, will also apply.

These guidelines were adopted by the Board of Supervisors on January 8, 2013.

TYSONS GRID FUND CONTRIBUTION CRITERIA

The cash contribution rate for the Tysons Grid of Streets Transportation Fund provided by the private sector has been established by the Board of Supervisors and will be reviewed and adjusted annually in conformance with Virginia Code Section 15.2-2303.3, Subsection B. The paragraphs that follow discuss the process to be undertaken to administer the Fund.

The minimum contribution rate is as follows:

For any zoning application proposing reconstruction of an improved site, construction on an unimproved site, or additional construction on an improved site, the contribution will be $6.44 per gross square foot ("GSF") of building structure of the total proposed new non-residential space and $1,000 per unit of the proposed new residential uses. The contribution formula does not apply to the GSF for public use facilities.

The Grid of Streets described within the TCP is needed to provide convenient connections within Tysons, distribute multi-modal traffic efficiently, and enhance the quality of the network through the use of 'complete streets'. The grid of streets is generally comprised of the street network that provides site access and circulation within Tysons. The TCP recommends that the private sector be responsible for on-site improvements, including construction of on-site portions of the grid, as well as for contributions to the Tysons Grid Fund to support the construction of off-site portions of the grid. The Tysons Grid Fund does not include the dedication of right-of-way for, or the construction of, streets traversing the Tysons Corner Urban Center when such roads lie within the site being developed.

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The amount of the financial contribution expected for each application will be estimated prior to rezoning approval. Site Traffic Impact Analysis, Consolidated Traffic Impact Analysis, and/or traffic operational analysis data will be used at the time of rezoning to determine if an improvement is eligible for credit and the amount of credit (in whole or in part based on the Applicant's proportional impact on said improvement) as applicable. At site plan, the total financial contribution will be adjusted to reflect the deduction of any applicable credit and/or 'in-kind' contribution. Creditable improvements will be applicable to the entire rezoning application. 'In-kind' contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of off-site grid projects as defined previously.

If an applicant elects at rezoning to construct or provide sufficient funds to construct a portion or portions of 'off-site' Grid of Streets transportation project(s), and is requesting credit against the contribution, a cost estimate will be provided by the applicant and reviewed by FCDOT consistent with bonding practice prior to site plan approval. Copies of these documents shall also be submitted to DPWES for review and comment.

Prior to or upon site plan approval for non-residential development, the applicant will contribute 25 percent of the total required contribution based on the actual GSF, minus any approved applicable credits as discussed previously. The remaining 75 percent, less any further approved applicable credits, will be required before building permits are issued and will be assessed at the then current rate. This contribution approach is intended to facilitate the construction of Tysons Grid Transportation improvements prior to the occupancy of the new development.

For residential development, the applicant will contribute 100% of the total required contribution based on the actual number of units in each building, less applicable credits, at the time residential use permits (RUPs) are issued, subject to the provisions in the Virginia Code.

Applicants seeking rezoning actions in the Tysons Urban Center may receive credit against their contribution to the Grid of Streets Transportation Fund under specific circumstances. Creditable improvements will be applicable to the entire rezoning application. 'Off-site' street grid projects are defined for the purposes of this document as:

- those portions of streets identified for construction in the TCP internal to the Tysons Corner Urban Center which are not within the boundaries of sites subject to the proposed development;
- construction of capacity and/or operational improvements to grid streets which are not otherwise required to address the impact of site generated traffic, and are not within the boundaries of sites subject to the proposed development;
- traffic signals for grid street connections which are not otherwise required to address the impact of site generated traffic, and are not within the boundaries of or directly adjacent to sites subject to the proposed development;
- advance off-site land acquisition for construction of grid streets;
- construction of on-site grid of streets sections in advance of the development timelines negotiated and approved by FCDOT; and,
- dedication of land or right-of-way for 'off-site' Grid of Streets projects, in which density credit has not been granted for the land to be dedicated. Right-of-way will

be valued at the current County assessment. Alternatively, the applicant may elect to provide an appraisal in place of the assessment. In this circumstance the applicant must procure, at its own expense, a County approved Virginia State Board licensed, MAI or SRA American Institute designated general appraiser who uses standard appraisal techniques in preparing the appraisal.

Unless otherwise approved by the Board of Supervisors at the time of rezoning, construction of qualifying projects to advance the grid which meet the criteria above are eligible to receive credit up to equal value of the development's contribution to the fund.

TYSONS GRID TRANSPORTATION FUND ACCOUNT

A transportation fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account and not the General Fund at the prevailing interest rate earned by the County, less up to one-half of one percent for administration. Any interest expended from the fund for administration will be reported annually to the Tysons Service District Advisory Board (created January, 8 2013). The monies in this account will be utilized to help fund and implement grid roadway projects in the Tysons Urban Center.

Annual Assessment

An annual assessment shall be conducted by the Department of Transportation and submitted to the Tysons Service District Advisory Board for review of the Tysons Grid of Streets Fund, the Grid of Streets projects and the contribution rates subject to the following:

Review the pace and location of residential and commercial development within Tysons, as well as the construction schedule, funding status, and the funding mechanisms for Tysons' transportation improvements, in concurrence with other Transportation Fund Area review processes, to ensure a sustainable balance between development and transportation infrastructure.

It is understood that this review may result in adjustments to ensure that: the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; that the funding is being spent in an appropriate and efficient manner; and, that the pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding mechanisms projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders. If improvements beyond those identified in Table 7 are needed before 2050, and such are considered to be more effective in addressing traffic congestion, consideration could be given to substituting those improvements for projects currently included in Table 7, provided that such adjustments are consistent with and sustain the integrity of the recommended policies and overall allocation of funding responsibilities. This review will also consider any new funding sources (such as parking fees) that have been established.

Changes to these guidelines, as appropriate, may be submitted with the annual assessment.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE TYSONS GRID OF STREETS FUND IN ACCORDANCE WITH THE PROCEDURAL GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON JANUARY 8, 2013.

STEP 1: Total required Contribution:

Amount of GSF (and/or # dwelling units) multiplied by the current Tysons Grid Transportation Fund rate = total required contribution.

STEP 2: Anticipated "In-Kind" contributions:

Cost to construct a portion or portions of 'off-site' grid street projects consistent with bonding practices and verified and approved by FCDOT prior to site plan approval.

STEP 3: Total Required Contribution Minus Applicable Credits

Dollar value in Step 1 minus the sum of Step 2 will result in the net contribution due the Tysons Grid Transportation Fund. (Note: if the sum of Step 2 is greater than the value of Step 1 then any additional credits may be applied to future Tysons Grid of Streets Fund obligations.)

STEP 4: Reconciliation of the Tysons-Wide Road Fund Contribution and Actual "In-Kind" Construction Costs Associated With the Construction of Tysons-Wide Road Projects

Upon completion of Tysons-Wide "In-Kind" construction projects, an applicant shall follow the "Creditable Expense" Guidelines, contained herein, for final reconciliation of the Tysons-Wide Road Fund Contribution (or applicable refund) and Actual "In-Kind" Construction Costs.

APPENDIX B

A GUIDE TO APPLY FOR THE 'OFF-SITE' CONSTRUCTION COST REFUND (Also Known as a 'Creditable Expense')

Assuming credit for contribution to the Fund has not already been provided under the criteria described in the guidelines, it is recommended that developers adhere to the following guidance to seek a credit or refund for 'off-site' construction expenditures. Upon completion of 'off-site' construction projects approved by FCDOT and DPWES, the developer may submit documentation for reimbursement of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved 'off-site' construction project should be submitted. If construction is done simultaneously with other parts of the development then the applicant must provide a separate accounting of the portion that applies to the 'off-site' project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved rezoning case with approved 'off-site' project cost estimates.
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed, and approved by the department director or his designee, the applicant will receive notification in writing. The applicant shall be notified of the appropriate credit or receive the refund shortly after approval.

Board Agenda Item
February 28, 2017

ACTION - 6

Establishment of the Reston Road Fund, and Adoption of the Respective Guidelines (Dranesville and Hunter Mill Districts)

ISSUE:
Board of Supervisors approval is requested to create a Reston Road fund and adopt the guidelines for the Reston Road fund (Attachment 1).

RECOMMENDATION:
The County Executive recommends the Board of Supervisors approve creation of the Reston Road fund and adopt the Guidelines associated with the fund in substantially the form of Attachment 1. The new fund and the Guidelines will become effective March 1, 2017. The proposed initial rates for the Reston Road fund are $2,090 per residential dwelling unit and $9.56 per square foot of commercial development as defined in Attachment 1.

TIMING:
The public hearing on the proposed Reston Transportation Funding Plan is scheduled for February 28, 2017, at 4:30 p.m. The Reston Road fund is a component of the Reston Transportation Funding Plan. Therefore, the County Executive requests Board approval of the Reston Road fund on February 28, 2017, but after the public hearing on the Reston Transportation Funding Plan. Creation of the Reston Road fund and approval of its accompanying Guidelines on February 28, 2017, will allow the rates to be effective March 1, 2017.

BACKGROUND:
On February 11, 2014, the Board of Supervisors adopted the Reston Phase I Comprehensive Plan Amendment (CPA). This amendment included revised land use recommendations and additional transportation facilities to support these recommendations for the three Reston Transit Station Areas (TSAs): Wiehle-Reston East, Reston Town Center, and Herndon.

The CPA optimizes development opportunities associated with the availability of mass transit, while maintaining the stability of existing land uses outside of the TSAs. The TSAs encourage a mixture of residential, office, retail and other commercial uses.

The CPA envisions these revised land uses will be served by a multi-modal transportation system. To support that vision, the CPA recommends roadway improvements that enhance all modes of transportation, a grid street network, and intersection improvements. As a result, on February 11, 2014, the Board directed the Planning Commission (PC) and staff to develop an inclusive process to prepare a funding plan for the transportation improvements recommended in the CPA and return to the Board with staff's recommendations. The Board further directed staff that the funding plan should include arrangements for financing the public share of Reston infrastructure improvements and facilitate cooperative funding agreements with the private sector.

After the Board's action, the Hunter Mill District Supervisor appointed a Reston Network Analysis Advisory Group (Advisory Group) to refine the transportation network included in the CPA and assist staff in the development of the funding plan. Although the Board directed the PC to work with staff on the funding plan, the Advisory Board served as a diversified stakeholder group representing various interests in Reston and in that capacity fulfilled the charge of the PC.

The Advisory Group provided a forum for Fairfax County Department of Transportation staff to receive input and feedback from residents, property owners, and developers on the Reston Network Analysis (analysis of transportation improvements recommended in the CPA) and associated plans. In its feedback, the Advisory Group was most interested in funding options that include both proffer and service district revenue streams. Staff also solicited feedback on the funding plan from the larger community and other stakeholders at a series of public meetings.

Staff prepared the resulting Reston Transportation Funding Plan, in a manner that balances the feedback received. Specifically, the Reston Transportation Funding Plan includes a Reston Road fund (the Reston Road fund) and a to-be-created Reston Transportation Service District.

An overview of the proposed transportation service district and county road fund was provided at the Board Transportation Committee (BTC) on October 4, 2016. On December 1, 2016, staff briefed the PC Transportation Subcommittee on the proposed funding plan and activities performed by the Advisory Group in considering the various funding options. Further information on the funding plan and staff's proposal for initial service district and road fund rates was provided at the BTC on December 13, 2016.

At the December 13, 2016, BTC meeting, staff received comments and requests from Board members that included:

- An interest in lowering the cost of improvements and requests for design information for some projects.
- Holding a public meeting on the funding plan in the Herndon TSA.
- Advertising window of rates, rather than a specific rate for the service district, allowing for additional input from citizens and flexibility for the Board.

The Board was informed that cost estimates for the improvements are planning level, and will be refined as projects advance to preliminary engineering. Outreach efforts continue as staff held a public meeting at the North County Government Center on January 19.

On December 19, 2016, staff presented further feedback from the BTC, RA Board, and presented the proposed funding plan to the Advisory Group. The Advisory Group discussed the recommendation from the December 13, 2016, BTC meeting that the advertisement for the public hearing include a rate window for the service district as opposed to a single rate. The Advisory Group and public attendees preferred to recommend a specific rate for advertisement along with the Reston Transportation Funding Plan. After receiving public comment and discussion, the Advisory Group voted to support the staff-recommended funding proposal. With approval of the proposed funding plan, the Advisory Group also recommended that County staff include sunset provisions for the service district and road fund.

The main aspects of the proposed funding plan are as follows:

- The Reston Transportation Funding Plan:
  - Roadway Improvements;
  - Intersection Improvements; and
  - A Grid of Streets Network.
- Staff has assumed that existing transit resources in Reston and Herndon will be re-allocated to increase feeder and circulation service when Phase II of the Metrorail Silver Line opens. As a result, no additional funding in transit was included in the Reston Transportation Funding Plan.
- Primary responsibility for funding of Roadway Improvements would come from public revenue sources such as federal, state, regional, and local funding allocated by the County for use on countywide transportation projects. These may include:
  - Federal: Primarily Regional Surface Transportation Program, and Discretionary Grant Programs.
  - State: Primarily Smart Scale, and Revenue Sharing.
  - Regional: Northern Virginia Transportation Authority (NVTA) 70% Regional Funds.

    - Local: Primarily Commercial & Industrial Tax, General Obligation Bonds, and NVTA 30% Local Funds.
- Primary responsibility for funding the Grid of Streets Network and Intersection Improvements would come from private revenue sources, such as revenues generated within the Reston TSAs and used exclusively for projects in the Reston TSAs. The private funding comprises:
    - In-kind Contributions: construction of grid segments by developers with new development or redevelopment, donation of right-of-way, or services.
    - Road Fund: pooled cash proffers on a per residential unit or per commercial square foot basis of new development for use on the grid network.
    - Transportation Service District: ad-valorem tax, a tax per $100 of assessed value, on all properties within the Reston TSAs.

The initial recommended rates for the Reston Road fund will be $2,090 per residential dwelling unit and $9.56 per square foot of commercial development as defined in Attachment 1. If approved, the rates will be effective on March 1, 2017. The developer payment schedule to the road fund requested in the Guidelines is as follows:

- For Non-Residential Development:
    - 25 percent of total contribution (less applicable credits) prior to or upon site plan approval, and
    - 75 percent of total contribution (less applicable credits) before occupancy permits are issued.
- For Residential Development:
    - 100 percent of total contribution (less applicable credits) before Residential Use Permits (RUPs) are issued.

In accordance with the Advisory Group's recommendation, the Guidelines state that the Reston Road Fund will be discontinued upon construction of all grid of streets and intersection improvements identified in the Reston Phase I Comprehensive Plan Amendment approved by the Fairfax County Board of Supervisors on February 11, 2014. Termination language is also included in the proposed Service District ordinance.

Staff is separately requesting Board approval of the overall Reston Transportation Funding Plan, as well as individual approval of the two key components—the Reston Road fund and the Reston Transportation Service District. On January 24, 2017, the Board authorized a public hearing to solicit further feedback from the public on the proposed Reston Transportation Funding Plan. The public hearing is scheduled for February 28, 2017, at 4:30 p.m. If the Board approves the Reston Transportation Funding Plan, FCDOT requests that the Board then authorize creation of the Reston

Road fund and approve the Guidelines for the Reston Road fund (the Guidelines). Staff also requests, through a separate Board Item, that the Board authorize a public hearing on the creation of the Service District.

FISCAL IMPACT:
The rate of road funds collected is directly related to the rate of development in Reston (i.e. the more development that occurs, the more funding is collected and available for project implementation). If approved, in future proposed budgets, a reserve will be established in Fund 30040, Contributed Roadway Improvements, to allow for financial credits for completed applicable creditable improvements. The Reston Road fund will be subject to the same annual adjustment in rates as stated in Virginia Code 15.2-2303.3. Monies from these developments will be reflected in Fund 30040. There is no impact to the General Fund.

CREATION OF POSITIONS:
No positions will be created or funded through the proposed fund areas. However, the Board of Supervisors could fund positions from these funds in the future.

ENCLOSED DOCUMENTS:
Attachment 1: Guidelines for the Reston Road Fund

STAFF:
Robert A. Stalzer, Deputy County Executive
Joe LaHait, Debt Coordinator, Department of Management and Budget
Martha Reed, Capital Programs Coordinator, Department of Management and Budget
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT
Ray Johnson, Senior Transportation Planner, FCDOT

ASSIGNED COUNSEL:
Erin C. Ward, Senior Assistant County Attorney
Patricia McCay, Assistant County Attorney
Christopher Costa, Assistant County Attorney

GUIDELINES FOR THE RESTON ROAD FUND

The following guidelines shall be used to establish, implement and operate the Reston Road Fund. Nothing in these guidelines shall be construed to be made on behalf of the County as a suggestion, request, or requirement for a proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended, because no County employee, agent, representative, appointee, or elected official has any authority on behalf of the County to suggest, request, or require such a proffer, as confirmed by the Board of Supervisor's June 21, 2016, Resolution on this topic.

The Fund is intended to collect monies in conjunction with development of property that is exempt from the provisions of Va. Code § 15.2-2303.4 and that is within the Reston Transit Station Areas (TSAs) pursuant to any rezoning proffered condition amendment, Special Exception, or Special Permit applications (collectively "Land Use Actions") in these areas that proposes a change in use (i.e. Office to Residential) or zoning district (i.e. Industrial to Residential) or an increase in density (number of dwelling units) and/or intensity (amount of building square footage). The boundaries of the Reston TSAs are defined in the Fairfax County Comprehensive Plan, 2013 Edition, Area III - Reston, as Amended through October 20, 2015. Any Land Use Action that is subject to the provisions of Va. Code § 15.2-2303.4, as amended, must be dealt with on a case-by-case basis and not under these guidelines.

Proffered commitments to provide monetary contributions to the Reston Road Fund are anticipated during review of applications for Land Use Actions within the TSAs that propose a change in use, change in zoning district, or increases in density and/or intensity. The funds will be used to construct sections of streets that cannot otherwise be built through private development in Reston. Projects utilizing these funds are expected to be street links that will enhance overall transportation capacity and functionality within Reston. The street sections constructed utilizing Reston Road Fund monies will accommodate pedestrian and bicycle facilities in their design. The street sections will also accommodate transit use and facilities. Illustrations of the expected cross-sections for the Grid of Streets ("Grid") are included with the Comprehensive Plan text and are further defined by Appendix B2 of the VDOT Road Design Manual and VDOT approved design standards for each of the Reston TSA areas.

The Grid described within the Comprehensive Plan is needed to provide convenient connections within Reston, distribute multi-modal traffic efficiently, and enhance the quality of the network through the implementation of a "complete streets" design. The Grid is generally comprised of the street network that provides site access and circulation within Reston. The Comprehensive Plan for the TSAs and the Reston Transportation Funding Plan recommend that the private sector be responsible for construction of the portions of the Grid network and intersection improvements that are within and immediately adjacent to properties to be redeveloped as well as for contributions to the Reston Road Fund to support the construction of off-site portions of the Grid.

These guidelines were adopted by the Board of Supervisors on February 28, 2017.

RESTON ROAD FUND CONTRIBUTION CRITERIA

The cash contribution rate for the Reston Road Fund provided by the private sector has been established by the Board of Supervisors and will be reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, or Bureau of Labor Statistics. The paragraphs that follow discuss the process to be undertaken to administer the Fund.

The recommended financial contribution rate in order to fulfill the objectives of the Reston Transportation Funding Plan is as follows:

For any Land Use Action application proposing a change in use, change in zoning district, or increases in density and/or intensity, the contribution will be $9.56 per gross square foot ("GSF") of building structure of the total proposed new non-residential space and $2,090 per unit of the proposed new residential uses.

The amount of the recommended financial contribution for each Land Use Action application will be identified prior to its approval. Prior to approval of a Land Use Action or an approval of a site plan for the approved Land Use Action, the total financial contribution will then be adjusted to reflect the deduction of any applicable credit and/or applicable "in-kind" contribution. Creditable improvements will be applicable to the entire Land Use Action application. "In-kind" contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of "off-site" Grid projects as defined below.

An applicant may elect at Land Use Action to construct or provide sufficient funds to construct a portion(s) of a qualifying "off-site" Grid transportation project(s). An applicant's election is subject to approval by FCDOT and the approving authority for the land use action. If this is approved and the applicant requests credit against the contribution, the applicant will provide a cost estimate to FCDOT and DPWES for review and comment consistent with bonding practice prior to site plan approval.

For non-residential development, the applicant will be asked to proffer 25% of the total recommended financial contribution, less applicable credits, to be paid prior to or upon site plan approval. The applicant will be asked to proffer the remaining 75% of the total financial contribution, less applicable credits, before issuance of occupancy permits. This contribution approach is intended to facilitate the construction of the Reston Grid network prior to the occupancy of the new development.

For residential development, the applicant will be asked to proffer 100% of the total recommended financial contribution, less applicable credits, to be paid before issuance of Residential Use Permits, subject to the provisions in Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis. The County does not usually use such bases for cash proffers.

The contribution formula does not apply to public use facilities.

Applicants for Land Use Action in the Reston TSAs may receive credit against their contribution to the Reston Road Fund ("Creditable Improvements") under specific circumstances. Creditable Improvements will be applicable to the entire Land Use Action application. Creditable Improvements are defined as:

- Those portions of streets identified for construction in the Reston Comprehensive Plan, approved by the Board of Supervisors on February 11, 2014, internal to the Reston TSAs which are not within or immediately adjacent to the boundaries of the development site;

- Construction of capacity and/or operational improvements to the Grid and intersection improvements which are not otherwise required to address the impact of site generated traffic, as determined by a site-specific Traffic Impact Analysis (TIA) completed at the time of the Land Use Action AND are not within or immediately adjacent to the boundaries of the development site;

- Traffic signals for Grid intersections which are not otherwise required to address the impact of site generated traffic as determined by a site-specific TIA data at the time of the Land Use Action AND are not within the boundaries of or directly adjacent to the development site;

- "Off-site" land acquisition for construction of Grid and intersection improvements;

- Construction of on-site Grid sections in the first phase of a multi-phase development which are not necessary for first phase development access as approved by FCDOT prior to approval of a Lan Use Action; and,

- Dedication of land or right-of-way for "off-site" Grid projects in which density credit has not been granted for the land to be dedicated. Right-of-way will be valued at the current County assessment. Alternatively, the applicant may elect to provide an appraisal in place of the assessment. In this circumstance the applicant must procure, at its own expense, a County approved, Virginia state board licensed MAI or SRA American Institute designated general appraiser.

Unless otherwise determined by the Board of Supervisors at the time of Land Use Action, construction of qualifying projects to advance the Grid or intersection improvements that meet the criteria above are eligible to receive credit up to equal value of the development's contribution to the fund.

RESTON ROAD FUND ACCOUNT

A road fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County, less up to one-half of one percent for administration. If accrued, any interest expended from the fund for administration will be reported annually to the Reston Service District Advisory Board (to be created). The monies in this account will be utilized to help fund and implement Grid and intersection improvement projects in the Reston Transit Station Areas.

Annual Review

An annual review shall be conducted by the Department of Transportation and submitted to the Reston Service District Advisory Board (pending creation) for review of the Reston Road Fund, the Grid and intersection improvement projects, and the contribution rates subject to the following:

> Review the pace and location of residential and commercial development within Reston, as well as the construction schedule, funding status, and the funding mechanisms for Reston' transportation improvements, in concurrence with other road fund area review processes, to ensure a sustainable balance between development and transportation infrastructure.

This review may result in adjustments to ensure that: the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; the funding is being spent in an appropriate and efficient manner; and the pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding

mechanisms projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders.

Changes to these guidelines, as appropriate, may be submitted with the annual assessment.

Sunset Provision

The Reston Road Fund will be discontinued upon completion of construction of all Grid and intersection improvements identified in the Reston Phase I Comprehensive Plan Amendment approved by the Fairfax County Board of Supervisors on February 11, 2014.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE RESTON ROAD FUND IN ACCORDANCE WITH THE PROCEDURAL GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON February 28, 2017).

STEP 1: Total required Contribution:

Amount of Gross Square Footage (and/or # dwelling units) multiplied by the current Reston Road Fund
rate = total required contribution.

STEP 2: Anticipated "In-Kind" contributions:

Cost to construct a portion or portions of “off-site” Grid and intersection improvement projects consistent with bonding practices and verified and approved by FCDOT prior to site plan approval.

STEP 3: Total Required Contribution Less Applicable Credits

Dollar value in Step 1 less the sum of Step 2 will result in the net contribution due the Reston Road Fund. (Note: if the sum of Step 2 is greater than the value of Step 1 then any additional credits may be applied to future Reston Road Fund obligations.)

STEP 4: Reconciliation of the Reston Road Fund Contribution and Actual “In-Kind” Construction Costs Associated With the Construction of Reston Road Projects

Upon completion of Reston “In-Kind” construction projects, an applicant shall follow the “Creditable Expense” Guidelines, contained in Appendix B, for final reconciliation of the Reston Road Fund Contribution (or applicable refund) and Actual “In-Kind” Construction Costs.

APPENDIX B

A GUIDE TO APPLY FOR THE "OFF-SITE" CONSTRUCTION COST REFUND (Also Known as a "Creditable Expense")

Assuming that a credit for contribution to the Reston Road Fund has not already been provided under the criteria described in the guidelines, it is recommended that developers adhere to the following guidance to seek a credit or refund for "off-site" construction expenditures. Upon completion of "off-site" construction projects approved by FCDOT and DPWES, the developer may submit documentation for reimbursement of project expenditures. The package should be submitted to FCDOT according to the guidelines below.

The package should include the following:

- Cover Letter – This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.

- Site Plan – This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.

- Invoices – All invoices that are directly related to the construction of the approved "off-site" construction project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the "off-site" project. FCDOT staff will review the invoices for relevance to the project.

- A copy of the approved Land Use Action case with approved "off-site" project cost estimates.

- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed, and approved by the department director, the applicant will receive notification in writing. The applicant shall be notified of the appropriate credit or receive the refund shortly after approval.

Board Agenda Item
February 28, 2017

ACTION - 7

Adoption of Guidelines for the Economic Opportunity Reserve and Economic Development Support Fund

ISSUE:
Board of Supervisors approval is requested to adopt the "Eight Principles of Investment in Economic Opportunities to Support Economic Success" and the "Process to Evaluate Investment in Economic Opportunities to Support Economic Success". The guidelines and review process set forth criteria for the use of funds from the Economic Opportunity Reserve and the Economic Development Support Fund. These two funds were created to allow the Board to provide strategic investment in opportunities to stimulate economic growth.

RECOMMENDATION:
The County Executive recommends the Board of Supervisors:

- Adopt the "Eight Principles of Investment in Economic Opportunities to Support Economic Success" (Attachment 1) as guidelines for each fund; and
- Adopt the "Process to Evaluate Investment in Economic Opportunities to Support Economic Success" (Attachment 2).

The guidelines and process will become effective March 1, 2017.

TIMING:
Board approval is requested on February 28, 2017, to allow for the Board to consider nominations for project funding from the Economic Development Support Fund.

BACKGROUND:
As part of the FY 2016 budget adoption, the Board of Supervisors created an Economic Opportunity Reserve (EOR) to act as a revolving reserve, with flexible replenishment, to address opportunities that are identified as Board priorities

The purpose of the EOR is stated in the Ten Principles of Sound Financial Management, as revised on April 21, 2015. The reserve is meant to stimulate economic growth and will provide for strategic investment opportunities that are identified as priorities by the Board of Supervisors. When fully funded, this reserve will equal one percent of the total General Fund disbursements in any given fiscal year. In FY 2017, the EOR would be approximately $40,000,000 if fully funded at the reserve policy goal. Funding for this reserve would only occur after the Managed Reserve and the Revenue

Stabilization Fund are fully funded at their new levels of four percent and five percent, respectively.

In addition, criteria for funding, utilization, and replenishment of the reserve were to be developed and presented to the Board of Supervisors for approval. Guidance for the criteria for use included financial modeling analysis (e.g. cost-benefit, etc.) to determine the fiscal impact to the County of the proposed investment opportunity and required approval from the Board of Supervisors for any use.

As part of the FY 2016 Carryover Budget, the Board allocated $5,000,000 to create an Economic Development Support Fund (EDSF) to accelerate the opportunity that the EOR would provide, while retaining the reserve policy goals of fully funding the Managed Reserve and Revenue Stabilization Fund prior to allocating funding to the EOR.

Establishment of the EDSF prior to funding of the EOR also allows the Board the opportunity to evaluate and adopt criteria for the use of these investments. The intent is for the criteria and process used to guide investments from the EDSF to also be used to establish policies regarding the use of funds for the EOR.

In addition to funding the EDSF as part of the FY 2016 Carryover Budget, the Board directed the County Executive to prepare and present to the Board a set of criteria, or guidelines, for the use of funds in the EOR consistent with the direction set forth in the Board's Ten Principles of Sound Financial Management. The Board also proposed that the same criteria would be used for funds in the EDSF.

The County Executive has developed the Eight Principles of Investment in Economic Opportunities to Support Economic Success (Attachment 1) and the Process to Evaluate Investment in Economic Opportunities to Support Economic Success (Attachment 2) to govern the use of the EOR and ESDF funds. A draft of each document was discussed with the Board at the Budget Committee on January 31, 2017. The attached documents have been revised to include the Board's guidance.

The 'Eight Principles' attachment establishes the Board's guidance for allocating funds from the EDSF and EOR. They reiterate the Board's reserve policy, describe the Board's role in project selection and funding authorization, and detail reserve use, project type and associated criteria. The principles define three types of projects that could be funded: Capital Improvement, Property Acquisition, and Programming Support. Each of these project types would need to be in alignment of Board priorities for economic success and equitable growth, as defined by the Board, and would have appropriate evaluation criteria.

The 'Process to Evaluate' attachment creates a three-step approach to reviewing projects for consideration of funding through the EOR or ESDF. The Board would first review Project Nominations and approve their consideration by the County Executive. Within a reasonable timeframe, the County Executive would perform an Initial Screening

of the projects using the criteria listed, and return to the Board for approval to move forward with a Detailed Screening and funding request. The Board would receive a Detailed Screening for projects, and then followed by a request for Board action for use of funds from the EDSF or EOR.

FISCAL IMPACT:
Adoption of the guidelines and process will have no fiscal impact. Future proposed allocations from the EOR and the $5,000,000 available in the EDSF will be subject to the guidelines and process adopted.

ENCLOSED DOCUMENTS:
Attachment 1 – Eight Principles of Investment in Economic Opportunities to Support Economic Success
Attachment 2 – Process to Evaluate Investment in Economic Opportunities to Support Economic Success

STAFF:
Robert A. Stalzer, Deputy County Executive
Joseph Mondoro, Chief Financial Officer
Joseph LaHait, Debt Coordinator, Department of Management & Budget
Scott Sizer, P3/Joint-Ventures Policy Coordinator, Office of the County Executive

Eight Principles of Investment in Economic Opportunities to Support Economic Success

1. **Reserve Goal.** The Economic Opportunity Reserve will be utilized by Fairfax County to support the Strategic Plan to Facilitate the Economic Success of Fairfax County. A goal of that Plan is to take action to create a diversified and prosperous economy that engages all segments of the community. The Reserve will allow the County to provide strategic investment in opportunities to stimulate economic growth in Board priority areas.
   The Reserve will be used to invest in capital development projects, property acquisition, and programming support, as further described in these guidelines.
   Fairfax County has a spectrum of funding mechanisms available to support projects. The Economic Opportunity Reserve will be used to invest in projects that are not typically supported through the traditional CIP and capital construction process, joint-venture/public private partnership approaches, economic development programs, or standard procurement processes. Use of the Economic Opportunity Reserve is intended to provide for opportunities outside of the standard budgeting processes.

2. **Budget Plan.** The Economic Opportunity Reserve will equal one percent of total General Fund disbursements in any given fiscal year, when fully funded. Replenishment of the Economic Opportunity Reserve will follow the reserve funding policy.

3. **Reserve Allocation Authority.** The Board of Supervisors will review any proposed use of Reserve funds by the County Executive. No investments shall be made from the Reserve without Board approval.

4. **Balance Management.** Reserve funds shall be invested per all applicable terms of the County Investment Policy.

5. **Project Consideration**
   a. Projects shall only be nominated by a member of the Board Supervisors or the County Executive.
      i. The County Executive will propose methods to solicit ideas from the community on a regular basis for consideration by the Board.
   b. Projects must have a development partner who shall have primary responsibility for managing the project.
   c. Projects that do not directly benefit Fairfax County will not be considered.

6. **Reserve Award Uses.** The use of the Reserve funds will be for 'one-time' investment in projects that are deemed appropriate by the Board of Supervisors. Investments must meet the following minimum criteria:
    a. Investment will be for 'one time' investment expenditures. No use of these funds shall be for facility operations or facility maintenance.
    b. Investment must pose no direct or indirect liability to the County.
    c. Once an investment is made, there is no implication of further project investments or obligations for the project on the part of the County.
    d. Criteria for project awards shall be established by the Board of Supervisors, as set forth herein.
    e. Project types will be evaluated in one of three categories:
        i. Capital development projects;
        ii. Property acquisition; and,
        iii. Programming support for economic development activities, as identified in the Strategic Plan to Facilitate the Economic Success of Fairfax County.

7. **Project Criteria and Guidelines**
    a. Projects must be aligned with Board priorities for generating economic success and equitable growth.
        i. The purpose for the County's investment will be clearly defined, including measures to evaluate investment returns and benefits to County residents.
        ii. Periodic reporting will occur on investments and the efficacy of project guidelines.
    b. Investments will seek a reasonable return on investment. A benchmark evaluation of return on investment over a 10 year period will be used.
        i. Projects may also be evaluated to the extent that they meet County identified service needs or provide clearly defined public benefits to the community.
        ii. An investment can be used as an incentive to encourage matching funds from a non-profit, state, or private sector funding source. This use of an investment should be used as a way to leverage the County investment, rather than defray investments by other parties.
    c. The annual amount dedicated to investments from the Economic Opportunity Reserve will be established by the Board.
    d. *Capital Development Projects:*
    The primary goal for capital development projects is to invest in projects that support Board economic success and equitable growth policies. The primary metric considered will be the impact the investment will have on creating value, increasing economic growth and generating taxable revenue.

i. Candidate projects should be generally consistent with the county's Comprehensive Plan and Capital Improvement Program. Innovative ideas for projects that support economic growth and are deemed feasible will be considered on merit.
ii. Revenue enhancements from project investment considered will include, but are not limited to; real estate, BPOL, TOT, personal property, sales tax, and other related tax benefits created by the investment.
iii. The target minimum amount of investment per project award is $500,000.
iv. As a general rule, investments should not exceed 50% of the total project costs.

e. *Property Acquisition Projects:*
The primary goal for property acquisition projects is the tactical investment in real property or assets to facilitate future economic growth.
i. The County may use the property for the purpose that the project award was made for, or may choose to reallocate the property for other project uses at a later date.

f. *Programming Support Projects:*
The primary goal for programming support projects is to allow for the County Executive to make appropriate investments in actions to further Strategic Plan to Facilitate the Economic Success of Fairfax County goals.

8. Reserve Replenishment. The Reserve may be replenished through a variety of mechanisms, including financial returns from Economic Opportunity Reserve investments. The County Executive will make recommendations as part of the Budget Quarterly Reviews. If elements of the investment have been moved to a more traditional capital project funding process, those capital project funding sources may be used to replenish the Reserve up to the full amount of the investment.

Process to Evaluate Investment in Economic Opportunities to Support Economic Success

The County will use a three-step approach to evaluate projects.

Nomination Process

1. A Board of Supervisors member or the County Executive must nominate a project for consideration.
    a. Nominated projects must include a primary partner responsible for the project.
2. County Executive will forward nominations to the Board for consideration and review.
3. The Board will make a determination to the County Executive to either 1) proceed with the Initial Screening or 2) remove the project from consideration.

Initial Screening

1. The County Executive will meet with the primary partner for the project nominated and request a set of information and documents, including financial information, for use in the project benchmarking and populating an Initial Project Evaluation. Projects will be evaluated for the following criteria:
    a. Project Goal
    b. Project Alignment with Board Priorities and Adopted Policies (including Comprehensive Plan, CIP, One Fairfax resolution, etc.)
    c. Project Location and Context
    d. Project Funding Requirement and Investment Request and Timing
    e. Simplified Return on Investment Evaluation
    f. Evaluation of Investment Partner
2. Within a reasonable timeframe after completing the Initial Evaluation, the County Executive will provide the evaluation with a recommendation to the Board for consideration.
3. The Board will make a determination to the County Executive to either 1) proceed with the Detailed Screening, 2) remove the project from consideration, or 3) request additional time for staff and potential partners to respond to questions and further refine the Initial Project Evaluation.

Detailed Screening

1. If the Board approves a project for Detailed Screening, the potential partner will work with the County Executive to provide due diligence to pursue financial modeling, project pro forma analysis, and project projections as appropriate.
2. The County Executive will work with the potential partner to establish project goals and metrics.

3. The County Executive will complete a Detailed Project Evaluation and provide with a Board item requesting authorization for allocation of Reserve funds.

Monitoring

1. Once Reserve funds are allocated to specific projects, the County Executive will periodically report to the Board on the following:
    a. Allocation of funds, including funds encumbered but not disbursed
    b. Measures and metrics adopted for each investment
    c. Progress on the projects
    d. Aggregate impact the Reserve has had toward economic success goals
2. The County Executive will periodically report on the efficacy of the guidelines and process and provide recommendations to the Board to review and modify as necessary.

Board Agenda Item
February 28, 2017

ACTION – 8

Clarifications for Action Item 17, Establishment of a Police Civilian Review Panel, Approved by the Board of Supervisors on December 6, 2016

ISSUE:
Board of Supervisors approval of clarifications specific to the appointment and terms of the members of the Police Civilian Review Panel and the Panel's Chair.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors approve the clarifications for the appointment and terms of the members for the Police Civilian Review Panel and the Panel's Chair.

TIMING:
Board action is requested on February 28, 2017.

BACKGROUND:
The Board approved the establishment of a Police Civilian Review Panel (Panel) on December 6, 2016, for the purpose of building and maintaining public trust between the Police Department, the Board of Supervisors and the public, and police legitimacy. The Board, in since reviewing the establishment of the Panel and preparing to select and appoint members, has requested clarifications for the appointment and terms of Panel members and the Chair.

Regarding Panel members and terms, the Board approved a nine (9) member Panel, with members allowed to serve a limit of two (2) consecutive terms. To ensure continuity on the Panel, staggered terms were approved. The first Panel Chair is to be appointed by the Board, with subsequent Chairs to be elected by the panel members.

The relevant section and language from Action 17, Establishment of a Police Civilian Review Panel, as approved by the Board on December 6, 2016:

> **Recommended Action by the Board of Supervisors**
> Based on a review of the Commission recommendations, Board discussion, staff review, and legal review, it is recommended that the Board establish a Civilian Review Panel, based on the recommendations of the Ad Hoc Commission, with modifications as outlined in this Action Item.

a. Composition of the Panel (Recommendation 18)

Panel members shall be appointed by the Board of Supervisors for terms of three (3) years. Panel members will serve at the pleasure of the Board. A Panel member may be appointed to no more than two (2) consecutive terms. The terms of the Panel members shall be staggered. The Panel members shall elect one of their members to serve as Chair of the Panel, with the exception of the first Chair, who shall be appointed by the Board of Supervisors.

The Panel shall be composed of nine (9) members, and each should be a resident residing in Fairfax County with expertise and experience relevant to the Panel's responsibilities.

The recommended additional, clarifying language is:

To initiate the staggered terms the nine members shall first be selected and appointed by the Board. Three of those members shall then be randomly selected to serve an initial one-year term (2017-2018), three members to serve an initial two-year term (2017-2019), and three members to serve initial full three-year terms (2017-2020). The terms will begin on the date of the initial appointments by the Board.

As all Panel members may be appointed to two (2) consecutive terms, those members randomly selected for initial one- or two-year first terms in 2017 may be appointed by the Board to only one additional consecutive full three-year term.

To maintain staggered terms the Panel's bylaws, to be drafted by the Panel and approved by the Board, shall be constructed to define subsequent year specific staggered three-year terms, beginning with 2018-2021 (then 2019-2022, 2020-2023, etc.) and to include provisions for reappointments and the filling of a vacant Panel seat if a member either resigns or is removed from the Panel. Any member appointed to fill a vacancy shall serve the remainder of the term for the member whom they are replacing and may be appointed for only one additional consecutive three-year term.

Any member selected as Chair, to include the one initially selected by the Board and those subsequently elected by the Panel may serve only one one-year term and may not again be re-elected as Chair at any time during their tenure on the Panel. The bylaws shall also include this provision.

FISCAL IMPACT:
None

Board Agenda Item
February 28, 2017

ENCLOSED DOCUMENTS:
Attachment 1: December 6, 2016 Board item and attachment - Action 17 (Establishment of a Police Civilian Review Panel, as Recommended by the Independent Oversight and Investigations Subcommittee of the Ad Hoc Police Practices Review Commission)

STAFF:
David M. Rohrer, Deputy County Executive
Colonel Edwin C. Roessler Jr., Chief of Police

Board Agenda Item
December 6, 2016

ACTION – 17

Establishment of a Police Civilian Review Panel, as Recommended by the Independent Oversight and Investigations Subcommittee of the Ad Hoc Police Practices Review Commission

ISSUE:
Board of Supervisors approval of the recommendations of the Independent Oversight and Investigations Subcommittee of the Ad Hoc Police Practices Review Commission to establish a Police Civilian Review Panel ("the Panel"), reporting to the Board of Supervisors ("Board"), for the purpose of building and maintaining public trust between the Police Department, the Board of the Supervisors and the public, and police legitimacy. The Civilian Review Panel will request and review completed Police Department internal administrative investigations of civilian complaints concerning allegations of abuse of authority and serious misconduct.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors establish a Civilian Review Panel based on recommendations of the Ad Hoc Police Practices Review Commission, as modified.

TIMING:
Board action is requested on December 6, 2016, so the Board can move forward with establishment and implementation.

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

On October 20, 2015, the Ad Hoc Police Practices Review Commission submitted its final report and recommendations to the Board of Supervisors. On November 17, 2015, the Board of Supervisors approved a process for assigning, prioritizing, reviewing, tracking, and considering the 202 Commission recommendations.

On November 17, 2015, the Board also directed an annual report and a final summary report on the status and implementation of all of the Commission's recommendations. The first annual report shall be presented to the Board by December 13, 2016.

This Action Item is specifically related to the implementation and furtherance of the recommendations of the Independent Oversight and Investigations Subcommittee for the establishment and scope of a police Civilian Review Panel, consistent with the presentations and discussion at the October 25, 2016, Public Safety Committee meeting and other meetings and presentations.

Fundamental to the recommendations of the Independent Oversight and Investigations Subcommittee is that the Board adopt recommended changes, consistent with the Code of the Commonwealth of Virginia and County policies, that will help the County achieve its goals of maintaining a safe community, enhancing a culture of public trust, and ensuring that policies provide for the fair and timely resolution of police-involved incidents. These recommendations are aimed at building and maintaining public trust in the Police Department and its officers by the establishment of a Police Civilian Review Panel, a function in line with the recommendations of the Final Report of the President's Task Force on 21st Century Policing, May 2015. Recommendation 2.8 of that report states, "Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community."

Commission Recommendation

In its final report, the Commission's Independent Oversight and Investigations Subcommittee made 24 overall recommendations. Seven of those recommendations, numbers 18 – 24 as in the Commission report, were specific to the establishment of the Police Civilian Review Panel and its scope and are listed below as presented in the report:

18) Fairfax County shall establish a Civilian Review Panel ("Panel") to review complaints concerning alleged FCPD misconduct.

a) Panel members shall be appointed by the Chairman of the Board of Supervisors, with the approval of the Board, for a term of three (3) years, subject to dismissal only for good cause. A Panel member may be appointed to no more than two (2) consecutive terms. The terms of the Panel members shall be staggered. The Panel members shall elect one of their members to serve as Chair of the Panel.

b) The Panel shall be composed of seven (7) citizens and two (2) alternates residing in Fairfax County with expertise and experience relevant to the Panel's responsibilities.

c) Factors to be considered in appointing Panel members include: community and civic involvement; diversity; law enforcement and/or

criminal investigative experience, reputation in the community and other factors designed to ensure a balanced Panel representative of Fairfax County. No Panel member shall be a current or former employee of Fairfax County, shall hold a public office, or shall have a relative who is a member of the FCPD. One (1) of the Panel members shall have prior law enforcement experience (other than as a member of the FCPD).
d) The Panel shall be authorized to retain a criminal investigative consultant to assist it with the fulfillment of its responsibilities.

19) An individual may file a complaint with or request a review of a completed internal FCPD investigation by the Panel concerning an alleged "abuse of authority" or "serious misconduct" by a Fairfax County police officer. The Panel shall not review alleged misconduct that is subject to review by the Auditor.

a) "Abuse of authority" and "serious misconduct" shall be defined by the Panel and may include, the use of abusive, racial, ethnic or sexual language; harassment or discrimination based on race, color, sex, religion, national origin, marital status, age, familial status, or disability; the reckless endangerment of a detainee or person in custody; and serious violations of Fairfax County or FCPD policies or procedures.
b) The Panel shall refer any complaint within its scope that it receives to the FCPD for review and handling. Absent good cause, the FCPD shall provide a public report to the Panel within sixty (60) days after receipt of the complaint with respect to its review and handling of the complaint.
c) Any request for review of a completed FCPD investigation shall be filed, absent good cause as determined by the Panel, within sixty (60) days of the requester being notified of the completion of the internal FCPD investigation.

20) Absent good cause, within forty-five (45) days of receipt of the FCPD investigation report (if any) relating to the alleged misconduct or within forty-five (45) days of the receipt of the FCPD report if there was no IAB investigation, the Panel may schedule a public hearing to review the FCPD investigation.

a) The complainant and the FCPD (including the involved FCPD officers) shall be afforded the opportunity to personally present evidence, statements, and arguments to the Panel.
b) Command staff and IAB investigators shall appear before the Panel upon request to answer any questions from the Panel as to the investigation and action taken or not taken. The County Executive or his/her designee shall produce any documents or other materials in the possession of the FCPD or other County offices and departments as requested by the Panel. At the Panel's discretion, further investigation by IAB may be requested.

21) The Panel review of the investigation shall be completed and a public report issued within 60 days of the filing of a request for review.

a) If the Panel disagrees with the findings of the investigation, the Panel shall publicly advise the Chairman of the Board of Supervisors who shall refer the Panel's conclusion to the Chief of Police for further consideration.

22) The Panel shall issue an annual report to the public describing its activities for the reporting year, including recommendations to the Board of Supervisors and the Chief of Police, including revisions to FCPD policies, training, and practices that the Panel concludes are needed.

23) The Auditor shall make quarterly reports on its review of IAB investigations and its other work during the preceding quarter, and meet with the Panel at the Panel's request for further review of the Auditor's report and work.

24) Fairfax County should establish an Ad Hoc Police Practices Review Commission every 5 years to review and, as needed, make recommendations concerning FCPD policies and practices, and those of the Independent Police Auditor and the Civilian Review Panel.

25) The Board has the right to review the workload of the Citizen Review Panel and make any necessary adjustments.

These recommendations are also listed on the Ad Hoc Police Practices Review commission Report Recommendations Assignment and Tracking Spreadsheet (Attachment 1) as IOV&I (Independent Oversight & Investigations) 18 through 24, inclusive.

Recommended Action by the Board of Supervisors
Based on a review of the Commission recommendations, Board discussion, staff review, and legal review, it is recommended that the Board establish a Civilian Review Panel, based on the recommendations of the Ad Hoc Commission, with modifications as outlined in this Action Item.

a. Composition of the Panel (Recommendation 18)

Panel members shall be appointed by the Board of Supervisors for terms of three (3) years. Panel members will serve at the pleasure of the Board. A Panel member may be appointed to no more than two (2) consecutive terms. The terms of the Panel members shall be staggered. The Panel members shall elect one of their members to serve as Chair of the Panel, with the exception of the first Chair, who shall be appointed by the Board of Supervisors.

The Panel shall be composed of nine (9) members, and each should be a resident residing in Fairfax County with expertise and experience relevant to the Panel's responsibilities.

The Board of Supervisors shall seek to create an independent and fair body for the Panel. The Board of Supervisors shall consider the following factors, among others it may choose, in appointing members of the Panel: community and civic involvement; diversity; law enforcement and/or criminal investigative experience; reputation in the community; geographical representation; and other factors designed to ensure a balanced Panel representative of Fairfax County. No Panel member shall be a current employee of Fairfax County, a current or former member of the Fairfax County Police Department or the Fairfax County Sheriff's Office, have a relative (i.e., an immediate or extended family member) who is a member of FCPD or FCSO, hold public office, or be a candidate for public office. At least one (1) of the Panel members shall have prior law enforcement experience (other than as a member of the FCPD or FSO).

In order to assist it in appointing a Panel representing the full diversity of Fairfax County, the Board of Supervisors shall invite organizations and individuals to nominate candidates for the Panel to the Board. The Board may ask business, civic, civil rights, legal, and other organizations to nominate candidates. The Board shall also accept into the pool of candidates self-nominated individuals.

The Board of Supervisors shall select Panel members from those nominated by considering those factors set forth in this Action Item, and any other factors that the Board deems appropriate.

The Office of the Police Auditor shall provide staff support to the Panel. Panel members shall complete recommended trainings to be determined.

b. Jurisdiction and Process (Recommendation 19)

The Panel shall have jurisdiction to review complaints of "abuse of authority" or "serious misconduct" by a Fairfax County Police Officer. The Panel shall define "abuse of authority" and "serious misconduct" in its bylaws, which will be subject to approval by the Board of Supervisors. There are two avenues by which a Complaint or Request for Review, concerning alleged abuse of authority or serious misconduct, could reach the Panel. First, an individual may file a Complaint with the Panel. Second, an individual may Request Review by the Panel of an already-completed internal FCPD investigation. If a Complaint or Request for Review within the jurisdiction of the Panel is filed with the Auditor to the Police, the Board of Supervisors, or other county agency outside of the FCPD, that agency shall forward it to the Panel. The Panel shall not review alleged misconduct that is subject to review by the Auditor.

1) "Abuse of authority" and "serious misconduct" shall be defined by the Panel in its bylaws and may include, the use of abusive, racial, ethnic or sexual language; harassment or discrimination based on race, color, sex, religion, national origin, marital status, age, familial status, or disability; the reckless endangerment of a detainee or person in custody; and serious violations of Fairfax County or FCPD policies or procedures.
2) The Panel shall refer any Complaint within its scope that it receives to the FCPD for review and handling, including any necessary investigation.
3) Absent good cause, the Panel shall not consider any Complaint filed more than one (1) year after the date of the incident that is the subject of the Complaint, nor regarding any incident that occurred prior to the passage of this Action Item establishing the Panel. The Panel shall not consider any Request for Review of any investigation of any incident that occurred prior to the passage of this Action Item.
4) Any Request for Review of a completed FCPD investigation shall be filed, absent good cause as determined by the Panel, within sixty (60) days of the requester being notified of the completion of the internal FCPD investigation.

All Complaints to and Requests for Review by the Panel of a completed FCPD investigation shall be in writing. Requests for Review shall state the specific reason(s) for the request. Upon receiving a Complaint or Request for Review, the Panel shall determine if the Complaint or Request concerns matters which are the subject of pending criminal proceedings or pending or anticipated civil proceedings. If it does, then the Panel shall defer the matter pending resolution of the criminal or civil proceedings. The Panel shall notify the Complainant and the Board of Supervisors, in writing, of any such deferrals. The Panel may request the assistance of Counsel, the Auditor, or the Chief of Police, or the County Attorney in making its determination. The Panel shall track any deferred matter and notify the complainant and the Board once the criminal or civil proceedings are closed and the request for review may proceed.

For any Complaint filed with the Panel and sent to the FCPD for investigation, the FCPD shall provide a report back to the Panel within sixty (60) days with respect to its review and handling of the complaint. The Panel shall provide an extension if requested by the Chief of Police in order to protect an ongoing criminal or internal administrative investigation, or for other good cause, with notice also provided to the complainant and the Board of Supervisors. Absent good cause provided by the Police Department for production of the report within a reasonable time period, the Panel may report any delay in the handling of the matter to the Board of Supervisors. The Board may direct the Chief of Police to ensure completion of the investigation, or to report on the reasons for delay and an expected completion date.

If the complainant is not satisfied with the Police Department's investigation or findings for any allegation made within the scope of the Panel, the complainant may then request a Panel review of the completed Police Department internal administrative investigation.

c. Timing and Meetings (Recommendation 20)

Absent good cause, for any request for review, within forty-five (45) days of receipt of the completed police department internal administrative investigation, the Panel may, at its discretion, schedule a public meeting to review the FCPD investigation. The Panel shall send notification of the date and time of the meeting to Panel members, Police Department Internal Affairs Office, the County Attorney's Office, and the complainant. The meeting shall be noticed on the County's Public Meetings Calendar and otherwise advertised as appropriate.

At any meeting held to review an investigation, the Panel shall not take testimony or receive factual evidence of the underlying matter that is the subject of the investigation. However, the complainant shall have the opportunity to state his or her reason(s) for the request for review, and the Panel may ask questions of the complainant as to those reasons. Upon completion of the complainant's statement, the Police Department representative(s) knowledgeable of the investigation shall review and answer questions from the Panel about its investigation, including all findings of fact, evidence collected and received, witness statements and action taken or not, subject to the following limitations:

1. The statement of any police officer required by the Department to give a statement under the provisions of Garrity v. New Jersey, 385 U.S. 493 (1967) shall not be disclosed in public. The Panel shall have confidential access to the entire statement for the purpose of its review. The Police Department representative(s) presenting information to the Panel may publicly state only that the officer admitted or denied the allegation, unless the officer consents to the public release of the entire statement.
2. The Panel may convene in private to deliberate; however, any deliberations by the Panel which do not address the alleged improper conduct or performance of duties of an officer shall be conducted in an open public meeting. Neither the police department representative, nor any Panel member shall reveal the identity of any victim of sexual assault, unless authorized to do so by the victim, or of any juvenile.

The County Executive or his/her designee shall require the attendance of any County employee, other than the involved officer(s), whose appearance is requested by the Panel unless such required attendance violates any statutory or constitutional right of the employee. The County Executive shall also require the submission of any relevant documents or other materials in the possession of the FCPD or other County offices and departments as requested by the Panel, including the full FCPD internal administrative investigative case file, unless legal privilege to withhold exists and is not waived. At the Panel's discretion, further investigation by the Police Department may be requested and the Police Department shall conduct such further investigation and provide a supplemental public report to the Panel with respect to the further investigation.

During the Panel's review of a completed FDPD investigation where it is necessary for Panel members to review an officer's personnel record reflecting discipline or a Police Department internal administrative investigative case file, each Panel member who is provided the opportunity to review that record or case file shall be required to sign a Notice of Confidentiality, affirming that the file and case record is deemed a personnel record and shall not be disclosed nor shall copies be provided to the public. If a file contains information concerning an identifiable juvenile, the file shall first be forwarded to the County Attorney's Office, which shall redact information that identifies a juvenile in conformance with the requirements contained in Code of Virginia § 16.1-301, or any successor provision.

Panel review meetings shall be recorded and records maintained in accordance with the Library of Virginia Records Retention and Disposition schedule.

The Panel shall draft Bylaws to govern more specifically its functions. Such bylaws, and any amendments thereto, must be approved by the Board of Supervisors before taking effect.

d. Panel findings (Recommendation 21)

The Panel review of the investigation shall be completed and a public written report issued within 60 days of the filing of a request for review unless good cause exists for an extension, such as a delay due to a pending criminal or internal administrative investigation or the unavailability of a key witness. A delay and the cause shall be reported to the Board of Supervisors.

Upon completion of its review, the Panel, in its findings, may:

1. Concur with the findings and determination of the Police Department investigation.
2. Advise the Board of Supervisors that the findings are not supported by the information reasonably available to the Police Department and recommend further review and consideration by the Chief of Police.
3. Advise the Board of Supervisors that in its judgment the investigation is incomplete and recommend additional investigation.
4. Conclude that the complaint is not appropriate for review by the Panel.

Upon a finding by the Panel under provisions 2 and 3, the Board may direct the Chief of Police to take further action as it deems appropriate.

e. Panel reports (Recommendation 22)

The Panel shall issue an annual written report to the public describing its activities for the reporting year, including recommendations to the Board of Supervisors, Auditor, and the Chief of Police, including any recommendations for revisions to FCPD policies, training, and practices that the Panel concludes are needed. These annual reports shall be delivered to the Board through the Auditor and the Chair of the Board's Public Safety Committee, and then released to the public.

The Panel shall have the authority to conduct public meetings on issues within its jurisdiction and on law enforcement policies and practices to assist it in making recommendations for policy and practice changes to the Chief of Police and the Board of Supervisors. The Panel may meet periodically with the Independent Police Auditor concerning the findings and recommendations of the Auditor as to use of force cases so that the Panel can provide its view to the Board of Supervisors and the Chief of Police as to policy and practice changes that may be warranted.

The Board may conduct a review of the Civilian Review Panel at any time in the future, but to ensure a timely assessment of this important measure and to make any desired or needed procedural or other changes one shall be conducted within six months of receipt of the Panel's first annual report. This would allow sufficient time to select and train members, draft and approve bylaws, conduct some reviews, and present the first annual report.

FISCAL IMPACT:
The Civilian Review Panel will be supported primarily by staff of the Office of Independent Police Auditor. Other associated costs will primarily include as of yet undetermined Police Department and County Attorney's Office, independent counsel, staff time and any required materials and supplies for the Panel.

ENCLOSED:
Attachment 1: Ad Hoc Police Practices Review Commission Report Recommendations Assignment and Tracking Spreadsheet

STAFF:
David M. Rohrer, Deputy County Executive
Colonel Edwin C. Roessler Jr., Chief of Police

AD HOC POLICE PRACTICES REVIEW COMMISSION REPORT RECOMMENDATIONS ASSIGNMENT AND TRACKING SPREADSHEET								
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COMMUNICATIONS SUBCOMMITTEE								
COMM - 1	Timely Info Disclosure	46	Provide accurate, timely and actionable information (good or bad) using redundant forms of communication.	Police Dept. (PD)	Office of Public Affairs (OPA)	PERF #70		Police Dept. (PD)
COMM - 2	Timely Info Disclosure	46	Adopt a "predisposition to disclose" approach with public records presumed to be public and exceptions strictly and narrowly construed.	PD	Co. Atty's Office, OPA	PERF #70		Board of Supervisors (BOS)
COMM - 3	Timely Info Disclosure	46	Share and regularly update details of all officer-involved shootings in multiple ways; disclose not only facts, but also procedures and timing.	PD	Co. Atty's Office, OPA	PERF #70		BOS
COMM - 3a	Timely Info Disclosure	46	Provide the name of the officer(s) as soon as possible but preferably within a week. If a decision is made not to release the name within a week, publicly share specific information that illustrates the reason the name is being withheld.	PD	Co. Atty's Office, Commonwealth's Attorney's Office (CWA)			PD
COMM - 3b	Timely Info Disclosure	47	In cases where a suspect is deceased as a result of an officer-involved shooting, make available immediately upon FOIA request all body-camera, in-dash camera or audio recordings of responding officers to an incident.	PD	Co. Atty's Office, CWA, OPA, Dept. of Information Technology (DIT)		Yes	BOS
COMM - 3c	Timely Info Disclosure	47	In officer-involved shootings where a suspect is shot but not deceased, provide a citizens' committee (a communications advisory committee appointed by either the Board of Supervisors or the Chief of Police to carry out this function) access to the recordings for a recommendation on release which should balance public and private interest. This committee's recommendation would be submitted to the Chief of Police who would factor it into a final decision.	PD	Co. Atty's Office, CWA, OPA		Yes	BOS
COMM - 3d	Timely Info Disclosure	47	All digital recordings in officer-involved shooting investigations should be carefully preserved, and investigations should end with the public release of all digital recordings within 6 months of the incident.	PD	Co. Atty's Office, CWA, OPA		Yes	BOS
COMM - 4	Timely Info Disclosure	47	Annually report on the demographics of the subjects in all use-of-force incidents including race, gender, age, whether mental health status was a factor, previous involvement with FCPD and any other data.	PD	OPA, CSB	PERF #70	Yes	PD
COMM - 5	Timely Info Disclosure	47	Devote more effort to sharing day-to-day information of police activity with the public. Facilitate unfettered access to blotter-type information, to include a list of every incident and call with the basic who/what/when/where/how information.	PD	OPA, DIT	PERF #70		PD
COMM - 6	Timely Info Disclosure	47	Include incident based reporting (IBR) categories of statistical crime information broken down by district stations and provided quarterly in accessible, comprehensive online reports. Provide quarterly information by district for all use-of-force and officer involved shootings, CIT calls for service, traffic and pedestrian accidents.	PD	OPA, DIT		Yes	PD
COMM - 7	Community Engagement	47	Embrace and practice increased, proactive community engagement.	PD	OPA			PD
COMM - 7a	Community Engagement	47	Communicate with key community leaders as soon as bad news breaks.	PD	OPA			PD
COMM - 7b	Community Engagement	47	Hold community meetings early and often.	PD	OPA			PD
COMM - 7c	Community Engagement	48	Continue cross-district command meetings to increase situational awareness, spot trends and provide a centralized forum to identify and coordinate responses to emerging community issues.	PD				PD
COMM - 7d	Community Engagement	48	Create a "Community Engagement Team" within FCPD to respond to community concerns and manage programs that create community trust and engagement. The team members should be fluent in the language and knowledgeable of the customs of the particular community they serve, and the team should reflect the diversity of Fairfax County in order to best serve as liaisons between the community and FCPD.	PD	DMB			BOS
COMM - 8	Community Engagement	48	Continue supporting Citizen Advisory Committees (CAC); Chief's Citizens Advisory Council; and Citizen's Police Academy (CPA) classes.	PD	Citizen Advisory Committees (CAC), Citizens Police Academy (CPA), OPA			PD
COMM - 8a	Community Engagement	48	Expand promotion of these valuable public forums.	PD	CACs, OPA			PD
COMM - 8b	Community Engagement	48	Improve and expand CAC and Chief's Citizens Advisory Council succession planning and online information.	PD	CACs, OPA			PD
COMM - 8c	Community Engagement	48	Increase the meeting frequency of the Chief's Citizens Advisory Council from four meetings per year to 10 monthly meetings to be in line with the 10 monthly CAC meetings.	PD	CACs			PD

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COMM - 8d	Community Engagement	48	The structure of the eight CACs and the Chief's Citizens Advisory Council should facilitate a two-way flow of information about police services.	PD	CACs			PD
COMM - 8e	Community Engagement	48	Expand the CPA program by offering a compact, three-hour version in addition to the current 10-session program and include in the CPA training the best practices and reports discussed at meetings of the Ad Hoc Police Practices Review Commission and subcommittee meetings.	PD	CPA			PD
COMM - 8f	Community Engagement	48	The CPA should be designed and structured to be understood by all in the diverse communities of Fairfax County.	PD	OPA			PD
COMM - 9	Policies, Procedures & Personnel	48	Hire a civilian public information officer (a professional communicator knowledgeable of best communication practices and experienced in the practice and ethics of media and journalism) to lead the FCPD public information office, and have that position and function report directly to the Police Chief.	PD	Dept. of Human Resources (DHR), OPA	PERF #70		PD
COMM - 10	Policies, Procedures & Personnel	48	Fund and employ 24/7 PIO staff in the central Public Information Office with additional PIO staff assigned to each district station.	PD	DMB	PERF #70		BOS
COMM - 11	Policies, Procedures & Personnel	48	The Chief of Police should be the official spokesperson for officer-involved shootings.	PD	Co. Atty's Office		Yes	PD
COMM - 12	Policies, Procedures & Personnel	48	Develop a policy statement regarding FCPD PIO release of information for critical events to include hte relationship with the Office of Public Affairs (OPA) and the process for a hand-off to OPA in certain situations.	PD	OPA, Co. Atty's Office	PERF #70		PD
COMM - 13	Policies, Procedures & Personnel	49	FCPD should prioritize realignment of resources to ensure more transparency, and become the trusted and valued source of information for Fairfax County.	PD				PD
COMM-14	Policies, Procedures & Personnel	49	FCPD should develop a continuous process of information declassification, to ensure proactive information release for cases that are no longer active.	PD	Co. Atty's Office		Yes	PD
COMM - 15	Policies, Procedures & Personnel	49	Current FCPD policies overempahasize the media, FCPD should use its own platforms and tools to share information directly with the public. Policies should reflect the communications paradigm by promoting more community engagement and direct information dissemination to the community.	PD	OPA			PD
COMM - 16	Policies, Procedures & Personnel	49	Shorten the current 6-20 month timeframe to internally investigate and close officer-involved shooting cases; throughout the investigation be responsive to questions and concerns from the public, news media, and elected officials. It is recommended the Board of Supervisors take an active approach throughout the investigative stage by periodically requesting and receiving updates on such incidents in a public forum.	PD	Co. Atty's Office, CWA	PERF #70	Yes	BOS
COMM - 17	Policies, Procedures & Personnel	49	Update policies (with the assistance of FCPD Community Engagement Team members) and mandate usage of plain language that is culturally appropriate for the diverse communities in Fairfax County to eradicate any perceived biases.	PD	OPA			PD
COMM - 18	F.O.I.A.	49	The Board of Supervisors should publicly adopt a resolution (and forward it to the County's delegation in the General Assembly) to revisit FOIA laws with an eye toward expanding instead of limiting the public release of information related to police-involved shootings and other police practices and procedures.	BOS	PD, Co. Atty's Office, CWA, OPA		Yes	BOS
COMM - 19	F.O.I.A.	49	The County Executive should establish a countywide FOIA policy and procedure through issuance of a new procedural memorandum that would replace former County Executive Griffin's memo regarding FOIA compliance, which currently guides county staff. The new policy should encourage transparency and accountability by establishing a culture of disclosure. It should give guidance to all county staff custodians of public records to lean automatically toward releasing all public records upon request, changing the current practice of automatically withholding all exempt records.	Co. Atty's Office	County Executive's Office, OPA		Yes	Co. Exec.
COMM - 20	F.O.I.A.	49	Where possible, release police reports with redactions rather than creating a summary document.	PD	Co. Atty's Office, CWA, OPA		Yes	PD

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COMM - 21	F.O.I.A.	50	Develop FCPD administrative guidelines for FOIA, even in the absence of FOIA reform at the state level.	PD	Co. Atty's Office, OPA		Yes	PD
COMM - 22	F.O.I.A.	50	Move function and staff for responding to FOIA requests out of Internal Affairs and into the FCPD Public Information Office.	PD	Co. Atty's Office			PD
COMM - 23	F.O.I.A.	50	Cease the blanket approach to FOIA requests; when records are withheld, an explanation should be provided without merely claiming exemption.	PD	Co. Atty's Office		Yes	PD
COMM - 24	Transparency	50	With goal of becoming a transparent and highly accountable police department, the Department should make proactive statements to the community it serves, communicating with the public on all aspects of police procedure, policy, and actions, particularly in an officer-involved shooting or other high-profile incident involving use of force. The use of numerous communications channels should be utilized to explain what happened, what is known at the time, what is revealed over time, and lessons learned and perspective after the fact.	PD	Co. Atty's Office, OPA,			PD
COMM - 25	Transparency	50	Fairfax County should adopt the type of progressive release of information practices and policies that govern most states as FCPD's current practices on releasing information is not aligned with agencies located outside the Commonwealth of Virginia.	PD	Co. Atty's Office, all County agencies		Yes	BOS
COMM - 26	Transparency	50	Create and utilize written standards and criteria for the day-to-day release of information from FCPD PIO to standardize information flow/release, and to enhance professional communications, transparency, and accountability.	PD	Co. Atty's Office, OPA			PD
COMM - 27	Transparency	50	Get "buy-in" and cooperation from all levels of the FCPD to improve communications and expand information release.	PD				PD
COMM - 28	Transparency	50-51	Basic requests for information should be addressed in a timely manner by openly providing routine information about incidents, activities, calls, investigations (internal and external) with unfettered public access.	PD		PERF #70		PD
COMM - 29	Transparency	51	Endorse and implement the recommendations of the final report of The President's Task Force on 21st Century Policing, dated May 2015, that are related to communications, which call for such actions as making all Department policies available for public review, clearly stating what types of information will be released, when and in what situation after serious incidents; communicating swiftly, openly and neutrally while complying with legal requirements related to confidentiality.	PD	OPA			PD
COMM - 30	Transparency	51	Create a change management process to change the FCPD culture and facilitate the successful implementation of the improved policies.	PD	DHR	PERF #71		PD
COMM - 31	Transparency	51	Endorse and implement communications-related recommendations contained in the report of the U.S. Conference of Mayors' Working Group of Mayors and Police Chiefs, *"Strengthening Police-Community Relations in America's Cities."*	PD	OPA			PD
COMM - 32	Transparency	51	Endorse and implement communications-related recommendations from PERF's use-of-force policy and practice review of FCPD.	PD	OPA	PERF #70		PD
COMM - 33	Open Data	51	Develop an open data policy to improve transparency; this will reduce the cost of responding to FOIA requests, since data and reports will be published online making FCPD more efficient and serving community needs more effectively.	PD	Co. Atty's Office, OPA, DIT		Yes	PD
COMM - 34	Open Data	51	Provide more specificity and detail in crime stats and information released by the district stations.	PD	Co. Atty's Office, DIT	PERF #70		PD
COMM - 35	Open Data	51	Make all department policies and procedures available for public review online, updating them as needed.	PD	Co. Atty's Office	PERF #70	Yes	PD
COMM - 36	Moving Forward	52	The Board of Supervisors should publicly set dates for community forums to revisit the recommendations of the Ad Hoc Police Practices Review Commission and the progress made toward their implementation. These reviews should take place in April 2016, October 2016, April 2017 and annually thereafter. Other methods should also be used to update the public, possibly an online 'report card' that is continually updated.	Dep. Co. Exec. for Public Safety	PD, CSB, Sheriff's Office (SO), CWA, OPA			BOS

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COMM - 37	Moving Forward	52	Recommends that this subcommittee continue its service beyond presentation of its final report, in order to meet with the PERF contractors conducting an independent review of the county's communications practices and review and comment on the PERF report and recommendations when they are finally submitted.	Dep. Co. Exec. for Public Safety				Dep. Co. Exec. for Public Safety
COMM - 38	Moving Forward	52	Anticipating a proposal for an independent citizen oversight group emerging from the Investigations and Oversight Subcommittee, it is recommended that any group established be mandated to provide robust communications in a transparent process that keeps the community informed and ensures a culture of public trust.	Dep. Co. Exec. for Public Safety	PD, OPA		Yes	BOS
RECRUITMENT, DIVERSITY AND VETTING SUBCOMMITTEE								
RD&V - 1	Recruitment	58	Provide a referral incentive for employees who are successful in recruiting personnel into the Department.	PD	DHR, Co. Atty's Office, DMB			BOS
RD&V - 2	Recruitment	58	Develop and implement a marketing plan for all programs and vacancies to include e-mail blasts to interfaith organizations and School Career Centers.	PD	OPA, NCS/Community Interfaith Coordination, Faith Communities in Action (FCIA), Fairfax County Public Schools (FCPS)			PD
RD&V - 3	Recruitment	58	Expand the Explorer and Cadet programs to include a diverse pool of participants.	PD	DHR, FCPS			PD
RD&V - 4	Recruitment	58	Enter into a Recruitment Agreement with all Cadets to include reimbursement of educational expenses for breach of contract.	PD	Co. Atty's Office, DHR, DMB		Yes	BOS
RD&V - 5	Recruitment	58	Collaborate and build recruitment-oriented partnerships with key segments of the Fairfax County community to further diversify both the applicant pool and workforce to more closely reflect the community.	PD	DHR, FCPS, Faith Communities in Action (FCIA)			PD
RD&V - 6	Recruitment	58	Identify ways to reduce the time from application to hiring (includes staffing resources).	PD	DHR, DMB			BOS
RD&V - 7	Recruitment	58	Formalize the selection process by putting certain standards and processes into writing.	PD	DHR, Co. Atty's Office	PERF #1	Yes	PD
RD&V - 8	Recruitment	58	Ensure written directives are kept up to date.	PD		PERF #2		PD
RD&V - 9	Recruitment	58	Create a diverse Selection Review Committee that includes community leaders.	PD	DHR, Co. Atty's Office	PERF #3	Yes	PD
RD&V - 10	Diversity	59	Establish a diversity goal for each commander, making them responsible for enhancing the diversity within the department. The progress toward achieving that goal should be reflected in the performance management system.	PD	DHR			PD
RD&V - 11	Diversity	59	Educate and train recruiting and selecting officers about implicit bias, which the current neuroscience research shows can occur even in people with no-prejudiced attitudes, and the impact on both individual and organizational selection decision.	PD	DHR			PD
RD&V - 12	Vetting	61	Increase resources in order to reduce length of time it takes to conduct background investigations and polygraphs.	PD	DMB			BOS

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RD&V - 13	Vetting	61	Formalize the officer selection process.	PD	DHR	PERF #1		PD
RD&V - 14	Retention	62	The Board of Supervisors should continue to work with the Department's Pay and Benefits Committee to ensure competitive salaries and benefits to secure and maintain a diverse workforce.	PD	DHR, DMB			BOS
MENTAL HEALTH AND CIT SUBCOMMITTEE								
MH-CIT - 1	FCPD	81	Establish Memphis Model/Virginia CIT Essential Elements. FCPD should immediately establish the Memphis Model for Crisis Intervention Team training as adopted by the Virginia Essential Elements of CIT, ensuring each squad has a CIT trained officer and creating a specialty squad of selected CIT officers to work closely with CSB and Mobile Crisis units.	PD	CSB	PERF #58, 67, 68	Yes	PD & BOS
MH-CIT - 2	FCPD	82	Attract the right officers for CIT, FCPD should create incentives, such as flexible shift hours, to make serving on a Crisis Intervention Team attractive to potential volunteers	PD	DMB, CSB			PD
MH-CIT - 3	FCPD	82	The subcommittee recommends that the FCPD create a uniform pin to identify Crisis Intervention Team Trained officers to the public.	PD				PD
MH-CIT - 4	FCPD	82	Make CIT a requirement for selected command assignments. The subcommittee recommends that FCPD leadership consider CIT training and experience in selections to certain command positions, for instance in the patrol division.	PD	DHR	PERF #57		PD
MH-CIT - 5	FCPD	82	Form teams. The subcommittee recommends that officers detailed to Crisis Intervention Teams maintain their regular patrol duties, but also form partnerships with mental health workers and community partners trained and experienced in dealing with residents living with mental illness. These teams would be availllable to be dispatched to identified mental health calls.	PD	CSB	PERF #67		PD & Community Services Board (CSB)
MH-CIT - 6	FCPD	82	Be proactive. The subcommittee recommends that Crisis Intervention Teams be empowered to work proactively to help mentally ill persons obtain treatment and take other steps to manage their illness, diverting them from the criminal justice system and the courts.	PD	CSB, Courts, CWA			PD
MH-CIT - 7	FCPD	83	Integrate dispatch personnel. The subcommittee recommends 100% of all dispatchers continue to receive at least eight hours of CIT training.	Dept. of Public Safety Communications (DPSC)	PD, CSB	PERF #69		Dept. of Public Safety Communications (DPSC)
MH-CIT - 8	FCSO & CSB	84	Implement "Stepping Up." The Board of Supervisors, the CSB, the Judiciary, State legislators, and the Sheriff's Office should collaborate to implement a community-wide system of care overhaul using the BOS-endorsed, national initiative known as "Stepping Up."	CSB	Multiple			BOS
MH-CIT - 9	FCSO & CSB	84	Fully implement Diversion First. The subcommittee recommends Fairfax County develop a mechanism for oversight of systems of mental health/substance use/justice services — a diversion-oriented system of care collaborative stakeholder group now known as "Diversion First."	CSB	PD, SO		Yes	BOS
MH-CIT - 10	FCSO & CSB	84	Identify and collect pertinent data to establish metrics for success. The subcommittee strongly emphasizes the importance of data collection and its intimate linkage to measuring the progress and impact of CIT programs.	CSB	PD, SO, DIT			CSB
MH-CIT - 11	FCSO & CSB	85	Increase language and cultural competency. The subcommittee recommends that Fairfax County increase services to special populations to include cultural competency to better serve non-English-speaking justice-involved individuals, as de-escalation and diversion require the ability to effectively communicate with persons.	CSB	PD, SO			BOS

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MH-CIT - 12	FCSO & CSB	85	Provide CIT Training to jail and custodial personnel. The subcommittee recommends that the Sheriff's Office provide the forty-hour Crisis Intervention Team training course to deputies detailed to courtroom security and deputies working inside the Adult Detention Center.	SO	CSB, PD			SO
MH-CIT - 13	FCSO & CSB	85	Establish strategically located CIT assessment sites. The subcommittee recommends that Fairfax County establish strategically located 24-hour assessment sites staffed and operated by CSB, FCPD, and the Sheriff's Office collaboratively.	CSB	PD, SO, DMB			BOS
MH-CIT - 14	FCSO & CSB	86	Redeploy CSB to provide services when they are needed most. The subcommittee recommends that the CSB should redeploy both forensic and community-based teams to expand capacity to provide mental health services at each point in the criminal/community mental health continuum rather than incarcerate individuals.	CSB	PD, SO			CSB
MH-CIT - 15	FCSO & CSB	86	Expand Mobile Crisis Unit (MCU) program to strategic locations in Fairfax County. MCU is an emergency mental health program of the Fairfax-Falls Church Community Services Board that provides on-scene evaluation, treatment, and crisis intervention in the community. The recommendation is to have MCUs by Jan. 1, 2017.	CSB				BOS
MH-CIT - 16	FCSO & CSB	87	CSB and Sheriff's Office to consider increasing behavioral health clinician staff hour availability inside the Adult Detention Center (ADC), to include not only on-site, but through technology.	CSB	SO, DIT			CSB & Sheriff's Office (SO)
MH-CIT - 17	FCSO & CSB	87	Increase release planning to support successful reentry. The subcommittee recommends that more CSB staff resources be devoted to release planning inside the ADC. It is also recommended that Dept. of Family Services (DFS) make availalble resources to initiate benefit eligibility determination.	CSB	SO, Dept. of Family Services (DFS)			CSB
MH-CIT - 18	FCSO & CSB	87	Review pharmacy policies inside the ADC. The subcommittee recommends that the CSB and ADC medical staff review policies, especially for psychotropic medications, to ensure that inmates receive the most effective treatment relative to their conditions and medical histories by January 1, 2016.	SO	CSB		Yes	CSB & SO
MH-CIT - 19	Judiciary & Mental Health Dockets	88	Implement Mental Health dockets. The subcommittee recommends that Fairfax County work with judges and the Clerk of the Court to establish a Mental Health Docket for both adults and juveniles by January 1, 2016.	Dep. Co. Exec. for Public Safety (preliminary)	Courts, Clerk of the Court, CWA, CSB, PD, SO		Yes	BOS & Courts
MH-CIT - 20	Judiciary & Mental Health Dockets	88	Encourage Mental Health Awareness training for the judiciary. The subcommittee recommends that appropriate mental health awareness training be developed and deployed for judges, magistrates, probation and parole officers, and other officials who may come into contact with people who are living with mental illness by January 1, 2016.	CSB	Courts, Magistrates, Probation & Parole, Others			CSB
MH-CIT - 21	VA CIT Elements	89	Establish standing law enforcement Mental Health Units staffed by full-time police officers and deputies tasked with responding to individuals experiencing a mental health crisis.	PD & SO	CSB, DMB, Co. Atty's Office			BOS
MH-CIT - 22	VA CIT Elements	89	Institute plainclothes Mental Health Unit officers. Mental Health Unit officers in Bexar County wear civilian clothing and use unmarked vehicles during the course of their duties to avoid unintentionally escalating a mental health crisis.	PD & SO	PD, CSB			PD & SO
MH-CIT - 23	VA CIT Elements	89	Re-focus and develop a full range of mental health and disability awareness training at the Criminal Justice Academy. CIT is important, but other trainings are also vital.	PD	PD, CSB			PD & SO
MH-CIT - 24	VA CIT Elements	90	Clarify mental health response protocols for first responders. The Fairfax County Fire and Rescue responds to more than 50,000 calls annually, and must transport some individuals without a medical condition to emergency rooms rather than a mental health facility as this is required by the Code of Virginia. Subcommittee recommends the Board of Supervisors consider supporting a bill that would allow first responders to transport individuals whose primary condition is a mental health isse direrectly to a mental health facility once medically cleared by an EMT.	Fire and Rescue Dept. (FRD)	Govt. Relations, CSB, Co. Atty's Office		Yes	BOS

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MH-CIT - 25	VA CIT Elements	90	Involve peers whenever and wherever possible. According to Virginia's Essential Elements program guide for CIT, dynamic community involvement should reflect the composition of the local community, with particular emphasis on the inclusion of persons with mental illness.	CSB	PD, SO	PERF #67		CSB
MH-CIT - 26	Public Outreach	91	Develop a public outreach program. The subcommittee recommends that the FCPD work with the CSB to develop materials for delivery to the public, to increase awareness of steps that may be taken prior to the instance of a potential interaction.	CSB	PD, SO, OPA			CSB
USE OF FORCE SUBCOMMITTEE								
UOF - 1	Guiding Philosophy	107	Ensure that FCPD's philosophy, policies and orders promote treating persons respectfully and are protective of their dignity; maintain an appropriate balance between an officer's role as a guardian/warrior or peacemaker/fighter; reinforce a reverence for the sanctity of human life.	PD		PERF #4, 5		PD
UOF - 2a	Guiding Philosophy	107	Adopt policies, programs and practices that require officers to identify themselves by their full name, rank, and command (as applicable) and provide that information, when practicable, on a business card to individuals they have stopped.	PD				PD
UOF - 2b	Guiding Philosophy	107	Adopt policies, programs and practices that, for policing mass demonstrations, continue to employ a continuum of managed tactical resources designed to be protective of officer safety and promote de-escalation of tensions; minimize the appearance of a military operation; and avoid provocative tactics, equipment, and language that might heighten tensions.	PD				PD
UOF - 2c	Guiding Philosophy	108	Adopt policies, programs and practices that continue and strengthen opportunities for patrol officers to regularly interact with neighborhood residents, faith leaders, and business leaders.	PD				PD
UOF - 2d	Guiding Philosophy	108	Adopt policies, programs and practices that reward officers for their efforts to engage members of the community and the partnerships they build and make this part of the performance evaluation process, placing an increased value on developing such partnerships.	PD	DHR			PD
UOF - 2e	Guiding Philosophy	108	Adopt policies, programs and practices that ensure deployment schedules provide sufficient time for patrol officers to participate in problem solving and community engagement activities.	PD				PD
UOF - 2f	Guiding Philosophy	108	Adopt policies, programs and practices that infuse a renewed commitment to community policing throughout the FCPD culture and organizational structure.	PD				PD
UOF - 3	Guiding Philosophy	108	Commit and assure in G.O. 201.6 - PRESERVATION OF PEACE AND PROTECTION OF LIFE AND PROPERTY, that medical assistance will be provided to anyone who is injured, alleges an injury, or requests medical assistance, stating, as follows: *It shall be the duty of each sworn officer of the Department to: preserve the public peace; protect life and property; assure medical assistance; and enforce and uphold the laws of the Commonwealth of Virginia and the Ordinances of the County of Fairfax.*	PD	Co. Atty's Office		Yes	PD
UOF - 4	Guiding Philosophy	108	Review policies on use of physical control equipment and techniques to assure that they address any unique requirements of vulnerable populations—including children, elderly persons, pregnant women, people with physical and mental disabilities, limited English proficiency, and others deemed appropriate by the on-scene officer(s).	PD	Co. Atty's Office	PERF #7	Yes	PD
UOF - 5	PERF Recommended	109	Implement all PERF Use of Force report recommendations except #54, "termination of the use of PIT." FCPD should complete an analysis for approval by the Board of Supervisors on whether or not to maintain or restrict PIT use. Complete a publicly available and periodically updated action plan that assigns responsibility by name or position and target date for completion of all of the other recommendations.	PD	Co. Atty's Office	PERF #1 - 71 (except #54)	Yes	PD (BOS for PERF Recommendation #54)
UOF - 6	Use of Force Policies	110	Establish a comprehensive and integrated policy on use of force to include training, investigations, prosecutions, data collection and information sharing. This policy must be clear, concise, and openly available for public inspection.	PD	Co. Atty's Office	PERF #13,14,16	Yes	PD
UOF - 7	Use of Force Policies	110	Consistent with the PERF Use of Force report, replace the current Department definition of use of force with a more comprehensive definition. Proposed new language: "Force means the following actions by a member of the department; any physical strike or instrumental contact with a person, or any significant physical contact that restricts movement of a person. Force includes the use of firearms, Electronic Control Weapons (ECWs), checmical spray, bean bag shotgun, PepperBall gun and hard empty hands; the taking of a person to the ground; the use of vehicles; or the deployment of a canine; and excludes escorting or handcuffing a person who is exhibiting minimal or no resistance."	PD	Co. Atty's Office	PERF #12, 13, 30, 45, 46, 47	Yes	PD

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UOF - 8a	Use of Force Policies	110	Amend General Order 540.1, USE OF FORCE, to Establish "sanctity of life" clearly and unambiguously as a philosophy and value system that remains paramount in the mind of every officer.	PD	Co. Atty's Office	PERF #4	Yes	PD
UOF - 8b	Use of Force Policies	110	Amend General Order 540.1, USE OF FORCE, to maintain "objectively reasonable" as the standard to be followed by an officer when determining whether to use force and all references to "reasonable" must therefore be understood to mean "objectively reasonable."	PD	Co. Atty's Office	PERF#8	Yes	PD
UOF - 8c	Use of Force Policies	110	Amend General Order 540.1, USE OF FORCE, to include as the definition of "reasonable: "...use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against his or her responsibility to protect public safety, as well as the suspect's civil liberties."	PD	Co. Atty's Office	PERF #8, 13	Yes	PD
UOF - 8d	Use of Force Policies	110	Amend General Order 540.1, USE OF FORCE, to reword, II. POLICY as follows: "A police officer shall employ only such force in discharge of his or her duty as is objectively reasonable in all circumstances. The use of force is to be generally considered by an officer as a last resort after discussion, negotiation or persuasion have been found to be ineffective or inappropriate in light of the situation. While the use of force is occasionally unavoidable, every police officer will refrain from unwarranted infliction of pain or suffering and will never engage in cruel, degrading or inhumane physical or verbal treatment of any person."	PD	Co. Atty's Office		Yes	PD
UOF - 8e	Use of Force Policies	111	In revising the General Order, and while first and foremost meeting the criteria specified by the Supreme Court, consider the Customs and Border Patrol's definition with regard to "Objectively Reasonable and the Totality of Circumstances," which is as follows: i. The reasonableness inquiry for an application of force is an objective one: the question is whether the officer's actions are objectively reasonable in light of the totality of facts and circumstances confronting him or her, without regard to underlying intent or motivation. ii. In determining whether a use of force is "objectively reasonable" an officer must give careful attention to the totality of facts and circumstances of each particular case, including: 1. Whether the suspect poses an imminent threat to the safety of the officer/agent or others; 2. The severity of the crime at issue; 3. Whether the suspect is actively resisting seizure or attempting to evade arrest by flight; 4. Whether the circumstances are tense, uncertain and rapidly evolving; and 5. The foreseeable risk of injury to involved suspects and others. iii. Totality of circumstances refers to all factors existing in each individual case. In addition to those listed in subsection e.ii., these factors may include (but are not limited to) the: 1. training, mental attitude, age, size and strength of the officer; 2. training, mental attitude, age, size and perceived strength of the suspect; 3. weapon(s) involved; 4. presence of other officers, suspects or bystanders; and 5. environmental conditions.	PD	Co. Atty's Office		Yes	PD
UOF - 8f	Use of Force Policies	111	Institute the following use of firearms requirements, by establishing or clarifying that: i. the act of a police officer placing his or her weapon "in a ready gun position" at a suspect will be a reportable action [NOTE: Un-holstering his or her weapon, pointing downward toward the ground next to an officer's leg, with finger on frame of weapon, is not to be a reportable action in the context of this policy as officers may do so when they reasonably believe or know suspects are nearby, i.e., entering a dark building, alley, other location of concern.]; ii. the "ready gun" position is defined as pointing the weapon, with finger on the frame of the weapon, so the officer can see the suspect's hands and waist.; iii. the officer must announce "Police!" after and not before attaining the "ready gun" position and if feasible followed by simple, specific and clear direction to the suspect; iv. the "ready gun" position will be utilized in the specific circumstance where it is necessary to establish control and gain compliance through the pointing of a firearm; v. the pointing of the firearm will be considered non-deadly use of force in this circumstance if the weapon is not aimed at center of mass, which is normally the chest; and vi. an officer's finger should be moved from the frame to the trigger of a weapon only if the use of deadly force is authorized under the objectively reasonable standard, which would exclude pointing a weapon at center of mass simply for control and compliance under the "ready gun" position addressed in iv. above.	PD	Co. Atty's Office		Yes	PD
UOF - 8g	Use of Force Policies	112	Requirements for assuring medical assistance should be instituted consistent with the following: i. State in Section II that "[i]n all situations, medical assistance shall be provided promptly to any person who is obviously injured, alleges an injury, or requests medical assistance." ii. Incorporate a separate implementation section, including a requirement that an operational and implementation plan be created and incorporated in the General Order. iii. Assure that any such plan includes ECW (Taser) non-lethal incidents and specifies the officer's medical action requirements in the event that an ECW deployment is taken against a suspect.	PD	Co. Atty's Office		Yes	PD

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UOF - 8h	Use of Force Policies	112	A requirement should be established with regard to the state of the officer at the time of an officer involved death or serious injury per the following: Drug and steroid testing will be conducted on police officers involved in incidents that result in death or serious injury as soon as possible after the incident but not longer than an amount of time as determined by medical experts to detect whether drugs or steroids were present in the officers at the time of the incident.	PD	DHR, Co. Atty's Office		Yes	BOS
UOF - 9	Use of Force Policies	112	Benchmark FCPD Use of Force policies and practices with those of five urban jurisdictions that are comparable in their economic base, population density, and population demographics to Fairfax County.	PD				PD
UOF - 10	Use of Force Policies	112	Restrict vehicle pursuit to only those situations where there is a reasonable suspicion that a violent felony has been committed and that there is a potential for imminent risk to public safety and/or injury to individuals if pursuit is not initiated.	PD	DPSC	PERF #52, 53, 54, 55	Yes	PD
UOF - 11	Use of Force Reporting	113	Engage in robust public reporting on the demographics of the suspects in all use of force incidents and in-custody deaths, including for each incident: race, gender, age; any indicators of homelessness and of mental illness and CIT response; any previous involvement with FCPD; the type of weapon, if any, in the suspect's possession; police use of force; and resulting death/injury.	PD	PD, Co. Atty's Office	PERF # 65, 70	Yes	PD
UOF - 12	Use of Force Reporting	113	Collect and publicly report online all uses of force that result in death or serious injury; specifically for purposes of determining (a) whether the actions taken or not taken conformed to FCPD policies and procedures; (b) prior instances of use of force by the officer(s) involved and determination of appropriateness; and (c) opportunities for officer, supervisor, and commander training. (Note: Release of use of force data does not necessarily have to include names of officers or victims until cases are concluded.)	PD	Co. Atty's Office, CWA	PERF # 65, 70	Yes	PD
UOF - 13	Use of Force Reporting	114	Annually report to the U.S. Department of Justice through the FBI's Uniform Crime Reporting System, all use of force and in-custody deaths, and disseminate such data to the public.	PD	OPA	PERF # 65, 70		PD
UOF - 14a	Use of Force Reporting	114	Assure timely and consistent information is presented for all officer involved shootings and lethal incidents within 72 hours, to include a narrative of the incidents and aftermath, updated in real time, including all UOF events that result in death or serious injury, not just shootings.	PD	OPA	PERF # 65, 70	Yes	PD
UOF -14b	Use of Force Reporting	114	Assure timely and consistent information is presented for all officer involved shootings and lethal incidents within 72 hours, to include the details available in all press releases, updates and other public information should be integrated into the summaries, including names suspects and officers and links to press releases and their updates provided.	PD	Co. Atty's Office	PERF # 65, 70	Yes	PD
UOF - 14c	Use of Force Reporting	114	Assure timely and consistent information is presented for all officer involved shootings and lethal incidents within 72 hours, to include demographic information: race, age, gender, whether the call included concerns about a mental health crisis, whether the suspect was homeless.	PD	Co. Atty's Office	PERF # 65, 70	Yes	PD
UOF - 14d	Use of Force Reporting	114	Assure timely and consistent information is presented for all officer involved shootings and lethal incidents within 72 hours, to include information on what special teams were involved, if any.	PD		PERF # 65, 70	Yes	PD
UOF - 14e	Use of Force Reporting	114	Assure timely and consistent information is presented for all officer involved shootings and lethal incidents within 72 hours, to include appropriate information about whether/what discipline was administered in cases with policy violations.	PD	Co. Atty's Office, DHR	PERF # 65, 70	Yes	BOS
UOF - 14f	Use of Force Reporting	114	Assure timely and consistent information is presented for all officer involved shootings and lethal incidents within 72 hours, to include any changes of policy or training that result from review and lessons learned from the use of force incidents.	PD	Co. Atty's Office	PERF #65, 70	Yes	PD
UOF - 15a	Body Cameras	116	Mandate that FCPD police patrol officers employ body cameras to record all interactions with members of the public, contingent on the enactment of laws, policies, and procedures that protect individual privacy.	PD	Co. Atty's Office, DIT, CWA, Govt. Relations		Yes	BOS
UOF - 15b	Body Cameras	116	Mandate that FCPD police patrol officers employ body cameras to record all interactions with members of the public, contingent on the provision that police officers are consulted, with feedback provided as to how their concerns and recommendations were considered.	PD	Co. Atty's Office, DIT, CWA		Yes	BOS

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UOF - 15c	Body Cameras	116	Mandate that FCPD police patrol officers employ body cameras to record all interactions with members of the public, contingent on the implementation of a training program not only for police officers, but the wide-ranging personnel who will oversee, process and manage the digital data, as well as for prosecutors who will use the data for criminal prosecutions.	PD	Co. Atty's Office, DIT, CWA		Yes	BOS
UOF - 16	Tasers / ECW	117	Reclassify Electronic Control Weapons as "less-lethal weapons" rather than "non-deadly weapons" per the recommendation by the 2011 Electronic Control Weapons Guidelines and the PERF Report.	PD	Co. Atty's Office	PERF #30	Yes	PD
UOF - 17	Tasers / ECW	117	Mandate that all uniformed officers in enforcement units carry an ECW on their duty belt (or elsewhere on their person if necessary) when on patrol. The recommendation is contingent on police officers being consulted on how best to implement the all-carry requirement and that feedback be provided to them as to how their concerns and recommendations were considered.	PD	DMB	PERF #32		BOS
UOF - 18	Tasers / ECW	118	Mandate that all detectives and plainclothes officers, regardless of rank, carry an ECW in their vehicles when on duty; contingent on officers being consulted on how best to implement the all-carry requirement and that feedback be provided to them as to how their concerns and recommendations were considered.	PD	DMB			BOS
UOF - 19	Tasers / ECW	118	General Order 540.1, USE OF FORCE - replace all use of the term "excited delirium" with a more medically and physiologically descriptive term.	PD	Co. Atty's Office, CWA	PERF #18	Yes	PD
UOF - 20	Tasers / ECW	118	Prohibit use of an ECW on a handcuffed, or otherwise restrained individual, who is actively resisting, unless an objectively reasonable officer concludes that the resistance could result in serious injury to him or herself or others and less severe force alternatives have been ineffective or are deemed unacceptable for the situation.	PD	Co. Atty's Office	PERF #27	Yes	PD
UOF - 21	Tasers / ECW	118	Prohibit use of an ECW on a frail or elderly person, child or a pregnant woman unless deadly force would otherwise be justified, since they face an elevated risk.	PD	Co. Atty's Office	PERF #28	Yes	PD
UOF - 22	Tasers / ECW	118	Absent exigent circumstances, require supervisory approval for ECW use on a suspect in excess of three cycles.	PD	Co. Atty's Office		Yes	PD
UOF -23	Tasers / ECW	118	Treat each ECW cycle as an independent application of the device, thus requiring its own justification, since multiple or prolonged ECW shocks may increase the risk of adverse effects on the heart or respiratory system.	PD	Co. Atty's Office	PERF #33	Yes	PD
UOF - 24	SWAT	119	Employ SWAT and the use of other advanced tactics only in situations where there is a high risk of violence, resistance, or harm to the officers involved, the public or the suspect as defined by set of "high risk" factors that are captured in the recent modifications to the Risk Assessment Matrix.	PD	Co. Atty's Office	PERF #62, 63, 64		PD
UOF - 25	SWAT	119	Consolidate FCPD policies and protocols, including threat assessment, supervisory approval, training and post-use review and lessons learned, for the use and documentation of SWAT and other advanced tactics.	PD		PERF #66	Yes	PD
UOF - 26	SWAT	119	Require that all police divisions, most notably the Narcotics Division, employ the same risk assessment procedures as SWAT for planning any high-risk operation.	PD				PD
UOF - 27	SWAT	119	Ensure broad community understanding of FCPD SWAT capabilities and how and when SWAT can be deployed.	PD		PERF #60		PD
UOF - 28	SWAT	119	Ensure that SWAT SOPs and the recently updated threat assessment process are clear in their requirement for approval by a single designated command officer who will bear overall responsibility for each use of SWAT.	PD		PERF #60, 62, 63, 64, 65, 66		PD
UOF - 29a	SWAT	119	Establish policies and practices that ensure SWAT is deployed proportional to the unique needs of each individual incident.	PD		PERF #60		PD

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UOF - 29b	SWAT	119	Include a trained crisis negotiator with every SWAT deployment.	PD				PD
UOF - 29c	SWAT	119	Require SWAT officers to wear body cams during every deployment.	PD	Co. Atty's Office		Yes	BOS
UOF - 29d	SWAT	119	Require that every SWAT deployment results in a post-deployment report that documents the following, in a manner that allows for the data to be readily compiled and analyzed for lessons learned: i. the purpose of the deployment; ii. the specific reason for believing that the situation for which the SWAT team was being deployed presented an imminent threat to the lives or safety of civilians and/or police personnel; iii. whether forcible entry or a breach was conducted and, if so, the equipment used and for what purpose; iv. whether a distraction device was used and, if so, what type and for what purpose; v. whether an armored personnel carrier was used and, if so, for what purpose; vi. the race, sex, ethnicity and age of each individual encountered during the deployment, whether as a suspect or bystander; vii. whether any civilians, officers, or domestic animals sustained any injury or death; viii. a list of any controlled substances, weapons, contraband, or evidence of crime that is found on the premises or any individuals; and ix. a brief narrative statement describing any unusual circumstances or important data elements not captured in the list above.	PD		PERF #66		PD
UOF - 30	Mobile Crisis	120	Establish as a budget priority the 24-hour staffing of three additional Mobile Crisis Units, by directing the immediate funding of a second Mobile Crisis Unit, in support of the Mental Health Subcommittee recommendation 15; and over the appropriate budget cycles, but no later than January 1, 2017, fund of two additional Mobile Crisis Units, for a total of four units, one for each human services district.	CSB	PD, DMB			BOS
UOF - 31	Oversight	122	Implement independent investigative oversight and civilian review of Use of Force incidents. Consistent with the findings of the White House Task Force and the recommendations of NACOLE, independent oversight and civilian review will provide public accountability, trust and confidence, education of both the public and the police, and a positive, ongoing feedback loop that would result in the reduction of both UOF incidents and complaints.	Dep. Co. Exec. for Public Safety	PD, Co. Atty's Office, CWA		Yes	BOS
UOF - 32	Oversight	122	Establish a police legal advisor position within FCPD who would not only advise the department on legal issues but also ensure implementation of recommendations and timely implementation of policy changes.	PD	Co. Atty's Office, DMB		Yes	BOS
UOF - 33	Oversight	122	Collect data, and publish an annual statistical report, covering all stops, frisks, citations, arrests, and use-of force by district station and magisterial district - include the race, gender, and ethnicity of the individual involved and note whether the suspect is homeless and/or if a mental health crisis is a factor. The data should also include the race, gender and ethnicity of the FCPD officer involved and whether the interaction was initiated by FCPD or by the suspect. Document the outcome of each incident and regularly report the collected data to the BOS and the public and post the data online.	PD	Co. Atty's Office	PERF #70	Yes	PD
UOF - 34	Oversight	122	Reconstitute the FCPD Use of Force Committee to review selective use of force events, to include the decision to employ UOF, use of de-escalation and alternatives, compliance with law and regulations, as well as administrative, training, supervisory and tactical issues.	PD	Co. Atty's Office			PD
UOF - 34a	Oversight	122	The Use of Force Committee should receive and consider after action reports (AARs) on each selected use of force event, identify lessons learned, and make recommendations as to any needed changes in policy or practice. The Committee should meet on a regular basis (no less than semi-annually) with the Independent Auditor and the Civilian Review Panel to identify and address issues of concern arising out of use of force incidents and FCPD policies and practices.	PD	Co. Atty's Office		Yes	BOS
UOF - 34b	Oversight	122	At least two members of the public should be appointed to the Use of Force Committee to ensure that the police and public can mutually benefit from their respective views about a use of force situation and contribute to any lessons that might be learned in the process. The policies and procedures guiding the appointment and role of the civilian appointees should be developed with public review and input and should protect against real or perceived conflicts of interest and assure that they are bound by the level of confidentiality that will protect candid and honest assessments, which is at the core of an effective continuous improvement process, as well as related criminal investigations.	PD	Co. Atty's Office		Yes	BOS
UOF - 34c	Oversight	123	Experts and representatives from other law enforcement agencies should be invited to attend Use of Force Committee meetings to provide critical external perspective, insight and expertise on a permanent or ad hoc basis.	PD				PD

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UOF - 35	Oversight	123	The Board of Supervisors should review the Police Chief's determination in all lethal UOF cases and go on record with approval or disapproval of the action.	Co. Atty's Office	PD		Yes	BOS
UOF - 36a	Workforce Practices	124	Give emphasis in police officer basic and in-service training to the distinction in the use of "ready gun" and muzzle pointing in the conduct of a building search and room clearing.	PD		PERF #58		PD
UOF - 36b	Workforce Practices	124	Give emphasis in police officer basic and in-service training to skill development in the use of de-escalation, tactical retreat and verbal interaction as alternatives to use of force.	PD		PERF #41, 57, 58		PD
UOF - 36c	Workforce Practices	124	Give emphasis in police officer basic and in-service training to the expected and effective use of Crisis Intervention Training.	PD		PERF #67		PD
UOF - 36d	Workforce Practices	124	Give emphasis in police officer basic and in-service training to tactical and operational training on lethal and nonlethal use of force, with emphasis on de-escalation and tactical retreat skills.	PD		PERF #56, 57, 58		PD
UOF - 37	Workforce Practices	124	Establish a "hire-to-retire" focus on officer fitness to serve, particularly in relation to any propensity for being overly aggressive in the conduct of duty. This focus should be a key component in: vetting and selection; ensuring that the Early Identification System is monitoring officer-involved shootings, excessive use of force incidents, and complaints of abuse of power; monitoring each officer's known and understood risk factors to ensure that they maintain the right personality and temperament for policing; reinforcing the "duty-to-intervene"; providing services to assist officers who may need attention or treatment.	PD	Co. Atty's Office, DHR	PERF #1	Yes	PD
UOF - 38	Workforce Practices	125	Conduct a study of the relationship of the supervisor to the patrol officers, including the current ratio as a potential factor in strengthening the leadership direction provided to patrol officers in non-routine situations, particularly as it relates to the potential for use of force.	PD	DHR, DMB			BOS
UOF - 39	Workforce Practices	125	Conduct a workforce climate survey and publish summary results on a biennial basis to monitor FCPD's operating culture, including officer attitudes about their work, leadership and equipment; or any perceived barriers to their ability to perform their duties consistent with FCPD's values, philosophy and policies. Use the detailed survey results broken down by organizational unit as a basis for dialogue between and among police officers, supervisors and the command structure.	PD	DHR			PD
UOF - 40	UOF Sub-Committee	126	The charter for the UOF subcommittee should be extended beyond the completion of the Ad Hoc Commission's report and presentation to the Board of Supervisors to meet its charge to "...review the roles of and relationships between the FCPD, the Office of the County Attorney, and the Office of the Commonwealth's Attorney in connection with use of force and critical incident responses; follow up on open issues, such as the internal FCPD UOF Committee charter; and support implementation of any of the UOF recommendations for which UOF Subcommittee participation would be beneficial.	Dep. Co. Exec. for Public Safety	PD, Co. Atty's Office, CWA		Yes	BOS
INDEPENDENT OVERSIGHT AND INVESTIGATIONS COMMITTEE								
IOV&I - 1	Investigations	180	Criminal investigations of FCPD officers involved in incidents in which an individual is killed or seriously injured as defined in General Order 540.1 ("Death or Serious Injury Cases") should continue to be conducted by the FCPD Major Crimes Division. Exceptions could occur when the Chief of Police, in consultation with the Commonwealth's Attorney, determines that the criminal investigation should be conducted by investigators from another Northern Virginia jurisdiction police department or by the Virginia State Police.	PD & CWA	Co. Atty's Office		Yes	PD & CWA
IOV&I - 2	Investigations	180	Funds should be appropriated to the Commonwealth's Attorney's Office to allow for the fulltime employment of two independent criminal investigators who will report to and be used at the discretion of the Commonwealth's Attorney in connection with criminal investigations within the scope of the Independent Police Auditor.	CWA	Dep. Co. Exec. for Public Safety, DMB			BOS
IOV&I - 2a	Investigations	181	Such investigators shall participate in MCD criminal investigations of cases as the Commonwealth's Attorney may direct and may be used in connection with other criminal investigations, time permitting.	PD & CWA	Co. Atty's Office		Yes	PD & CWA
IOV&I - 2b	Investigations	181	The Independent Police Auditor shall monitor MCD criminal investigations of cases and other criminal investigations within the scope of the responsibilities of the Independent Police Auditor.	Dep. Co. Exec. for Public Safety	CWA, Co. Atty's Office, PD		Yes	BOS

AD HOC POLICE PRACTICES REVIEW COMMISSION REPORT RECOMMENDATIONS ASSIGNMENT AND TRACKING SPREADSHEET								
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IOV&I - 3	Investigations	181	FCPD Internal Affairs investigations should be conducted concurrently with the criminal investigation to the extent practicable, provided that the Constitutional and statutory rights of any potential subject of the criminal investigation are fully protected.	Dep. Co. Exec. for Public Safety	CWA, Co. Atty's Office		Yes	BOS & CWA
IOV&I - 4	Investigations	181	The right of FCPD officers under the Virginia Law Enforcement Officers Procedural Guarantee Act to be "questioned at a reasonable time and place" shall continue to be preserved, but the questioning should commence as soon as reasonable, under all of the relevant facts and circumstances, as determined by the Commonwealth's Attorney in consultation with the Chief of Police.	Dep. Co. Exec. for Public Safety	CWA, Co. Atty's Office		Yes	BOS & CWA
IOV&I - 5	Investigations	181	All FCPD officers shall be required to abstain from speaking to other officers involved or having witnessed any conduct subject to a MCD or IAB investigation within the scope of the responsibilities of the Independent Police Auditor, or to any third parties involved in or witnessing such conduct until advised by MCD or IAB that they may do so.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	PD
IOV&I - 6	Prosecution	181	The prosecution, including the decision whether to charge an FCPD officer with a crime arising out of a death or serious injury case, or other case within the scope of the responsibilities of the Independent Police Auditor, should continue to be handled by the Commonwealth's Attorney for Fairfax County unless the Commonwealth's Attorney determines that the prosecution, including the decision to charge, should be handled by another Virginia Commonwealth's Attorney.	CWA	Dep. Co. Exec. for Public Safety, PD, Co. Atty's Office		Yes	CWA
IOV&I - 7	Prosecution	181	The Commonwealth's Attorney should be requested to issue timely and comprehensive public reports in any case involving death or serious injury when no criminal charges are filed. The reports should describe the investigation conducted by the FCPD, any additional investigation or consultation undertaken by the Commonwealth's Attorney, and the basis for the conclusions reached by the Commonwealth's Attorney.	CWA	Dep. Co. Exec. for Public Safety, Co. Atty's Office, PD, OPA		Yes	CWA
IOV&I - 8	Independent Auditor	183	The Fairfax County Board of Supervisors shall establish the Office of Independent Police Auditor ("Auditor").	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 8a	Independent Auditor	183	The Auditor shall be appointed by and report directly to the Board of Supervisors.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 8b	Independent Auditor	183	The Auditor shall have experience in public safety, public program auditing, the investigation of police operations and use of force incidents. In order to ensure the Independent Auditor is perceived as truly independent, the Auditor shall have never been employed by Fairfax County.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 8c	Independent Auditor	183	The Auditor shall review (i) all investigations of death or serious injury cases conducted by the IAB; and (ii) all use of force investigations by IAB which are the subject of a public complaint made to the FCPD or the Auditor.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD, CWA		Yes	BOS
IOV&I - 8d	Independent Auditor	183	The Auditor shall have full access to the MCD criminal investigation file as well as full access to the IAB file, including any administrative action taken, for each investigation reviewed. The Auditor shall be entitled to receive copies of any portion(s) of such files.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD, CWA,		Yes	BOS
IOV&I - 8e	Independent Auditor	183	The Auditor shall determine with respect to each such MCD and IAB investigation its thoroughness, completeness, accuracy, objectivity and impartiality.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 8f	Independent Auditor	183	The Auditor shall be appointed by the Board of Supervisors for a term not less than 2 years and not more than 5 years, with a goal of maintaining continuity and independence, subject to dismissal only for good cause.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 9	Independent Auditor	183	The Auditor shall participate in and monitor IAB investigations within its scope of responsibilities.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 9a	Independent Auditor	184	The County Executive or his/her designee shall require, subject to discipline up to and including termination, the attendance and testimony of any Fairfax County employee, including all Fairfax County law enforcement officers, whose appearance at the interview is requested by the Auditor, and shall also require the production of any documents or other materials in the possession of the FCPD or other County offices and departments.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD, DHR		Yes	BOS
IOV&I - 10	Independent Auditor	184	If the Auditor determines that an IAB investigation was deficient or that IAB's conclusions as to the relevant facts were incorrect or unsupported by the evidence, the Auditor may request further investigation by IAB or the Auditor may conduct such further investigation.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 11	Independent Auditor	184	Absent good cause, the Auditor shall issue a public report with respect to each reviewed investigation within sixty (60) days of the Auditor's access to the complete IAB file.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD, OPA		Yes	BOS

AD HOC POLICE PRACTICES REVIEW COMMISSION REPORT RECOMMENDATIONS ASSIGNMENT AND TRACKING SPREADSHEET								
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IOV&I - 12	Independent Auditor	184	The FCPD shall provide a public report quarterly to the Auditor on the disposition of all citizen complaints made against the FCPD. The Auditor shall be provided such additional information as the Auditor may deem necessary to enable him/her to determine that the FCPD is properly responding to and investigating complaints in a timely manner.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 13	Independent Auditor	184	An individual may file a complaint concerning alleged misconduct by a Fairfax County law enforcement officer involving a death or serious injury case, the use of force, or the death of an individual with the FCPD for investigation or the citizen may instead file the complaint with the Auditor, who shall immediately forward the complaint to the FCPD for investigation, which will report on the disposition of the complaint within 30 days..	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 14	Independent Auditor	184	If the Auditor disagrees with the results or conclusions of an IAB investigation in a death or serious injury case, the Auditor shall advise the Chief of Police who shall resolve the disagreement and make the final decision. The Chairman of the Board of Supervisors shall be informed of the Auditor's disagreement and the ultimate resolution. The Chief's decision shall be made in a public statement that sets forth the basis for the Chief's resolution of the disagreement.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 15	Independent Auditor	184	The Auditor shall make public recommendations to the Chief of Police, with copies to the Chairman of the Board of Supervisors, concerning the revision of FCPD policies, training, and practices based on the Auditor's reviews. The Auditor shall also issue a public report annually concerning the thoroughness, completeness, accuracy, objectivity and impartiality of the IAB investigations reviewed by the Auditor.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD, OPA		Yes	BOS
IOV&I - 16	Independent Auditor	184	The Auditor shall have an adequate budget and a trained staff to meet his/her responsibilities. The Auditor's office shall be separate and apart (physically and administratively) from those of the FCPD and the Commonwealth's Attorney.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 17	Independent Auditor	184	Any findings, recommendations and actions taken by the Auditor shall reflect the Auditor's independent judgment. No person shall use his/her political or administrative position to attempt to unduly influence or undermine the independence of the Auditor, or his/her staff or agent, in the performance of his/her duties and responsibilities.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 18	Civilian Review	186	Fairfax County shall establish a Civilian Review Panel ("Panel") to review complaints concerning alleged FCPD misconduct.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 18a	Civilian Review	186	Panel members shall be appointed by the Chairman of the Board of Supervisors, with the approval of the Board, for a term of three (3) years, subject to dismissal only for good cause. A Panel member may be appointed to no more than two (2) consecutive terms. The terms of the Panel members shall be staggered. The Panel members shall elect one of their members to serve as Chair of the Panel.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 18b	Civilian Review	186	The Panel shall be composed of seven (7) citizens and two (2) alternates residing in Fairfax County with expertise and experience relevant to the Panel's responsibilities.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 18c	Civilian Review	186	Factors to be considered in appointing Panel members include: community and civic involvement; diversity; law enforcement and/or criminal investigative experience, reputation in the community; and other factors designed to ensure a balanced Panel representative of Fairfax County. No Panel member shall be a current or former employee of Fairfax County, shall hold a public office, or shall have a relative who is a member of the FCPD. One (1) of the Panel members shall have prior law enforcement experience (other than as a member of the FCPD).	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 18d	Civilian Review	186	The Panel shall be authorized to retain a criminal investigative consultant to assist it with the fulfillment of its responsibilities.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 19	Civilian Review	186	An individual may file a complaint with or request a review of a completed internal FCPD investigation by the Panel concerning an alleged "abuse of authority" or "serious misconduct" by a Fairfax County police officer. The Panel shall not review alleged misconduct that is subject to review by the Auditor.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 19a	Civilian Review	186	"Abuse of authority" and "serious misconduct" shall be defined by the Panel and may include, the use of abusive, racial, ethnic or sexual language; harassment or discrimination based on race, color, sex, religion, national origin, marital status, age, familial status, or disability; the reckless endangerment of a detainee or person in custody; and serious violations of Fairfax County or FCPD policies or procedures.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 19b	Civilian Review	186	The Panel shall refer any complaint within its scope that it receives to the FCPD for review and handling. Absent good cause, the FCPD shall provide a public report to the Panel within sixty (60) days after receipt of the complaint with respect to its review and handling of the complaint.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 19c	Civilian Review	186	Any request for review of a completed FCPD investigation shall be filed, absent good cause as determined by the Panel, within sixty (60) days of the requester being notified of the completion of the internal FCPD investigation.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS

AD HOC POLICE PRACTICES REVIEW COMMISSION REPORT RECOMMENDATIONS ASSIGNMENT AND TRACKING SPREADSHEET								
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IOV&I - 20	Civilian Review	186	Absent good cause, within forty-five (45) days of receipt of the FCPD investigation report (if any) relating to the alleged misconduct or within forty-five (45) days of the receipt of the FCPD report if there was no IAB investigation, the Panel may schedule a public hearing to review the FCPD investigation.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 20a	Civilian Review	186	The complainant and the FCPD (including the involved FCPD officers) shall be afforded the opportunity to personally present evidence, statements, and arguments to the Panel.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 20b	Civilian Review	186	Command staff and IAB investigators shall appear before the Panel upon request to answer any questions from the Panel as to the investigation and action taken or not taken. The County Executive or his/her designee shall produce any documents or other materials in the possession of the FCPD or other County offices and departments as requested by the Panel. At the Panel's discretion, further investigation by IAB may be requested.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 21	Civilian Review	187	The Panel review of the investigation shall be completed and a public report issued within 60 days of the filing of a request for review. If the Panel disagrees with the findings of the investigation, the Panel shall publicly advise the Chairman of the Board of Supervisors who shall refer the Panel's conclusion to the Chief of Police for further consideration.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 22	Civilian Review	187	The Panel shall issue an annual report to the public describing its activities for the reporting year, including recommendations to the Board of Supervisors and the Chief of Police, including revisions to FCPD policies, training, and practices that the Panel concludes are needed.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD, OPA		Yes	BOS
IOV&I - 23	Civilian Review	187	The Auditor shall make quarterly reports on its review of IAB investigations and its other work during the preceding quarter, and meet with the Panel at the Panel's request for further review of the Auditor's report and work.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD, OPA		Yes	BOS
IOV&I - 24	Follow-Up	187	Fairfax County should establish an Ad Hoc Police Practices Review Commission every 5 years to review and, as needed, make recommendations concerning FCPD policies and practices, and those of the Independent Police Auditor and the Civilian Review Panel.	Dep. Co. Exec. for Public Safety	PD		Yes	BOS

Board Agenda Item
February 28, 2017

CONSIDERATION – 1

Appeal of Merion Homes Pimmit, LLC from a Decision of the Exception Review Committee Pursuant to the Chesapeake Bay Preservation Ordinance for Pimmit Hills Section 3, Lot 33, Tax Map No. 0401-02-0033 (Dranesville District)

ISSUE:
Board of Supervisors (Board) consideration of an appeal of the Exception Review Committee's (ERC) decision to deny a request for an encroachment exception under §118-6-7 (Loss of Buildable Area) of the Chesapeake Bay Preservation Ordinance (CBPO), *Code of the County of Fairfax, Virginia,* and disapprove the associated Water Quality Impact Assessment (WQIA).

TIMING:
Board consideration is requested on February 28, 2017.

BACKGROUND:
Merion Homes Pimmit, LLC (Appellant), is asking the Board to consider reversing the ERC decision and approving its original exception request to build a new residence that requires encroachment of the limits of clearing and grading, not the structure, into the Resource Protection Area (RPA). The Appellant is the record owner of a residential property located at 2007 Cherri Drive in the Dranesville District (Property). The Property contains approximately 10,075 square feet, was created by subdivision plat in 1951, and is developed with an approximately 949-square-foot single-family detached dwelling constructed in 1953. In 2003, amendments to the CBPO changed the boundary lines of the RPA so that now approximately 73% of the Property is located within the RPA.

On December 22, 2015, the Appellant, seeking to construct a new and larger dwelling on the Property, submitted exception request # 5134-WRPA-018-1, along with WQIA #5134-WQ-006-1, pursuant to CBPO 118-6-7, "Loss of Buildable Area." The Appellant's proposal includes a temporary disturbance within the seaward 50 feet of the RPA that will be revegetated onsite in accordance with CBPO requirements after construction of the new home. Since approximately 73% of the Property is within the RPA, redevelopment is not possible without some encroachment in the RPA. The Appellant worked with staff to develop the final proposal for the exception request and agreed to County staff's proposed conditions set forth in the March 9, 2016, Staff Report (See original Staff Report in Attachment 1).

Board Consideration Item
February 28, 2017

On April 6, 2016, the ERC held a public hearing where County staff recommended approval based on conditions set forth in the Staff Report. At the conclusion of the hearing, the ERC voted unanimously to disapprove the exception and WQIA (see ERC Resolution, Attachment 2) based in part on a belief that the proposed residential structure is too large relative to other houses in the neighborhood.

On May 3, 2016, the Appellant filed an appeal of the ERC decision pursuant to CBPO 118-8-1(b), which allows the Board to review and uphold or reverse the ERC's decision of an encroachment exception request. (Attachment 3). The Appellant's justification for an appeal is based in part on the discovery of an error in the original staff report. Figure 1 misrepresented the proposed house size as 28.8% of the lot area, a proposed footprint larger than any homes in the neighborhood. The corrected Figure 1 (Attachment 4) depicts the actual proposed house footprint for the Appellant's "Model B" as 21.6% of the lot area, which is within the size range of similarly situated neighboring homes. Indeed, on October 7, 2015, the ERC approved an exception request #23141-WRPA-003-1 for 1055 Dead Run Drive, which is similar in lot and house size, i.e. house footprint is 21.7% of the lot area, has a similar amount of proposed encroachment into the RPA, and is also located in the Dranesville District (Attachment 7).

Consequently, due to the fact that the ERC had incorrect information as to the proposed house size at the original hearing, on June 3, 2016, the Appellant requested that the ERC waive the 12-month restriction on a re-hearing of its exception request. Despite County staff's support for the rehearing and the explanation of the house footprint size error, on September 7, 2016, the ERC denied the rehearing request.

In its appeal statement, Appellant requests that the Board overturn the April 6, 2016, decision of the ERC and approve its exception request subject to the staff's proposed conditions based on the following:

1. That the basis of the ERC denial was subjective and inconsistent with previously approved requests by others with similar site characteristics;

2. That a primary concern of the ERC was the project's inability to meet 100 percent of the water quality requirement onsite, yet the Appellant proposes to mitigate impacts on the RPA by installing compost-amended soils, a County-approved practice for protecting water quality, and establishing a buffer by planting trees and shrubs within the RPA;

3. That the ERC was concerned over the Appellant's plan to remove three trees within the RPA. However, a certified arborist found two of the trees to be in poor condition and in need of removal while the third tree cannot be saved under any reasonable redevelopment scenario; and

4. That the ERC was concerned about increasing impervious area within the RPA and that the proposed house is too big and "not the minimum necessary to afford relief." However, the Appellant has demonstrated that the actual proposed house size, which is 21.6% of the lot size, not 28.8%, is smaller than the average size for the market based upon neighborhood sales over the past 15 months and similarly situated houses in the area of the Property. Also, the ERC has previously approved an exception to encroach in the RPA for another property in the Dranesville District with similar lot size, house size, and RPA impacts as the Property. (Attachment 7.)

Based on Appellant's statement and County staff's original recommendation of approval of this exception request, it is staff's opinion that the Appellant's exception request has met the criteria set forth in the CBPO necessary for approval of the encroachment exception. Moreover, the Appellant has agreed to the staff-recommended conditions as mitigation for the encroachment; they are set forth in detail in Attachment 6. Staff believes that the Appellant's onsite mitigation of its temporary disturbance in the RPA offers water quality benefits that exceed any detriments. On appeal from the ERC decision, the Board can and is requested in this matter to reverse the ERC and approve the exception request subject to the conditions set forth in Attachment 6. County staff supports this approval.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 - Original Staff Report dated March 9, 2016
Attachment 2 - ERC Resolution from April 6, 2016
Attachment 3 - Merion Homes Pimmit, LLC, Statement of Appeal
Attachment 4 – Original and Corrected House Layout, Figure 1
Attachment 5 - Existing condition
Attachment 6 – Staff's Recommended Conditions for Exception Request Approval
Attachment 7 - Exhibit – Statistics of House Footprint Size in Relation to Adjacent Lots

STAFF:
Rob Stalzer, Deputy County Executive
William D. Hicks, Director, Land Development Services (LDS)

ASSIGNED COUNSEL:
Pamela K. Pelto, Assistant County Attorney

FAIRFAX COUNTY

VIRGINIA

APPLICATION FILED: December 31st, 2015

EXCEPTION REVIEW COMMITTEE: April 6th, 2016

March 9th 2016

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

LAND DEVELOPMENT SERVICES

SITE DEVELOPMENT AND INSPECTIONS DIVISION

STAFF REPORT

RESOURCE PROTECTION AREA (RPA)
ENCROACHMENT EXCEPTION #5134-WRPA-018-1 &
WATER QUALITY IMPACT ASSESSMENT #5134-WQ-006-1

DRANESVILLE DISTRICT

APPLICANT:	Merion Homes (Attn: Bill Bensten)
PROJECT LOCATION:	2007 Cherri Drive
TAX MAP REFERENCE:	040-1-02-0033
APPLICATION ACCEPTED:	December 31, 2015
WATERSHED:	Pimmit Run
CHESAPEAKE BAYPRESERVATION ORDINANCE (CBPO) PROVISION:	Section 118-6-7, Loss of Buildable Area in an RPA
PROPOSAL:	Residential Re-development: Demolish existing house and build larger footprint new house
LOT SIZE:	10,075 Square feet (0.231 acres)

Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA, call 703-324-1720 or TTY 711 (Virginia Relay Center).

AREA OF REQUESTED RPA ENCROACHMENT:	
	3,467 square feet (0.080 acres)
PUBLIC HEARING:	
	RPA Encroachment Requests under CBPO Section 118-6-7 require approval by the Exception Review Committee (ERC).
BACKGROUND:	
	The applicant is requesting an RPA encroachment exception to construct a new home with a larger footprint. This application could not be approved administratively by staff because the proposed limits of clearing and grading for the new house extends into the seaward 50 feet of the RPA; the DPWES policy is to assume a minimum of 10 feet from the building, for the limits of clearing and grading.
DOCUMENTS AND CORRESPONDANCE:	
	The following information appear as part of the application: • Completed and Signed Application Form for an RPA Encroachment Exception Request dated December 21st, 2015 (Attachment B). • Water Quality Impact Assessment (WQIA), dated February 29th, 2016, (Attachment C). Includes: ➢ Project Description (WQIA page 2), ➢ Statement of Justification (WQIA page 13), ➢ Applicant's statement for Section 118-6-6 of the Chesapeake Bay Ordinance (WQIA page 13), ➢ Soils map (WQIA page 6), ➢ Site Photographs (WQIA pages 19 and 20), ➢ RPA Re-vegetation Exhibit (WQIA page 28). • Plat: Water Quality Impact Assessment, February 29th, 2016, (Attachment D). • Letter acknowledging receipt of the RPA exception application (dated January 6th, 2016) indicating the application package is complete and notifying the applicant of the public hearing; and letter revising the date of the hearing to April 6th 2016 (Attachment E). • Aerial Photography (Attachment F). • Adjacent property owners to be notified per CBPO 118-6-3(c) (Attachment G). • Letter from the applicant regarding the covenant/setbacks (Attachment H) • Letter to Industry; Use of Certain BMPs, April 10, 2015 (Attachment I) • Public Facilities Manual; Permeable Pavement (Attachment J) • Statistics of House Footprint Size in Relation to Adjacent Lots (Attachment K) • Assessment of the Impact of the Proposed Development on the Water Quality and Pollutant Load Leaving the Site (Attachment L)

ANALYSIS:

The lot was created and recorded on 16th May 1951, in Deed Book 872 Page 329. The present house was constructed in 1951 and is 65 years old. The applicant wishes to construct a new home with a larger footprint.
Subsequently the yard has been maintained as managed turf with several canopy hardwoods scattered throughout the site. The proposed development will remove five (5) trees greater than 12 inches in diameter. Additionally, the invasive English Ivy and Japanese Honeysuckle are to be removed in the project area.

When the lot was platted and recorded there was a covenant restriction requiring a 40 feet setback for the front and a 15 feet setback for the side. The applicant is not proposing to honor these setbacks. See (Attachment H).
The current zoning is R-4 with the following minimum set back requirements:

- Front setback = 30 feet
- Side setback = 10 feet
- Rear setback = 25 feet
- Minimum Lot area = 8,40 square feet
- Maximum Building Height = 35 feet

Existing and Proposed Conditions

The existing conditions are shown on the plat (Attachment D) and are summarized as follows:

	Existing	Proposed
Lot Size	10,075 sqft	
Lot Area in the RPA	7,331 sqft (72.8%)	
Impervious Area in the RPA	1,688 sqft	1,946 sqft
Impervious area in seaward 50 feet	100 sqft	0 sqft
Disturbed area in the RPA		3,467 sqft
Total lot impervious area	2,197 sqft (21.8%)	2,906 sqft (28.8%) (709 increase)
Best Management Practices required		Yes

RPA

The Resource Protection Area (RPA) on the lot was designated in 2003.

The applicant is proposing to remove the existing plastic shed in the RPA seaward 50 feet by hand. No impervious area is proposed in the 50 seaward feet, the

disturbance in the seaward 50 feet is for construction and only. To offset the encroachment into the RPA, the applicant is proposing a vegetated buffer comprising:

- 2, 2" overstory trees, and 19 seedlings
- 4 understory trees, and 21 seedlings
- 22, 1 gallon shrubs, and 52 seedlings
  a total of 74 plantings

The proposed plantings are in accordance with CBPO Sections 118-3-3(f), 118-6-7(d) and the Public Facilities Manual (PFM) section 12-0516.4. For the location of the proposed plantings, see Attachment D.

Best Management Practices (BMP)

The project is not exempt from the requirements of the stormwater management ordinance (Chapter 124) of the County Code; the proposed impervious area is 28.8% of the lot.

- The applicant provided a geotechnical report, which indicates that the soils are not suitable for infiltration. As the water table is 4 feet below grade, the opportunity for bio-filtration is limited.

- The applicant is proposing soil amendment in the drainage swales on either side of the proposed house. To the extent possible, without removing mature trees, the rear yard should also have compost-amended soils. See letter to industry April 10 2015, Attachment I.

- The applicant states that the County does not permit permeable pavement on infill lots. This statement is inaccurate. The county does not allow BMP credit for permeable pavement on infill lots (Attachment J) but this practice may be used to create equivalent pervious surfaces. These areas can then be treated as managed turf in the runoff reduction calculation; a 50% loss over time is assumed.

- The applicant is proposing to meet the BMP requirements with off-site nutrient credits.

- Staff recommend that every attempt should be made to provide on-site BMPs to improve the water quality in the stream immediately to the rear of the property.

Floodplain

A minor floodplain (the drainage area is greater than 70 acres) exists on the property; a minor floodplain delineation does not affect the RPA delineation.

	➢ With the grading plan, the applicant will be required to show the floodplain and that the new house will meets the minimum required yard of 15 feet and the 18 inch freeboard above the flood elevation.
REQUIRED FINDINGS:	
	Section 118-6-6. Required Findings. Exceptions to the criteria and requirements of this Chapter may be granted only on a finding that: (a) ***The requested exception to the criteria is the minimum necessary to afford relief;*** ➢ The subject property is zoned R4. Approximately 72% of the property is in the RPA. To meet the setback requirements for R4 district per the Zoning Ordinance, the proposed house location cannot be further optimized or adjusted to minimize encroachment within the RPA. ➢ The existing impervious area is 2,197 square feet. The proposed impervious area is 2,906 square feet (28.8% impervious). The increase in impervious area to the lot is 709 square feet, which is less than the maximum 1000 square foot allowed for a minor addition. ➢ The proposed disturbance does not exceed 10,000 of land disturbance CBPO 118-6-7(a) ➢ The proposed development does not create more than 5,000 square feet of impervious surface in the RPA; CBPO 118-6-7(b) ➢ The proposed encroachment into the RPA is considered the minimum necessary to afford relief. CBPO Section 118-6-6(a). (b) ***Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated;*** ➢ The proposed footprint of the house would increase the impervious area on the lot to 28.8% with a larger than the average house size along the same street where properties are also in the RPA. See Attachment K. ➢ Granting the exception as proposed, would assume that other applicants similarly situated would also be granted. CBPO 118-6-6(b). (c) ***The exception is in harmony with the purpose and intent of this Chapter and is not of substantial detriment to water quality;*** ➢ To ensure compliance with this criteria a comparative analysis of the annual

	pollutant load leaving the site was made using the Simple Method (this is the method is used by the Virginia Department of Environmental Quality); see attachment L. ➢ Although the analysis shows a reduction in the annual pollutant load leaving the site, primarily due to the proposed vegetated buffer, the pollutant load exceeds the average of 0.41 lbs/acre and additional BMPs are required. ➢ To meet the purpose and intent of the CBAY ordinance, staff recommended the mitigation measures in Attachment A are implemented. *(d)* ***The exception request is not based upon conditions or circumstances that are self-created or self-imposed;*** ➢ Given the fact that, this lot was legally created in 1951 while the RPA was designated thirty four (52) years later in 2003, it is the opinion of staff that the request is not entirely based upon circumstances that are self-created or self-imposed, CBPO 118-6-6(d). *(e)* ***Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality;*** ➢ To ensure compliance with this criteria, staff recommend the prevention and mitigation measures given in Attachment A are implemented. (f) **Other findings, as appropriate and required herein, are met.** ➢ Exceptions granted under CBPO Section 118-6-7, Loss of buildable area in a Protection Area, are not subject to additional findings.
STAFF RECOMMENDATIONS:	
	If it the intent of the ERC to approve the exception, Staff recommends approval of exception request #5134-WRPA- 018-1 and approval of 5134-WQ-006-1, subject to the proposed exception conditions dated March 9th, 2016, contained in Attachment A. It should be noted that it is not the intent of staff to recommend that the Committee, in adopting any conditions, relieve the applicant from compliance with the provisions of any other applicable ordinances, regulations, or adopted standards. It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Exception Review Committee. For further information, please contact Site Development and Inspections Division (SDID), Land Development Services, Department of Public Works and Environmental Services, 12055 Government Center Parkway, Suite 535, Fairfax, Virginia 22035-5505, 703-324-1720.

ATTACHMENT A

PROPOSED EXCEPTION CONDITIONS

ATTACHMENT A

PROPOSED EXCEPTION CONDITIONS

#5134-WRPA-018-1 and #5134-WQ-006-1

March 9th, 2016

If it is the intent of the Exception Review Committee to approve 5134-WRPA-018-1 and 5134-WQ-006-1 to allow encroachment in the Resource Protection Area (RPA) located at 2007 Cherri Drive (Tax Map 040-1-02-0033) pursuant to Section 118-6-7 of the Fairfax County Chesapeake Bay Preservation Ordinance (CBPO), staff recommends that the Exception Review Committee condition the approval by requiring conformance with the following development conditions.

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

2. This RPA Exception is granted only for the purposes, structures and/or uses indicated on the Plat approved with the application, as qualified by these development conditions.

3. Any plan submitted pursuant to this RPA Exception shall be in substantial conformance with the Plat titled "2007 Cherri Drive, Water Quality Impact Assessment" prepared by TNT Environmental, February 29th, 2016, which shows the proposed improvements.

   In order that the project is in harmony with the purpose and intent of the CBPO, does not create a substantial detriment to water quality, and meets the performance criteria for RPAs:

   - Vegetated buffer area(s) shall be established as generally shown on the Water Quality Impact Assessment exhibit, dated February 29th, 2016 with a combined area of at least 3,467 square feet.
   - The size, species, density and locations shall be consistent with the planting requirements of CBPO Section 118-3-3(f), and PFM 12-0516.4 or a vegetation plan that is equally effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff, as determined by the Department of Public Works and Environmental Services (DPWES) or the Urban Forest Management Division (UFMD).
   - The Director may approve the use of a seed mixture as a supplement to or in lieu of individual plants for shrubs and groundcovers. Plants shall be native to the degree practical and adaptable to site conditions. Wetland plantings (including herbaceous plantings) and/or wetland seed mix shall be used where site conditions warrant.

- Plant materials and planting techniques shall be as specified in the Public Facilities Manual.
- The vegetation shall be randomly placed to achieve a relatively even spacing throughout the buffer.
- Notwithstanding any statements on the Plat and in the Water Quality Impact Assessment (WQIA), the size, species, density, and locations of the trees, shrubs, and groundcover will be subject to approval of the Director of the DPWES or UFMD.

4. To the extent possible, soil compost amendment is applied, as determined by DPWES with the final grading plan.

5. The impact of impervious areas (such as the driveway) are minimized with the use of permeable pavements, as determined by DPWES with the final grading plan.

6. Water quality requirements for the site will be met in accordance with Chapter 124 of the County code and, to the extent practical, as determined by DPWES with the final grading plan, on-site.

7. In order that the disturbed area within the RPA is the minimum necessary to afford relief, indigenous vegetation shall be preserved to the maximum extent possible. Any further encroachment into, and/or disturbance of, the RPA not shown on the approved rough grading plan will be considered a violation of the CBPO and is subject to the penalties of the CBPO Article 9.

8. This RPA Exception shall automatically expire, without notice, 24 months after the date of approval, unless the subject grading plan has been approved and the vegetated buffers have been established.

This approval, contingent on the above noted conditions, does not relieve the applicant from compliance with the provisions of any applicable Federal, State, or County ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the approval of any required plans and permits through established procedures, and this RPA Exception shall not be valid until this is accomplished.

ATTACHMENT B

APPLICATION FORM

Attachment 1

Exception # 5134-WRPA-018-1
5134-WQ-006-1

APPLICATION FORM

For Resource Protection Area (RPA) Encroachment Exceptions Pursuant to Article 6 of the Chesapeake Bay Preservation Ordinance; Public Hearing Required

Part 1 – Property Information

Property Owner's Name: Merion Homes

Property Address: 2007 Cherri Drive, Falls Church, VA

Description (Lot# Subdivision): _____

Project Name: Cherri Drive Property

Tax Map Number: 0401-02-0033

Magisterial District: Dranesville Permit #: _____

Part 2 -Exception Type

Check One	CBPO Section	Exception Types: (Refer to CBPO for detailed list of qualifications and limitations)
X	118-6-7	**Loss of buildable area** within an RPA on a lot or parcel recorded prior to November 18, 2003. The proposed construction encroaches into the seaward 50 feet of the RPA buffer.
	118-6-8(a)	**Accessory structure** within the RPA, where the principal structure was established (i.e. RUP issued) as of July 1, 1993 and the proposed construction encroaches into the 1993 RPA.
	118-6-8**(b)**	**Accessory structure** in the RPA, where the principal structure on the lot or parcel was established (i.e. RUP issued) between July 1, 1993 and November 18, 2003 and the construction encroaches into the 2003 RPA.
	118-6-9	**General RPA Encroachment** request for encroachments into either the 1993 or 2003 RPA that do not qualify for waivers under CBPO Article 5 and do not qualify under any of the above Sections.

Part 3 –General Description of Exception Request

Acres or Square Feet	Description of Exception Request
Property Area (acres or square feet)	10,075 square feet
Disturbed Area in RPA (acres or square feet)	4,156 square feet
Impervious Area within RPA (acres or square feet)	1,777 square feet
Brief Description of Project and RPA Encroachment	proposed redevelopment

☐ Check here if a Special Exception (SE) and/or Rezoning (RZ) application has been/will be submitted. The public hearing will be conducted by the Board of Supervisors in conjunction with the SE or RZ hearing.

Exception # _____

Part 4 – Submission Checklist

Check	CBPO Section	Exception Types: (Refer to CBPO for detailed list of qualifications and limitations)
X	118-6-5(a)	Four (4) copies of this *application form*, completed and signed by the applicant.
X	118-6-5(b)	Four (4) copies of *a Water Quality Impact Assessment (WQIA).* The WQIA may be submitted with the application as a combined document.
X	118-6-5(c)	Fourteen (14) copies of *a plat* which meets the submission requirements of Zoning Ordinance Section 9-011, paragraph 2. In addition, four (4) letter size copies of the plat that is suitable for reproduction and distribution.
X	118-6-5(d)	*Photographs* of the property showing existing structures, terrain and vegetation
X	118-6-5(e)	Four (4) copies of *a map identifying classification of soil types,* at a scale of one inch equals five hundred feet (1" = 500'), covering an area at least 500 feet beyond the perimeter of the proposed development.
X	118-6-5(f)	A *statement of justification* which addresses how the proposed development complies with the factors set forth in Sections 118-6-6(a) through (f). (See Part 5 below).
X	118-6-3(c)	A List of property owners, with addresses, to be notified (minimum of 5). Include all properties abutting, immediately across the street from, and within 500 feet of the subject property (including all properties which lie in adjacent municipalities). In addition, the name and address of a Homeowners or Civic Association that is within the immediate area that will be notified.
N/A	118-6-3(d)	If the exception is associated with a RZ or SE, the notification shall be conducted concurrently with the RZ or SE notification, and the public hearing will be conducted by the Board of Supervisors. Provide a list of owners, with addresses, to be notified in accordance with Zoning Ordinance Article 18 instead of CBPO Section 118-6-3(c).
X	104-1-3(d)	Application Fees (must be paid at the time of submission of the application)
X	101-2-9 and 112-17-109	Exception request fee: $204 per lot (not to exceed $876) for individual lots; $876 for subdivisions or site plans.
X	101-2-9 and 112-17-109	WQIA fee (if submitted as a combined document): $432 for single lot, $1,652.40 for subdivision or site plan, per submission.
X	101-2-9 and 112-17-109	A public hearing is required for all exceptions under Article 6.There is an additional fee of $438 per exception request.

Exception # _____

Part 5 Statement of Justification checklist

Check	CBPO Section	Exception Types: (Refer to CBPO for detailed list of qualifications and limitations)
X	118-6-6(a)	The requested exception to the criteria is the minimum necessary to afford relief.
X	118-6-6(b)	Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to it provisions and who are similarly situated.
X	118-6-6(c)	The exception is in harmony with the purpose and intent of this Chapter and is not of substantial detriment to water quality.
X	118-6-6(d)	The exception request is not based upon conditions or circumstances that are self-created or self-imposed.
X	118-6-6(e)	Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality.
X	118-6-6(f)	Other findings, as appropriate and required for the specific exception being applied for, are met. The additional criteria are listed in CBPO Sections 118-6-7(a) through (f), CBPO Section 118-6-8(a)(l) and (2), CBPO Section 118-6-8(b)(l) and (2), or CBPO Section 118-6-9.

Part 6

All information in this application and all documents submitted in support of this request are correct to the best of my knowledge and belief.

Applicant Name: Merion Homes (please print)

Authorized Agent(s): TNT Environmental, Inc.

Business Location Address: 13996 Parkeast Circle, Suite 101

City: Chantilly State: VA ZIP: 20151

Telephone: 703-466-5123 Facsimile: _____

Email Address: avi@tntenvironmentalinc.com

Business Phone Number: 703-466-5123 Cell Phone Number: 703-939-4042

Signature: _____ (Owner/Agent) TNT Environmental Date: 12/21/15

SUBMIT TO: Customer and Technical Support Center
Site and Addressing Center
12055 Government Center Parkway, Suite 230
Fairfax, Virginia 22035

ATTACHMENT C

WATER QUALITY IMPACT ASSESSMENT

ENVIRONMENTAL

WATER QUALITY IMPACT ASSESSMENT 118-6-7 EXCEPTIONS FOR LOSS OF BUILDABLE AREA IN A RESOURCE PROTECTION AREA
2007 CHERRI DRIVE
FAIRFAX COUNTY, VIRGINIA

TNT PROJECT NO.: 077

FOR

MERION HOMES

FEBRUARY 29, 2016

TNT ENVIRONMENTAL

December 21, 2015
Revised: January 14, 2016
Revised: February 29, 2016

Mr. Bill Bensten
Merion Homes
928 Mackall Avenue
McLean, VA 22101

TNT Project Number: 077

Reference: Water Quality Impact Assessment (WQIA) and Exception Request 118-6-7 Exceptions for Loss of Buildable Area in a Resource Protection Area (RPA), 2007 Cherri Drive, Fairfax County, Virginia
Latitude: 38° 54' 39.31" N, Longitude: 77° 12' 12.88" W

Dear Mr. Bensten:

TNT Environmental, Inc. (TNT) is pleased to present this Water Quality Impact Assessment (WQIA) report for the above-referenced project in general accordance with TNT Proposal Number 091 dated March 25, 2014. The purpose of the WQIA is to ensure protection of the Resource Protection Areas consistent with the goals, objects, and requirements of Chapter 118, Article 4 of the Fairfax County Chesapeake Bay Preservation Ordinance through (1) the identification of the impacts of proposed development or redevelopment on water quality on lands within RPAs, (2) the assurance that, where development or redevelopment does take place within RPAs, that it will be located on those portions of a site in a manner that will be least disruptive to the natural functions of RPAs; and (3) the requirement of mitigation measures which will address water quality protection.

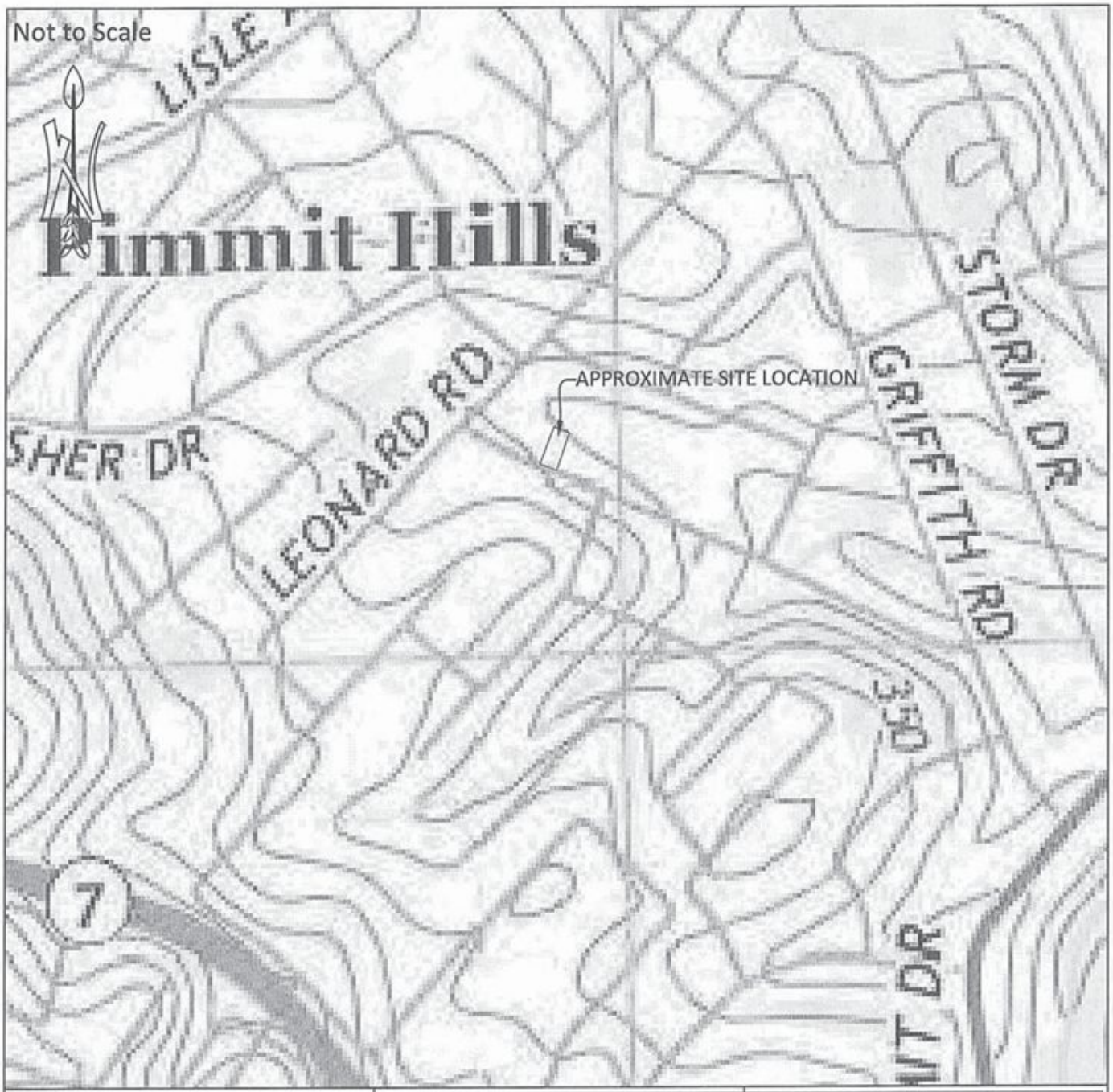
PROJECT SITE DESCRIPTION

The Cherri Drive project site is approximately 0.23 acres and is located east of the Capital Beltway (I-495), south of the Dulles Toll Road (State Route 267) and north of Leesburg Pike (State Route 7) in Fairfax County, Virginia (Figure 1). The project site is further identified by physical address 2007 Cherri Drive and Fairfax County Tax Map Number 0401-02-0033. The terrain of the project site is relatively flat with minor relief towards the floodplain of Pimmit Run and is within the Potomac River drainage basin (Figure 2). The property is currently maintained as a single-family residential development.

SECONDARY INFORMATION REVIEW

Secondary Information entails the background research and review of recorded data and/or mapping associated with the project site. Resources reviewed include but are not limited to the following:

WATER QUALITY IMPACT ASSESSMENT PIMMIT HILLS PROPERTIES FAIRFAX COUNTY, VA DECEMBER 2015	ENVIRONMENTAL **13996 PARKEAST CIRCLE SUITE 101 CHANTILLY, VIRGINIA 20151**	**FIGURE 1** SITE LOCATION MAP SOURCE: GOOGLE MAPS TNT PROJECT NO: 077



WATER QUALITY IMPACT ASSESSMENT PIMMIT HILLS PROPERTIES FAIRFAX COUNTY, VA DECEMBER 2015	ENVIRONMENTAL **13996 PARKEAST CIRCLE** **SUITE 101** **CHANTILLY, VIRGINIA** **20151**	**FIGURE 2** USGS TOPOGRAPHIC MAP FALLS CHURCH, VA QUADRANGLE MAP (2013) TNT PROJECT NO: 077

- U. S. Geological Survey (USGS) Topographic Map, Falls Church Quadrangle, 2013
- U. S. Fish and Wildlife Service (USFWS), National Wetlands Inventory (NWI) Online Mapper, http://wetlands.fws.gov/mapper_tool.htm
- Natural Resources Conservation Service (NRCS), Electronic Field Office Technical Guide, Fairfax County Soils, www.nrcs.usda.gov/technical/efotg/
- Available aerial photography and GIS data

The USGS Falls Church (2013) quadrangle map shows elevations of approximately 350 feet above mean sea level (MSL) at the south end of the property near Cherri Drive and approximately 340 feet above MSL in the northern portions at Pimmit Run. As shown on the USGS Map, the project site drains to Pimmit Run, located within the Potomac River watershed and identified as Hydrologic Unit Code (HUC) 02070010. The NWI map does not depict wetland features within the project site boundaries. The soil survey indicates that the site is underlain primarily by 105C - Wheaton-Glenelg complex, 107B – Wheaton-Meadowville complex and 108B – Wheaton-Summerduck complex. None of the soils mapped onsite are listed as hydric by the NRCS.

Water Quality Impact Assessment Components per Section 118-3-2

The proposed project meets the general performance criteria for Resource Protection Areas as outlined in Section 118-3-2 and detailed below:

a) Disturbance has been limited to the footprint of the new residential structure, required grading, and associated utility installation. The proposed house is smaller in depth than the previously proposed dwelling. No more land shall be disturbed than is necessary to provide for the proposed redevelopment.

b) Existing vegetation is maintained as a lawn with several canopy hardwoods scattered throughout. The proposed design has minimized the removal of indigenous vegetation within the project limits. Based on the proposed development plan, five (5) trees greater than 12 inches in DBH will be removed. Additionally, English Ivy (*Hedera helix*) and Japanese Honeysuckle (*Lonicera japonica*) will be removed from within the project area, which are listed as an invasive species.

c) Best management practices are required for the proposed development as the total impervious area for the entire project (including areas outside of the existing RPA boundary) totals 28.8% (2,906 square feet) of the site. The proposed development does not qualify for an exemption under Section 124-1-7(3b or 124-4-2 (A2). The applicant is proposing to purchase Nutrient Credits to offset the portion of onsite BMP that cannot be met via the compost amended swales described below.

   At the request of Fairfax County, the Applicant has conducted subsurface exploration of the project site. Borings were offset to avoid the existing gas line marked through the project site areas. Mottled gray clayey soils and evidence of a high seasonal groundwater table were encountered in the front yard. The site is located on an existing drainage channel that is suspected of being excavated below natural grades during the original development. The topography on both sides of the channel is relatively flat which appears to be part of a wider drainage swale (consistent with the findings). The subsoils may be suitable for infiltration on

USDA Natural Resources Conservation Service

Web Soil Survey
National Cooperative Soil Survey

12/22/2015
Page 1 of 3

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other

Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Fairfax County, Virginia
Survey Area Data: Version 12, Sep 23, 2014

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Fairfax County, Virginia (VA059)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
105B	Wheaton-Glenelg complex, 2 to 7 percent slopes	0.0	0.5%
105C	Wheaton-Glenelg complex, 7 to 15 percent slopes	3.5	42.8%
107B	Wheaton-Meadowville complex, 2 to 7 percent slopes	1.8	22.1%
108B	Wheaton-Sumerduck complex, 2 to 7 percent slopes	2.8	34.5%
Totals for Area of Interest		8.1	100.0%

the opposite side of the street where the front yards have an up-gradient sloping landscape. In summary, there are no suitable infiltration areas on this lot. The letter report from the geotechnical engineer has been included as Appendix I.

DCR Design Spec. # 9 requires 24" of standoff between the bioretention filter and the groundwater table. Since the groundwater table is only 4' below grade, this does not provide enough space to install the bioretention facilities and provide adequate clearance.

Soil amendments in accordance with Virginia DEQ Stormwater Design Specification No. 4 will be applied to each drainage swale, located on either side of the proposed house. Based on the Virginia Runoff Reduction computations and we can meet approximately 75% of the required Phosphorous removal with the compost amended swales. The remaining 25% of this requirement will be met by the purchase of nutrient credits.

Based on the findings above, it is not possible to effectively place an onsite stormwater management structure or feature within the southern portion of the site. Construction of an onsite BMP to the north would increase the amount of disturbed area within the RPA and would result in encroachment into the seaward 50' buffer.

d) Though the proposed residential structure will have more impact to the RPA buffer compared to the existing conditions, all existing impervious surfaces within the seaward 50' buffer will be removed. The area of the existing concrete slab and shed within the 50' seaward buffer is 100 square feet. This concrete slab and associated shed will be removed by hand to minimize the disturbance to this area. The foundation of the proposed structure has been shifted away from Pimmit Run so that it is outside the seaward 50' buffer. This will translate to a decrease in impervious cover within the seaward 50 feet of the RPA buffer by 100 square feet. The existing condition shows 1,688 square feet of impervious surface within the existing RPA, of which 100 square feet is within the seaward 50' feet. The proposed development will result in 1,946 square feet of impervious surface within the RPA.

e) The proposed activities will exceed 2,500 square feet and will comply with the requirements of Chapter 104 of the Fairfax County Code.

f) Best management practices are required for the proposed development as the total impervious area for the entire project (including areas outside of the existing RPA boundary) totals 28.8% (2,906 square feet) of the site. The proposed development does not qualify for an exemption under Section 124-1-7(3b or 124-4-2 (A2). The applicant is proposing to purchase Nutrient Credits to offset the portion of onsite BMP that cannot be met via the compost amended swales described below.

At the request of Fairfax County, the Applicant has conducted subsurface exploration of the project site. Borings were offset to avoid the existing gas line marked through the project site areas. Mottled gray clayey soils and evidence of a high seasonal groundwater table were encountered in the front yard. The site is located on an existing drainage channel that is suspected of being excavated below natural grades during the original development. The topography on both sides of the channel is relatively flat which appears to be part of a wider drainage swale (consistent with the findings). The subsoils may be suitable for infiltration on the opposite side of the street where the front yards have an up-gradient sloping landscape.

In summary, there are no suitable infiltration areas on this lot. The letter report from the geotechnical engineer has been included as Appendix I.

DCR Design Spec. # 9 requires 24" of standoff between the bioretention filter and the groundwater table. Since the groundwater table is only 4' below grade, this does not provide enough space to install the bioretention facilities and provide adequate clearance.

Soil amendments in accordance with Virginia DEQ Stormwater Design Specification No. 4 will be applied to each drainage swale, located on either side of the proposed house. Based on the Virginia Runoff Reduction computations and we can meet approximately 75% of the required Phosphorous removal with the compost amended swales. The remaining 25% of this requirement will be met by the purchase of nutrient credits.

Based on the findings above, it is not possible to effectively place an onsite stormwater management structure or feature within the southern portion of the site. Construction of an onsite BMP to the north would increase the amount of disturbed area within the RPA and would result in encroachment into the seaward 50' buffer.

g) No impacts to wetlands or Waters of the U.S. are proposed for the proposed redevelopment activities.
h) No onsite sewage disposal systems will be used for the proposed redevelopment activities.

Water Quality Impact Assessment Components per Section 118-4-3

a) Based on our field reconnaissance, TNT has identified and located Pimmit Run, a perennial stream, which bounds the property to the north. The resultant boundaries of the site-specific RPA are shown on the enclosed map.
b) Proposed activities within the RPA associated with this redevelopment project are limited to what is required to remove the old structure (including concrete pad for shed) and what is required to build the new residential structure. The existing concrete pad for the shed will be removed by hand. Most of the proposed work will occur within the RPA buffer and all of the proposed development situated in the landward 50 feet of the RPA buffer. This includes the foundation of the new house and the tie in to the existing sanitary sewer and water services. Only the 10' work zone offset for behind the proposed house will encroach into the seaward 50' resulting in 210 square feet of disturbance. Proposed grading of the landscape is limited to the sides and front of house which will establish grass lined swales to convey surface stormwater runoff away from the foundation.
c) The proposed redevelopment will result in a small increase in net imperious area (1,688 SF existing and 1,946 SF proposed) within the RPA buffer and a decrease of impervious area within the seaward 50 feet of the RPA buffer (100 SF existing and 0 SF proposed).
d) No disruption, fill or clearing of any wetlands will occur as a result of the proposed redevelopment project.
e) The proposed redevelopment project complies with the applicable performance criteria of Chapter 118.
f) No additional information has been requested at this time by the Director to evaluate the potential water quality impacts of the proposed activity.

Water Quality Impact Assessment Components per Section 118-2-1(b)

The proposed project qualifies for Section 118-2-1 for allowed uses, development and redevelopment in a Resource Protection Area. The Performance Criteria listed in Article 3 of this Chapter have been outlined in detail above and have been inserted here for ease of reference.

a) Disturbance has been limited to the footprint of the new residential structure, required grading, and associated utility installation. The proposed house is smaller in depth than the previously proposed dwelling. No more land shall be disturbed than is necessary to provide for the proposed redevelopment.

b) Existing vegetation is maintained as a lawn with several canopy hardwoods scattered throughout. The proposed design has minimized the removal of indigenous vegetation within the project limits. Based on the proposed development plan, five (5) trees greater than 12 inches in DBH will be removed. Additionally, English Ivy (*Hedera helix*) and Japanese Honeysuckle (*Lonicera japonica*) will be removed from within the project area, which are listed as an invasive species.

c) Best management practices are required for the proposed development as the total impervious area for the entire project (including areas outside of the existing RPA boundary) totals 28.8% (2,906 square feet) of the site. The proposed development does not qualify for an exemption under Section 124-1-7(3b or 124-4-2 (A2). The applicant is proposing to purchase Nutrient Credits to offset the portion of onsite BMP that cannot be met via the compost amended swales described below.

   At the request of Fairfax County, the Applicant has conducted subsurface exploration of the project site. Borings were offset to avoid the existing gas line marked through the project site areas. Mottled gray clayey soils and evidence of a high seasonal groundwater table were encountered in the front yard. The site is located on an existing drainage channel that is suspected of being excavated below natural grades during the original development. The topography on both sides of the channel is relatively flat which appears to be part of a wider drainage swale (consistent with the findings). The subsoils may be suitable for infiltration on the opposite side of the street where the front yards have an up-gradient sloping landscape. In summary, there are no suitable infiltration areas on this lot. The letter report from the geotechnical engineer has been included as Appendix I.

   DCR Design Spec. # 9 requires 24" of standoff between the bioretention filter and the groundwater table. Since the groundwater table is only 4' below grade, this does not provide enough space to install the bioretention facilities and provide adequate clearance.

   Soil amendments in accordance with Virginia DEQ Stormwater Design Specification No. 4 will be applied to each drainage swale, located on either side of the proposed house. Based on the Virginia Runoff Reduction computations and we can meet approximately 75% of the required Phosphorous removal with the compost amended swales. The remaining 25% of this requirement will be met by the purchase of nutrient credits.

Based on the findings above, it is not possible to effectively place an onsite stormwater management structure or feature within the southern portion of the site. Construction of an onsite BMP to the north would increase the amount of disturbed area within the RPA and would result in encroachment into the seaward 50' buffer.

d) Based on the findings above, it is not possible to effectively place an onsite stormwater management structure or feature within the southern portion of the site. Construction of an onsite BMP to the north would increase the amount of disturbed area within the RPA and would result in encroachment into the seaward 50' buffer.

The 3,467 square feet (0.08 acres) of disturbed area within the RPA will be revegetated at a density of 100 overstory trees per acre (2" DBH), 200 understory trees per acre (1" DBH), and 1,089 shrubs per acre (1 gallon) for the first 25% of the required replanting area. The remaining planting will be completed using overstory, understory, and shrub seedlings. Overstory and understory seedlings will be planted at a density rate of one seedling per 200 square feet of proposed disturbance area, which is a density based on discussions with UFMD and a recently approved WQIA with similar site constraints. The remaining shrubs seedlings will be planted at a rate of one seedling per 100 square feet of proposed disturbance area.

Per CBPO 118-3-3(f) for 3,467 square feet of disturbed area, planting requirements would be:
100 overstory trees/ac = 8 overstory trees
200 understory trees/ac = 16 understory trees
1089 shrubs/ac = 87 shrubs

TNT proposes that the planting densities (detailed above) for this particular site be created by applying CBPO 118-3-3(f) in conjunction with PFM 12-0516.4 as well as the above-mentioned seedling densities (recently approved by UFMD and the County for a project with similar site constraints) due to the limited physical space available for planting. The proposed plantings are therefore:

Requiring 25% to be real trees and shrubs and the rest as seedlings in accordance with PFM 12-0516.4:

Proposed Overstory Trees = 2, seedlings = 19

Proposed Understory Trees = 4, seedlings = 19

Proposed Shrubs = 22, seedlings = 52
(seed mix may be used for the shrubs and ground covers)

Plantings will be located within the RPA and floodplain areas and within the project site boundary.

e) Though the proposed residential structure will have more impact to the RPA buffer compared to the existing conditions, all impervious surfaces within the seaward 50' buffer will be removed. The area of the existing concrete slab and shed within the 50' seaward buffer is 100 square feet. This concrete slab and associated shed will be removed by hand to minimize the disturbance to this area. The foundation of the proposed structure has been shifted away from Pimmit Run. This will translate to a reduction in impervious cover within the seaward 50 feet of the RPA buffer. The existing condition shows 1,688 square feet of impervious surface within the existing RPA, of which 100 square feet is within the seaward 50' feet.
f) The proposed activities will exceed 2,500 square feet and will comply with the requirements of Chapter 124 of the Fairfax County Code (124-1-7(3(b(i))).
g) No impacts to wetlands or Waters of the U.S. are proposed for the proposed redevelopment activities.
h) No onsite sewage disposal systems will be used for the proposed redevelopment activities.

Water Quality Impact Assessment Components per Section 118-6-5

The proposed project qualifies for Section 118-6-5 for Submission Requirements for Exception requests for development in a Resource Protection Area. The Performance Criteria listed in Article 3 of this Chapter have been outlined in detail above and have been inserted here, as appropriate, for ease of reference.

i) Four (4) copies of the Public Hearing – Required application form have been provided with this submission.
j) Four (4) copies of this Water Quality Impact Assessment have been provided with this submission.
k) Fourteen (14) copies of a plat which meets the submission requirements of Zoning Ordinance Section 9-011, paragraph 2 have been provided with this submission.
l) Photographs of the property showing existing structures, terrain and vegetation are attached hereto.
m) Four 4) copies of a map identifying classification of soil types at a scale of one inch equals 500 feet, covering an area at least 500 feet beyond the perimeter of the proposed development have been provided with this submission.
n) A statement of justification which addresses how the proposed development complies with the factors set forth in Sections 118-6-6(a) through (f) is outlined below.

Water Quality Impact Assessment Components per Section 118-6-6

a) The requested exception to the criteria is the minimum necessary to afford relief. The parcel in question (10,075 square feet) is subject to a minimum 30-foot setback from Cherri Drive and 15-foot setbacks from the side property boundary (deed Book 872 Page 329). This 30 foot setback aligns almost exactly with the landward extent of the RPA boundary. Additionally, the RPA buffer encompasses approximately 72.8% (7,331 square feet) of the property, which includes the stream channel resource and land on the opposite side of the stream from Cherri Drive. This constraint drastically reduces the total available building area onsite.

The proposed house currently sits approximately 0.5' from the front setback and cannot be moved closer to Cherri Drive. TNT conducted a meeting with Mr. Shahab Baig from Fairfax County Department of Public Works and Environmental Services on Tuesday, November 24, 2015 to discuss the site constraints. At Mr. Baig's request, TNT investigated the potential of seeking a variance from the Zoning Department for the front yard setback. Based on information obtained, it appears that Fairfax County does not grant variances to reduce the zoning setbacks.

Further, Mr. Baig asked that the Applicant look into a permeable pavement for the proposed driveway. Per Table 6.3 of the Fairfax County PFM, permeable pavement is not permitted on infill lots.

The applicant was asked to investigate the subsurface soils for onsite infiltration. Based on the attached geotechnical report, the onsite soils are not suitable for infiltration due to the high groundwater encountered.

The applicant has revised this application to include a proposed house which is 10' shorter, thus it no longer encroaches into the seaward 50' of the RPA.

The applicant has researched closings from January 1, 2015 to February 29, 2016 and compared the size of those houses with what is proposed. Based on these data, the proposed house is smaller than the average new house which has sold in the area in the past 2 months. These data are included as Appendix II for reference.

b) Granting the requested exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated.

The Applicant here is not requesting nor would receive any special privilege denied to other similarly situated property owners, who could also conduct the required analyses and, if warranted, be considered for an exception and waiver.

The Chesapeake Bay Local Department ("CBLAD") historically was the state entity issuing guidance with respect to the Chesapeake Bay Act, including the granting of special exceptions. With regard to the meaning of conferring a special privilege, CBLAD has stated:

This finding is intended to make sure that an exception request would not give the applicant something that has been denied to others in similar situations, and gets to the equity, fairness, and arbitrary and capricious aspects of any exception request and decision. For instance, a property owner requests an exception to build a pool in the RPA and neighbors have applied for and been denied a similar request. In this instance, if the exception is approved, a special privilege has been permitted for one neighbor but not the others. ("Exception Guidance on the Chesapeake Bay Preservation Area Designation and Management Regulation," September 16, 2002, Revised June 13, 2009 at Page 3.)

c) This exception request is in harmony with the purpose and intent of Chapter 118 and is not of substantial detriment to water quality.

d) This exception request is not based upon conditions or circumstances that are self-created or self-imposed. The applicant is proposing to remove existing impervious areas located within the Seaward 50' of the RPA. The Applicant has considered several iterations of the proposed design which varied in their encroachment into the RPA. The applicant has revised this application to include a proposed house which is 10' shorter, thus it no longer encroaches into the seaward 50' of the RPA. The plan enclosed herein represents the most practicable alternative considered based on project needs and RPA encroachment

e) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality.

f) No other findings have been requested of the Applicant.

Water Quality Impact Assessment Components per Section 118-6-7

a) Disturbance has been limited to the footprint of the new residential structure, required grading, and associated utility installation. The existing shed and concrete pad will be removed by hand. No more land shall be disturbed than is necessary to provide for the proposed redevelopment. The total proposed disturbance is 3,467 square feet within the RPA.

b) The proposed development will result in 1,946 square feet of impervious surface within the RPA.

c) The project site meets the minimum lot size specified for the zoning district in which located.

d) Existing vegetation is maintained as a lawn with several canopy hardwoods scattered throughout. The proposed design has minimized the removal of indigenous vegetation within the project limits. Based on the proposed development plan, five (5) trees greater than 12 inches in DBH will be removed. Additionally, English Ivy (*Hedera helix*) and Japanese Honeysuckle (*Lonicera japonica*) will be removed from within the project area, which are listed as an invasive species.

o) The 3,467 square feet (0.08 acres) of disturbed area within the RPA will be revegetated at a density of 100 overstory trees per acre (2" DBH), 200 understory trees per acre (1" DBH), and 1,089 shrubs per acre (1 gallon) for the first 25% of the required replanting area. The remaining planting will be completed using overstory, understory, and shrub seedlings. Overstory and understory seedlings will be planted at a density rate of one seedling per 200 square feet of proposed disturbance area, which is a density based on discussions with UFMD

and a recently approved WQIA with similar site constraints. The remaining shrubs seedlings will be planted at a rate of one seedling per 100 square feet of proposed disturbance area.

Plantings will be located within the RPA and floodplain areas, and elsewhere as shown on the enclosed WQIA plan within the project site boundary to mitigate the effects of the buffer encroachment. The disturbed area equates to 3,467 square feet but the useable planting area within the project site is approximately 3,467 square feet.

The proposed plantings are:

Requiring 25% to be real trees and shrubs and the rest as seedlings in accordance with PFM 12-0516.4:

Proposed Overstory Trees = 2, seedlings = 19

Proposed Understory Trees = 4, seedlings = 19

Proposed Shrubs = 22, seedlings = 52
(seed mix may be used for the shrubs and ground covers)

Plantings will be located within the RPA and floodplain areas and within the project site boundary as shown on the enclosed WQIA Plan.

Table 1 – Planting List

Common Name	Scientific Name	Size (DBH)		Quantity
Overstory Trees				
Willow Oak	*Quercus phellos*	2"		1
Willow Oak	*Quercus phellos*	Seedling		6
Blackgum	*Nyssa sylvatica*	Seedling		7
River Birch	*Betula nigra*	2"		1
River Birch	*Betula nigra*	Seedling		6
			Total	**21**
Understory Trees				
American Hornbeam	*Carpinus caroliniana*	1"		1
American Hornbeam	*Carpinus caroliniana*	Seedling		5
Eastern Redbud	*Cercis canadensis*	1"		1
Eastern Redbud	*Cercis canadensis*	Seedling		5
Sweetbay Magnolia	*Magnolia virginiana*	1"		1
Sweetbay Magnolia	*Magnolia virginiana*	Seedling		5
Downy Serviceberry	*Amelanchier arborea*	1"		1
Downy Serviceberry	*Amelanchier arborea*	Seedling		4

			Total	23
Shrubs				
Northern Spicebush	*Lindera benzoin*	1 Gallon		5
Northern Spicebush	*Lindera benzoin*	Seedling		11
Speckled Alder	*Alnus incana*	1 Gallon		4
Speckled Alder	*Alnus incana*	Seedling		10
Maple-Leaved Viburnum	*Viburnum acerfolium*	1 Gallon		4
Maple-Leaved Viburnum	*Viburnum acerfolium*	Seedling		10
Southern Arrowwood	*Viburnum dendatum*	1 Gallon		4
Southern Arrowwood	*Viburnum dendatum*	Seedling		11
Silky Dogwood	*Cornus amomum*	1 Gallon		5
Silky Dogwood	*Cornus amomum*	Seedling		10
			Total	74

Planting Justification

Based on the limited planting space onsite (3,467 square feet within the project site), the above-mentioned proposed planting density is the most practicable for this site. While this planting density appears to be a deviation from the specific CBPO requirements, TNT believes this density is appropriate and necessary for the survival of the proposed vegetation as it will not overcrowd species or cause unnecessary competition for space but will still contribute to water quality protection and enhancement. Further, this density was derived as a combination of the CBPO and the County's PFM 12-0516.4 as collaborated on with the County's Urban Forest Management Division (UFMD).

The requirements outlined in Section 118-3-2 have been satisfied as noted previously. Best management practices are required for the proposed development as the total impervious area for the entire project (including areas outside of the existing RPA boundary) totals 28.8% (2,906 square feet) of the site. The proposed development does not qualify for an exemption under Section 124-1-7(3b or 124-4-2 (A2).

i) Best management practices are required for the proposed development as the total impervious area for the entire project (including areas outside of the existing RPA boundary) totals 28.8% (2,906 square feet) of the site. The proposed development does not qualify for an exemption under Section 124-1-7(3b or 124-4-2 (A2). The applicant is proposing to purchase Nutrient Credits to offset the portion of onsite BMP that cannot be met via the compost amended swales described below.

At the request of Fairfax County, the Applicant has conducted subsurface exploration of the project site. Borings were offset to avoid the existing gas line marked through the project site areas. Mottled gray clayey soils and evidence of a high seasonal groundwater table were encountered in the front yard. The site is located on an existing drainage channel that is

suspected of being excavated below natural grades during the original development. The topography on both sides of the channel is relatively flat which appears to be part of a wider drainage swale (consistent with the findings). The subsoils may be suitable for infiltration on the opposite side of the street where the front yards have an up-gradient sloping landscape. In summary, there are no suitable infiltration areas on this lot. The letter report from the geotechnical engineer has been included as Appendix I.

DCR Design Spec. # 9 requires 24" of standoff between the bioretention filter and the groundwater table. Since the groundwater table is only 4' below grade, this does not provide enough space to install the bioretention facilities and provide adequate clearance.

Soil amendments in accordance with Virginia DEQ Stormwater Design Specification No. 4 will be applied to each drainage swale, located on either side of the proposed house. Based on the Virginia Runoff Reduction computations and we can meet approximately 75% of the required Phosphorous removal with the compost amended swales. The remaining 25% of this requirement will be met by the purchase of nutrient credits.

Based on the findings above, it is not possible to effectively place an onsite stormwater management structure or feature within the southern portion of the site. Construction of an onsite BMP to the north would increase the amount of disturbed area within the RPA and would result in encroachment into the seaward 50' buffer.

e) Based on the findings above, it is not possible to effectively place an onsite stormwater management structure or feature within the southern portion of the site. Construction of an onsite BMP to the north would increase the amount of disturbed area within the RPA and would result in encroachment into the seaward 50' buffer.

f) The Applicant is requesting a waiver for the requirements outlined in Section 118-3-3 as noted herein. The proposed project does not comply with Section 118-3-3(c) and will result in a small increase in impervious area within the RPA.

TNT would like to thank you for the opportunity to provide you with this Water Quality Impact Assessment. We look forward to assisting you further with this project and other environmental concerns you may have. If you have any questions, please feel free to contact us at any time at (703) 466-5123.

Sincerely,

TNT ENVIRONMENTAL, INC.

Bradley J. Petro, PWS, PWD
Senior Wetland Scientist
Brad@TNTenvironmentalinc.com

Avi M. Sareen, PWS, PWD
Principal/President
Avi@TNTenvironmentalinc.com

Photograph 1: A northern view of the backyard as taken from the house.

Photograph 2: A western view of the backyard-stream corridor interface as taken adjacent to the eastern project boundary.

Photograph 3: An upstream (western) view of the stream channel behind the backyard fence.

Photograph 4: A downstream (eastern) view of the stream channel behind the backyard fence.

APPENDIX I
Geotechnical Report

TERRA ENGINEERING SERVICES, PLC

6909 Winners Circle
Fairfax Station, VA 22039
703-919-2615
Fax 703-249-9144

March 1, 2016

William P. Bensten
Merion Homes Pimmit, LLC
928 Mackall Avenue
McLean, VA 22101

Re: PIMMIT HILLS, SECTION 3, LOT 33 – 2007 Cherri Drive
Subsurface Soil Evaluation for SWM Infiltration
TERRA Project No. 15-2322G

Dear Mr. Bensten:

TERRA Engineering Services, PLC (TERRA) has completed the geotechnical services at the above referenced property. It is understood a subsurface exploration was required to evaluate subsoil and groundwater characteristics for infiltration purposes.

Subsurface Exploration and Sampling

Soil borings were performed using a hand-operated hollow-stem auger having an inside diameter of 4-¼ inches. Detailed observations were recorded at each boring including soil type and description, estimated depth and thickness of each substrata, groundwater levels, excavation efforts, and depth of termination or refusal. Groundwater levels were measured at the completion of the boring.

Soil samples recovered during the soil sampling exploration were visually classified on site based on texture and plasticity in accordance with ASTM Standard D2488, *Description and Identification of Soils –Visual-Manual Method* and the Unified Soil Classification System (USCS). Representative portions of the recovered samples were labeled and placed in sealed containers for transport to the materials testing lab for further review and analysis.

Findings

The natural subsoils encountered at test boring IT-3 are generally characterized as mottled gray-brown clayey SAND (SC) with variable amounts of water-worn sub-rounded cobbles. Groundwater was not encountered upon completion or prior to backfilling; however, increasing moisture was observed within the gray mottled subsoils at depths greater than 4 feet below existing grade.

These findings are considered to be generally consistent with the local topography in the immediate vicinity which gently slopes toward a natural drainage swale along the rear edge of the property. Although the front portion of Lot 33 is mapped Wheaton Glenelg Complex (105), the subsoils are more indicative of Wheaton Sumerduck (108B) which is generally characterized by a high seasonal perched groundwater table at shallow depths.

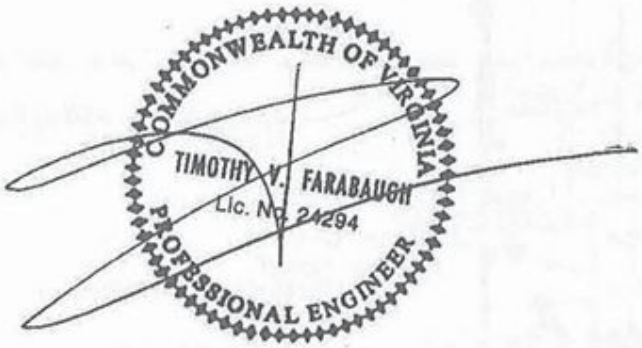
The subsoils are not considered suitable for infiltration purposes due to the presence of a high seasonal perched groundwater table that will not provide an adequate buffer of 4 feet below the invert of a SWM infiltration area.

Thank you for requesting TERRA services. Please call me if you have any questions regarding the information provided in this letter report or attachments.

Sincerely,

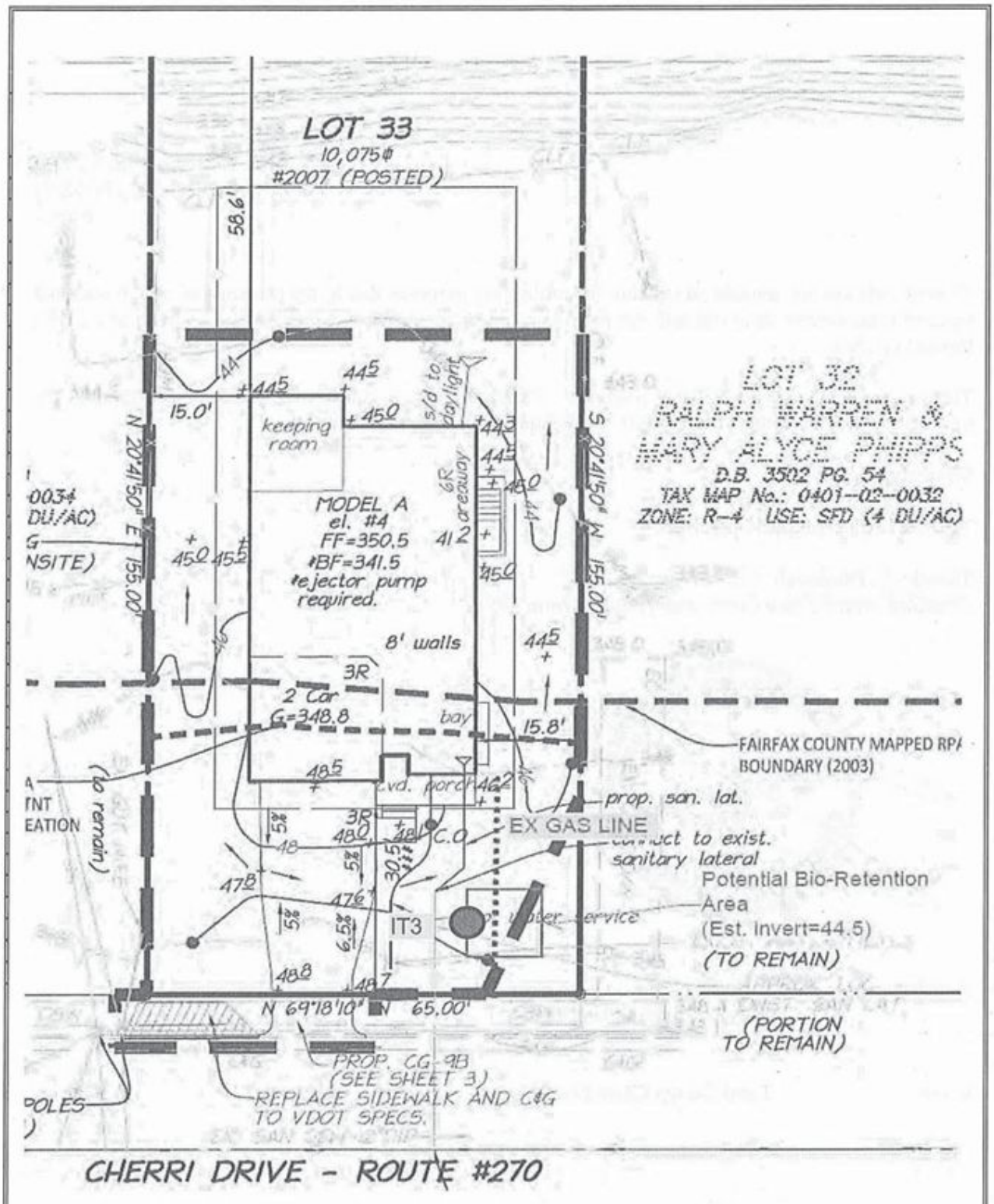
TERRA Engineering Services, PLC

Timothy V. Farabaugh, P.E.
Certified Water Table Delineator (expires June 2016)



Attachments: Boring Logs IT-3
Boring Location Plan (Figure 1)

Copy: Land Design Consultants



TERRA ENGINEERING SERVICES, PLC	PIMMIT HILLS, SECTION 3, LOT 33	TERRA Project No. 152322 G
	2007 Cherri Drive	March, 2016
	TEST BORING LAYOUT	FIGURE 1

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TEST BORING LOG

TERRA ENGINEERING SERVICES, PLC

PROJECT	PIMMIT HILLS, SECTION 3, LOT 33		**DEPTH TO: (feet)**			**TEST BORING ID:**	**IT-3**
LOCATION	2007 Cherri Drive		Time	Water	Cave-In	**TB ELEVATION:**	348. ft.(1)
CLIENT	Merion Homes Pimmit LLC		**During**	dry	n/a	**TB LOCATION:**	See Fig 1
TERRA Job No.	15-2322G		**at Comp**	dry	n/a	**START DATE:**	02-26-16
EQUIP USED	AMS 3.0" dia. hand-operated soil sampler		**24 hrs.**	dry	n/a	**COMPLETE DATE:**	02-26-16
OPERATOR	TF	**LOGGED BY** TF	**___ hrs.**			**DATE:**	03-01-16

ELEVATION (feet)	DEPTH (feet)	MATERIAL DESCRIPTION	Sample Depth (ft)	DCP CPR (*)	Est SPT N-value	REMARKS
348.0	1.0	yellow brown clayey SAND (SC); loose to medium dense, moist				
346.0	2.0					
	3.0	brown clayey SAND (SC) with quartz gravel; dense; very moist				
344.0	4.0					
	5.0	gray brown clayey SAND (SC); medium dense; moist				*mottled coloring appears to be indicative of seasonal high perched groundwater*
342.0	6.0					*very moist subsoils at depths greater than 5 feet appears to be indicative of seasonal high groundwater table*
	7.0					
340.0	8.0					
	9.0					

NOTES
Ground surface elevations estimated from the topo survey provided by others

* CPR - Cone Penetration Resisitance - # blows required for a 15 lb.ring weight dropping 20 inches to drive a 1.5 inch 45 degree cone 1.75 inches.

Vertical Scale: 1" = 5 ft. unless noted otherwise

Log Sheet No. 1

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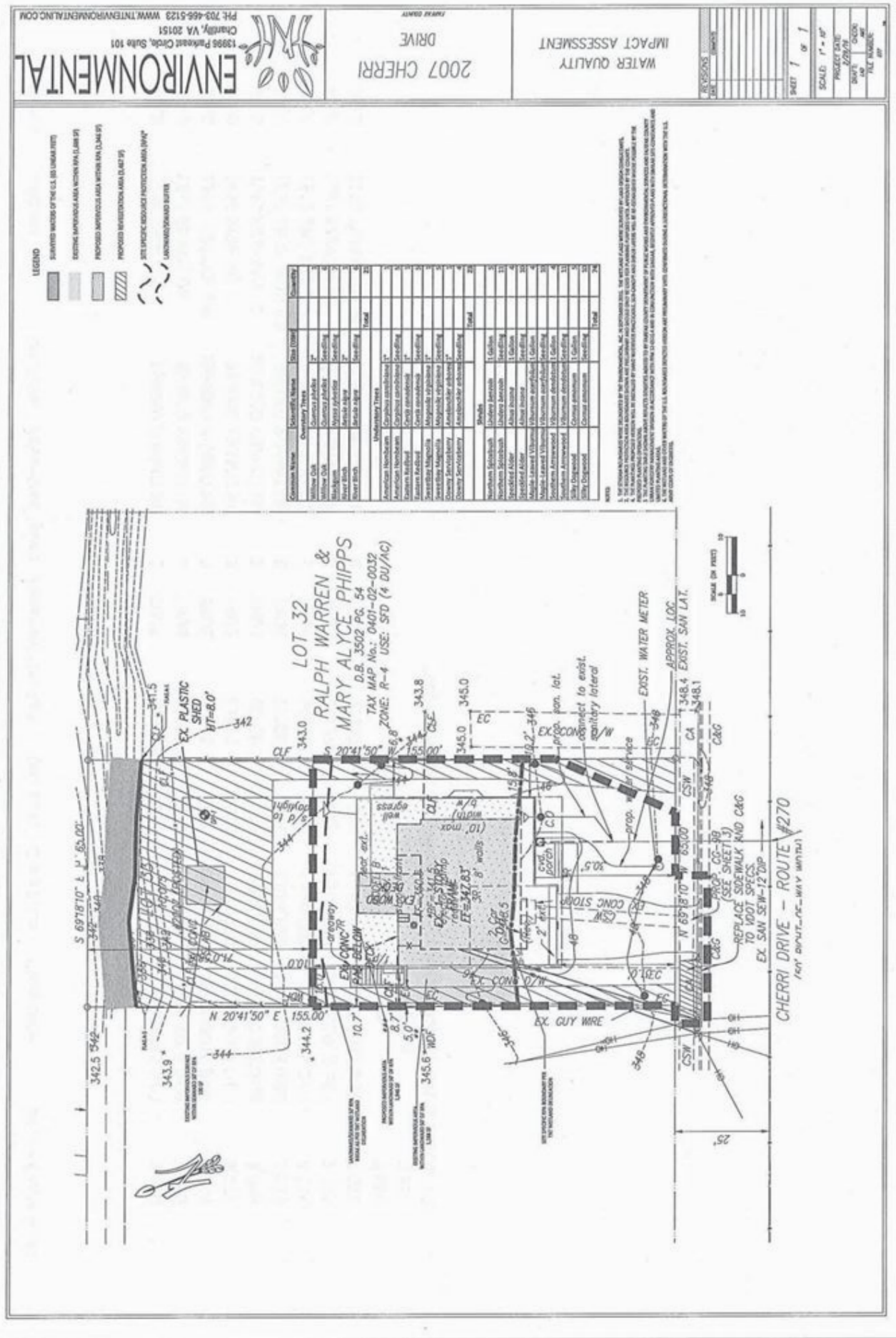
APPENDIX II
Residential Market Sales Summary

Status	Address	List Price	Advertised Levels	Basement	Lot Sqft	Year Built	Close Price	Close Date	Above Grade SQ FT
SOLD	7718 LISLE AVE	999999	PIMMIT HII	3 TRUE	11533	2015	999,999	10/8/2015 0:00	3,210
SOLD	1935 STORM DR	999000	PIMMIT HII	3 TRUE	12097	2015	1,035,655	12/11/2015 0:00	3,555
SOLD	1844 PEABODY DR	1065000	PIMMIT HII	3 TRUE	10008	2015	1,065,000	9/14/2015 0:00	3,838
SOLD	7414 NIGH RD	999000	PIMMIT HII	3 TRUE	13011	2015	1,074,176	12/10/2015 0:00	3,571
SOLD	1913 HILEMAN RD	1099000	PIMMIT HII	3 TRUE	11039	2015	1,085,000	7/22/2015 0:00	3,748
SOLD	1828 ANDERSON RD	999000	PIMMIT HII	3 TRUE	11586	2015	1,096,802	12/11/2015 0:00	3,539
SOLD	1911 GILSON ST	1169800	PIMMIT HII	3 TRUE	14990	2008	1,110,000	10/2/2015 0:00	4,184
SOLD	7331 PAXTON RD	1020000	PIMMIT HII	3 TRUE	11137	2015	1,130,049	12/11/2015 0:00	3,555
SOLD	2105 PIMMIT DR W	1299000	PIMMIT HII	3 TRUE	12829	2015	1,288,000	2/27/2015 0:00	4,012
								Average	3,690
								*Application	3,555

*Bay Hill House Type, house with shallowest depth front to back by 10'

Attachment 1



ATTACHMENT D

PLAT TITLED

2007 Cherri Drive
Water Quality Impact Assessment

ATTACHMENT E

January 6th, 2016, letter acknowledging receipt of the RPA exception application

County of Fairfax, Virginia

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

01/06/2015

Avi Sareen
TNT Environmental, Inc
13996 Parkeast Circle, Suite 101
Chantilly, Virginia, 20151

Subject: 2007 Cherri Drive, Pimmit Hills, Lot 33, Section 3, Tax # 040-1-02-0033

Reference: Resource Protection Area Encroachment Exception #5134-WRPA-018-1, and WQIA 5134-WQ-006-1

Dear Mr. Sareen:

This is in response to your request for an exception under Section 118-6-7 of the Chesapeake Bay Preservation Ordinance (CBPO) for loss of buildable area within the Resource Protection Area (RPA).

Your exception request package has met the submission requirements of Section 118-6-5 of the CBPO. This application package will be forwarded to the Exception Review Committee for a public hearing to be held on **Wednesday, March 2nd, 2016, at 2:00 p.m. in, Room 106, Herrity Building, 12055 Government Center Parkway, Fairfax, Virginia.** Acceptance of the package does not imply recommendation for approval. As we review your package we may contact you to request additional information and/or mutually agree an appropriate date for the hearing.

Under CBPO Section 118-6-3(c), It is your responsibility to send written notices:

- To all owners of property abutting and immediately across the street and within 500 feet of the subject property.
- To one (1) homeowners association or civic association within the immediate area as approved by the Department of Public Works and Environmental Services.
- Such notice shall include notice to owners of properties abutting and immediately across the street and within 500 feet of the subject property, which lie in an adjoining county or city.
- If such notice does not result in the notification of five different property owners, then additional notices shall be sent to other property owners in the immediate vicinity so that notices are sent to different owners of not less than five properties.

Department of Public Works and Environmental Services
Land Development Services
12055 Government Center Parkway, Suite 444
Fairfax, Virginia 22035-5503
Phone 703-324-1780 • TTY 711 • FAX 703-653-6678
www.fairfaxcounty.gov

- Notices to homeowner associations or civic associations shall be sent to the registered office address kept on file with the State Corporation Commission.
- The applicant shall send a copy of the notification letter to the Board Member in whose district the subject property is located on the same date the abutting property owners are notified.
- All written notices shall be sent by certified mail, return receipt requested, and postmarked not less than 15 days prior to the hearing as evidenced by the postmark date on the white receipts for the certified mailings.
- Written notices shall include the tax map reference number, the street address of the parcel, the date, time and place of the hearing, and the nature of the matter before the Exception Review Committee. Please refer to the sample notice letter (copy enclosed).
- When the notices have been mailed, please submit the dated white receipts to this office.

Please be advised that it is extremely important for you to send the necessary notices as required. **Failure to send the notices to all required parties and in a timely manner will result in deferral of the public hearing.**

If further assistance is desired, please contact Camylyn Lewis, Senior Engineer III, Site Development and Inspections Division (SDID) at 703-324-1720.

Sincerely,

Shahab Baig, P.E.,
Clerk to the Exception Review Committee

CML/mk

cc: Catherine Chianese, Clerk to the Board of Supervisors
Anne S. Kanter, Chairman, Chairman and Dranesville Representative, CBPO Exception Review Committee
Waiver File

County of Fairfax, Virginia

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

FEB 19 2016

Avi Sareen
TNT Environmental, Inc
13996 Parkeast Circle, Suite 101
Chantilly, Virginia, 20151

Subject: 2007 Cherri Drive, Pimmit Hills, Lot 33, Section 3, Tax # 040-1-02-0033

Reference: Resource Protection Area Encroachment Exception #5134-WRPA-018-1, and WQIA 5134-WQ-006-1

Dear Mr. Sareen:

This is in response to your request to defer the hearing for an exception under Section 118-6-7 of the Chesapeake Bay Preservation Ordinance (CBPO) for loss of buildable area within the Resource Protection Area (RPA).

The application package will be forwarded to the Exception Review Committee for a public hearing to be held on **Wednesday, April 6th, 2016, at 2:00 p.m. in, Room 106, Herrity Building, 12055 Government Center Parkway, Fairfax, Virginia.** Acceptance of the package does not imply recommendation for approval. As we review your package we may contact you to request additional information and/or mutually agree an appropriate date for the hearing.

Under CBPO Section 118-6-3(c), It is your responsibility to send written notices:

- To all owners of property abutting and immediately across the street and within 500 feet of the subject property.
- To one (1) homeowners association or civic association within the immediate area as approved by the Department of Public Works and Environmental Services.
- Such notice shall include notice to owners of properties abutting and immediately across the street and within 500 feet of the subject property, which lie in an adjoining county or city.
- If such notice does not result in the notification of five different property owners, then additional notices shall be sent to other property owners in the immediate vicinity so that notices are sent to different owners of not less than five properties.
- Notice shall be sent to the last known address of the owner(s) as shown in the current Real Estate Tax Assessment files.

Department of Public Works and Environmental Services
Land Development Services
12055 Government Center Parkway, Suite 444
Fairfax, Virginia 22035-5503
Phone 703-324-1780 • TTY 711 • FAX 703-653-6678
www.fairfaxcounty.gov

- Notices to homeowner associations or civic associations shall be sent to the registered office address kept on file with the State Corporation Commission.
- The applicant shall send a copy of the notification letter to the Board Member in whose district the subject property is located on the same date the abutting property owners are notified.
- All written notices shall be sent by certified mail, return receipt requested, and postmarked not less than 15 days prior to the hearing as evidenced by the postmark date on the white receipts for the certified mailings.
- Written notices shall include the tax map reference number, the street address of the parcel, the date, time and place of the hearing, and the nature of the matter before the Exception Review Committee. Please refer to the sample notice letter (copy enclosed).
- When the notices have been mailed, please submit the dated white receipts to this office.

Please be advised that it is extremely important for you to send the necessary notices as required. **Failure to send the notices to all required parties and in a timely manner will result in deferral of the public hearing.**

If further assistance is desired, please contact Camylyn Lewis, Senior Engineer III, Site Development and Inspections Division (SDID) at 703-324-1720.

Sincerely,

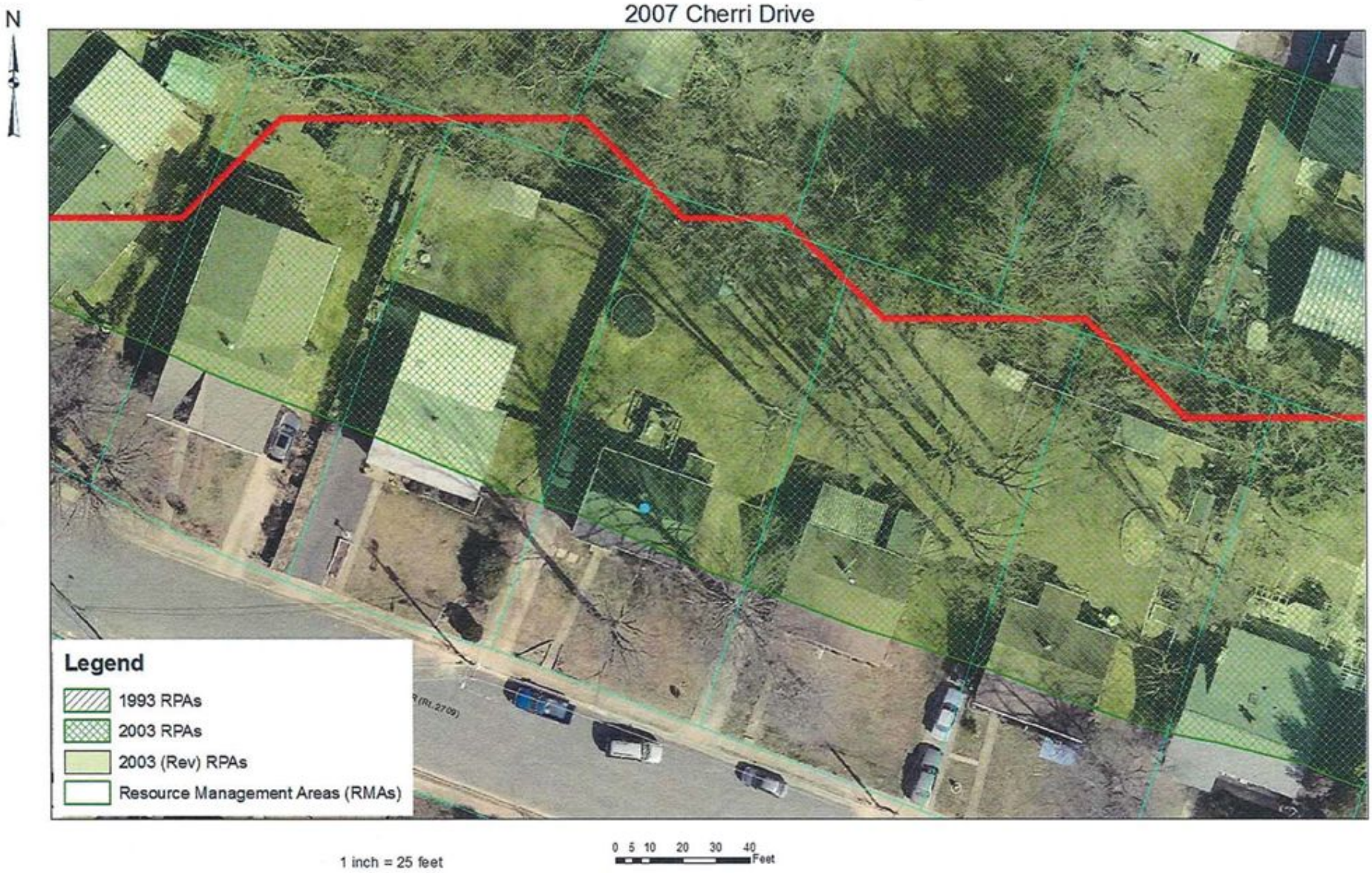
Shahab Baig, P.E., Clerk to the Exception Review Committee

CML/mk

cc: Catherine Chianese, Clerk to the Board of Supervisors
Anne S. Kanter, Chairman, Chairman and Dranesville Representative, CBPO Exception Review Committee
Waiver File

ATTACHMENT F

Aerial Photography


2007 Cherri Drive
N
Legend
1993 RPAs
2003 RPAs
2003 (Rev) RPAs
Resource Management Areas (RMAs)
1 inch = 25 feet
0 5 10 20 30 40
Feet

ATTACHMENT G

Adjacent property owners to be notified

ATTACHMENT H

Letter from the applicant regarding the covenant/setback

MERION HOMES

PIMMIT HILLS

March 3, 2016

Avi Sareen

TNT Environmental

You have asked me to address the covenant set back question whereby we are siting homes in accordance with the Fairfax County Ordinance but not necessarily the recorded Covenants applying to Pimmit Hills, Sections 1 to 7.

While it was initially our intent to follow both, Fairfax and Pimmit docs, once we became familiar with actual sitings by others in Pimmit and market expectations, it became apparent there were Covenant violations all over Pimmit Hills, both front yard (40') and side yard (15') and both renovations and new construction.

We had counsel review and we determined the prior violations, in the eyes of the law currently, would exempt us or anyone else from abiding by them. The premise is, someone could bring suit, anyone always can for anything, but the law would favor us (or anyone else, new home or renovation exceeding the setbacks) as one cannot turn a blinds eye on some violations and then assert the same position against another for the same circumstance. Basically, in lay terms, the violations are "grandfathered"

Based upon this review, we have taken the position and risk of a lawsuit (with 100% certainty of prevailing in court), that we are fully entitled to ignore the setback restrictions in the Covenants. Competitors being in violation, historically and currently, lot configuration (RPA issues and other), and market demands have brought us to this point. I hope this clarifies our approach. I will be glad to discuss with you or anyone at the County to further clarify if need be.

Respectfully,

William P. Bensten for

Merion Homes Pimmit, LLC

703-402-0822

ATTACHMENT I

Letter to Industry
Use of Certain BMPs
April 10, 2015

Attachment 1

Use of Certain BMPs, Requiring Director Approval, Restricted on Single-Family Residential Lots

Land Development Services
12055 Government Center Parkway
Fairfax, Virginia 22035
703-324-1780, TTY 711

April 10, 2015

Use of Certain BMPs, Requiring Director Approval, Restricted on Single-Family Residential Lots

Because of the constraints that would be placed on property owners' use of their land and difficulties in post-construction monitoring and enforcement on single-family residential lots, Land Development Services is making the following changes effective immediately:

Reforestation (PFM § 6-1311). Director approval, as required by the Public Facilities Manual (PFM), will not be granted for the use of reforestation as a stormwater management BMP on individual buildable single-family detached lots in subdivisions (PFM § 6-1311.2A). However, reforested areas may still be used on such lots with 70% of the reforested area treated as forest/open space for computational credit in the Virginia Runoff Reduction Method Worksheet. Computational credit for 70% of the forested area may also be applied to individual single-family detached residential lots that are not part of a bonded subdivision. The reforested area does not need to be within a restrictive easement (PFM § 6-1311.3B) to receive computational credit.

Simple Rooftop Disconnection (PFM § 6-1312). Director approval, as required by the PFM, will not be granted for the use of simple rooftop disconnection as a stormwater management BMP on individual buildable single-family detached lots. Water from downspouts may be directed to an alternative runoff reduction practice on individual buildable single-family detached lots pursuant to PFM § 6-1312.2.B. The flow path leading to the alternative practice is not required to be within a restrictive easement.

Soil Compost Amendments (PFM § 6-1314). Director approval, as required by the PFM, will not be granted for the use of soil compost amendments as a stormwater management BMP on individual buildable single-family detached lots in subdivisions. Soil compost amendments may still be used to restore the porosity of disturbed soils with 70% of the area treated as forest/open space for computational credit pursuant to PFM § 6-1314.2C. If only used for computational credit, areas of compost amended soils are not required to be within a restrictive easement (PFM § 6-1314.2C)

The above does not prevent an owner from installing these practices, at his own discretion, on individual buildable single-family detached lots for purposes other than meeting the Stormwater Management Ordinance water quality control requirements.

If you have any questions, please contact the Site Development and Inspection Division at **703-324-1720, TTY 711**.

Contact Fairfax County: Phone, Email or Twitter | **Main Address:** 12000 Government Center Parkway, Fairfax, VA 22035
Technical Questions: Web Administrator

ADA Accessibility | Website Accessibility
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ATTACHMENT J

Public Facilities Manual
Permeable Pavement

6-1304 Permeable Pavement (116-14-PFM)

6-1304.1 General.

6-1304.1A Permeable pavement systems use a special asphaltic paving material (porous pavement), concrete (pervious concrete), or open-jointed concrete blocks (permeable pavement blocks) that allow stormwater to flow through the pavement or the open joints at a high rate. Water is temporarily retained below the pavement within an aggregate base and discharged to the storm sewer system or infiltrated into the underlying *in situ* soils. The principal components of permeable pavement systems are porous pavement, pervious concrete, or permeable pavement blocks, a bedding (choker) course, an optional filter fabric between the bedding course and the aggregate base in permeable pavement block systems, an open-graded aggregate base with a high void ratio, filter fabric or a layer of sand to separate the aggregate base from the underlying soils and an underdrain that is connected to the storm drain system. Water quality control is provided by adsorption, filtering, sedimentation, biological action, and infiltration into the underlying soils. Permeable pavement systems reduce the peak rate and volume of stormwater runoff through detention storage and infiltration into underlying soils. Additional infiltration capacity or storage for detention can be obtained by increasing the depth of the aggregate base alone or in combination with storage chambers.

6-1304.1B Permeable pavement systems generally may be classified by the degree of infiltration into the underlying soils (i.e., exfiltration out of the aggregate base) that the systems are designed to achieve.

6-1304.1B(1) No Exfiltration. Systems that do not rely on infiltration of the captured stormwater runoff into the underlying soils are designed to provide water quality control and detention of storm water runoff from small storms. Water that has passed through the pervious pavement is discharged to the storm drain system through an unrestricted underdrain.

6-1304.1B(2) Full or Partial Exfiltration. Systems that provide for full or partial infiltration of the captured stormwater runoff into the underlying soils are designed to provide water quality control and retention of storm water. Such systems rely on infiltration to drain down the water stored in the aggregate base between storms. Permeable pavement systems designed for exfiltration, as utilized in Fairfax County, generally include underdrains that are capped or have restricted outflow. This allows the system to continue to provide water quality control and detention, albeit at reduced levels, if the infiltration capacity of the *in situ* soils is reduced over time due to consolidation of the soil bed or clogging of the soil pores.

6-1304.1C Permeable pavement systems are applicable as a substitute for conventional asphalt or concrete pavement. Permeable pavement systems require reasonably favorable conditions of land slope, subsoil drainage, and groundwater table. Permeable pavement systems are best suited to parking areas that are not subject to muddy conditions that cause sealing or clogging of the pervious material. Examples of suitable locations are parking areas for parks, churches, schools, office buildings, and shopping centers.

6-1304.1D Post-development hydrology. For hydrologic computations using the Rational Method, the runoff coefficient ("C" factor) for permeable pavement in Table 6.5 shall be used.

For hydrologic computations using National Resource Conservation Service (NRCS) methods, see § 6-0802. For hydraulic computations, use a roughness coefficient ("n" value) of 0.01 for porous asphalt pavement and 0.03 for permeable pavement block systems and pervious concrete.

6-1304.1E Permeable paving shall conform to Virginia Stormwater Design Specification No. 7, Permeable Pavement (Latest version referenced in the VSMP Regulations) except as modified herein.

6-1304.2 Feasibility and Limitations.

6-1304.2A Permeable pavement systems may not be located in single family attached or detached residential developments for the purpose of satisfying the detention, water quantity, or water quality control (BMP) requirements of the Stormwater Management Ordinance except as permitted under § 6-1304.2A(1) and § 6-1304.2A(2).

6-1304.2A(1) The Board of Supervisors (Board), in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment, may approve the location of permeable pavement systems in single family attached or detached residential developments in accordance with the following criteria:

6-1304.2A(1)(a) Any decision by the Board shall take into consideration possible impacts on the environment and the burden placed on prospective owners for maintenance of the facilities;

6-1304.2A(1)(b) Permeable pavement must be part of an overall stormwater management design that does not rely exclusively on pervious pavement to meet BMP and detention requirements;

6-1304.2A(1)(c) Adequate funding for maintenance of the facilities shall be provided by the applicant where deemed appropriate by the Board;

6-1304.2A(1)(d) Permeable pavement facilities must be located on homeowners' association (or "common") property and may not be located on individual buildable single family attached or detached residential lots, or any part thereof;

6-1304.2A(1)(e) Permeable pavement facilities shall be privately maintained and a private maintenance agreement in a form acceptable to the Director, which may include but is not limited to requirements for third-party inspections and the filing of annual maintenance and inspection reports with the County, must be executed before the construction plan is approved;

6-1304.2A(1)(f) The use of and responsibility for maintenance of permeable pavement facilities shall be disclosed as part of the chain of title to all future homeowners (e.g., individual members of a homeowners' association) responsible for maintenance of the facilities; and

6-1304.2A(1)(g) In addition to the above requirements, reasonable and appropriate conditions may be imposed, where deemed appropriate by the Board, to provide for maintenance of the facilities and disclosure to property owners.

6-1304.2A(2) Permeable pavement systems may be located in single family attached or detached residential developments if the permeable pavement appears as a feature shown on a proffered development plan or a special exception plat approved prior to March 12, 2007.

6-1304.2B Notwithstanding the above, permeable pavement may be used for driveways on new residential subdivision lots to create equivalent pervious surfaces. These areas can then be treated as managed turf in the runoff reduction calculation. However, a loss of 50% of the permeable pavement area over time is assumed to compensate for inadequate or improper maintenance, driveway replacement, and sealing. The use of and responsibility for maintenance of permeable pavement facilities shall be disclosed as part of the chain of title to all future homeowners (e.g., individual members of a homeowners' association) responsible for maintenance of the facilities. Such facilities shall not be subject to the requirement for a private maintenance agreement in § 6-1304.3 or the slope limitation of § 6-1304.2E.

6-1304.2C Permeable pavement systems may not be located on individual residential lots for the purpose of satisfying the BMP requirements of the Stormwater Management Ordinance.

6-1304.2D Permeable pavement systems that utilize infiltration may not be constructed on fill material.

6-1304.2E Permeable pavement systems may not be constructed in areas where the adjacent slopes are steeper than 20 percent.

6-1304.2F The slope of permeable pavement systems shall be from 1 to 5 percent.

6-1304.2G Setbacks. Permeable pavement shall meet the setback requirements of Virginia Stormwater Design Specification No. 7, Permeable Pavement (Latest version referenced in the VSMP Regulations).

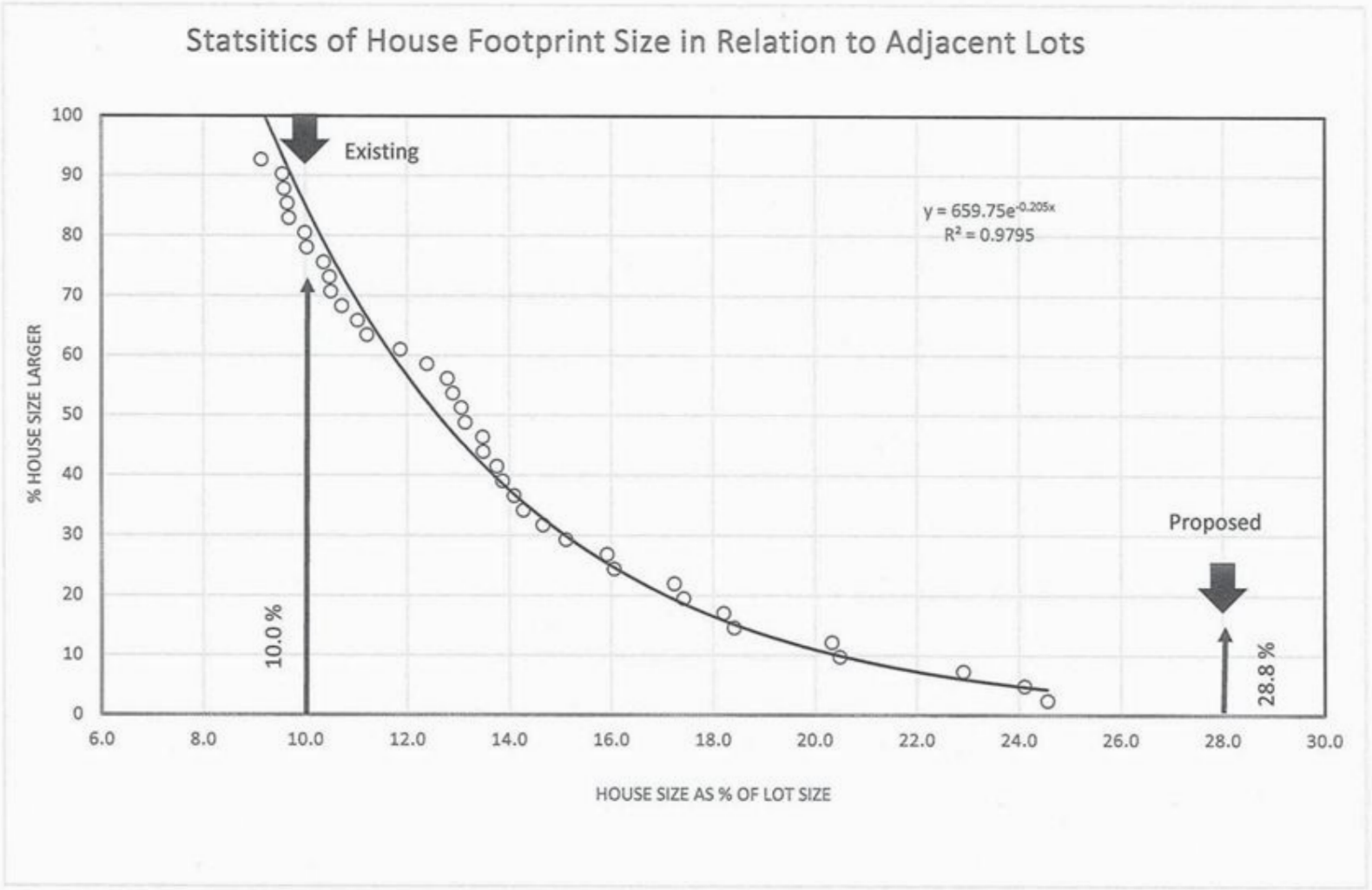
6-1304.2H Permeable pavement systems shall not be located in the vicinity of loading docks, vehicle maintenance areas, or outdoor storage areas, where there is the potential for high concentrations of hydrocarbons, toxics, or heavy metals in stormwater runoff entering the facility.

6-1304.2I Permeable pavement systems shall not be located in travelways, areas subject to frequent truck traffic or material storage areas, such as loading docks, where there is potential for settling or high loads of grease and oils.

6-1304.2J Concentrated flow shall not be discharged directly onto permeable pavement.

ATTACHMENT K

Statistics of House Footprint Size in Relation to Adjacent Lots


Statsitics of House Footprint Size in Relation to Adjacent Lots
Existing
Proposed
y = 659.75e^-0.205x
R² = 0.9795
10.0 %
28.8 %
% HOUSE SIZE LARGER
HOUSE SIZE AS % OF LOT SIZE
100
90
80
70
60
50
40
30
20
10
0
6.0
8.0
10.0
12.0
14.0
16.0
18.0
20.0
22.0
24.0
26.0
28.0
30.0

SN	Tax Map	Address	Buliding footprint sq. ft	Lot Size sq. ft	Acre	(Building Footprint Area /Lot Area) %	% Rank
1	040-1-11-0010	2002 Griffith Rd	975	15029	0.35	6.5	98
2	040-1-02-0027	2019 Cherri Dr	814	10793	0.25	7.5	95
3	040-1-11-0007	2047 Cherri Dr	1269	13889	0.32	9.1	93
4	040-1-11-0001	2035 Cherri Dr	913	9561	0.22	9.5	90
5	040-1-02-0079	1951 Leeonard Rd	1126	11751	0.27	9.6	88
6	040-1-02-0086	7411 Bethune St	948	9823	0.23	9.7	85
7	040-1-02-0090	7403 Bethune St	965	9972	0.23	9.7	83
8	**040-1-02-0033**	**2007 Cherri Dr**	**963**	**9638**	**0.22**	**10.0**	**80**
9	040-1-02-0080	7423 Bethune St	1108	11047	0.25	10.0	78
10	040-1-02-0023	2027 Cherri Dr	1525	14725	0.34	10.4	76
11	040-1-11-0004	2041 Cherri Dr	997	9519	0.22	10.5	73
12	040-1-02-0082	7419 Bethune St	1054	10040	0.23	10.5	71
13	040-1-02-0084	7415 Bethune St	949	8855	0.20	10.7	68
14	040-1-11-0002	2037 Cherri Dr	1075	9752	0.22	11.0	66
15	040-1-02-0025	2023 Cherri Dr	1300	11598	0.27	11.2	63
16	040-1-11-0008	2006 Griffith Rd	1243	10480	0.24	11.9	61
17	040-1-11-0003	2039 Cherri Dr	1202	9705	0.22	12.4	59
18	040-1-11-0009	2004 Griffith Rd	1366	10685	0.25	12.8	56
19	040-1-02-0028	2017 Cherri Dr	1338	10378	0.24	12.9	54
20	040-1-02-0081	7421 Bethune St	1348	10324	0.24	13.1	51
21	040-1-02-0031	2011 Cherri Dr	1237	9418	0.22	13.1	49
22	040-1-02-0085	7413 Bethune St	1460	10834	0.25	13.5	46
23	040-1-11-0011	2000 Griffith Rd	2103	15589	0.36	13.5	44
24	040-1-02-0087	7409 Bethune St	1408	10235	0.23	13.8	41
25	040-1-02-0032	2009 Cherri Dr	1490	10745	0.25	13.9	39
26	040-1-11-0006	2045 Cherri Dr	1329	9429	0.22	14.1	37
27	040-1-02-0114	2009 Dexter Dr	1467	10277	0.24	14.3	34
28	040-1-02-0083	7417 Bethune St	1520	10371	0.24	14.7	32
29	040-1-02-0034	2005 Cherri Dr	1413	9351	0.21	15.1	29
30	040-1-02-0088	7407 Bethune St	1483	9317	0.21	15.9	27

31	040-1-02-0029	2015 Cherri Dr	1760	10964	0.25	16.1	24
32	040-1-02-0022	2011 Dexter Dr	2000	11605	0.27	17.2	22
33	040-1-02-0026	2021 Cherri Dr	1737	9972	0.23	17.4	20
34	040-1-02-0091	2006 Dexter Dr	2546	13986	0.32	18.2	17
35	040-1-02-0078	1949 Leeonard Rd	2100	11407	0.26	18.4	15
36	040-1-02-0024	2025 Cherri Dr	2666	13114	0.30	20.3	12
37	040-1-02-0036	1953 Leonard Rd	2182	10654	0.24	20.5	10
38	040-1-02-0089	7405 Bethune St	2244	9797	0.22	22.9	7
39	040-1-11-0005	2043 Cherri Dr	2552	10587	0.24	24.1	5
40	040-1-02-0030	2013 Cherri Dr	2291	9329	0.21	24.6	2
41	040-1-02-0035	2003 Cherri Dr	2313	9045	0.21	25.6	0
							14.0

ATTACHMENT L

Assessment of the Impact of the Proposed Development on the Water Quality and Pollutant Load Leaving the Site

Assessment of the Impact of the Proposed Development on the Water Quality and Pollutant Load Leaving the Site

The objective of this analysis is to assess the impact of the proposed development and the effectiveness of the proposed environmental site design techniques in reducing the pollutant load leaving the site. For the purpose of this analysis the Simple Method is utilized to estimate the annual Pollutant load leaving the site (Schuler 1987). The Simple Method has been used in the Virginia Storm water Program since the 1990's to establish the regulatory Total Phosphorous load limit:

$$L = P\ X\ P_j\ X\ R_v\ X\ C\ X\ A\ X\ 2.72/12$$

(1)

Where:

L = total development pollutant load (pounds/year)
P = average annual rainfall depth (inches)= 43 inches for Virginia
P_j = fraction of rainfall that produce runoff = 0.9
R_v = volumetric runoff coefficient
C = flow-weighted event mean concentration (EMC) of TP (mg/L)= 0.26 mg/L
A = area of the development site (acres)
2.72 = unit conversion factor: L to ft^3 , mg to lb, and acres to ft^2
12 = unit conversion factor: rainfall inches to feet

By considering the State specific rainfall data of 43 inches, and accounting for Total Phosphorous (TP) event mean concentration (EMC) of 0.26 mg/L, Equation (1) reduces to:

$$L = 2.28072\ X\ R_v\ X\ A$$

(2)

Following the Virginia Department of Environmental Quality guidelines and the new storm water regulations, the composite volumetric runoff coefficient (R_v) that account for impervious areas, Managed Turf, and Forest/Open space is calculated as follows:

$$R_v(Composite) = R_v(I)\ X\ \%I + R_v(T)\ X\ \%T + R_v(F)\ X\ \%F$$

(3)

Where:

R_v(Composite) = Composite or weighted runoff coefficient
R_v(I) = Runoff Coefficient for Impervious Cover
R_v(T) = Runoff coefficient for Turf cover or disturbed soils
R_v(F) = Runoff coefficient for forest/open space
%I = Percentage of Site in Impervious cover (fraction)
%T = Percentage of Site in Turf cover (fraction)
%F = Percentage of Site in Forest/Open Space (fraction)

The Table below provides the Runoff Coefficient values based on Land cover and Hydrologic Soil Group types (HSG). These values were derived through extensive research and are part of the Virginia Runoff Reduction Method adopted by DEQ under the new storm water management regulations.

Table D-1. Land Cover Runoff Coefficients (R_v)				
Cover	HSG A	HSG B	HSG C	HSG D
Forest/Open Space	0.02	0.03	0.04	0.05
Managed Turf/Disturbed Soil	0.15	0.20	0.22	0.25
Impervious Cover	0.95	0.95	0.95	0.95

Source: Pitt et al (2005), Lichter and Lindsey (1994)

The DEQ new storm water management regulations provide incentives for promoting environmental site design techniques that aimed to minimize impact by reducing impervious areas and through protecting the RPA buffer. Within the context of the subject case, credits is assigned for reducing impervious areas and the establishment of vegetative buffer areas in accordance with Section 118-3-3(f) of the CBPO. Based on the information provided on the submission package and the WQIA, the existing and land cover conditions are summarized in Table D-2 below:

Table D-2. Existing and Proposed Land Cover Classification				
Land Use/Land Cover Type	Existing Conditions		Proposed Conditions	
	Area (sq. ft)	Area (%)	Area (sq. ft)	Area (%)
Forested/Open Space	0	0	3467	34
Managed Turf/Disturbed Soil	7884	78	3677	37
Impervious Cover	2178	22	2919	29

The Soils on the subject site are mapped as Wheaton-Glenelg complex, Wheaton-Meadowville complex and Wheaton-Summerduck complex. These soils types are classified as HSG D (following the interpretative guides to soils in Fairfax County, jointly prepared by DPWES and Northern Virginia Soil and Water Conservation District). Hence, the corresponding runoff coefficient (R_v) values are 0.025, 0.25, 0.95 for forested/open space, turf and impervious areas respectively. Utilizing Equation (3) the composite runoff coefficients under existing and proposed conditions are:

$$R_v(existing) = 0.08\ X\ 0.05 + 0.63\ X\ 0.25 + 0.29\ X\ 0.95 = 0.44 \quad (4)$$

$$R_v(proposed) = 0.25\ X\ 0.05 + 0.49\ X\ 0.25 + 0.26\ X\ 0.95 = 0.38 \quad (5)$$

For a 0.23 Acre site, the estimate of annual pollutant load at pre-and post-developed conditions can be calculated from Equation (2) as follows:

$$L\ (existing) = 2.28072\ X\ 0.44\ X\ 0.231 = 0.232\ lb/year$$
(6)

$$L(proposed) = 2.28072X\ 0.38\ X\ 0.231 = 0.200\ lb/year$$
(7)

This analysis results showed a reduction in annual pollutant load leaving the site which support the findings that the exception request is in harmony with the purpose and intent of this part and is not of substantial detriment to water quality. This finding also indicate that adequate protection measures are provided to mitigate the impact of the proposed development on the water quality of the adjacent water bodies.

Pollutant load = L = 2.28072 x Rv x A

Existing Phosphorous Load		Max L for 0.23ac site = 0.094	
L	=	0.21	Phos. Load lbs/yr
Rv	=	0.40	Composite Rv
A	=	0.23	Site area in Acres
Proposed Phosphorous Load - with re-vegetation		Max L for 0.23ac site = 0.094	
L	=	0.20	Phos. Load lbs/yr
Rv	=	0.38	Composite Rv
A	=	0.23	Site area in Acrea
Proposed Phosphorous NO - revegetation		Max L for 0.23ac site = 0.094	
L	=	0.24	Phos. Load lbs/yr
Rv	=	0.45	Composite Rv
A	=	0.23	Site area in Acrea

Table D-1. Land Cover Runoff Coefficients (R_v)

Cover	HSG A	HSG B	HSG C	HSG D
Forest/Open Space	0.02	0.03	0.04	0.05
Managed Turf/Disturbed Soil	0.15	0.2	0.22	0.25
Impervious Cover	0.95	0.95	0.95	0.95

Table D-2. Existing and Proposed Land Cover Classification

Land Use/Land Cover Type	Existing Conditions		Proposed Conditions	
	Area (sq. ft)	Area (%)	Area (sq. ft)	Area (%)
Forested/Open Space	0	0	3467	34
Managed Turf/Disturbed Soil	7884.36	78	3676.84	37
Impervious Cover	2178	22	2918.52	29
Total	10062	100	10062	100

Table D-3. Sq ft for each soil group - Existing				
Cover	HSG A	HSG B	HSG C	HSG D %
Forest/Open Space				0
Managed Turf/Disturbed Soil				78
Impervious Cover				22
				100
Existing - Composite Rv for the site	0.40			

Table D-4. Sq ft for each soil group - Proposed - WITH VEGETATED BUFFER				
Cover	HSG A	HSG B	HSG C	HSG D %
Forest/Open Space				34
Managed Turf/Disturbed Soil				37
Impervious Cover				29
				100
Proposed - Composite Rv for the site	0.38			

Table D-4. Sq ft for each soil group - Proposed - NO RE-VEGETATION				
Cover	HSG A	HSG B	HSG C	HSG D
Forest/Open Space				0
Managed Turf/Disturbed Soil				71
Impervious Cover				29
				100
Proposed - Composite Rv for the site	0.45			

COUNTY OF FAIRFAX
EXCEPTION RESOLUTION OF THE EXCEPTION REVIEW COMMITTEE

Mr. Ali Tatari, Tatari Construction, 4285-WRPA-004-2 under Section 118-6-7 of the Chesapeake Bay Preservation Ordinance (CBPO) and 4285-WQ-002-2, 6803 Dillon Avenue, McLean: Exception to allow the demolition of an existing house and construction of a new house with a larger footprint in a 1993 RPA within the Dranesville District. (Tax Map #030-4-17-0046). At a regular meeting of the Exception Review Committee on October 5, 2016, Dr. Schnare moved that the Exception Review Committee adopt the following resolution:

WHEREAS, the Committee has made the findings that:

a) The requested exception, as conditioned, is the minimum necessary to afford relief;
b) Granting the exception will not confer upon the applicant any special privileges that are denied to other property owners who are similarly situated;
c) The exception, as conditioned, is in harmony with the purpose and intent of the CBPO and is not of substantial detriment to water quality;
d) The exception request is not based upon conditions or circumstances that are self-created or self-imposed; and
e) Reasonable and appropriate conditions will be imposed that will prevent the allowed activity from causing a degredation of water quality.

Now, therefore, be it resolved that the Exception Review Committee **APPROVE** Exception Request 4285-WRPA-004-2 under Section 118-6-7 of the CBPO and 4285-WQ-002-2 to allow the encroachment into the RPA for the construction of a new house with a larger footprint subject to the conditions dated September 14th 2016, as follows:

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

2. This RPA Exception is granted only for the purposes, structures and/or uses indicated on the Plat approved with the application, as qualified by these development conditions.

3. Any plan submitted pursuant to this RPA Exception shall be in substantial conformance with the Plat titled "6803 Dillon Avenue, Water Quality Impact Assessment" prepared by TNT Environmental, Inc., dated September 8, 2016, which shows the proposed improvements.

In order that the project is in harmony with the purpose and intent of the CBPO, does not create a substantial detriment to water quality, and meets the performance criteria for RPAs, vegetated buffer area(s) shall be established as generally shown on the WQIA with a combined area of at least 2,039 square feet. The size, species, density and locations shall be consistent with the planting requirements of CBPO Section 118-3-3(f), and PFM 12-0516.4 or a vegetation plan that is equally effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff, as determined by the Department of Public Works and Environmental Services (DPWES) or the Urban Forest Management Division (UFMD). The Director may approve the use of a seed mixture as a supplement to or in lieu of individual plants for shrubs and

groundcovers. Plants shall be native to the degree practical and adaptable to site conditions. Wetland plantings (including herbaceous plantings) and/or wetland seed mix shall be used where site conditions warrant. Plant materials and planting techniques shall be as specified in the Public Facilities Manual. The vegetation shall be randomly placed to achieve a relatively even spacing throughout the buffer. Notwithstanding any statements on the Plat and in the Water Quality Impact Assessment (WQIA), the size, species, density, and locations of the trees, shrubs, and groundcover will be subject to approval of the Director of the DPWES or UFMD.

4. To enhance the runoff reduction mechanisms on-site, Compost Amended Soil shall be placed as shown on the plan sheet "6803 Dillon Avenue" dated September 8, 2016 and the placement shall be consistent with the VA DEQ Stormwater Design Specification No. 4.

5. A bio-retention filter to reduce the phosphorous load from the site, is provided as generally shown on the plan sheet "6803 Dillon Avenue" dated September 8, 2016 and is designed in accordance with the VA DEQ Stormwater Design Specification No. 9.

6. In order that the disturbed area within the RPA is the minimum necessary to afford relief, indigenous vegetation shall be preserved to the maximum extent possible. Any further encroachment into, and/or disturbance of, the RPA not shown on the approved rough grading plan will be considered a violation of the CBPO and is subject to the penalties of the CBPO Article 9.

7. This RPA Exception shall automatically expire, without notice, 24 months after the date of approval, unless the subject grading plan has been approved and the vegetated buffers have been established.

This approval, contingent on the above noted conditions, does not relieve the applicant from compliance with the provisions of any applicable Federal, State or County ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the approval of any required plans and permits through established procedures, and this RPA Exception shall not be valid until this has been accomplished.

The motion was seconded and approved by the committee members except: Glorida Banister, Anne Kanter, and Frank Crandall.

A Copy Teste:

Camylyn Lewis

Camylyn Lewis
Clerk to the Exception Review Comittee

MERION
HOMES

IQ# 686675

RECEIVED
MAY -5 2016
SITE DEVELOPMENT AND INSPECTIONS DIVISION

MERION HOMES PIMMIT, LLC
928 Mackall Avenue
Mclean, Virginia 22101
703-485-3814
wbensten@themeriongroup.com

May 3, 2016

Appeal to Fairfax County Board of Supervisors, decision by Exception Review Committee, April 6, 2016 re: 2007 Cherri Dr., Falls Church, VA 22043

File with the Clerk to the Board of Supervisors
With Copy to
Director of Department of Public Works and Environmental Services
Mr. John Foust, Supervisor, Dranesville District
1437 Balls Hill Road
Mclean, Virginia 22101
Mr. Ben Wiles, Dranesville Supervisor, Land Use Staff

This appeal is being filed as the result of a declination of a request to ERC to allow construction of a single-family home on a lot in Pimmit Hills which has Resource Protection Area on it. The basis of the denial, after working through Staff, was subjective and not consistent with previously approved requests by others who are similarly situated.

As a side note: This appeal to BOS is necessary as County procedures prohibit an appeal to ERC and require a 12 month wait to be heard again.

More specifically, our basis for appeal is as follows:
As identified under Section 118-6-6 of the County's Chesapeake Bay Preservation Ordinance (CBPO), an Applicant is required to meet the outlined criteria of the CBPO (as identified below in order to be granted an exception by the ERC. Each of the required findings of Section 118-6-6 were addressed in the Water Quality Impact Assessment (WQIA) which was filed for this project (WQIA 5134-WQ-006-1).

It is important to note that County Staff has rendered an opinion that they believe our application meets the criteria set forth in Section 118-6-6, thus qualifying us for an exception. As a point of fact, one of the ERC members stated during our hearing that it was his belief that our application met all of the required criteria set forth in Section 118-6-6.

Outlined below in detail are the required and pertinent portions of Section 118-6-6 which must be met in order to be granted an exception. It is our belief that the proposed project satisfies all of the required findings as detailed in the WQIA and exception request, and below. Further, we have summarized the final thoughts of the ERC prior to their vote on April 6, 2016 which appeared to have influenced their vote. Each of these items has been addressed herein for ease of review.

Based on comments made by the ERC during the hearing, it appears that they do not believe that the proposed application is the minimum necessary to afford relief (Section 118-6-6(a)). A discussion on this specific topic is presented below and is tied to each narrative throughout the remainder of this appeal. Further, of primary concern to the ERC was the project's inability to meet 100% of the water quality requirement onsite (Section 118-6-6(e)). As discussed in detail below, significant steps have been taken to address this issue, including various house types and alternative best management practices. It should be noted that Fairfax County does not typically allow BMPs to be located in RPAs which further limits our ability to treat onsite stormwater.

Finally, it should be noted that the ERC has the ability to modify the proposed exception conditions (Attachment A in the Staff report) recommended by staff. If they wanted additional measures to be required onsite as part of the approval it is within their purview to do so. This was not considered during their decision making process.

Section 118-6-6. Required Findings

a. The requested exception to the criteria is the minimum necessary to afford relief.

The remedies here are numerous and subjective. In a section below, the sequencing of the process will expand on how we approached relief and the ensuing outcome.

As noted in the WQIA, the parcel in question (10,075 square feet) is subject to a minimum 30-foot setback from Cherri Drive and 15-foot setbacks from the side property boundary (Deed Book 872 Page 329). This 30 foot setback aligns almost exactly with the landward extent of the RPA boundary. Additionally, the RPA buffer encompasses approximately 72.8% (7,331 square feet) of the property, which includes the perennial stream and land on the opposite side of the stream from Cherri Drive. This constraint drastically reduces the total available building area onsite.

The proposed house currently sits approximately 0.5' from the front setback and cannot be moved closer to Cherri Drive. TNT conducted a meeting with Mr. Shahab Baig from Fairfax County Department of Public Works and Environmental Services on Tuesday, November 24, 2015 to discuss the site constraints. At Mr. Baig's request, TNT investigated the potential of seeking a variance from the Zoning Department for the front

yard setback. Based on information obtained, it appears that Fairfax County does not grant variances to reduce the zoning setbacks.

b. Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated.

Our position here is the reverse, as situations similar to ours have received ERC approval and yet we were denied. We have compiled some information from a recent project which appeared before the ERC in late 2015 and was subsequently unanimously approved. It is our belief that our project in theirs meet the reasonable standard of being "similarly situated" as the data below will show. A key element to our application, that the ERC was unhappy about, is that we are meeting 75% of the required nutrient removal onsite. While true, the previous applicant did not meet any of the required nutrient removal onsite.

	2007 Cherri Drive	Project B
Total Site Area (sf)	10,075	11,588
Lot Area in the RPA (sf)	7,331 (72.8%)	8,378 (72.3%)
Ex. Impervious in RPA (sf)	1,688	1,773
Ex. Impervious in Seward 50' (sf)	100	50
Prop. RPA Encroachment (sf)	3,467	3,976
Prop. Impervious in RPA (sf)	1,946	2,519
Prop. Impervious in Seward 50' (sf)	0	0
Change in Impervious in RPA (sf)	+258	+746
Total Ex. Lot Impervious (sf)	2,197 (21.8%)	2,480 (21.4%)
Total Prop. Lot Impervious (sf)	2,906 (28.8)	3,063 (26.4%)
Change in Impervious on Lot (sf)	+709	+583
Prop. Seaward 50' Encroachment (Y/N?)	Y	Y
Reason for Seward Encroachment	10' Work Zone Per LTI 09-05	10' Work Zone Per LTI 09-05
Onsite BMP Required (Y/N?)	Y	Y
Treatment Proposed	75% Onsite, 25% Credits	100% Credits
Number of 12" Trees in RPA TBR	3	1
Justification for Tree Removal	2 In Poor Condition, 1 in LOD	In LOD
Staff Recommendation?	Approval	Approval
ERC Decision	Denial	Approval

The Chesapeake Bay Local Department ("CBLAD") historically was the State entity issuing guidance with respect to the Chesapeake Bay Act, including the granting of special exceptions. With regard to the meaning of conferring a special privilege, CBLAD has stated:

This finding is intended to make sure that an exception request would not give the applicant something that has been denied to others in similar situations, and gets to the

equity, fairness, and arbitrary and capricious aspects of any exception request and decision. For instance, a property owner requests an exception to build a pool in the RPA and neighbors have applied for and been denied a similar request. In this instance, if the exception is approved, a special privilege has been permitted for one neighbor but not the others. ("Exception Guidance on the Chesapeake Bay Preservation Area Designation and Management Regulation," September 16, 2002, Revised June 13, 2009 at Page 3.)

c. The exception is in harmony with the purpose and intent of this Chapter and is not of substantial detriment to water quality.

We believe our solutions and recommendations are consistent with the intent of this chapter and is not of substantial detriment to water quality.

The existing development does not provide any onsite water quality/quantity treatment to stormwater. The proposed development will treat approximately 75% of the required nutrient removal which will provide a net benefit to water quality over the existing condition, regardless of the impervious coverage.

d. The exception request is not based upon conditions or circumstances that are self-created or self-imposed

The conditions onsite are neither self-created nor self-imposed. The applicant, at his own risk, has decided not to adhere to the published covenant setbacks but rather the County mandated setbacks which allowed him to have less encroachment into the RPA.

Further, the RPA mapped onsite was designated in 2003, which is 52 years after this lot was legally created. County staff has acquiesced that it is their opinion that our request is not based upon circumstances that are self-created or self-imposed.

Finally, it is critical to note that none of the proposed structure will be located within the Seaward 50' of the RPA buffer. In fact, the proposed encroachment into the Seaward 50' for our application is due to the County's policy (see Letter to Industry 09-05, dated March 30, 2009) to require a "10' wide work zone around the perimeter of the proposed structure and any other change in the footprint as shown on the plan view..."

Without this County rule, the proposed development would not encroach into the Seaward 50' RPA buffer, thus could be approved administratively without the need for an ERC hearing.

e. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality

We believe the corrective measures we put forth were reasonable and would prevent the proposed activity from causing a degradation of water quality. As previously noted, the existing development does not provide any onsite water quality/quantity treatment to stormwater. As such, the proposed development will do more to protect and enhance water quality than the existing condition given the implementation of onsite best

management practices. Additionally, the applicant proposes to plant 118 native trees and shrubs which will provide additional water quality treatment to the watershed.

f. Other findings, as appropriate and required herein, are met

No additional findings have been requested of the Applicant. All criteria outlined in Section 118-6-7 – Exceptions for Loss of Buildable Area in a Resource Protection Area were addressed in the WQIA submitted to the County.

To follow County procedures to enable us to build a home on this lot, replacing an 800 square foot home built nearly 70 years ago, we applied for the Exception through the ERC in coordination with County staff and the following should be noted:

As part of the initial review of our application, County staff requested that we investigate the following:

1. Reduce the house size to get the building footprint out of the seaward 50' buffer

   The solution was to change to a "B" house type which has a larger footprint but is narrower in depth, this pulled the house out of the Seaward 50' of the RPA. All that remained in the Seaward RPA is the Non-Construction buffer area of 209 square feet, a small portion of the overall buffer required of all houses of a 10' perimeter beyond actual construction. Note, if not for this 209 sf, we would not have required ERC approval.

2. Conduct a geotechnical study to evaluate the feasibility of doing onsite micro bioretention facilities in the front right corner of the lot to treat onsite stormwater quality/quantity.

   Based on the findings of the geotechnical engineer, the soil is not suitable for this type of BMP. Further mottled gray clayey soils and evidence of a high seasonal groundwater table were encountered in the front yard. The site is located on an existing drainage channel that is suspected of being excavated below natural grades during the original development. The topography on both sides of the channel is relatively flat which appears to be part of a wider drainage swale (consistent with the findings). The subsoils may be suitable for infiltration on the opposite side of the street where the front yards have an up-gradient sloping landscape. In summary, there are no suitable infiltration areas on this lot.

   Further, DCR Design Spec. # 9 requires 24" of standoff between the bioretention filter and the groundwater table. Since the groundwater table is only 4' below grade, this does not provide enough space to install the bioretention facilities and provide adequate clearance.

   Given the unsuitable nature of the onsite soils for onsite BMP, the applicant has agreed to apply soil amendments in accordance with Virginia DEQ Stormwater Design Specification No. 4 to each drainage swale, located on either side of the proposed house. Based on the Virginia Runoff Reduction computations and we can meet approximately 75% of the required Phosphorous removal with the compost amended swales. The remaining 25% of this requirement will be met by the purchase of nutrient credits as there is insufficient space onsite for further treatment.

During our hearing, the ERC took exception to the fact we were only treating 75% onsite rather than full on site treatment/storage. Reverting to the previously submitted house type originally submitted which allows for full on-site treatment/storage but the deeper (yet smaller) house design itself protrudes into the seaward 50' of the RPA buffer, which is contradictory to County staff's recommendations.

3. Evaluate the feasibility of doing permeable pavement for the proposed driveway, in spite of it being outside the RPA.

   We agreed to this during the ERC hearing despite this method not being eligible for reducing our proposed impervious surface within the RPA as the proposed driveway is not located in the RPA.

4. Look into compost amended soils for onsite BMP treatment rather than buying all nutrient credits.

   We have agreed to this as detailed in Item 2 above. Should we be permitted to build the aforementioned house, we no longer need nutrient credits as the narrower house enables a greater area to be treated onsite, meeting 100% of the water quality goals.

Alternative Layout Analysis

As part of the applicant's first submission of the WQIA, the proposed house was smaller and narrower but a portion of the principal structure encroached into the Seaward 50' of the RPA. It should be noted that the house encroaches into the Seaward 50' in spite of the utilization of the County's zoning setbacks.

This alternative house had slightly less above grade area (3,265 sf vs. 3,555 sf) and resulted in less impervious cover on the lot. Due to the reduction in impervious cover on the lot, we were able to meet 100% of the nutrient removal/stormwater management onsite with the aforementioned compost amended soils.

Based on discussions with County staff, it was decided to redesign the project with a wider house footprint in order to get the principal structure out of the Seaward 50' of the RPA. This redesign resulted in the submission that was made and eventually heard by the ERC.

Below is a brief summary of the ERC hearing and their remonstrations with the proposed project.

1. The ERC had some trepidation over the fact that the proposed development was not above to treat all of the runoff onsite. The remaining runoff treatment would be mitigated through the purchase of nutrient credits, which is an allowable course of action per current County policy.

   At Staff's request, we are treating 75% of the runoff onsite through the implementation of compost amended soil swales on either side of the proposed house. The residual 25% will be through the purchase of Nutrient Credits. By reverting to the originally submitted

house type this issue is resolved as there is additional room for larger compost amended soil swales. As previously noted, this course of action is contradictory to County staff's recommendations as the house itself protrudes into the Seaward 50' of the RPA.

2. The ERC was opposed to a handful of 12" DBH and greater trees were proposed to be removed.

   Three trees in the RPA are proposed to be removed and two of these trees have been assessed by a Certified Arborist to be in Poor condition and need to be removed regardless of the size of the house to be constructed. Given the location of the third tree, it is not possible to redevelop the lot in such a manner that would allow for its preservation.

3. The ERC was concerned that we are increasing the impervious area within the RPA.

   Given the small size of the existing house (800 sf), it would be nearly impossible to redevelop the lot to a market-priced home without increasing the amount of impervious surface on the lot. As proposed, the increase in impervious surface is only 258 SF in the RPA or 2.56% and 709 SF or 7.04% of the total lot area. Please further note, a presentation on Bethune Street the same day as our denial, was not burdened by the same existing condition baseline; the existing 70 year old home at Bethune Street was twice as large, thus making their case for a reduction in impervious area simplified.

4. The ERC is of the opinion that the proposed house is too big and thus, 'not the minimum necessary to afford relief'.

   The applicant has demonstrated that the proposed house is the average size for the market based on recent sales in the neighborhood over the past 15 +/- months. Tabular data was provided to the ERC for their review. By reverting to the originally submitted house type, for example, the total square footage is 3,265 versus the desired house on the actual submission to the ERC which is 3,555 square feet.

5. The ERC was opposed to fact that the proposed impervious percentage relative to lot size would be nearly the highest in the vicinity.

   This statistic has been documented to be incorrect as it appears that Staff did not use the correct lot area and other features in determining these values.

In summation, we believe that we have done everything asked of us by County staff to provide an application which meets the purpose and intent of Chapter 118 and is in harmony with its goals and objectives of increasing water quality within the Chesapeake Bay watershed. We have gone so far as to change house types mid-submission, conduct additional studies and investigations for onsite water quality/quantity treatment, and provide alternative methods for treating water quality above and beyond what others who are similarly situated have been asked to do.

We believe that we have satisfied all required criteria set forth in Section 118-6-6. The mere fact that County staff wrote a positive staff report in support of our application, nothing that they believe the

same, speaks to the efforts undertaken to maximize the water quality benefits to the project while weighing the proposed redevelopment.

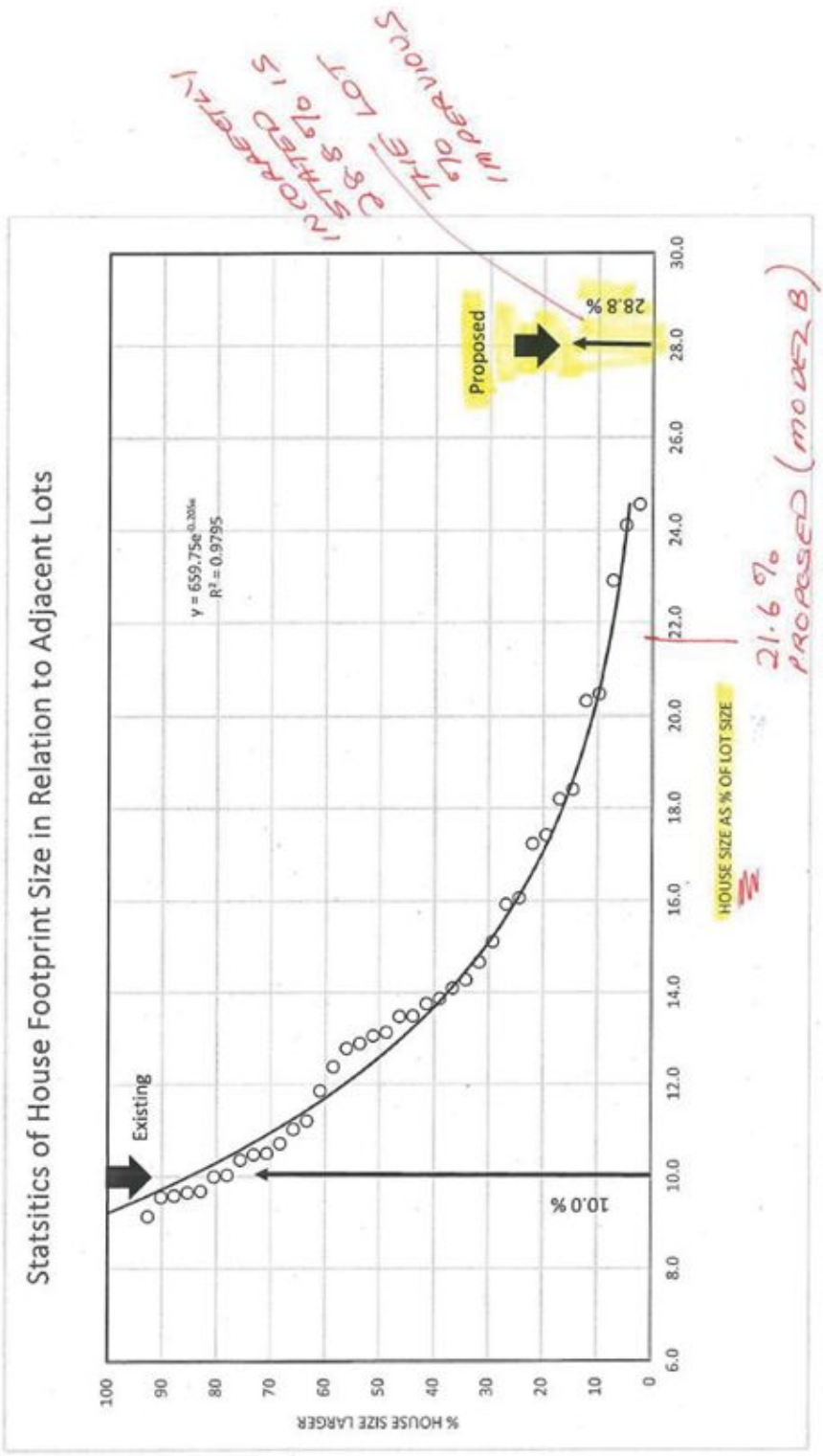
Based on the information presented in our Water Quality Impact Assessment and in this Appeal, we respectfully request that the Board of Supervisors overturn the decision of the Exception Review Committee from April 6, 2016 and approve our request for an exception under Section 118-6-7.

Respectfully Submitted,

Merion Homes Pimmit, LLC

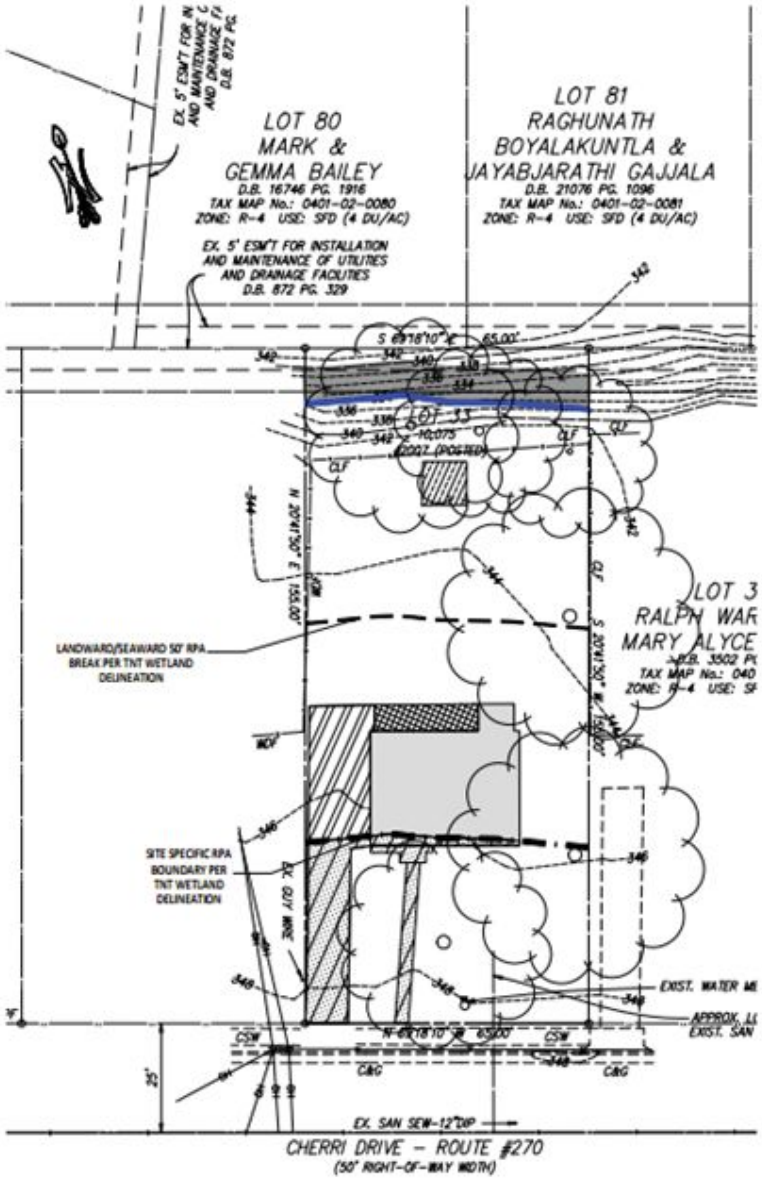
William P. Bensten
703-402-0822

Figure 1
Corrected Exhibit – Statistics of House Footprint Size in Relation to Adjacent Lots



Attachment 5

Existing Condition



LEGEND

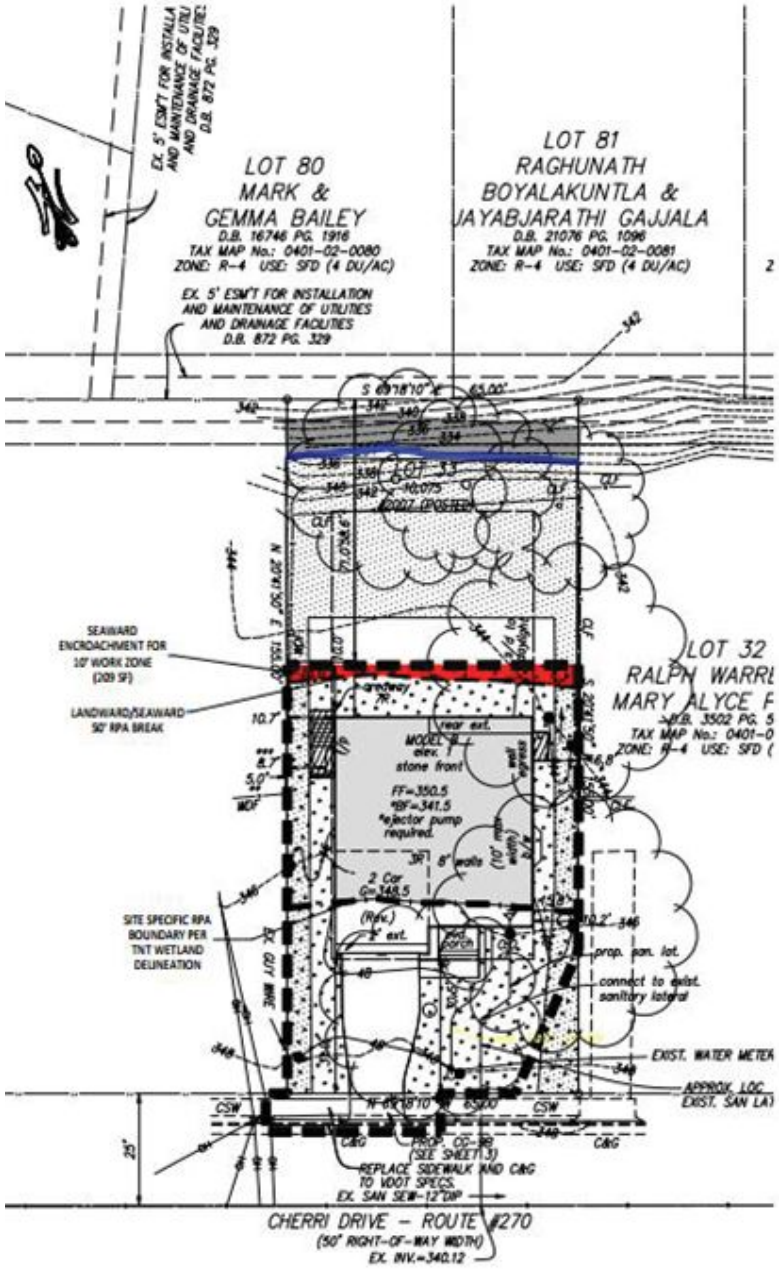
- SURVEYED WATERS OF THE U.S. (135 LINEAR FEET)
- TOTAL PRINCIPAL STRUCTURE WITHIN RPA
- TOTAL DRIVEWAY/PARKING AREA WITHIN RPA
- TOTAL PATIO WITHIN RPA
- TOTAL SHED/STORAGE AREA WITHIN RPA
- IMPERVIOUS AREA ONSITE OUTSIDE RPA
- SITE SPECIFIC RESOURCE PROTECTION AREA (RPA)*
- LANDWARD/SEAWARD 50' BREAK

NOTES:

1. THE STREAM BOUNDARIES WERE DELINEATED BY TNT ENVIRONMENTAL, INC. IN SEPTEMBER 2015. THE WETLAND FLAGS WERE SURVEYED BY LAND DESIGN CONSULTANTS.
2. THE RESOURCE PROTECTION AREA BOUNDARIES SHOWN ARE PRELIMINARY AND SHOULD ONLY BE USED FOR PLANNING PURPOSES UNTIL APPROVED BY THE COUNTY.
3. THE WETLAND AND OTHER WATERS OF THE U.S. BOUNDARIES DEPICTED HEREON ARE PRELIMINARY UNTIL CONFIRMED DURING A JURISDICTIONAL DETERMINATION WITH THE U.S. ARMY CORPS OF ENGINEERS.

Attachment 5

Proposed Condition



LEGEND

- SURVEYED WATERS OF THE U.S. (135 LINEAR FEET)
- TOTAL PRINCIPAL STRUCTURE WITHIN RPA
- OTHER IMPERVIOUS AREA WITHIN RPA
- PROPOSED REVEGETATION AREA (3,467 SF)
- PROPOSED SEAWARD 50' ENCROACHMENT FOR OFFSET
- PROPOSED COMPOST AMENDED SOILS
- SITE SPECIFIC RESOURCE PROTECTION AREA (RPA)*
- LANDWARD/SEAWARD 50' BREAK

NOTES:

1. THE STREAM BOUNDARIES WERE DELINEATED BY TNT ENVIRONMENTAL, INC. IN SEPTEMBER 2015. THE WETLAND FLAGS WERE SURVEYED BY LAND DESIGN CONSULTANTS.
2. THE RESOURCE PROTECTION AREA BOUNDARIES SHOWN ARE PRELIMINARY AND SHOULD ONLY BE USED FOR PLANNING PURPOSES UNTIL APPROVED BY THE COUNTY.
3. THE WETLAND AND OTHER WATERS OF THE U.S. BOUNDARIES DEPICTED HEREON ARE PRELIMINARY UNTIL CONFIRMED DURING A JURISDICTIONAL DETERMINATION WITH THE U.S. ARMY CORPS OF ENGINEERS.

Staff's Recommended Conditions for Approval

Encroachment Exception #5134-WRPA-018-1

Water Quality Impact Assessment #5134-WQ-006-1

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

2. This RPA Exception is granted only for the purposes, structures and/or uses indicated on the Plat approved with the application, as qualified by these development conditions.

3. Any plan submitted pursuant to this RPA Exception shall be in substantial conformance with the Plat titled "2007 Cherri Drive, Water Quality Impact Assessment" prepared by TNT Environmental, February 29, 2016, which shows the proposed improvements.

   In order that the project is in harmony with the purpose and intent of the CBPO, does not create a substantial detriment to water quality, and meets the performance criteria for RPAs:

   a. Vegetated buffer area(s) shall be established as generally shown on the Water Quality Impact Assessment exhibit, dated February 29, 2016 with a combined area of at least 3,467 square feet.
   b. The size, species, density and locations shall be consistent with the planting requirements of CBPO Section 118-3-3(f), and PFM 12-0516.4 or a vegetation plan that is equally effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff, as determined by the Department of Public Works and Environmental Services (DPWES) or the Urban Forest Management Division (UFMD).
   c. The Director may approve the use of a seed mixture as a supplement to or in lieu of individual plants for shrubs and groundcovers. Plants shall be native to the degree practical and adaptable to site conditions. Wetland plantings (including herbaceous plantings) and/or wetland seed mix shall be used where site conditions warrant.
   d. Plant materials and planting techniques shall be as specified in the Public Facilities Manual.
   e. The vegetation shall be randomly placed to achieve a relatively even spacing throughout the buffer.
   f. Notwithstanding any statements on the Plat and in the Water Quality Impact Assessment (WQIA), the size, species, density, and locations of the trees, shrubs, and groundcover will be subject to approval of the Director of the DPWES or UFMD.

4. To the extent possible, soil compost amendment is applied, as determined by DPWES with the final grading plan.

5. The impact of impervious areas (such as the driveway) are minimized with the use of permeable pavements, as determined by DPWES with the final grading plan.

6. Water quality requirements for the site will be met in accordance with Chapter 124 of the County code and, to the extent practical, as determined by DPWES with the final grading plan, on-site.

7. In order that the disturbed area within the RPA is the minimum necessary to afford relief, indigenous vegetation shall be preserved to the maximum extent possible. Any further encroachment into, and/or disturbance of, the RPA not shown on the approved rough grading plan will be considered a violation of the CBPO and is subject to the penalties of the CBPO Article 9.

8. This RPA Exception shall automatically expire, without notice, 24 months after the date of approval, unless the subject grading plan has been approved and the vegetated buffers have been established.

Table 1
Corrected Exhibit – Statistics of House Footprint Size in Relation to Adjacent Lots

Year	Date	Project Name	Tax Map #	**Lot Square Feet**	% lot in RPA	Existing House Foot Print	Existing House Footprint %	Proposed House Foot Print	**Proposed** House footprint %	Existing Total Impervious Area (in RPA)	Proposed Total Impervious Area (in RPA)	Existing Impervious Area in Seaward 50ft	Proposed Impervious Area in Seaward 50ft	Proposed Disturbed Area in RPA	**Proposed buffer area**	% lot impervious and BMP	Code Section
2015	October 7	1055 Dead Run Drive	021-4-13-0010	**11,588**	72.3%	1325	11.4	2,519	**21.7 %**	3,063 (1,773)	3,063 (2,519)	50	0	3,976	**3976**	26.4% Nutrient credits	118-6-7
2016	April 6	7413 Bethune Street	040-1-02-0085	**10,075**	67%	1,390	13.8 %	1921	**19.1%**	2,908 (1,791)	2,579 (1,686)	348	0	3,539	**1,730**	Exempt from 124 (reduction in imp. Area)	118-6-7
2016	July 6	1551 Forest Villa	031-1-10-0020A	**23,937**	63%	1,766	7.4	2,419	**10.1 %**	4,420 (4,420)	3985 (1,822)	531	137	5,661	**5,661**	16.6 % Reduction in imp. exempt 124	118-6-7
2016	October 5	6803 Dillon Avenue	030-4-17-0046	**11,225**	76 %	1,151	10.3	2,400	**21.4 %**	2,659 (2,214)	3,315 (2,499)	69	0	4,651	**2,039 + 1660 bush hog***	On-site (Bio-retention)	118-6-7
2015	April 6	2007 Cheri Drive	040-1-02-0033	**10,075**	72.8 %	949	9.4	2177	**21.6 %**	(1,688)	3,467 (1,946)	100	0	4,265	**3,467**	28.8% Recommended on-site	118-6-7

Board Agenda Item
February 28, 2017

11:00 a.m.

Matters Presented by Board Members

Board Agenda Item
February 28, 2017

11:50 a.m.

CLOSED SESSION:

(a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).

(b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).

(c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).

1. Coxcom, LLC, d/b/a Cox Communications, Audit of Cable Franchise Fees and Public Educational and Governmental Access Grants

2. *Mirsada Karalic-Loncarevic, by GEICO, Subrogee v. Jeffrey Dion Cox*, Case No. GV16-018480 (Fx. Co. Gen. Dist. Ct.)

3. *Tristan di Montenegro v. National Security Agency, et al.*, Case No. 1:16cv1608 (E.D. Va.)

4. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Beverly K. Lester*, Case No. CL-2016-0009115 (Fx. Co. Cir. Ct.) (Braddock District)

5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. David J. Cho and Judith S. Cho*, Case No. GV16-016090 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John S. Walker*, Case No. GV16-026779 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

7. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Smithrose Investments, LLC*, Case No. GV16-022800 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edgar Gramajo and Miryam Gramajo*, Case No. CL-2017-0001352 (Fx. Co. Cir. Ct.) (Lee District)

9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. H.D. Development of Maryland, Inc.*, Case No. CL-2017-0000707 (Fx. Co. Cir. Ct.) (Lee District)

10. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Steven P. Weber, Jan E. Weber and Karla A. Farnsworth*, Case No. GV16-026252 (Fx. Co. Gen. Dist. Ct.) (Lee District)

11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hiep V. Nguyen and Thu T.T. Nguyen*, Case No. CL-2010-0011200 (Fx. Co. Cir. Ct.) (Mason District)

12. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Abas Corporation and A. Matthew Bastani*, Case No. CL-2016-0011631 (Fx. Co. Cir. Ct.) (Providence District)

13. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. A. Brian Bartlett*, Case No. CL-2015-0011709 (Fx. Co. Cir. Ct.) (Providence District)

14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Venture Associates, 72-3 LLC*, Case No. CL-2017-0001638 (Fx. Co. Cir. Ct.) (Providence District)

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Board Agenda Item
February 28, 2017

To be Deferred

3:30 p.m.

Public Hearing on SEA 95-H-013 (Macs Retail, LLC) to Amend SE 95-H-013 Previously Approved for a Service Station, Quick Service Food Store and a Waiver of the Minimum Lot Requirement to Permit Modification of Development Conditions, Located on Approximately 40,163 Square Feet of Land Zoned C-6 (Hunter Mill District)

This property is located at 2601 Quincy Adams Road, Herndon, 20171. Tax Map 25-4 ((01)) 0002-C

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, January 18, 2017, the Planning Commission voted 11-0 (Commissioner Strandlie was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 95-H-013, subject to the Development Conditions dated January 4, 2017;
- Reaffirmation of the previously-approved modification of Section 13-303 of the zoning Ordinance for a transitional screen, as shown on the SE Plat;
- Approval of a waiver of Section 13-304 of the Zoning Ordinance for the barrier requirement; and
- Approval of a waiver of the Minimum Lot Width Requirement of Section 9-601 of the Zoning Ordinance.

ENCLOSED DOCUMENTS:
Planning Commission Verbatim Excerpt and Staff Report available online at:
http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/

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

TO BE DEFERRED

Board Agenda Item
February 28, 2017

3:30 p.m.

Public Hearing on PCA 2011-PR-011-02 (Cityline Partners, LLC) to Amend the Proffers and Conditions for RZ 2011-PR-011 Previously Approved for Mixed Use Development to Permit Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 4.57, Located on Approximately 6.21 Acres of Land Zoned PTC and HC (Providence District)

This property is located SouthEast quadrant of the intersection of Colshire Drive and Dolley Madison Boulevard. Tax Map 30-3 ((01)) 6D, 6E and 30-3 ((28)) 4B (pt.) 4D, 4E (pt.)

PLANNING COMMISSION RECOMMENDATION:
On Thursday, January 26, 2017, the Planning Commission voted 10-0-2 (Commissioners Hart and Strandlie abstained from the vote) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2011-PR-011-02, subject to the execution of proffers consistent with those contained in Appendix 1 of the Staff Report dated November 14, 2016; and

- Reaffirmation of all previously-approved waivers and modifications.

In a related action, on Thursday, January 26, 2017, the Planning Commission voted 10-0-2 (Commissioners Hart and Strandlie abstained from the vote) to approve FDP 2011-PR-011-04, subject to the Development Conditions contained in Appendix 2 of the Staff Report, dated November 22, 2016, and subject to the Board of Supervisors' approval of PCA 2011-PR-011-02.

ENCLOSED DOCUMENTS:
Planning Commission Verbatim Excerpt and Staff Report available online at:
http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/

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

Board Agenda Item
February 28, 2017

3:30 p.m.

Public Hearing on PCA 2003-HM-046-03 and CDPA 2003-HM-046 (Woodland Park Parcel I, L.P. and NVR. INC) to Amend the Proffers and Conceptual Development Plan for RZ 2003-HM-046 Previously Approved for Office to Permit Mixed Use Development and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.92, Located on Approximately 5.89 Acres of Land Zoned PDC (Hunter Mill District)

and

Public Hearing on PCA 2000-HM-044-02 and CDPA 2000-HM-044 (Woodland Park Parcel I, L.P. and NVR. INC) to Amend the Proffers and Conceptual Development Plan for RZ 2000-HM-044 Previously Approved for Office to Permit Mixed Use Development and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.92, Located on Approximately 25.71 Acres of Land Zoned PDC (Hunter Mill District)

This property is located on the East side of Corporate Oak Drive Approximately 700 Feet North of its intersection with Sunrise Valley Drive. Tax Map 016-4 ((1)) 43, 45pt., 46pt

This property is located on the South side of Dulles Toll Road and West side of Monroe Street. Tax Map 016-4 ((1)) 45pt. and 46pt.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, January 11, 2017, the Planning Commission voted 8-0-2 (Commissioners Hedetniemi and Keys-Gamarra abstained; Commissioner Hart recused himself from the vote; and Commissioner Ulfelder was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2000-HM-044-02, subject to the execution of proffers consistent with those dated January 3, 2017;

- Approval of CDPA 2000-HM-044, subject to the execution of proffers consistent with those dated January 3, 2017;

- Approval of PCA 2003-HM-046-03, subject to the execution of proffers consistent with those dated January 3, 2017;

- Approval of CDPA 2003-HM-046, subject to the execution of proffers consistent with those dated January 3, 2017;

- Approval of a modification of Section 2-414 of the Zoning Ordinance for the 75-foot setback from the Dulles International Airport Access Highway to permit the structures as shown on the CDPA/FDPA;

- Approval of a modification of Paragraph 5 of Section 6-206 of the Zoning Ordinance to permit the gross floor area for residential uses to exceed 50 percent of the principal uses to permit the residential uses as shown on the CDPA/FDPA;

- Approval of a waiver of Paragraph 2 of Section 6-207 of the Zoning Ordinance requiring minimum 200 square foot privacy yard for single-family attached dwelling units;

- Approval of a waiver of Paragraph 10 of Section 11 -102 of the Zoning Ordinance to permit tandem parking for the two-over-two dwelling units to count towards the Off-Street Parking Requirement for multi-family dwelling units;

- Approval of a modification of Section 11 -203 of the Zoning Ordinance for the Loading Space Requirements to that shown on the CDPA/FDPA;

- Approval of a waiver of Paragraph 2 of Section 11-302 of the Zoning Ordinance restricting a private street to 600 feet in length;

- Approval of a waiver of Paragraph 1 of Section 13-202 of the Zoning Ordinance for interior parking lot landscaping for Block D structured parking deck;

- Approval of a waiver of Sections 13-303 and 13-304 of the Zoning Ordinance for the Transitional Screening And Barrier Requirements; and

- Approval of a waiver of the requirement to provide a dumpster pad and recycling system for the two-over-two dwelling units, pursuant to Sections 10-0303.2 and 10-0306 of the Public Facilities Manual.

In a related action, On Wednesday, January 11, 2017, the Planning Commission voted 8-0-2 (Commissioners Hedetniemi and Keys-Gamarra abstained; Commissioner Hart recused himself from the vote; and Commissioner Ulfelder was absent from the meeting) to approve FDPA 2000-HM-044-02 and FDPA 2003-HM-046, subject to the proposed Final Development Plan Amendment Conditions dated December 28, 2016, and the Board of Supervisors' approval of PCA 2000-HM-044-02, CDPA 2000-HM-044, PCA 2003-HM-046-03, and CDPA 2003-HM-046.

Board Agenda Item
February 28, 2017

ENCLOSED DOCUMENTS:
Planning Commission Verbatim Excerpt and Staff Report available online at:
http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/

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

Board Agenda Item
February 28, 2017

4:00 p.m. -

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Craft Beverage Production Establishments

ISSUE:
The proposed amendment seeks to define and establish Craft Beverage Production Establishments as a distinct land use in select commercial, planned development, and industrial zoning districts, subject to proposed use limitations. The amendment also proposes to add food and beverage manufacturing, production and processing establishments as a by right use in I-4 District, where this use is currently only permitted by special exception.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, January 26, 2017, the Planning Commission voted 12-0 to recommend to the Board of Supervisors the adoption of the proposed Zoning Ordinance Amendment regarding Craft Beverage Production Establishments to include the following options, as discussed in the Staff Report and proposed in the draft text language to be effective at 12:01 a.m. on the day following adoption:

- A maximum annual production level of 20,000 barrels of beer for craft beverage production establishments, as set forth in the definition proposed in Article 20;
- Option 2, for Paragraphs 17 A and B of Section 6-206, regarding the PDC District;
- Option 2, for Paragraphs 15 A and B of Section 6-305, regarding the PRC District;
- Option 2, for Paragraphs 14 A and B of section 6-406, regarding the PRM District; and
- Option 2, for Paragraphs 20 A and B of Section 6-505, regarding the PTC District.

A verbatim copy of the Planning Commission Report is enclosed as Attachment 3.

RECOMMENDATION:
The County Executive concurs with the Planning Commission recommendation.

Board Agenda Item
February 28, 2017

TIMING:
Board of Supervisors' granted authorization to advertise on December 6, 2016; the Planning Commission public hearing was held on January 12, 2017; the Planning Commission recommendation was made on January 26, 2017; Board of Supervisors public hearing on February 28, 2017 at 4:00 p.m.

BACKGROUND:
The proposed amendment is on the 2016 Priority 1 Zoning Ordinance Amendment Work Program and is in response to a January 12, 2016 request from the Board of Supervisors (Board) directing staff to research and prepare a Zoning Ordinance amendment regarding food and beverage manufacturing, production and processing establishments in response to the growing craft beverage industry in Virginia, and increased interest in such businesses seeking opportunities in Fairfax County. Breweries, distilleries, wineries, and other similar production facilities are not specifically defined in the Zoning Ordinance. By way of interpretation, breweries of any size have been deemed to be most similar to food and beverage manufacturing, production and processing establishments for the purposes of regulation under the Zoning Ordinance. Food and beverage manufacturing, production and processing establishments are currently permitted by right in the I-5 and I-6 Districts, and by special exception in the I-4 District. As a result, these businesses are currently only permitted to operate in the highest intensity industrial districts in the County.

Given the relatively small-scale nature of their operation, as well as the unique accessory components that are often associated with these uses, such as tasting rooms, craft producers are likely to have different land use impacts than other types of food and beverage manufacturers. Therefore, as proposed, the amendment would define a new principal land use of Craft Beverage Production Establishments, which would be permitted in select industrial, commercial, and planned development districts with proposed use limitations. Production limits stated in the proposed definition would serve as the method to distinguish between craft beverage producers and larger-scale producers, such that a manufacturer of beer, wine, cider, mead, or distilled spirits that exceeds the production limits stated in the definition would be considered a food and beverage manufacturing, production and processing establishment and would be regulated accordingly. The amendment also proposes to add food and beverage manufacturing, production and processing establishments as a by right use in the I-4 District.

As proposed by staff, craft beverage production establishments would be a permitted use, subject to use limitations, in the C-5 through C-9 Districts; within the Planned Development Commercial District (PDC), Planned Residential Community District (PRC), Planned Residential Mixed Use District (PRM), and Planned Tysons Corner

Urban District (PTC); and within the I-3 through I-6 Districts. The amendment also seeks to establish use limitations for craft beverage production establishments, which would differ between the industrial districts and the commercial and planned development districts. The intent of these distinctions is to potentially allow craft beverage producers with a principal production component in the industrial districts, and producers with a principal tasting room component with accessory production in the commercial and planned development districts. As proposed, the use limitations would place lower production limits on establishments located in the commercial and planned development districts, provide provisions regarding tasting rooms, provide limits on food preparation in the industrial districts, allow for an accessory retail component in industrial districts, specify the parking requirements for the use, and prohibit the outdoor storage of materials used in the production process.

Included in the draft language were two sets of options presented by staff regarding the maximum level of annual beer production for craft beverage production establishments, as well as further production limits and requirements on the size of the tasting room for when the use is located in a P District. As recommended by staff, the maximum annual production of beer for the use had been proposed at 15,000 barrels. However, as part of the legal advertisement, a quantity up to 20,000 barrels of beer was authorized, and the Planning Commission has recommended the maximum amount of 20,000 barrels. On a related matter, concerning the use when allowed in the PDC, PRC, PRM and PTC Districts, staff presented two different options as part of the proposed use limitations. The production limits recommended by staff for the use in these P Districts was no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually. In addition, staff also recommended a use limitation requiring that any on-site production activity and its associated floor area be accessory to the tasting room. These were identified as Option 1 in the draft language found in the staff report and, again, represent staff's recommendations. As an alternative, Option 2 for the Planned Districts specifies the same production limits but adds a provision that the Board may modify the amounts in conjunction with the approval of the use on a development plan. As a result of the potentially higher production amount, the use limitation regarding the principal/accessory nature of the tasting room and production activity/area has been simplified to state that an on-site tasting room is merely required, thereby making no condition that the production activity and its associated floor area be ancillary to the tasting room activity. Regarding the use limitations for the Planned Districts, the Planning Commission has recommended Option 2 in all cases.

A more detailed discussion is set forth in the Staff Report, enclosed as Attachment 1. In addition, a copy of the draft language as recommended by the Planning Commission, which includes the use defined with the higher beer production amounts and only Option 2 for the PDC, PRC, PRM and PTC Districts, is enclosed as Attachment 2.

Board Agenda Item
February 28, 2017

REGULATORY IMPACT:
The proposed amendment would allow for craft beverage producers to be regulated as a distinct use under the Zoning Ordinance. By regulating craft beverage production establishments as a distinct use rather than as food and beverage manufacturing, production and processing establishments as currently regulated, the amendment would allow small-scale craft producers that meet specified use limitations to locate in additional zoning districts beyond the I-4, I-5, and I-6 Districts. The use limitations proposed with the amendment would address the unique characteristics and accessory components that are often associated with these craft beverage producers. The amendment will not impact existing craft beverage production establishments, which may continue operations, provided they are operating lawfully and not expanded or enlarged.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Staff Report
Attachment 2 – Proposed Text as Recommended by the Planning Commission
Attachment 3 – Planning Commission Verbatim Excerpt

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred Selden, Director, Department of Planning and Zoning (DPZ)
Leslie B. Johnson, Zoning Administrator, DPZ
Andrew Hushour, Deputy Zoning Administrator, DPZ

FAIRFAX COUNTY

V I R G I N I A

ATTACHMENT 1

STAFF REPORT

PROPOSED ZONING ORDINANCE AMENDMENT

Articles 4, 5, 6, 9, and 20 – Craft Beverage Production Establishments

PUBLIC HEARING DATES

Planning Commission January 12, 2017 at 8:15 p.m.

Board of Supervisors February 28, 2017 at 4:00 p.m.

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

December 6, 2016

MBD

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

STAFF COMMENT

The proposed amendment is on the 2016 Priority 1 Zoning Ordinance Amendment Work Program and is in response to a January 12, 2016 request from the Board of Supervisors (Board) directing staff to research and prepare a Zoning Ordinance amendment that adds food and beverage manufacturing, production and processing establishments as a by right use in the I-3 (Light Intensity Industrial) and I-4 (Medium Intensity Industrial) Zoning Districts in response to the growing craft beverage industry in Virginia and increased interest in such businesses seeking opportunities in Fairfax County. Since that time, Zoning Administration staff has researched the topic of craft beverage production and has prepared this Zoning Ordinance amendment to address the interest of various types of craft beverage producers, collectively identified as "craft beverage production establishments." The purpose of this amendment is to define and establish *craft beverage production establishments* as a distinct land use permitted in select industrial, commercial, and planned development districts with proposed use limitations. The amendment also proposes to add food and beverage manufacturing, production and processing establishments as a by right use in the I-4 District. The general framework for this amendment was presented to the Board's Development Process Committee on September 13, 2016.

Background

The craft beverage industry, which includes various types of small-scale producers, has seen considerable growth in recent years both nationwide and within Virginia. Although craft breweries are currently the most prevalent type of these craft producers within the region, staff has also included craft cider and mead producers, distilleries (often referred to as "microdistilleries") and commercial wineries (often referred to as "microwineries") as additional types of craft beverage producers to be considered with this amendment. As part of the research for this amendment, staff reviewed the licensing information available from the Virginia Department of Alcoholic Beverage Control (ABC) to gain information regarding the existing alcohol production facilities within the County. The Virginia ABC issues various licenses to alcohol production facilities based on the type and production level of the establishment. The ABC licenses that are most relevant to this amendment are "brewery," "winery," and "distillery" licenses. It is important to distinguish that these brewery and winery licenses do not include "farm breweries" or "farm wineries," which are licensed separately as production facilities operating on agricultural zoned land, and are not the subject of this amendment. According to the ABC's license database, there are currently seven establishments with active brewery licenses within the County. Three of these are operating as eating establishments with accessory brewing. Of the four breweries that are not associated with an eating establishment, one is operating at the lowest-level production license from the ABC (a maximum of 500 barrels annually), and three are operating at the mid-level license (501 – 10,000 barrels annually). There are currently no active licenses in the County for a brewery producing at the highest license level (more than 10,000 barrels annually). Despite the relatively low number of existing breweries within the County, staff has received inquiries from small-scale breweries considering locations within the County. Regarding distilleries, there are currently only two active distillery licenses within the County, both of which are for the lowest production level from the ABC for a distillery (5,000 gallons or less annually). There are no active commercial winery licenses within the County according to the ABC's data, which would include commercial wineries as well

as cider and mead producers.

As part of this amendment, staff also reviewed the regulatory approaches to craft beverage production of various surrounding jurisdictions. This review revealed that at the time of staff's research, Prince William County, the City of Manassas, Loudoun County, and the Town of Herndon define craft beverage production facilities as a specific use in their zoning ordinance in some form. Prince William County's zoning ordinance contains three distinct uses related to alcohol production facilities: limited/craft brewery, brewery and bottling facility, and distillery. While a craft brewery producing up to 10,000 barrels of beer, mead, cider, or similar beverages annually is permitted in certain commercial districts, the brewery and bottling facility and distillery uses are limited to industrial districts. In the City of Manassas, breweries and distilleries are defined together as one use and are permitted by right or by special use permit within certain commercial, planned, and industrial districts, depending on the quantities produced. Loudoun County recently amended their zoning ordinance in June of 2016 to add craft beverage manufacturing as a new use. This amendment allows breweries producing up to 15,000 barrels of beer per year and distilleries producing up to 36,000 gallons of distilled spirits per year as a by right, minor special exception, or special exception use in certain commercial, planned development, and industrial zoning districts to be generally consistent with how restaurant and manufacturing uses are regulated. Finally, the Town of Herndon amended their zoning ordinance in August of 2016 to add small scale alcohol production facilities as a new use category, which includes production breweries, distilleries, wineries, and cideries, as well as brewpubs. This use is permitted by right in certain commercial and planned districts subject to production limitations and other standards, and by special exception in their office and light industrial district. Staff's research on the proposed amendment also indicates that numerous localities throughout the country have similarly amended their zoning ordinances to specifically address craft beverage producers in some manner. Based on staff's research, the majority of the surveyed jurisdictions that do not currently define craft beverage production facilities explicitly in their zoning ordinance in some form regulate them as manufacturing uses, which are typically only permitted to be located in certain industrial zoning districts.

Current Zoning Ordinance Provisions

Breweries, distilleries, wineries, and other similar production facilities are not specifically defined in the Zoning Ordinance. By way of interpretation, breweries of any size have been deemed to be most similar to food and beverage manufacturing, production and processing establishments for the purposes of regulation under the Zoning Ordinance. Food and beverage manufacturing, production and processing establishments are currently permitted by right in the General Industrial (I-5) and Heavy Industrial (I-6) Districts, and by special exception in the Medium Intensity Industrial (I-4) District. Retail sales associated with this use is limited to a maximum of 10% of the gross floor area of the establishment. Staff's experience in responding to inquiries from prospective breweries indicates that many small-scale breweries desire to have a "tasting room" component, where customers can consume the products produced on-site. Staff has been making determinations on a case-by-case basis for prospective breweries, and it has become the interpretation of the Zoning Administrator that a tasting room is an acceptable accessory component of a food and beverage manufacturing use, assuming it does not comprise the majority of the floor area of the building in which it is to be located. It is noted that the proposed amendment will not impact existing craft beverage production establishments, which may continue operations, provided they are operating

lawfully and not expanded or enlarged.

Proposed Amendment

The Board specifically requested that staff consider adding food and beverage manufacturing, production and processing as a by right use in the I-3 and I-4 Districts to potentially allow craft beverage producers to locate in the lower intensity industrial districts. However, staff's review and analysis of the proposed amendment involves the creation of a new, distinct land use to specifically allow low-volume craft beverage production facilities in these districts. Given the relatively small-scale nature of their operation, as well as the unique accessory components that are often associated with these uses, such as tasting rooms, staff believes that craft producers are likely to have different land use impacts than large-scale food and beverage manufacturers and, therefore, should be regulated as a distinct use. As a result, staff has drafted the framework presented in this Zoning Ordinance amendment, to include the newly defined land use of craft beverage production establishments, the zoning districts in which the use is permitted, and applicable use limitations.

New Definition

Staff's proposal establishes a new land use designation, referred to as "craft beverage production establishments." As proposed, craft beverage production establishments are defined as:

> *"A facility, licensed in accordance with Title 4.1 of the Code of Virginia, as amended, in which beer, wine, cider, mead, distilled spirits, or other similar beverages are brewed, fermented, or distilled in quantities not to exceed 15,000 barrels of beer, or 36,000 gallons of distilled spirits, wine, cider, or mead annually. Establishments exceeding the above production quantities shall be deemed a food and beverage manufacturing, production and processing establishment."*

The majority of inquiries that staff has received to date have been for breweries; however, staff's research indicates there may be future inquiries from other types of craft beverage producers, which staff believes will have similar land use impacts. The use as proposed, therefore, includes several types of craft beverage producers, including breweries, cider and mead producers, wineries, and distilleries. It should be noted that an eating establishment with accessory brewing would continue to be regulated as such and would not be affected by this amendment.

The production limits stated in the proposed definition are intended to serve as the method to distinguish between craft beverage producers and larger-scale food and beverage manufacturing uses. The production limits are based on a combination of the Virginia ABC's license levels, staff's industry research and correspondence, and staff's review of regulations adopted by other jurisdictions. The proposed production limit for beer is consistent with the definition of "microbrewery" adopted by the Brewers Association, which is the trade association representing small and independent craft brewers in the United States, and is generally consistent with other jurisdictions that staff researched. Because cider and mead producers are licensed by the Virginia ABC as wineries, staff has included these producers under the same production limits as those for a commercial winery. The production limit for distilled spirits, wine, cider and mead stated in the proposed definition is primarily based on the Virginia ABC's mid-level license for distilleries. A

manufacturer of beer, wine, cider, mead, or distilled spirits that exceeds the production limits stated in the proposed definition for "craft beverage production establishments" would be considered a food and beverage manufacturing, production and processing establishment and would be regulated accordingly.

Permitted Districts

As proposed by staff, craft beverage production establishments would be permitted by right in select commercial, planned development, and industrial districts, subject to use limitations. In terms of industrial districts, craft beverage production establishments would be permitted by right in the I-3, I-4, I-5 and I-6 Districts, subject to use limitations. Given that breweries of any size are currently permitted by right in the I-5 and I-6 districts as a food and beverage manufacturing use, staff believes it is appropriate to continue to allow the new use to operate within those districts. In addition, staff believes that the relatively small-scale manufacturing nature of this use also makes it an appropriate use in the I-3 and I-4 districts. Although the I-3 and I-4 districts do not currently allow food and beverage manufacturing establishments by right, they do allow for certain other types of manufacturing and processing establishments. Given the operational characteristics of the breweries operating in the County to date, staff believes that craft beverage production establishments would be consistent with the intent of these districts.

The amendment is also proposing to allow craft beverage production establishments that produce in quantities even further below those stated in the proposed definition, and where the tasting room comprises the majority of the use, to locate outside of the industrial districts in certain commercial and planned development districts. In this scenario, the limited manufacturing aspect of the business operation would be ancillary to, and would primarily serve, the principal use of a tasting room. On this basis, and given the much lower production limits, it is not anticipated that larger scale manufacturing of alcohol and its subsequent distribution would likely be possible at commercially zoned locations. As such, the amendment proposes these limited craft beverage production establishments as a by right use, subject to use limitations discussed below, in the Neighborhood Retail Commercial (C-5) District, Community Retail Commercial (C-6) District, Regional Retail Commercial (C-7) District, Highway Commercial (C-8) District and Super Regional Retail Commercial (C-9) District, as well as the Planned Development Commercial District (PDC), Planned Residential Community District (PRC), Planned Residential Mixed Use District (PRM), and Planned Tysons Corner Urban District (PTC) when authorized by an approved final development plan.

As stated in the proposed definition, a craft beverage production establishment that exceeds the production quantities specified in the proposed definition would be considered a food and beverage manufacturing, production and processing establishment, which is currently only permitted by right in the I-5 and I-6 Districts and by special exception in the I-4 District. Staff believes it is appropriate for this use to also be permitted by right in the I-4 District given the intent of the district and the other types of uses that are permitted. However, staff does not believe that potentially large-scale food and beverage manufacturing is an appropriate use in the I-3 District. Therefore, as part of this amendment, staff is also proposing to include food and beverage manufacturing, production and processing establishments as a by right use in the I-4 District.

Use Limitations

As proposed by staff, craft beverage production establishments would be subject to several use limitations, some of which differ between commercial, planned development, and industrial districts. The intent of these distinctions is to potentially allow craft beverage producers with a principal production component in the industrial districts, and producers with a principal tasting room component with accessory production in the commercial and planned development districts. The primary purpose of the proposed use limitations is to provide for compatibility among land uses and mitigate potential impacts of the use on adjacent properties. A discussion of each use limitation follows.

Production Limits

> *"Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually."*

The definition of craft beverage production establishments sets the alcohol production limits for the use. However, as discussed above, staff is proposing to allow the use not just in industrial districts but also in certain commercial districts and within the commercial areas of certain planned districts when the tasting room becomes the principal use and the manufacturing aspect of the business is accessory. The above referenced use limitation only applies to the commercial and planned development districts, and seeks to further limit production in these districts from that stated in the proposed definition of craft beverage production establishments. With these production limitations, partnered with the tasting room component, staff believes the land use impacts will be less industrial in nature such that the use would be appropriate outside of the industrial districts and compatible with other uses typically found in commercial and planned development districts. The production quantities stated in this limitation generally correspond with the lowest level of Virginia ABC licenses, with the exception of the brewery limits. The lowest ABC brewery license would limit breweries to 500 barrels of production or less; however, staff recognizes that this is a very limited level of production and believes that 5,000 barrels is a more appropriate number.

Staff believes the production limits proposed in this use limitation are appropriate for establishments located in commercial and planned development districts, and that production beyond this amount could result in a land use that is more industrial in nature and not appropriate in commercial and planned development districts. However, as an option, the amendment is advertised to allow the Board to consider an alternative use limitation in the planned development districts that would allow the Board to modify the above referenced production limits in conjunction with the approval of a development plan.

Tasting Rooms

Based on staff's research and discussions with existing and potential brewery operators, the tasting room is an essential component of craft breweries. As such, the proposed use limitations would allow for tasting rooms for the purpose of serving the products produced on-site to customers. The

proposed use limitations for the amount of area dedicated to a tasting room differ between the industrial and commercial districts.

Regarding tasting rooms in Industrial Districts:

> *"A tasting room, consisting of up to 30% of the total gross floor area of the establishment, for the consumption of products produced on-site may be permitted as an accessory use. Any food served shall be as an accompaniment to those products produced on-site, and shall be limited to pre-packaged food items or food items that require limited preparation and/or reheating."*

Staff believes that in industrial districts, a tasting room up to 30% of the gross floor area of the overall establishment is appropriate. Food service in the tasting room in industrial districts would be limited to that which does not require a commercial kitchen to prepare. It is noted that a craft beverage production establishment in the industrial districts would not be required to have a tasting room.

For tasting rooms in Commercial and Planned Development Districts:

> *"Production activities and the area devoted to such activities shall be accessory to an on-site tasting room."*

The proposed use limitations for craft beverage production establishments in the commercial and planned development districts would require that a tasting room be the primary component of the establishment and, therefore, that the associated production area and activities be accessory to the tasting room. The intent is that some distribution and on-site sales for off-site consumption, such as growler sales, would also be permitted, provided that it remains accessory. Food service could also be provided within the tasting room as an accessory component of the establishment, similar to how an eating establishment is permitted to have brewing as an accessory component. It should be noted that in accordance with Par. 4 of Sect. 4-505 of the Zoning Ordinance, no separate business establishment in the C-5 District would be permitted to occupy more than 6,000 square feet of gross floor area.

Staff believes that this use limitation as proposed, in addition to the previously discussed use limitation regarding production limits, is necessary to ensure that distribution is limited and, in turn, ensure that the establishment remains compatible with other uses within commercial and planned development districts. However, as an option, the amendment is advertised to allow the Board to consider an alternative use limitation for planned development districts that would require the establishment to have an on-site tasting room, but not specifically require that the production activities and the area devoted to such activities be accessory to the tasting room. Staff does not recommend the adoption of this alternative option for the reason specified above.

Associated Retail Activity

> *"Retail sales may be permitted as an accessory use, provided the associated retail sales area*

shall be limited to ten (10) percent of the gross floor area of the establishment."

Staff's experience in responding to brewery inquiries indicates that there is often a retail component associated with this use, such as the sale of glassware or licensed apparel. Under the current regulations, breweries in the I-5 and I-6 Districts are permitted to have a retail sales area consisting of up to ten percent of the gross floor area of the establishment. Staff believes this limitation is appropriate for craft beverage production establishments and, therefore, has proposed this as an additional use limitation in the industrial districts. Staff does not believe this use limitation is necessary in the commercial and planned development districts; therefore, it is not included as a use limitation in those districts.

Parking Requirements

Regarding parking in Industrial Districts:

> *"Parking for the portion of the establishment devoted to production activities shall be provided in accordance with the parking requirements for a manufacturing establishment pursuant to Sect. 11-105 of the Zoning Ordinance. Parking for a tasting room shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance."*

For parking in Commercial and Planned Development Districts:

> *"Parking shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance."*

In the industrial districts, the area dedicated to the production activities would be parked at the manufacturing rate contained in the Zoning Ordinance. Parking for any tasting room would be based on the eating establishment rate. This is consistent with staff's current practice when responding to brewery inquiries. In the commercial and planned development districts where the tasting room will comprise the majority of the use, the eating establishment parking rate would be applied given the small-scale production activities that would occur.

Outdoor Storage Provisions

> *"Storage of materials used in the production process shall only be permitted within a completely enclosed structure."*

Outdoor storage limitations appear to be one of the more prevalent use limitations considered by localities for these craft beverage production uses. The rationale for such restrictions is often related to public health, as production waste associated with this use could produce odors and attract vermin. As a result, staff has proposed a use limitation that would ensure that any storage of materials used in the production process is done within an enclosed structure. This would not preclude the establishments from storing unused or spent materials within an accessory structure on the property, such as a grain silo, provided that the structure meets all Zoning Ordinance requirements.

Conclusion

The proposed amendment seeks to establish craft beverage production establishments as a distinct land use permitted in select commercial, planned development, and industrial districts, subject to proposed use limitations. The amendment also seeks to allow food and beverage manufacturing, production and processing establishments as a by right use in the I-4 District. Staff believes that the inclusion of the craft beverage production establishments use as a by right use in select districts is appropriate given the nature of this use, and that the proposed production limits contained in the definition and use limitations will mitigate any potential land use impacts. Further, staff also believes that food and beverage manufacturing, production and processing establishments are an appropriate by right use in the I-4 District. Therefore, staff recommends approval of the proposed amendment, to include **OPTION 1** in all cases where different options are presented, with an effective date of 12:01 a.m. on the day following adoption.

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of December 6, 2016, and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, Definitions, by adding a new CRAFT BEVERAGE PRODUCTION ESTABLISHMENT definition in its proper alphabetical sequence to read as follows:

CRAFT BEVERAGE PRODUCTION ESTABLISHMENT: A facility, licensed in accordance with Title 4.1 of the Code of Virginia, as amended, in which beer, wine, cider, mead, distilled spirits, or other similar beverages are brewed, fermented, or distilled in quantities not to exceed 15,000 barrels of beer ***(advertised to permit the Board to consider any quantity up to 20,000 barrels)***, or 36,000 gallons of distilled spirits, wine, cider, or mead annually. Establishments exceeding the above production quantities shall be deemed a food and beverage manufacturing, production and processing establishment.

Amend Article 4, Commercial District Regulations, Part 5, C-5 Neighborhood Retail Commercial District, as follows:

- **Amend Sect. 4-502, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 7, and renumbering all subsequent paragraphs accordingly, as follows:**

7. Craft beverage production establishments, limited by the provisions of Sect. 505 below.

- **Amend Sect. 4-505, Use Limitations, by adding a new Par. 11 to read as follows:**

11. Craft beverage production establishments shall be permitted by right in accordance with the following:

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually.

B. Production activities and the area devoted to such activities shall be accessory to an on-site tasting room.

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 4, Commercial District Regulations, Part 6, C-6 Community Retail Commercial District, as follows:

- **Amend Sect. 4-602, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 7, and renumbering all subsequent paragraphs accordingly, as follows:**

7. Craft beverage production establishments, limited by the provisions of Sect. 605 below.

- **Amend Sect. 4-605, Use Limitations, by adding a new Par. 13 to read as follows:**

13. Craft beverage production establishments shall be permitted by right in accordance with the following:

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually.

B. Production activities and the area devoted to such activities shall be accessory to an on-site tasting room.

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 4, Commercial District Regulations, Part 7, C-7 Regional Retail Commercial District, as follows:

- **Amend Sect. 4-702, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 10, and renumbering all subsequent paragraphs accordingly, as follows:**

10. Craft beverage production establishments, limited by the provisions of Sect. 705 below.

- **Amend Sect. 4-705, Use Limitations, by adding a new Par. 15 to read as follows:**

15. Craft beverage production establishments shall be permitted by right in accordance with the following:

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually.

B. Production activities and the area devoted to such activities shall be accessory to an on-site tasting room.

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 4, Commercial District Regulations, Part 8, C-8 Highway Commercial District, as follows:

- **Amend Sect. 4-802, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 11, and renumbering all subsequent paragraphs accordingly, as follows:**

11. Craft beverage production establishments, limited by the provisions of Sect. 805 below.

- **Amend Sect. 4-805, Use Limitations, by adding a new Par. 17 to read as follows:**

17. Craft beverage production establishments shall be permitted by right in accordance with the following:

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually.

B. Production activities and the area devoted to such activities shall be accessory to an on-site tasting room.

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 4, Commercial District Regulations, Part 9, C-9 Super-Regional Retail Commercial District, as follows:

- **Amend Sect. 4-902, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 5, and renumbering all subsequent paragraphs accordingly, as follows:**

5. Craft beverage production establishments, limited by the provisions of Sect. 905 below.

- **Amend Sect. 4-905, Use Limitations, by adding a new Par. 15 to read as follows:**

15. Craft beverage production establishments shall be permitted by right in accordance with the following:

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually.

B. Production activities and the area devoted to such activities shall be accessory to an on-site tasting room.

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 5, Industrial District Regulations, Part 3, I-3 Light Intensity Industrial District, as follows:

- **Amend Sect. 5-302, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 4, and renumbering all subsequent paragraphs accordingly, as follows:**

4. Craft beverage production establishments, limited by the provisions of Sect. 305 below.

- **Amend Sect. 5-305, Use Limitations, by adding a new Par. 8 to read as follows:**

8. Craft beverage production establishments shall be permitted by right in accordance with the following:

A. A tasting room, consisting of up to 30% of the total gross floor area of the establishment, for the consumption of products produced on-site may be permitted as an accessory use. Any food served shall be as an accompaniment to those products produced on-site, and shall be limited to pre-packaged food items or food items that require limited preparation and/or reheating.

B. Parking for the portion of the establishment devoted to production activities shall be provided in accordance with the parking requirements for a manufacturing

establishment pursuant to Sect. 11-105 of the Zoning Ordinance. Parking for a tasting room shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

C. Retail sales may be permitted as an accessory use, provided the associated retail sales area shall be limited to ten (10) percent of the gross floor area of the establishment.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 5, Industrial District Regulations, Part 4, I-4 Medium Intensity Industrial District, as follows:

- **Amend Sect. 5-402, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 5, and renumbering all subsequent paragraphs accordingly, as follows:**

5. Craft beverage production establishments, limited by the provisions of Sect. 405 below.

- **Amend Sect. 5-404, Special Exception Uses, by removing Par. 5F, Food and beverage manufacturing, production and processing establishments, and renumbering all subsequent paragraphs accordingly, as follows:**

5. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:

~~F. Food and beverage manufacturing, production and processing establishments~~

- **Amend Sect. 5-405, Use Limitations, by adding a new Par. 9 to read as follows:**

9. Craft beverage production establishments shall be permitted by right in accordance with the following:

A. A tasting room, consisting of up to 30% of the total gross floor area of the establishment, for the consumption of products produced on-site may be permitted as an accessory use. Any food served shall be as an accompaniment to those products produced on-site, and shall be limited to pre-packaged food items or food items that require limited preparation and/or reheating.

B. Parking for the portion of the establishment devoted to production activities shall be provided in accordance with the parking requirements for a manufacturing establishment pursuant to Sect. 11-105 of the Zoning Ordinance. Parking for a tasting room shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

C. Retail sales may be permitted as an accessory use, provided the associated retail sales area shall be limited to ten (10) percent of the gross floor area of the establishment.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 5, Industrial District Regulations, Part 5, I-5 General Industrial District, as follows:

- **Amend Sect. 5-502, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 5, and renumbering all subsequent paragraphs accordingly, as follows:**

5. Craft beverage production establishments, limited by the provisions of Sect. 505 below.

- **Amend Sect. 5-505, Use Limitations, by adding a new Par. 10 to read as follows:**

10. Craft beverage production establishments shall be permitted by right in accordance with the following:

A. A tasting room, consisting of up to 30% of the total gross floor area of the establishment, for the consumption of products produced on-site may be permitted as an accessory use. Any food served shall be as an accompaniment to those products produced on-site, and shall be limited to pre-packaged food items or food items that require limited preparation and/or reheating.

B. Parking for the portion of the establishment devoted to production activities shall be provided in accordance with the parking requirements for a manufacturing establishment pursuant to Sect. 11-105 of the Zoning Ordinance. Parking for a tasting room shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

C. Retail sales may be permitted as an accessory use, provided the associated retail sales area shall be limited to ten (10) percent of the gross floor area of the establishment.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 5, Industrial District Regulations, Part 6, I-6 Heavy Industrial District, as follows:

- **Amend Sect. 5-602, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 6, and renumbering all subsequent paragraphs accordingly, as follows:**

6. Craft beverage production establishments, limited by the provisions of Sect. 605 below.

- **Amend Sect. 5-605, Use Limitations, by adding a new Par. 9 to read as follows:**

9. Craft beverage production establishments shall be permitted by right in accordance with the following:

A. A tasting room, consisting of up to 30% of the total gross floor area of the establishment, for the consumption of products produced on-site may be permitted as an accessory use. Any food served shall be as an accompaniment to those products produced on-site, and shall be limited to pre-packaged food items or food items that require limited preparation and/or reheating.

B. Parking for the portion of the establishment devoted to production activities shall be provided in accordance with the parking requirements for a manufacturing establishment pursuant to Sect. 11-105 of the Zoning Ordinance. Parking for a tasting room shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

C. Retail sales may be permitted as an accessory use, provided the associated retail sales area shall be limited to ten (10) percent of the gross floor area of the establishment.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 6, Planned Development District Regulations, Part 2, PDC Planned Development Commercial District, as follows:

- **Amend Sect. 6-203, Secondary Uses Permitted, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 7, and renumbering all subsequent paragraphs accordingly, as follows:**

7. Craft beverage production establishments, limited by the provisions of Sect. 206 below.

- **Amend Sect. 6-206, Use Limitations, by adding a new Par. 17 to read as follows:**

17. Craft beverage production establishments shall be permitted only in accordance with the following:

OPTION 1

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually.

OR

OPTION 2

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually, unless modified by the Board in conjunction with the approval of a development plan.

(STAFF RECOMMENDS OPTION 1)

OPTION 1

B. Production activities and the area devoted to such activities shall be accessory to an on-site tasting room.

OR

OPTION 2

B. The establishment shall include an on-site tasting room.

(STAFF RECOMMENDS OPTION 1)

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 6, Planned Development District Regulations, Part 3, PRC Planned Residential Community District, as follows:

- **Amend Sect. 6-302, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. B(4) in those locations approved for a Neighborhood Convenience Center, C(6) in those locations approved for a Village Center, and E(5) in those locations approved for a Convention/Conference Center, and renumbering all subsequent paragraphs accordingly, as follows:**

B(4), C(6), and E(5). Craft beverage production establishments.

- **Amend Sect. 6-305, Use Limitations, by adding a new Par. 15 to read as follows:**

15. Craft beverage production establishments shall be permitted only in accordance with the following:

OPTION 1

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually.

OR

OPTION 2

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually, unless modified by the Board in conjunction with the approval of a development plan.

(STAFF RECOMMENDS OPTION 1)

OPTION 1

B. Production activities and the area devoted to such activities shall be accessory to an on-site tasting room.

OR

OPTION 2

B. The establishment shall include an on-site tasting room.

(STAFF RECOMMENDS OPTION 1)

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 6, Planned Development District Regulations, Part 4, PRM Planned Residential Mixed Use District, as follows:

- **Amend Sect. 6-403, Secondary Uses Permitted, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 7, and renumbering all subsequent paragraphs accordingly, as follows:**

7. Craft beverage production establishments, limited by the provisions of Sect. 406 below.

- **Amend Sect. 6-406, Use Limitations, by adding a new Par. 14 to read as follows:**

14. Craft beverage production establishments shall be permitted only in accordance with the following:

OPTION 1

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually.

OR

OPTION 2

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually, unless modified by the Board in conjunction with the approval of a development plan.

(STAFF RECOMMENDS OPTION 1)

OPTION 1

B. Production activities and the area devoted to such activities shall be accessory to an on-site tasting room.

OR

OPTION 2

B. The establishment shall include an on-site tasting room.

(STAFF RECOMMENDS OPTION 1)

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 6, Planned Development District Regulations, Part 5, PTC Planned Tysons Corner Urban District, as follows:

- **Amend Sect. 6-502, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 9, and renumbering all subsequent paragraphs accordingly, as follows:**

9. Craft beverage production establishments.

- **Amend Sect. 6-505, Use Limitations, by adding a new Par. 20 to read as follows:**

20. Craft beverage production establishments shall be permitted only in accordance with the following:

OPTION 1

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually.

OR

OPTION 2

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually, unless modified by the Board in conjunction with the approval of a development plan.

(STAFF RECOMMENDS OPTION 1)

OPTION 1

B. Production activities and the area devoted to such activities shall be accessory to an on-site tasting room.

OR

OPTION 2

B. The establishment shall include an on-site tasting room.

(STAFF RECOMMENDS OPTION 1)

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 9, Special Exceptions, Part 5, Category 5 Commercial and Industrial Uses of Special Impact, as follows:

- **Amend Sect. 9-501, Category 5 Special Exception Uses by deleting Food and beverage manufacturing, production and processing establishments, to read as follows:**

28. ~~Food and beverage manufacturing, production and processing establishments.~~

- **Amend Par. 1 of Sect. 9-502, Districts in Which Category 5 Uses May Be Located, by deleting the reference to use 28 (Food and beverage manufacturing, production and processing establishments) in the I-5 and I-6 Districts.**

- **Amend Par. 2 of Sect. 9-502, Districts in Which Category 5 Uses May Be Located, by deleting the reference to use 28 (Food and beverage manufacturing, production and processing establishments) in the I-4 District.**

ATTACHMENT 2

PROPOSED AMENDMENT AS RECOMMENDED BY THE PLANNING COMMISSION ON JANUARY 26, 2017
(WITH SPECIFIC OPTIONS *ITALICIZED AND IN BOLD)*

Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, Definitions, by adding a new CRAFT BEVERAGE PRODUCTION ESTABLISHMENT definition in its proper alphabetical sequence to read as follows:

CRAFT BEVERAGE PRODUCTION ESTABLISHMENT: A facility, licensed in accordance with Title 4.1 of the Code of Virginia, as amended, in which beer, wine, cider, mead, distilled spirits, or other similar beverages are brewed, fermented, or distilled in quantities not to exceed ***20,000 barrels*** of beer, or 36,000 gallons of distilled spirits, wine, cider, or mead annually. Establishments exceeding the above production quantities shall be deemed a food and beverage manufacturing, production and processing establishment.

Amend Article 4, Commercial District Regulations, Part 5, C-5 Neighborhood Retail Commercial District, as follows:

- **Amend Sect. 4-502, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 7, and renumbering all subsequent paragraphs accordingly, as follows:**

7. Craft beverage production establishments, limited by the provisions of Sect. 505 below.

- **Amend Sect. 4-505, Use Limitations, by adding a new Par. 11 to read as follows:**

11. Craft beverage production establishments shall be permitted by right in accordance with the following:

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually.

B. Production activities and the area devoted to such activities shall be accessory to an on-site tasting room.

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 4, Commercial District Regulations, Part 6, C-6 Community Retail

Commercial District, as follows:

- **Amend Sect. 4-602, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 7, and renumbering all subsequent paragraphs accordingly, as follows:**

7. Craft beverage production establishments, limited by the provisions of Sect. 605 below.

- **Amend Sect. 4-605, Use Limitations, by adding a new Par. 13 to read as follows:**

13. Craft beverage production establishments shall be permitted by right in accordance with the following:

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually.

B. Production activities and the area devoted to such activities shall be accessory to an on-site tasting room.

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 4, Commercial District Regulations, Part 7, C-7 Regional Retail Commercial District, as follows:

- **Amend Sect. 4-702, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 10, and renumbering all subsequent paragraphs accordingly, as follows:**

10. Craft beverage production establishments, limited by the provisions of Sect. 705 below.

- **Amend Sect. 4-705, Use Limitations, by adding a new Par. 15 to read as follows:**

15. Craft beverage production establishments shall be permitted by right in accordance with the following:

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually.

B. Production activities and the area devoted to such activities shall be accessory to an on-site tasting room.

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 4, Commercial District Regulations, Part 8, C-8 Highway Commercial District, as follows:

- **Amend Sect. 4-802, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 11, and renumbering all subsequent paragraphs accordingly, as follows:**

11. Craft beverage production establishments, limited by the provisions of Sect. 805 below.

- **Amend Sect. 4-805, Use Limitations, by adding a new Par. 17 to read as follows:**

17. Craft beverage production establishments shall be permitted by right in accordance with the following:

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually.

B. Production activities and the area devoted to such activities shall be accessory to an on-site tasting room.

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 4, Commercial District Regulations, Part 9, C-9 Super-Regional Retail Commercial District, as follows:

- **Amend Sect. 4-902, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 5, and renumbering all subsequent paragraphs accordingly, as follows:**

5. Craft beverage production establishments, limited by the provisions of Sect. 905 below.

- **Amend Sect. 4-905, Use Limitations, by adding a new Par. 15 to read as follows:**

15. Craft beverage production establishments shall be permitted by right in accordance with the following:

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually.

B. Production activities and the area devoted to such activities shall be accessory to an on-site tasting room.

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 5, Industrial District Regulations, Part 3, I-3 Light Intensity Industrial District, as follows:

- **Amend Sect. 5-302, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 4, and renumbering all subsequent paragraphs accordingly, as follows:**

4. Craft beverage production establishments, limited by the provisions of Sect. 305 below.

- **Amend Sect. 5-305, Use Limitations, by adding a new Par. 8 to read as follows:**

8. Craft beverage production establishments shall be permitted by right in accordance with the following:

A. A tasting room, consisting of up to 30% of the total gross floor area of the establishment, for the consumption of products produced on-site may be permitted as an accessory use. Any food served shall be as an accompaniment to those products produced on-site, and shall be limited to pre-packaged food items or food items that require limited preparation and/or reheating.

B. Parking for the portion of the establishment devoted to production activities shall be provided in accordance with the parking requirements for a manufacturing establishment pursuant to Sect. 11-105 of the Zoning Ordinance. Parking for a tasting room shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

C. Retail sales may be permitted as an accessory use, provided the associated retail sales area shall be limited to ten (10) percent of the gross floor area of the establishment.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 5, Industrial District Regulations, Part 4, I-4 Medium Intensity Industrial District, as follows:

- **Amend Sect. 5-402, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 5, and renumbering all subsequent paragraphs accordingly, as follows:**

5. Craft beverage production establishments, limited by the provisions of Sect. 405 below.

- **Amend Sect. 5-404, Special Exception Uses, by removing Par. 5F, Food and beverage manufacturing, production and processing establishments, and renumbering all subsequent paragraphs accordingly, as follows:**

5. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:

~~F. Food and beverage manufacturing, production and processing establishments~~

- **Amend Sect. 5-405, Use Limitations, by adding a new Par. 9 to read as follows:**

9. Craft beverage production establishments shall be permitted by right in accordance with the following:

A. A tasting room, consisting of up to 30% of the total gross floor area of the establishment, for the consumption of products produced on-site may be permitted as an accessory use. Any food served shall be as an accompaniment to those products produced on-site, and shall be limited to pre-packaged food items or food items that require limited preparation and/or reheating.

B. Parking for the portion of the establishment devoted to production activities shall be provided in accordance with the parking requirements for a manufacturing establishment pursuant to Sect. 11-105 of the Zoning Ordinance. Parking for a tasting room shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

C. Retail sales may be permitted as an accessory use, provided the associated retail sales area shall be limited to ten (10) percent of the gross floor area of the establishment.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 5, Industrial District Regulations, Part 5, I-5 General Industrial District, as follows:

- **Amend Sect. 5-502, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 5, and renumbering all subsequent paragraphs accordingly, as follows:**

5. Craft beverage production establishments, limited by the provisions of Sect. 505 below.

- **Amend Sect. 5-505, Use Limitations, by adding a new Par. 10 to read as follows:**

10. Craft beverage production establishments shall be permitted by right in accordance with the following:

A. A tasting room, consisting of up to 30% of the total gross floor area of the establishment, for the consumption of products produced on-site may be permitted as an accessory use. Any food served shall be as an accompaniment to those products produced on-site, and shall be limited to pre-packaged food items or food items that require limited preparation and/or reheating.

B. Parking for the portion of the establishment devoted to production activities shall be provided in accordance with the parking requirements for a manufacturing establishment pursuant to Sect. 11-105 of the Zoning Ordinance. Parking for a tasting room shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

C. Retail sales may be permitted as an accessory use, provided the associated retail sales area shall be limited to ten (10) percent of the gross floor area of the establishment.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 5, Industrial District Regulations, Part 6, I-6 Heavy Industrial District, as follows:

- **Amend Sect. 5-602, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 6, and renumbering all subsequent paragraphs accordingly, as follows:**

6. Craft beverage production establishments, limited by the provisions of Sect. 605 below.

- **Amend Sect. 5-605, Use Limitations, by adding a new Par. 9 to read as follows:**

9. Craft beverage production establishments shall be permitted by right in accordance with the following:

A. A tasting room, consisting of up to 30% of the total gross floor area of the establishment, for the consumption of products produced on-site may be permitted as an accessory use. Any food served shall be as an accompaniment to those products produced on-site, and shall be limited to pre-packaged food items or food items that require limited preparation and/or reheating.

B. Parking for the portion of the establishment devoted to production activities shall be provided in accordance with the parking requirements for a manufacturing establishment pursuant to Sect. 11-105 of the Zoning Ordinance. Parking for a tasting room shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

C. Retail sales may be permitted as an accessory use, provided the associated retail sales area shall be limited to ten (10) percent of the gross floor area of the establishment.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 6, Planned Development District Regulations, Part 2, PDC Planned Development Commercial District, as follows:

- **Amend Sect. 6-203, Secondary Uses Permitted, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 7, and renumbering all subsequent paragraphs accordingly, as follows:**

7. Craft beverage production establishments, limited by the provisions of Sect. 206 below.

- **Amend Sect. 6-206, Use Limitations, by adding a new Par. 17 to read as follows:**

17. Craft beverage production establishments shall be permitted only in accordance with the following:

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually, unless modified by the Board in conjunction with the approval of a development plan.

B. The establishment shall include an on-site tasting room.

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 6, Planned Development District Regulations, Part 3, PRC Planned Residential Community District, as follows:

- **Amend Sect. 6-302, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. B(4) in those locations approved for a Neighborhood Convenience Center, C(6) in those locations approved for a Village Center, and E(5) in those locations approved for a**

Convention/Conference Center, and renumbering all subsequent paragraphs accordingly, as follows:

B(4), C(6), and E(5). Craft beverage production establishments.

- **Amend Sect. 6-305, Use Limitations, by adding a new Par. 15 to read as follows:**

15. Craft beverage production establishments shall be permitted only in accordance with the following:

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually, unless modified by the Board in conjunction with the approval of a development plan.

B. The establishment shall include an on-site tasting room.

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 6, Planned Development District Regulations, Part 4, PRM Planned Residential Mixed Use District, as follows:

- **Amend Sect. 6-403, Secondary Uses Permitted, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 7, and renumbering all subsequent paragraphs accordingly, as follows:**

7. Craft beverage production establishments, limited by the provisions of Sect. 406 below.

- **Amend Sect. 6-406, Use Limitations, by adding a new Par. 14 to read as follows:**

14. Craft beverage production establishments shall be permitted only in accordance with the following:

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually, unless modified by the Board in conjunction with the approval of a development plan.

B. The establishment shall include an on-site tasting room.

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 6, Planned Development District Regulations, Part 5, PTC Planned Tysons Corner Urban District, as follows:

- **Amend Sect. 6-502, Permitted Uses, by placing Craft Beverage Production Establishments in its appropriate alphabetical sequence as a new Par. 9, and renumbering all subsequent paragraphs accordingly, as follows:**

9. Craft beverage production establishments.

- **Amend Sect. 6-505, Use Limitations, by adding a new Par. 20 to read as follows:**

20. Craft beverage production establishments shall be permitted only in accordance with the following:

A. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually, unless modified by the Board in conjunction with the approval of a development plan.

B. The establishment shall include an on-site tasting room.

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

D. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.

Amend Article 9, Special Exceptions, Part 5, Category 5 Commercial and Industrial Uses of Special Impact, as follows:

- **Amend Sect. 9-501, Category 5 Special Exception Uses by deleting Food and beverage manufacturing, production and processing establishments, to read as follows:**

28. ~~Food and beverage manufacturing, production and processing establishments.~~

- **Amend Par. 1 of Sect. 9-502, Districts in Which Category 5 Uses May Be Located, by deleting the reference to use 28 (Food and beverage manufacturing, production and processing establishments) in the I-5 and I-6 Districts.**

- **Amend Par. 2 of Sect. 9-502, Districts in Which Category 5 Uses May Be Located, by deleting the reference to use 28 (Food and beverage manufacturing, production and processing establishments) in the I-4 District.**

ATTACHMENT 3

County of Fairfax, Virginia
Planning Commission Meeting
January 26, 2017
Verbatim Excerpt

ZONING ORDINANCE AMENDMENT (CRAFT BEVERAGE PRODUCTION ESTABLISHMENT) – To amend Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows:

(1) Establish and define a new principal land use of Craft Beverage Production Establishments to include facilities licensed in accordance with Title 4.1 of the Code of Virginia, where beer, wine, cider, mead, distilled spirits, or other similar beverages are brewed, fermented, or distilled in quantities not to exceed 15,000 barrels of beer (Note: advertised to permit the Board to consider any quantity up to 20,000 barrels), or 36,000 gallons of distilled spirits, wine, cider, or mead annually.

(2) Include craft beverage production establishments as a permitted use in the C-5, C 6, C-7, C-8, C-9, PDC, PRC, PRM, PTC, I-3, I-4, I-5, and I-6 Zoning Districts; and establish appropriate use limitations which may include, but is not necessarily limited to:

a. Production shall be limited to no more than 5,000 barrels of beer or 5,000 gallons of distilled spirits, wine, cider or mead annually for establishments located in commercial and planned development districts. (Note: advertised to permit the Board to consider an alternative option in planned development districts to allow the Board to modify these limits in conjunction with the approval of a development plan.)

b. Tasting rooms consisting of up to 30% of the total gross floor area of the establishment may be permitted as an accessory use in industrial districts. Any accompanying food served shall be limited to pre-packaged food items or food items that require limited preparation and/or reheating.

c. In commercial and planned development districts, production activities and the area devoted to such activities shall be accessory to an on-site tasting room. (Note: advertised to permit the Board to consider an alternative option in the planned development districts to state that a tasting room shall be required, but the production activities and the area devoted to such activities would not be required to be accessory to the tasting room.)

d. Retail sales may be permitted in industrial districts as an accessory use, provided the associated retail sales area shall be limited to ten (10) percent of the gross floor area of the establishment.

e. Parking in industrial districts shall be provided in accordance with the parking requirements for a manufacturing establishment pursuant to Sect. 11-105 of the Zoning Ordinance for the portion of the establishment devoted to production activities, and in accordance with the requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance for the portion of the establishment devoted to a tasting room.

f. Parking in commercial and planned development districts shall be provided in accordance with the parking requirements for an eating establishment pursuant to Sect. 11-104 of the Zoning Ordinance.

g. Storage of materials used in the production process shall only be permitted within a completely enclosed structure. (3) Include food and beverage manufacturing, production and processing establishments as a permitted use in the I-4 District, rather than as a special exception use as currently permitted. (Countywide)

Decision Only During Commission Matters
(Public Hearing held on January 12, 2017)

Commissioner Hart: Okay. Mr. Chairman, thank you. On January 12, 2017, the Commission held a public hearing on a proposed zoning ordinance amendment regarding craft beverage production establishments and deferred decision until tonight. I want to thank the staff coordinator, Drew Hushour, for his fine work on this case, also Megan Duca, the previous staff coordinator, and Leslie Johnson, the Zoning Administrator, for their helpful assistance. I also want to thank Mr. Scott Adams for submitting his comments on behalf of industry. I believe there is a consensus that this is a worthwhile amendment and will help facilitate high quality economic development in Fairfax County. Additional industrial use of this character helps relieve the tax burden on homeowners, which is a particularly important policy consideration in years of tight budgets. Other jurisdictions have had positive experience with breweries and similar uses, which can be appropriate in the zoning districts staff has identified and subject to the new definition. To the extent we can promote, through narrowly tailored zoning ordinance amendments, a tax-paying industrial employer, such as a brewery, to invest in a suitable facility like an old prison building or other appropriate sites, in appropriate zoning districts with appropriate limitations, it is a win-win situation. The more difficult questions on this amendment have to do with the number of barrels of beer and which of the advertised options the Commission should recommend. While I understand staff's recommendation, I have concluded, based on the record before us, that the higher number for barrels of beer will be acceptable and will facilitate greater flexibility for the use. I believe the overall impacts of a brewery producing 15,000 barrels will be essentially equivalent to a brewery producing 20,000 barrels. Similarly, I believe Option 2 allows more flexibility with respect to promoting this use in P-Districts. In my view, ultimately, it makes little difference if the tasting room is the principal feature or not for this type of use, given the track record of breweries, so long as there is a tasting room component. These recommendations are within the scope of the advertising. These recommendations also are consistent with Mr. Adams' observations regarding the potential brewery use at the Lorton prison site. The Commission recently dealt with a somewhat more controversial ordinance amendment for farm wineries and breweries, which topic triggered renewed scrutiny about the necessity for public water to be available for a brewery site. While I remain concerned about potential impacts of breweries on nearby wells, an additional use limitation in that regard is outside the scope of the advertising for this amendment. I believe the sufficiency of water availability also can be reviewed by other agencies and does not have to rise to the level of a use limitation. As a practical matter, most if not all P-Districts will have public water and there is very little, if any, suitable land available in the higher commercial districts and higher industrial districts which is still on well water. The amendment is not proposing this use in any residential districts, so the question of a brewery competing with residences for well water in R-C, R-E, or R-l is unlikely to

come up. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING CRAFT BEVERAGE PRODUCTION ESTABLISHMENTS TO INCLUDE THE FOLLOWING OPTIONS, AS DISCUSSED IN THE STAFF REPORT AND PROPOSED IN THE DRAFT TEXT LANGUAGE:

- First, a manual – excuse me – A MAXIMUM ANNUAL PRODUCTION LEVEL OF 20,000 BARRELS OF BEER FOR CRAFT BEVERAGE PRODUCTION ESTABLISHMENTS, AS SET FORTH IN THE DEFINITION PROPOSED IN ARTICLE 20; AND

- OPTION 2, FOR PARAGRAPHS 17 A AND B OF SECTION 6-206, REGARDING THE PDC DISTRICT;

- OPTION 2, FOR PARAGRAPHS 15 A AND B OF SECTION 6-305, REGARDING THE PRC DISTRICT;

- OPTION 2, FOR PARAGRAPHS 14 A AND B OF SECTION 6-406, REGARDING THE PRM DISTRICT; AND

- OPTION 2, FOR PARAGRAPHS 20 A AND B OF SECTION 6-505, REGARDING THE PTC DISTRICT.

I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE PROPOSED AMENDMENT BE EFFECTIVE AT 12:01 A.M. ON THE DAY FOLLOWING ADOPTION.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion?

Commissioner Sargeant: Mr. Chairman?

Chairman Murphy: Mr. Ulfelder.

Commissioner Sargeant: Mr. Chairman, just for the record, I was not here for the public testimony. However, I did review the video of the public testimony and comment and will participate in the vote.

Chairman Murphy: Thank you.

Commissioner Ulfelder: Ditto, but – I was not here for the public hearing, but I also reviewed the – the testimony and the public hearing and am planning to vote on it this evening. But I would like to make one comment.

Chairman Murphy: Please.

Commissioner Ulfelder: First of all, I know I was not here, but I had submitted some questions and I thank staff and Commissioner Hart for addressing those questions − bringing them up and addressing them at the public hearing. And, as a practical matter, I agree that even though these are significant water users – the breweries – and, also, there is an issue of the amount of wastewater and how it's handled – I think, as a practical matter, these are not going to be located in any areas that haven't got public water and are not going to be able to qualify in terms of their wastewater use, particularly, if they're a large-barrel producer. So I'm – I had sought the idea of the – of including restrictions in areas with − that are not served by public water or public sewer, but I think – as again – as a practical matter, that's not necessary in this case. So I'm planning to support this motion.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt the proposed Zoning Ordinance Amendment on Craft Beverage Production Establishments in Articles 4, 5, 6, and 9 and 20 of the Zoning Ordinance, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

JLC

Board Agenda Item
February 28, 2017

4:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Articles 6 and 8 - Planned Development Housing (PDH) District and Group 5 Special Permit, Commercial Recreation Uses

ISSUE:
The proposed Zoning Ordinance Amendment is not listed on the 2016 Zoning Ordinance Amendment Work Program, but is prepared in response to a request by the Board of Supervisors (Board) to consider allowing certain indoor recreation uses as a secondary use in the PDH District when shown on an approved development plan.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, February 23, 2017, the Planning Commission voted 11-0 (Commissioner Migliaccio was absent from the meeting) to recommend to the Board of Supervisors the adoption of the proposed Zoning Ordinance Amendment regarding Commercial Recreation Uses in the Planning Development Housing (PDH) Districts, as advertised and as set forth in the Staff Report dated January 24, 2017.

RECOMMENDATION:
The County Executive recommendation will be provided at the February 28, 2017 public hearing.

TIMING:
Board's authorization to advertise - January 24, 2017; Planning Commission public hearing – February 23, 2017, at 8:15 p.m.; Board's public hearing – February 28, 2017, at 4:00 p.m.

BACKGROUND:
The proposed amendment is in response to a request from the Board to consider whether certain indoor commercial recreation uses would be appropriate for inclusion in the list of uses that could be permitted in a PDH District, subject to representation of such uses on an approved development plan. Sect. 6-103 of the Zoning Ordinance identifies certain commercial recreation uses classified under Part 5 of Article 8 as secondary uses that could be allowed in a PDH District. Under the existing regulations, the PDH District currently allows only billiard and pool halls, bowling alleys, commercial pools/courts, health clubs, miniature golf courses and skating facilities. Part 5 of Article

8 also includes the use called “indoor firing ranges, archery ranges, fencing and other similar indoor recreation uses,” which historically has been used to accommodate uses such as indoor “bounce house”/soft play/children’s party facilities and other similar indoor sports/recreation/entertainment types uses under the phrase “and other similar indoor recreation uses.” This use is not permitted in the PDH District and has not been permitted since the adoption of the current Zoning Ordinance in 1978. The proposed amendment would allow this use, excluding “indoor firing ranges” to be located in a PDH District, provided the use is represented on an approved development plan.
A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 1.

REGULATORY IMPACT:
Allowing commercial recreation uses that are conducted indoors will allow the needs of the residents of the planned development to be met while ensuring the residential character of the planned development will be maintained and protected, through the requirement that such uses must be shown on an approved development plan.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Staff Report, also available online at:
http://fairfaxcounty.gov/dpz/zoningordinance/proposed/

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

Attachment 1

FAIRFAX COUNTY

VIRGINIA

STAFF REPORT

PROPOSED ZONING ORDINANCE AMENDMENT

Articles 6 and 8 – Planned Development Housing (PDH) District and Group 5 Special Permit, Commercial Recreation Uses

PUBLIC HEARING DATES

Planning Commission February 23, 2017 at 8:15 p.m.

Board of Supervisors February 28, 2017 at 4:00 p.m.

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

January 24, 2017

LY

Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

STAFF COMMENT

The proposed Zoning Ordinance Amendment is not listed on the 2016 Zoning Ordinance Amendment Work Program (ZOAWP), but is prepared in response to a request by the Board of Supervisors (Board) to consider allowing certain indoor commercial recreation uses as a secondary use in the Planned Development Housing (PDH) District, when shown on an approved development plan. Staff has reviewed the history of commercial recreation uses and Zoning Administrator interpretations associated therewith and based on this review, staff believes there is opportunity to accommodate additional types of indoor commercial recreation uses within the commercial areas of residential developments zoned to the PDH District.

Current Provisions

Under the current provisions of Part 5 of Article 8 regarding Special Permits, all of the Group 5 Commercial Recreation Uses are identified as follows:

8-501 Group 5 Special Permit Uses

1. Billiard and pool halls.
2. Bowling alleys.
3. Commercial recreation parks, including mechanical or motorized amusement rides/devices.
4. Commercial swimming pools, tennis courts and similar courts.
5. Dance halls.
6. Health clubs.
7. Indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses.
8. Miniature golf courses.
9. Skating facilities.
10. Any other similar commercial recreation use.

Under the current provisions for secondary uses in the PDH District, Sect. 6-103 identifies some of these Group 5 Commercial Recreation Uses as secondary uses that could be allowed in a PDH District. Specifically, only billiard and pool halls, bowling alleys, commercial swimming pools, tennis courts and similar courts, health clubs, miniature golf courses, and skating facilities are permitted and only when such PDH development contains one or more principal uses and when such commercial recreation use is represented on an approved final development plan.

Among other use limitations set forth in Sect. 6-106, secondary uses of a commercial nature in a PDH District must be designed to primarily serve the needs of the residents of the planned development in which they are located and such uses must be designed so as to maintain and protect the residential character of the planned development and adjacent residential neighborhoods, as well. To achieve this criteria, the Zoning Ordinance limits the amount of land area dedicated for all such commercial and office space in a PDH District development to between 200-400 square feet of commercial space per dwelling unit in the development, depending on the specific PDH District (PDH-1 through PDH-40.) As such, typically only larger PDH zoned communities are able to develop a neighborhood shopping center, often inclusive of a grocery store, drug store and neighborhood-serving uses such as restaurants and retail businesses.

Background

The proposed amendment is in response to a request from the Board to consider whether certain Group 5 indoor commercial recreation uses would be appropriate for inclusion in the list of uses that could be permitted in a PDH District, when shown on an approved development plan.

Over the past couple of decades, the Zoning Administration Division has addressed public inquiries as to the appropriate use determination for indoor commercial recreation businesses that generally included some type of play, sports, exercise or recreational equipment; provided space for hosting primarily children's parties; may offer courses or training in the specific sport activity or exercise, and provided a commercial opportunity for the public to pay to partake of the specific activity. For example, use determinations have been made for uses such as trampoline parks, facilities with a variety of "bounce houses" and play equipment, indoor rock climbing/rappelling walls, mechanical bull riding, indoor laser tag, bridge and other card game centers, bungee jumping, go-karting, volleyball/soccer/hockey/basketball/ etc., indoor children's playground, music rehearsal studios, hookah/oxygen/cigar bars and facilities for other similar kinds of "free-time" activities.

It is the long-standing determination of the Zoning Administrator that commercial recreation uses that involve a high level of electronic/computerized/mechanized or other such specific equipment that is used by the participants and for uses located outdoors are determined to be a use under Par. 10 of Sect. 8-501, which provides for "any other similar commercial recreation use." Former use determinations under Par. 10 have included an indoor circus/carnival, indoor music festival center, outdoor water slides, bungee jumping from a crane/platform, and an indoor go-karting facility.

On the other hand, the types of uses that typically provide equipment and apparatus of a less mechanized nature, are located indoors, and where a participant can readily partake of the sport or activity without considerable outfitting or with the provision of special equipment has been deemed to be a Par. 7 use of "indoor firing ranges, archery ranges, fencing *and other similar indoor recreational uses*" (emphasis added.) Determinations under Par. 7 have included bounce house / party facilities, competition card playing (Bridge), rentable music rehearsal studios, indoor soccer fields for tournament / league play, hookah bars, and similar uses.

Staff notes that Par. 7 uses are allowed in a much broader range of zoning districts than the uses permitted under Par. 10. Therefore, even though the use category includes indoor fining ranges, such use is often specifically excluded, while the other uses in the paragraph are not. Under the current provisions, the Par. 7 and Par. 10 uses are allowed as follows:

Use	Allowed By-Right	Allowed by Special Permit	Not Allowed
Par. 7 uses (Indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses)	PDC, PRC (all uses) PRM, PTC (excluding firing ranges) C-7, C-8 (excluding firing ranges)	C-3, C-4, C-5 (excluding firing ranges) C-6, C-9 (all uses) C-7, C-8 (for firing ranges) I-3, I-4, I-5, I-6 (all uses)	PDH All R Districts C-1, C-2 I-I, I-1, I-2
Par. 10 uses (All other similar commercial recreation use)	PDC, PRC PRM, PTC	C-7, C-8, C-9	PDH All R Districts C-1 thru C-6 All I Districts

* All P Districts require the use to be shown on an approved development plan.

Staff has seen a broader array of commercial recreation use proposals over the past decade. When the commercial recreation industry evolved to include these indoor sports/entertainment/party facilities, staff made the determination that they could be successfully accommodated in the same zoning districts that permitted the Par. 7 commercial recreation uses identified above. For those uses that were proposed outdoors and/or those that reflected a potentially more intense use with greater potential for impacts on adjacent properties, the uses were deemed to be most similar to the Par. 10 use category.

As fully detailed in the background section of this staff report, neither the Par. 7 uses nor the Par. 10 uses are currently permitted in the PDH District, which has been the case since the adoption of the current Zoning Ordinance in 1978.

Proposed Amendment

The proposed amendment will provide the opportunity to allow family friendly indoor recreational uses to support the residential development in the PDH District. Specifically, the proposed amendment will allow indoor archery ranges, fencing and other similar indoor recreational uses in the PDH Districts, only when represented on an approved development plan.

The proposed amendment will specifically exclude indoor firing ranges from the PDH Districts. Previously approved PDH developments may be required to obtain a Final Development Plan Amendment (FDPA) and possibly a Proffer Condition Amendment (PCA), where applicable, to allow this new use classification within a previously approved development.

Conclusion

Staff believes that the proposed amendment to allow certain indoor recreational uses in the PDH Districts would offer the opportunity to allow family friendly indoor recreational uses to support the residential development in the PDH District. Allowing commercial recreation uses that are conducted indoors will allow the needs of the residents of the planned development to be met

while ensuring the residential character of the planned development will be maintained and protected, through the requirement that such uses must be shown on an approved development plan.

As such, staff recommends approval of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption.

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of January 24, 2017, and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

Amend Article 6, Planned Development District Regulations, to amend Part 1, PDH-Planned Development Housing District, by amending Par. 5 of Sect. 6-103, Secondary Uses Permitted, to read as follows:

The following secondary uses shall be permitted only in a PDH District which contains one or more principal uses; only when such uses are presented on an approved final development plan prepared in accordance with the provisions of Article 16; and subject to the use limitations set forth in Sect. 106 below.

5. Commercial recreation uses (Group 5), limited to:

   A. Billiard and pool halls

   B. Bowling alleys

   C. Commercial swimming pools, tennis courts and similar courts

   D. Health clubs

   E. Indoor archery ranges, fencing and other similar indoor recreational uses.

~~E.~~ F. Miniature golf courses

~~F.~~ G. Skating facilities

Amend Article 8, Special Permits, by amending Part 5, Group 5 Commercial Recreation Uses, by amending Par. 1 of Sect. 8-502, Districts in Which Group 5 Uses May be Located, to read as follows:

8-501 Group 5 Special Permit Uses *(provided for information purposes only)*

1. Billiard and pool halls.
2. Bowling alleys.
3. Commercial recreation parks, including mechanical or motorized amusement rides/devices.
4. Commercial swimming pools, tennis courts and similar courts.
5. Dance halls.
6. Health clubs.
7. Indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses.
8. Miniature golf courses.
9. Skating facilities.
10. Any other similar commercial recreation use.

1. Group 5 uses may be permitted by right in the following districts:

PDH District: Limited to uses 1, 2, 4, 6, indoor archery ranges, fencing and other similar indoor recreational uses, 8 and 9 when represented on an approved development plan
PDC District: Limited to uses 1, 2, 4, 6, 7, 8, 9 and 10 when represented on an approved development plan
PRC District: All uses when represented on an approved development plan
PRM District: Limited to uses 1, 4, 6, indoor archery ranges, fencing and other similar indoor recreational uses, 9 and 10 when represented on an approved development plan
PTC District: Limited to uses 1, 2, 4, 5, 6, indoor archery ranges, fencing and other similar indoor recreational uses, 8, 9 and 10 when represented on an approved development plan

C-3, C-4, C-5 Districts: Limited to uses 4 (indoor) and 6
C-6 District: Limited to uses 4 (indoor), 6 and 8 (indoor)
C-7, C-8 Districts: Limited to uses 2, 4 (indoor), 6, archery ranges, fencing and other similar indoor recreational uses, 8 (indoor) and 9 (indoor)
C-9 District: Limited to use 6

Board Agenda Item
February 28, 2017

To be deferred to March 14, 2017 at 4:00 p.m.

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Graham Residential Permit Parking District, District 34 (Providence District)

ISSUE:
Public Hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax*, *Virginia*, to expand the Graham Residential Permit Parking District (RPPD), District 34.

RECOMMENDATION:
The County Executive recommends that the Board adopt an amendment to Appendix G, of *The Code of the County of Fairfax*, *Virginia*, to expand the Graham RPPD, District 34.

TIMING:
On January 24, 2017, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to take place on February 28, 2017, at 4:00 p.m.

BACKGROUND:
Section 82-5A-4(b) of *The Code of the County of Fairfax*, *Virginia*, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of $10 per petitioning address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the

**To be deferred to
March 14, 2017 at 4:00 p.m.**

existing District.

Board Agenda Item
February 28, 2017

To be deferred to
March 14, 2017 at 4:00 p.m.

On October 6, 2016, a peak parking demand survey was conducted for the requested area. The results of this survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioning blocks were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning blocks. All other requirements to expand the RPPD have been met.

FISCAL IMPACT:
The cost of sign installation is estimated at $650 to be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:
Attachment I: Proposed Amendment to *The Code of the County of Fairfax, Virginia*
Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Charisse Padilla, Transportation Planner, FCDOT

REVISED

Attachment 1

Proposed Amendment

Amend *The Code of the County of Fairfax*, *Virginia*, by modifying the following streets in Appendix G-34, Section (b), (2), Graham Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Elmwood Drive (Route 1780):

From Stuart Drive to Johnson Road, south side only.

Lawrence Drive (Route 1781):

From Elmwood Drive to Fenwick Road.

Attachment II

Board Agenda Item
February 28, 2017

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Culmore Residential Permit Parking District, District 9 (Mason District)

ISSUE:
Public Hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax*, *Virginia* (Fairfax County Code), to expand the Culmore Residential Permit Parking District (RPPD), District 9.

RECOMMENDATION:
The County Executive recommends that the Board adopt an amendment to Appendix G, of the Fairfax County Code, to expand the Culmore RPPD, District 9.

TIMING:
On January 24, 2017, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of the Fairfax County Code, to take place on February 28, 2017, at 4:00 p.m.

BACKGROUND:
Section 82-5A-4(b) of the Fairfax County Code, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of $10 per petitioning address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

On October 6, 2016, a peak parking demand survey was conducted for the requested area. The results of this survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioned block face were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioned block. All other requirements to expand the RPPD have been met.

FISCAL IMPACT:
The cost of sign installation is estimated at $250 to be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:
Attachment I: Proposed Amendment to the Fairfax County Code
Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Charisse Padilla, Transportation Planner, FCDOT

Attachment 1

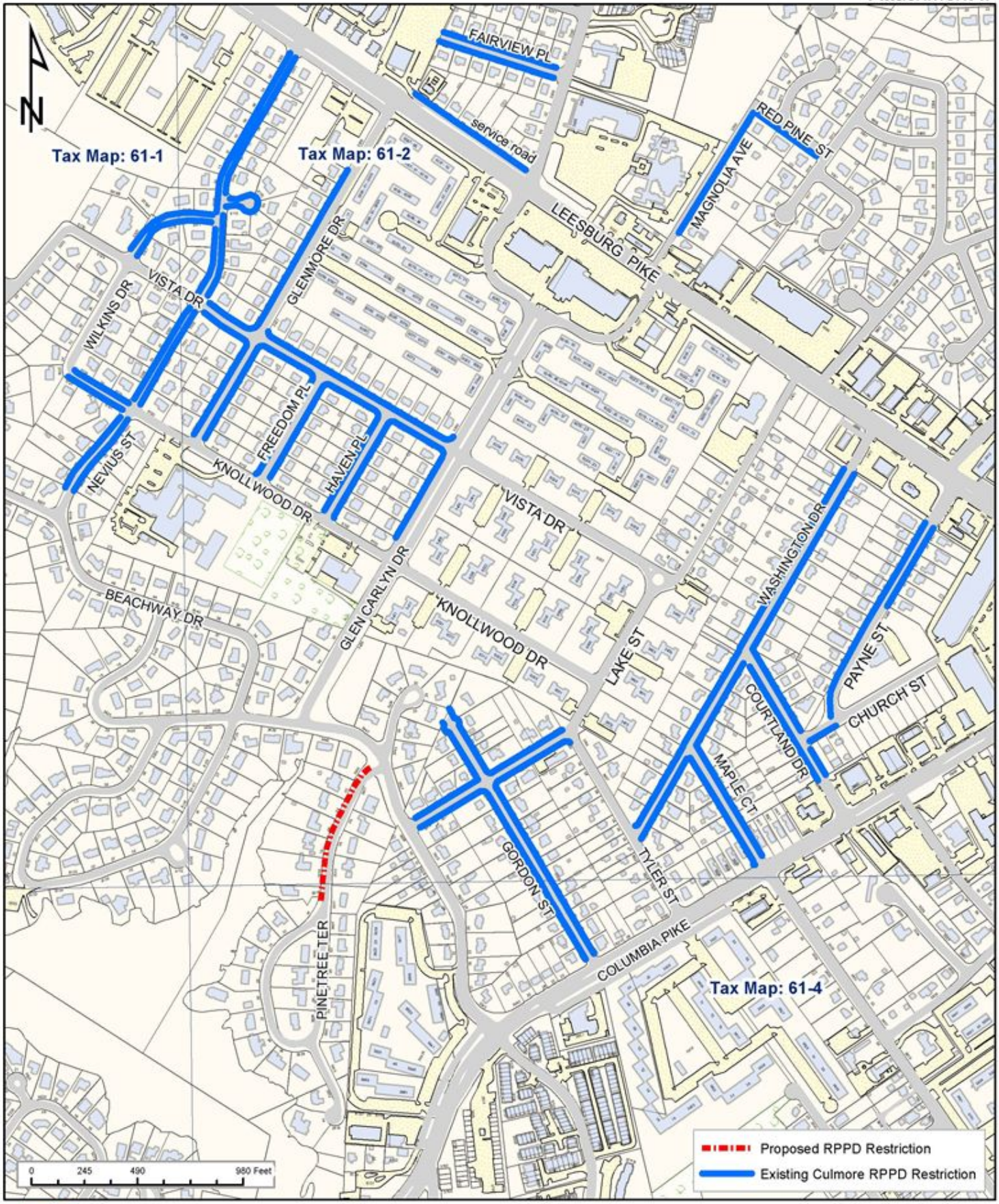
I

Proposed Amendment

Amend *The Code of the County of Fairfax*, *Virginia*, by adding the following streets in Appendix G-9, Section (b), (2), C Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Pinetree Terrace (Route 986):
From Blair Road to the southern property boundary of 3516 Pinetree Terrace, west side only

Attachment II



Fairfax County Department of Transportation
Traffic Engineering
Culmore Residential Permit Parking District
Mason District

Board Agenda Item
February 28, 2017

4:30 p.m.

Public Hearing to Convey Board-Owned Property at 1311 Spring Hill Road to the Fairfax County Park Authority (Dranesville District)

ISSUE:
Public hearing regarding the conveyance of Board-owned property located at 1311 Spring Hill Road in McLean to the Fairfax County Park Authority (Park Authority).

RECOMMENDATION:
The County Executive recommends that the Board authorize staff to convey Board-owned property at 1311 Spring Hill Road in McLean to the Park Authority.

TIMING:
On January 24, 2017, the Board authorized the advertisement of a public hearing to convey Board-owned property to the Park Authority.

BACKGROUND:
The Board of Supervisors is the owner of a five-acre parcel located at 1311 Spring Hill Road, McLean, Virginia (Tax Map Number 0291 20 C) and situated next to Spring Hill Elementary School. The property (informally referred to as Holladay Field) contains a full-sized rectangular athletic field and practice area. Field usage is scheduled through Neighborhood and Community Services.

The Park Authority has requested the conveyance of the property to permit greater coordination with the recreational groups utilizing the field. The Park Authority will include the property in their inventory and maintain them in accordance with the adopted Park Authority Maintenance Standards. Since the property was originally dedicated to the Board for recreational purposes, the parcel is not subject to the existing Land Bank Agreement between the Board and the Park Authority.

Staff recommends that the conveyance of the property to the Park Authority be subject to the condition that the parcel must be used for public park and stormwater purposes. Staff further recommends that the conveyance be made subject to the County's reservation of the right to assign to public entities, public utilities, or telecommunications or cable television providers the right to construct improvements on the property for the purpose of providing utilities and other public services. Staff also recommends that any public utilities located on the property that are owned and maintained by County agencies, such as sanitary sewers and stormwater management facilities and structures, continue to be owned and maintained by the County.

Board Agenda Item
February 28, 2017

Staff recommends that the Board authorize staff to execute all necessary documents to convey the Holladay Field to the Park Authority.

FISCAL IMPACT:
None

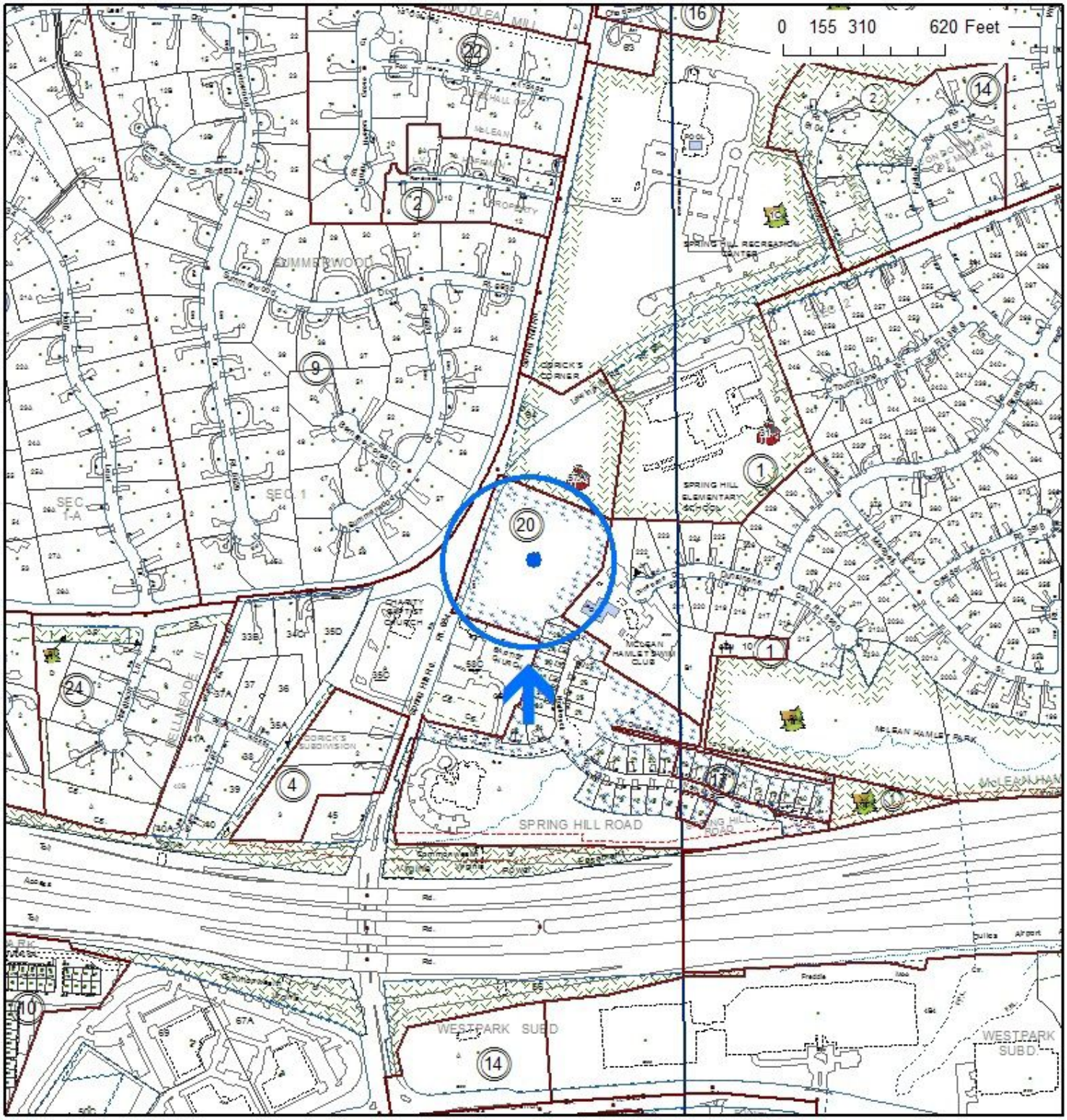
ENCLOSED DOCUMENTS:
Attachment 1 – Location Map
Attachment 2 – Resolution

STAFF:
David J. Molchany, Deputy County Executive
Robert A. Stalzer, Deputy County Executive
Kirk Kincannon, Director, Fairfax County Park Authority
José A. Comayagua, Director, Facilities Management Department

ATTACHMENT 1

Board-Owned Property at 1311 Spring Hill Road, McLean

County Tax Map No. 29-1 ((20)) Parcel C



RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, February 28, 2017, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Board of Supervisors owns a five acre parcel of land located at 1311 Spring Hill Road, identified by Tax Map No. 0291 20 C and known informally as the Holladay Field,

WHEREAS, the Fairfax County Park Authority (Park Authority) has asked the Board of Supervisors to transfer the Holladay Field to the Park Authority for inclusion in its park inventory,

WHEREAS, the County has no current or planned use for this parcel,

WHEREAS, the Board of Supervisors finds that it would be in the best interest of the citizens of Fairfax County to convey the real property as described above to the Park Authority.

NOW,THEREFORE, upon public hearing duly advertised according to law, it is **RESOLVED** that the County Executive or Deputy County Executive is hereby authorized to execute all necessary documents to convey the real property described above to the Park Authority.

A Copy Teste:

_____
Catherine A. Chianese
Clerk to the Board of Supervisors

Board Agenda Item
February 28, 2017

4:30 p.m.

Public Hearing on the Proposed Funding Plan for Reston Transportation Projects (Hunter Mill and Dranesville Districts)

ISSUE:
Public hearing to consider the proposed Funding Plan for Reston transportation projects (Reston Transportation Funding Plan) as shown in Attachment 1.

RECOMMENDATION:
The County Executive recommends that the Board conduct a public hearing to receive public comment on the proposed Reston Transportation Funding Plan. At the conclusion of the public hearing, the County Executive recommends that the Board endorse the Reston Transportation Funding Plan. In addition, following the Board's action on the Reston Transportation Funding Plan, the Board should act on the Reston Road Fund Guidelines and the advertisement of a public hearing for the Reston Transportation Service District.

TIMING:
On January 24, 2017, the Board authorized a public hearing to be held on February 28, 2017, at 4:30 p.m.

BACKGROUND:
On February 11, 2014, the Board of Supervisors adopted the Reston Phase I Comprehensive Plan Amendment (CPA). This amendment included revised land use and additional transportation facilities for the three Reston Transit Station Areas (TSAs): Wiehle-Reston East, Reston Town Center, and Herndon (Attachment 2).

The CPA optimizes development opportunities associated with the availability of mass transit, while maintaining the stability of existing land uses outside of the TSAs. The TSA designation allows a mixture of residential, office, retail and other commercial uses and provides opportunities for joint public-private development.

The CPA envisions these revised land uses will be served by a multi-modal transportation system. To support that vision, the CPA recommended multimodal roadway improvements, a grid network, intersection improvements, and supporting transit service. As a result, on February 11, 2014, the Board directed the Planning

Commission (PC) and staff to develop an inclusive process to prepare a funding plan for the transportation improvements recommended in the CPA and return to the Board with staff's recommendations. The Board further directed staff that the funding plan should include arrangements for financing the public share of Reston infrastructure improvements and facilitate cooperative funding agreements with the private sector. Subsequent to the Board's action, the Hunter Mill District Supervisor appointed a Reston Network Analysis Advisory Group (Advisory Group) to refine the transportation network included in the CPA and develop the funding plan. Although the Board directed the PC to work with staff on the funding plan, the Advisory Board served as a diversified stakeholder group representing various interests in Reston, and in that capacity fulfilled the charge of the PC.

The Advisory Group provided a forum for Fairfax County Department of Transportation staff to receive input and feedback from residents, property owners, and developers on the Reston Network Analysis (analysis of transportation improvements recommended in the CPA) and associated plans. In its feedback, the Advisory Group was most interested in funding options that include both proffer and service district revenue streams. Staff also solicited feedback on the funding plan from the larger community and other stakeholders at a series of public meetings.

Staff prepared the proposed Reston Transportation Funding Plan, in a manner that balances the feedback received, as outlined in Attachments 3 and 4.

An overview of the proposed transportation service district and county road fund was provided at the Board Transportation Committee (BTC) on October 4, 2016 (Attachment 5). On December 1, 2016, staff briefed the PC Transportation Subcommittee on the proposed funding plan, and activities performed by the Advisory Group in considering the various funding options. Further information on the funding plan and staff's proposal for initial service district and road fund rates (Scenario 12) were provided at the BTC on December 13, 2016 (Attachment 6), and at the Reston Association (RA) Board on December 15, 2016.

On December 19, 2016, staff presented further feedback from the BTC, RA Board, and presented Scenario 12 to the Advisory Group. The group discussed the recommendation from the December 13, 2016, BTC meeting that the advertisement for the public hearing include a rate window for the service district as opposed to a single rate. Instead, the Advisory Group and public attendees preferred to recommend a specific rate for advertisement along with the Reston Transportation Funding Plan. After receiving public comment and discussion, the Advisory Group voted to support Scenario 12. The Advisory Group also recommended that County staff include sunset provisions for the service district and road fund.

Staff developed 12 different scenarios, and believes the recommendation (Scenario 12) best reflects a compromise based on comments received. The main aspects of the proposed funding plan are as follows:

- The Reston Transportation Funding Plan has three categories of improvements:
  - Roadway Improvements;
  - Intersection Improvements; and
  - A Grid of Streets Network.
- Staff has assumed that existing transit resources in Reston and Herndon will be re-allocated to increase feeder and circulation service when Phase II of the Metrorail Silver Line opens. As a result, no additional funding in transit was included in the Reston Transportation Funding Plan.
- Primary responsibility for funding of Roadway Improvements would come from public revenue sources such as federal, state, regional, and local funding allocated by the County for use on countywide transportation projects. These may include:
  - Federal: Regional Surface Transportation Program, Discretionary Grant Programs.
  - State: Smart Scale, Revenue Sharing.
  - Regional: Northern Virginia Transportation Authority (NVTA) 70% Regional Funds.
  - Local: Commercial & Industrial Tax, General Obligation Bonds, NVTA 30% Local Funds.
- Primary responsibility for funding the Grid Network and Intersection Improvements would come from private revenue sources, such as revenues generated within the Reston TSAs and used exclusively for projects in the Reston TSAs. The private funding comprises:
  - Actual construction of grid segments by developers with new development or redevelopment, donation of right-of-way, and/or services.
  - Road Fund: pooled cash proffers on a per residential unit or per commercial square foot basis of new development for use on the Grid Network.
  - Transportation Service District (to be created): ad-valorem tax, a tax per $100 of assessed value, on all properties within the Reston TSAs.

If, after receiving public comment, the Board endorses the Reston Transportation Funding Plan, further action will be needed to approve the Reston Road Fund Guidelines and create the Reston Transportation Service District. Separate Board Items will be prepared for those actions.

FISCAL IMPACT:
The proposed Reston Transportation Funding Plan addresses the $2.27 billion (in 2016 dollars) need for infrastructure improvements to support the recommendations in the Reston Phase I Comprehensive Plan Amendment. The proposed plan allocates roughly $1.2 billion of the improvements over 40 years from public funds – federal, state, local, and regional funds that are anticipated for countywide transportation projects. Approximately $1.07 billion of the improvement costs will be raised from private funds – sources of revenue that are generated within the Reston TSAs and used exclusively for transportation projects in the Reston TSAs; this will require creation of a service district fund and County road fund project for management of revenues. It is anticipated that a fund for the service district will be created in FY 2018, and a new project will be created in Fund 30040 (Contributed Roadway Improvements) for the management of these Reston Road Fund contributions.

ENCLOSED DOCUMENTS:
Attachment 1: Proposed Reston Transportation Funding Plan
Attachment 2: Map of Reston TSAs and Funding Plan Transportation Improvements
Attachment 3: High Level Feedback prepared by the Reston Network Analysis Advisory Group
Attachment 4: Feedback on the development of the Reston Transportation Funding Plan, Staff Observations, and Recommendation
Attachment 5: Presentation to the Board Transportation Committee from October 4, 2016
Attachment 6: Presentation to the Board Transportation Committee from December 13, 2016

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Ray Johnson, Transportation Planner, FCDOT
Janet Nguyen, Transportation Planner, FCDOT
Joe LaHait, Debt Coordinator, Department of Management and Budget
Kristen Calkins, Transportation Planner, FCDOT

ASSIGNED COUNSEL:
Erin C. Ward, Senior Assistant County Attorney
Patricia Moody McCay, Assistant County Attorney

Staff Recommendations to the Board on the Reston Transportation Funding Plan
January 24, 2017

Preamble

The Board of Supervisors ("the Board") authorized the Reston Master Plan Special Study on May 18, 2009, and directed staff to initiate Phase I of the study, which was a review of Comprehensive Plan recommendations pertaining to the areas around the three planned Reston Metrorail stations: Reston Town Center Station, Wiehle-Reston East Station and the Herndon Station (Reston Transit Station Areas).

In Fall 2009, a community Task Force of 41 members (25 primary and 16 alternate) was appointed for the Phase I effort by the Board of Supervisors (Reston Master Plan Special Study (Phase I)), which included representatives of Reston resident groups, owners of commercial property in the study area and other interested members of the community. Working with staff, the Task Force was charged with evaluating existing Comprehensive Plan recommendations and identifying changes to guide future transit-oriented development (TOD) in the vicinity of the three Reston stations.

The Task Force and several sub-committees met regularly from 2010 through 2013 to consider approaches to further TOD development at the stations. Subsequently, the Task Force worked with staff to develop their recommendations which were finalized on October 29, 2013.

On February 11, 2014, the Board of Supervisors adopted an amendment to the Comprehensive Plan for Reston, based on the results of the Reston Master Plan Special Study (Phase I). When the Board adopted the Comprehensive Plan amendment for Phase I of Reston, it also adopted a follow-on motion to address funding of associated transportation projects. The funding follow-on motion requested that staff and the Planning Commission develop an inclusive process to prepare a funding plan for the transportation improvements recommended in the Reston Master Plan and return to the Board with its recommendations at an appropriate time.

Staff not only recognizes the significance of the Reston Transit Station Areas (Reston TSAs), but also recognizes that improvements in the Reston TSAs must be balanced with needs in other areas of the County. Staff has taken this need for balance into consideration in staff's recommendations to the Board.

Issue

At its meeting on February 11, 2014, the Board adopted three follow-on motions to address additional work on urban design, transportation analysis and transportation funding for the Phase I update to the Comprehensive Plan for Reston.

To address transportation analysis and transportation funding, the Reston Network Analysis and Advisory Group was developed by the Hunter Mill District Supervisor as a forum for staff to receive feedback from residents, community representatives, business representatives, and developers on the

Reston Network Analysis Study[1] and development of a Reston transportation funding plan. The Advisory Board served as a diversified stakeholder group representing various interests in Reston. Staff also sought feedback on various transportation funding options through public meetings with the larger Reston community and other stakeholders.

Staff's recommendations for funding transportation improvements to support the Comprehensive Plan amendment for Phase I of Reston are set forth below:

Public Funding

Revenues from federal, state, regional, and local funding sources that are allocated by the County for use on countywide transportation projects are described as public revenue sources in the funding plan.

The majority of the existing and future roads in the Reston TSAs will be public streets. The Virginia Department of Transportation (VDOT) is responsible for maintaining public streets in most counties of the Commonwealth, including those within Fairfax County. As such, these funding recommendations do not include costs for maintaining streets that are within the state system. No public dollars will be used to construct private streets.

Private Funding

Revenues generated in the Reston Transit Station Areas (Reston TSAs): Wiehle-Reston East, Reston Town Center, and Herndon TSAs and used exclusively for projects in the Reston TSAs are described as private revenue sources in the funding plan. Developer construction, road fund contributions, and service district collections are considered private revenues.

Improvement Categories

Staff has categorized the infrastructure improvements needed to serve Reston TSAs into three categories: Roadway Improvements, Intersection Improvements, and Grid Network (project specifics provided further in this attachment in Table 1, and GIS graphic of the proposed improvements and Grid Network is provided in Image 1. These are based on recommendations in the Fairfax County Comprehensive Plan, 2013 Edition, Area III – Reston, as Amended through October 20, 2015[2]). Each component is addressed below separately.

[1] The purpose of the network analysis, as directed by the Fairfax County Board of Supervisors, is to evaluate the conceptual grids of streets and road elements at gateways to the Reston Transit Station Areas (TSAs), which would result in traffic flowing at acceptable conditions while maintaining a walkable grid of streets. For more information concerning the Reston Network Analysis Study visit FCDOT's web page here, http://www.fairfaxcounty.gov/fcdot/restonnetworkanalysis/.

[2] The Fairfax County Comprehensive Plan, 2013 Edition, Area III – Reston, as Amended through October 20, 2015, http://www.fairfaxcounty.gov/dpz/comprehensiveplan/area3/reston.pdf. Roadway improvements are listed on page 29 and also shown in Figure 7. Grid improvements are detailed in pages 137-139 in Figures 45, 46, and 47.

Roadway Improvements

The Comprehensive Plan Amendment for Reston Phase I includes recommendations for roadway improvements to enhance access and connectivity to, and within, the Reston TSAs.

Recommendation

Staff recommends that the primary responsibility for funding the Roadway Improvements identified in the Comp Plan Amendment should come from federal, state, local, and regional countywide funding sources, since portions of these improvements are outside of the Reston TSAs, see Table 2. These funding sources have traditionally paid for the capital and operating costs of transportation improvements not associated with a particular development. In addition, funds from these sources are more likely to be available when needed for the identified improvements.

Staff estimates that the value of these improvements is $1,200,000,000 (as of 2016).

Intersection Improvements and the Grid Network

The Comprehensive Plan Amendment for Reston Phase I recommends intersection improvements to maintain levels of traffic operations in the Reston TSAs.

The grid network, described in the Comprehensive Plan Amendment for Reston Phase I, is needed to provide convenient connections to transit stations in Reston, distribute multi-modal traffic efficiently, and reduce congestion from main roadways in Reston.

Recommendation:

Staff recommends the cost of construction of the Intersection Improvements and Grid Network be a responsibility of private revenues or contributions from Reston TSAs' landowners/developers and properties, see Table 2. Private sector development should be responsible for on-site improvements, including construction of the on-site portions of the Grid Network, as well as contributions to a road fund to support the construction of off-site portions of the Grid Network and Intersection Improvements. Staff also recommends that collections from a service district over the Reston TSAs be used to support the construction of off-site portions of the Grid Network and Intersection Improvements. The following specific funding mechanisms are recommended for Grid Network and Intersection Improvements implementation.

1) In-kind Contributions: Landowners/developers who seek to redevelop their properties should construct those portions of the Grid Network needed to support their development applications. This would include elements of the Grid Network that are located within and adjacent to development application areas, as well as

off-site links, as determined through the entitlement process to be necessary to support the development.

Staff estimates that the value of these improvements is $716,000,000 (as of 2016).

Important segments of the Grid Network are not expected to be provided through initial phases of redevelopment. Certain grid segments may be located where development may not take place at all, or may not occur for some time. Nevertheless, these segments of the Grid are essential to the continuous functioning of the Reston TSAs to maintain an acceptable level of traffic flow, as well as provide for bus routes, and bicycle and pedestrian connectivity. These links are referred to as the "missing links". These missing links will be funded through revenues from a Road Fund. Revenues from a Service District will support a portion of the missing links and all of the Intersection Improvements, necessary to maintain level of operations on the roadways.

Staff estimates that the total value of the missing links ($305,000,000) and intersections ($44,600,000) is $349,600,000 (as of 2016).

2) Road Fund: Establish a road fund that pools cash proffers on a per residential unit or per commercial square foot basis of new development for use on grid transportation improvements in the Reston TSAs.

The road fund is anticipated to collect approximately $211,000,000, as adjusted for inflation, over the life of the transportation funding plan.

3) Service District: Establish a service district over the Reston TSAs to fund Grid Network and Intersection Improvements located within the Reston TSAs. A service district would enact an ad-valorem tax, a tax per $100 of assessed value, and would apply to all properties within its boundaries. The Reston TSAs service district should fund projects that benefit all of Reston's residential and non-residential land owners.

The service district is anticipated to collect approximately $139,000,000, as adjusted for inflation, over the life of the transportation funding plan.

RECOMMENDED RATES:

To fund the construction of the Reston Transportation Funding Plan, staff recommends:

a) Allocate public funds as outlined in Table 3 of this attachment, through future board actions such as endorsing a funding plan, future transportation priorities plans, or other actions of the board.
b) Create a Reston Road Fund over the Reston TSAs with the following rates that is intended to collect approximately $211 million (as adjusted for inflation), Table 4:
    a. Residential per Dwelling Unit Rate: $2,090
    b. Commercial per Square Foot Rate: $9.56
c) Establish a Transportation Service District over the Reston TSAs that is intended to collect approximately $139 million (as adjusted for inflation), Table 4:
    a. Service District Rate per $100 of assessed value: $0.021
d) Adjust the Reston Road Fund rates and Transportation Service District rates in a manner that is consistent with the Code of Virginia, the County's budget cycle requirements, and cash flow need.
e) Prioritize projects periodically; and,
f) Evaluate the Reston Transportation Funding Plan on a periodic basis to ensure that the funding contribution levels are sufficient, the funding available is being allocated effectively, and projects are proceeding on schedule. A summary of anticipated revenues for Reston Transportation Funding Plan as of FY 2017 is provided in Table 5.
g) Establish a Reston Transportation Service District Advisory Board to provide input on the annual tax rate for the proposed Service District, the transportation project priorities for those projects funded all or in part by the tax district, and project implementation schedules. In addition, the Reston Transportation Service District Advisory Board may also provide input on the annual adjustment of Road Fund rates related to the Grid Network and Intersection Improvements.
h) The Service District and Road Fund will both have sunset provisions to ensure that once the projects identified in the Reston Phase I Comprehensive Plan Amendment are completed, any debt has been paid in full, and any other obligations incurred by the Service District or Road Fund have been satisfied, the Service District and the Road Fund will terminate. Staff will establish the sunset provisions accordingly for each fund and as allowed by state code.

Reston Transportation Funding Plan

Projects and Estimates

Projects to be included in the Reston Transportation Funding Plan necessary to support transportation infrastructure improvements identified in the Reston Phase I Comprehensive Amendment are as follows:

Table 1

RESTON FUNDING PLAN PROJECTS	
Projects	**2016 Estimate**
Roadway Improvements	
Dulles Toll Road Crossing at Soapstone Overpass – Sunrise Valley Drive to Sunset Hills Road	$170,000,000
Dulles Toll Road Town Center Parkway Underpass – Sunrise Valley Drive to Sunset Hills Road	$170,000,000
Fox Mill Road Widening – Reston Parkway to Monroe Street	$60,000,000
Monroe Street Widening – West Ox Road to Town of Herndon	$80,000,000
Pinecrest Road Extension – South Lakes Drive to Sunrise Valley Drive	$25,000,000
Reston Parkway Widening – South Lakes Drive to Dulles Toll Road	$25,000,000
Fairfax County Parkway - Dulles Toll Road to West Ox Road Widening	$80,000,000
Fairfax County Parkway at Sunrise Valley Drive (Interchange)	$400,000,000
South Lakes Drive Overpass – Sunrise Valley Drive to Sunset Hills Road	$90,000,000
West Ox Road Widening – Lawyers Road to Centreville Road	$100,000,000
Total Roadway Improvements	**$1,200,000,000**
Intersection Improvements	
Centreville Road at Sunrise Valley Drive	$10,000,000
Centreville Road/ Dulles Toll Road Eastbound on/off Ramps	$1,500,000
Hunter Mill Road/Sunset Hills Road	$3,500,000
Reston Parkway/Bluemont Way	$4,000,000
Reston Parkway/ Dulles Toll Road Westbound on/off Ramps	$5,000,000
Reston Parkway/New Dominion Parkway	$5,000,000
Reston Parkway/Sunrise Valley Drive	$15,000,000
Wiehle Avenue/ Dulles Toll Road Eastbound on/off Ramps	$600,000
Total Intersection Projects	**$44,600,000**
Grid Network	**$1,021,000,000**
Total	**$2,265,600,000**

Table 1 Notes

1. Costs shown in this table are for planning purposes only. Actual project costs at time of construction may vary.
2. Roadway maintenance, operational costs are not included, since this is primarily a state responsibility.
3. The Grid Network was mainly estimated by applying VDOT unit construction costs and latest right-of-way costs.
4. Costs do not reflect year of expenditure.
5. Costs will be revised periodically during the life of the Reston Transportation Plan.

Public and Private Allocations

Public and private revenues will share the costs of the transportation improvements.

Public revenues are those revenues from federal, state, local, and regional funding sources that are allocated by the County for use on countywide transportation projects.

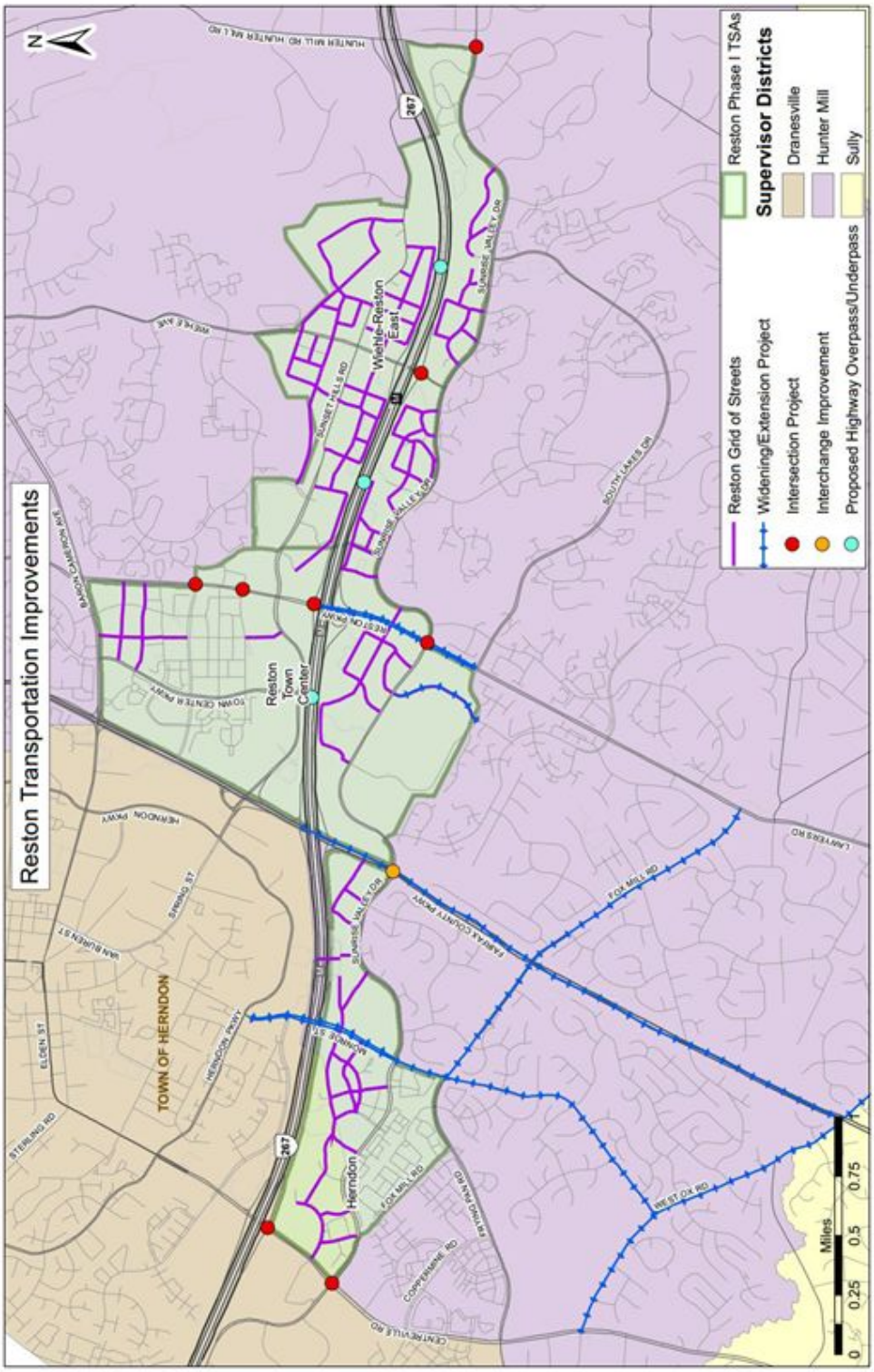
Private revenues are defined as funds generated within the Reston Transit Station Areas (Reston TSAs): Wiehle-Reston East, Reston Town Center, and Herndon TSAs and used exclusively for projects in the Reston TSAs. Developer construction, road fund contributions, and service district collections are considered private revenues. No properties outside the Reston TSAs are affected.

The funding plan allocates roadway projects costs to public revenues. The costs related to intersection and grid related improvements are allocated to private revenues, as previously defined.

Table 2

ALLOCATION FRAMEWORK		
Project Category	**Estimate**	**Allocation ($)**
Roadway Improvements	**$1,200,000,000**	
Public Share	100%	$1,200,000,000
Private Share	0%	$0
Intersection Improvements	**$44,600,000**	
Public Share	0%	$0
Private Share	100%	$44,600,000
Grid Network	**$1,021,000,000**	
Public Share	0%	$0
Private Share	100%	$1,021,000,000
Total	**$2,265,600,000**	
Public Share	**53%**	$1,200,000,000
Private Share	**47%**	$1,065,600,000

Image 1


Reston Transportation Improvements
N
Reston Grid of Streets
Widening/Extension Project
Intersection Project
Interchange Improvement
Proposed Highway Overpass/Underpass
Reston Phase I TSAs
Supervisor Districts
Dranesville
Hunter Mill
Sully
Wiehle-Reston East
Reston Town Center
Herndon
TOWN OF HERNDON
267
Miles
0
0.25
0.5
0.75

Anticipated Funding from Public Revenue Sources

Specific public revenue source and associated revenues may vary over the life of the plan, but public revenues from existing sources are projected to be available to fund the total amount of improvements approved by the Board of Supervisors to support the Reston Phase I Comprehensive Plan Amendment.

Table 3

PUBLIC REVENUE SOURCES	
Revenue Source	**Amount**
Federal	
Regional Surface Transportation Program (RSTP)	$155,000,000
Federal Discretionary Grant Programs (TBD)	$0
Total Federal Revenues	**$155,000,000**
State	
Smart Scale (HB2) (Construction District Program and State High Priority Program)	$174,500,000
Total State Revenues	**$174,500,000**
Regional	
NVTA 70% Regional Funds	$580,550,000
Total Regional Revenues	**$580,550,000**
Local	
Commercial & Industrial Tax (C&I)	$79,750,000
General Obligation (G.O.) Bonds	$194,000,000
Northern Virginia Transportation Authority (NVTA) 30% Local Funds	$16,200,000
Total Local Revenues	**$289,950,000**
Total Public Revenues	**$1,200,000,000**

Anticipated Funding from Private Revenue Sources

A portion of the total private share is expected to be paid for by developer construction of the grid as redevelopment occurs. The balance of the private share is expected to be paid for through road fund contributions and service district collections.

Table 4

PRIVATE REVENUE SOURCES	
Revenue Source	**Amount**
Developer Construction	$716,000,000
Reston Road Fund	$211,000,000
Service District Contributions	$138,600,000
Total Private Revenues	**$1,065,600,000**

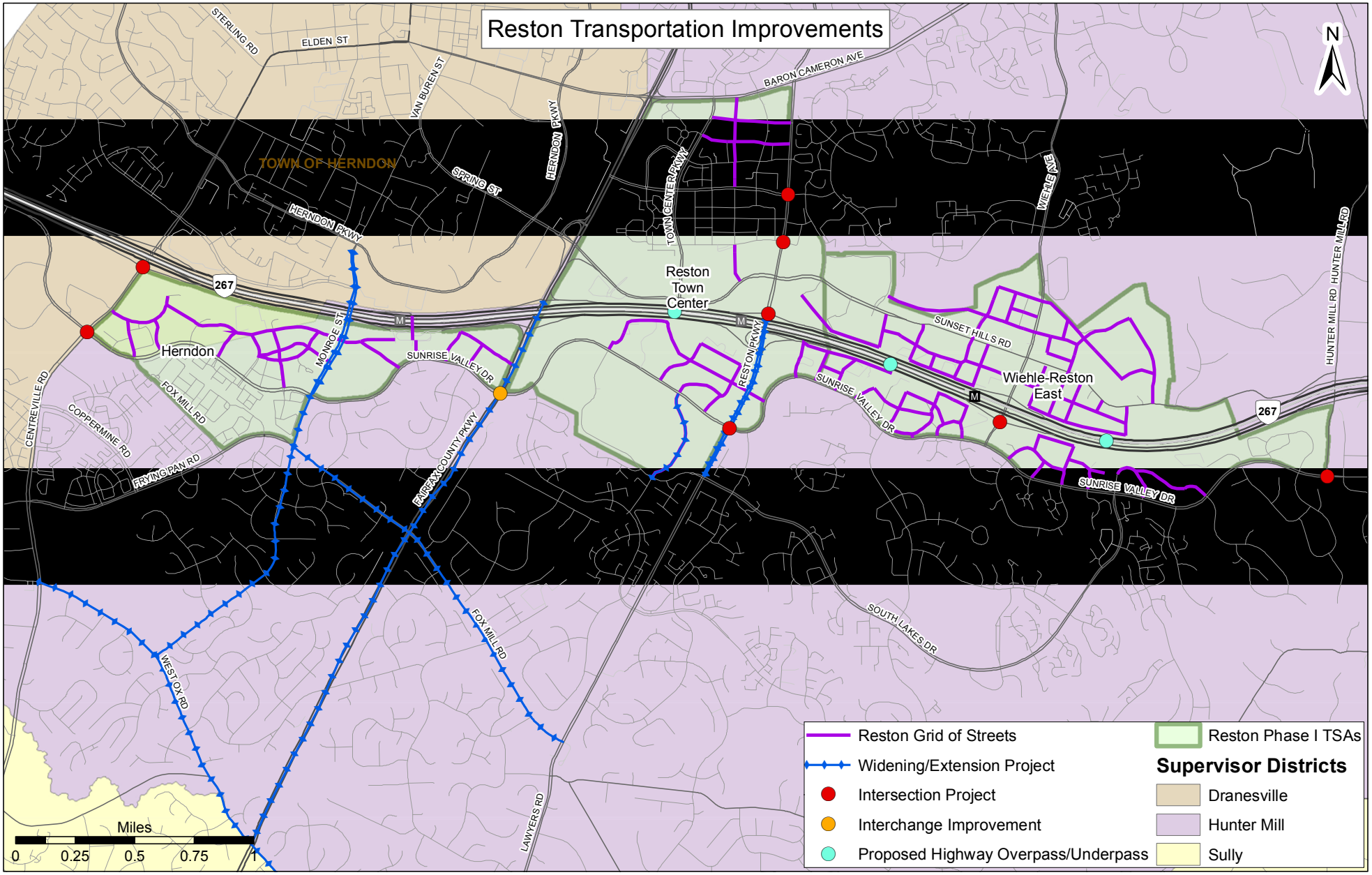
Summary of Anticipated Revenues for Reston Transportation Funding Plan as of FY 2017

Table 5

ROAD IMPROVEMENTS	
Federal	
RSTP	$155,000,000
State	
Smart Scale (HB2)	$174,500,000
Local	
C&I Tax	$79,750,000
GO Bond	$194,000,000
NVTA 30%	$16,200,000
Regional	
NVTA 70%	$580,550,000
Total	**$1,200,000,000**
GRID IMPROVEMENTS	
In-kind Contributions	$716,000,000
Reston Road Fund/Service District	$305,000,000
Total	**$1,021,000,000**
INTERSECTION IMPROVEMENTS	
Service District	$44,600,000
Total	**$2,265,600,000**

FUNDING SOURCES AS PERCENTAGE OF TOTAL REVENUES		
RSTP (Federal)	$155,000,000	6.84%
Smart Scale (State)	$174,500,000	7.70%
C&I Tax (Local)	$79,750,000	3.52%
GO Bond (Local)	$194,000,000	8.56%
NVTA 30% (Local)	$16,200,000	0.72%
NVTA 70% (Regional)	$580,550,000	25.62%
In-kind Contributions	$716,000,000	31.60%
Reston Road Fund/Service District	$349,600,000	15.43%
Total Revenues	**$2,265,600,000**	**100.00%**

*Sources and amounts shown in the above table are projections. Actual revenue sources and revenue amounts may change over the life of the funding plan.


Reston Transportation Improvements
N
STERLING RD
ELDEN ST
VAN BUREN ST
HERNDON PKWY
BARON CAMERON AVE
TOWN OF HERNDON
SPRING ST
HERNDON PKWY
TOWN CENTER PKWY
WIEHLE AVE
HUNTER MILL RD
HUNTER MILL RD
267
Reston
Town
Center
Herndon
MONROE ST
SUNRISE VALLEY DR
RESTON PKWY
SUNSET HILLS RD
Wiehle-Reston
East
SUNRISE VALLEY DR
267
CENTREVILLE RD
FOX MILL RD
COPPERMINE RD
FRYING PAN RD
FAIRFAX COUNTY PKWY
SUNRISE VALLEY DR
SOUTH LAKES DR
FOX MILL RD
WEST OX RD
LAWYERS RD
Miles
0
0.25
0.5
0.75
1
Reston Grid of Streets
Widening/Extension Project
Intersection Project
Interchange Improvement
Proposed Highway Overpass/Underpass
Reston Phase I TSAs
Supervisor Districts
Dranesville
Hunter Mill
Sully

Reston Network Advisory Group (RNAG)

Mission Statement: Following the adoption of the Reston Master Plan Phase 1 update, the Reston Network Advisory Group was created by the Hunter Mill District Supervisor to establish a forum for the County Transportation staff to receive input and feedback from residents and property owners/developers on the Reston Network Analysis and associated plans. Beyond its work helping County staff shape the future multi-modal grid of streets/paths (i.e. "complete streets") within the Reston Transit Station Areas (TSAs), and the mechanisms and timing/prioritization for related transportation project funding, a main output of the team is intended to be structured feedback to the Supervisor and the community about the plans; with a goal of consensus response, but allowing for majority/minority opinion, as needed.

RNAG High Level Feedback on funding plan (as approved on 9/26/16):

- Total Project Cost = $2.266B (as presented in County Staff materials)
    - Reston Roadways = $1.20B (100% to be paid by public funding)
    - Reston Intersections = $45M (100% to be paid by private funding)
    - Grid of Streets = $1.021B (100% to be paid by private funding)
- High Level Definitions:
    - Public Funds: Funds available from general taxation; at County, State or Federal levels.
    - Private Funds: Funds available from private entities (e.g. developers) and specific area taxations (e.g. a Service District collected over a specific geographic area where funds are only useable in that area).
- "Road Fund": Of the $1.066B to be paid from Private Funds, it is expected by County Staff that developer in-kind contributions will amount to $716M, or about 32% of the overall project cost. A "road fund" account must be created to pay for the balance of $350M, or about 15% of the overall project cost. The issue presented to RNAG is how to best fund that account: via developer "proffer", via a Service District, or via a combination of both methods.
- Note: There was unanimity from the group that a Tax District scenario (vs. a Service District) is unrealistic and should be taken off the table.
- After much discussion, the RNAG team has become most interested in funding options for the Road Fund which include both proffer and service district revenue streams; e.g. that funding options **8** (Service District pays 30%), **10** (Service District pays 50%), and **11** (Service District pays 38%) presented by Staff merit further analysis.
- There is agreement that there are benefits and drawbacks of both funding approaches, service district and proffer (i.e. developer paid) revenues. Benefit examples include:
    - Service District revenues have the benefit of being predictable and "bondable."
    - Proffer revenues have the benefit of being 'just-in-time' revenues, coming in as development is getting underway.
- There continues to be much discussion on finding an equitable balance between proffer and service district revenues in the various funding options proposed. The RNAG team recognizes that transportation is but one of many important development objectives under the comprehensive plan update that must be funded.
- There is agreement that there should be a sunset provision that terminates the Road Fund and service tax district when all the projects for which they were intended have been funded.

**Feedback on the development of the Reston Transportation Funding Plan,
Staff Observations, and Recommendation**

Feedback from Community Meetings

- Reston should not be compared to Tysons.
- If a development is profitable, developers should pay for all transportation costs associated with development.
- If a development is not profitable, the County and residents should not be subsidizing the costs associated with development.
- There was concern about developers building the expected in-kind contributions for less than the estimated total.
- Developments that create more traffic impact should pay for more of the improvements.
- The revenues from homeowners should not be used to pay for streets that benefit developers.

Feedback from Stakeholder Meetings

- Those who develop early in the funding plan should not have to contribute more to the funding plan than later developments.
- More emphasis should be placed on a service district rather than road funds. Service districts are bondable and more reliable.
- The road fund contribution for commercial property proposed in several of the scenarios is too high, and will make it difficult to develop commercial property in the Reston TSAs.
- Are all of the improvements in the Reston Transportation Funding Plan needed?
- Want to make sure that early developers are treated fairly as opposed to later developers.

Feedback from Reston Network Analysis and Advisory Group (Advisory Group)

- The Advisory Group created a written document that provided the group's high level feedback on the proposed Reston Transportation Funding Plan on September 26, 2016.
    - Acceptance of public/private allocation framework.
        - Roadway Improvements to be paid by public funding.
        - Intersection Improvements to be paid by private funding.
        - Grid Network to be paid by private funding.
    - The tax district option is unrealistic and could be removed from further consideration for the funding plan.
    - The Advisory Group is most interested in funding options that include both proffer (road fund) and service district revenue streams.
    - The Advisory Group team recognizes that transportation is but one of many important development objectives under the comprehensive plan update that must be funded.
    - There is agreement that there should be a sunset provision that terminates the Road Fund and service tax district when all the projects for which they were intended have been funded.
    - The Advisory Group directed staff to pursue all further analysis on options 8, 10, and 11.

Funding Scenarios Proposed to meet $350M Private Share Balance	Contribution Rates and Related Shortfall						
	Road Fund		~~Tax~~/Service District over Reston TSAs				
	Residential/DU	Commercial/SF	Other Funding Needed to meet $350M ($M)	~~Tax District Rate~~		Service District Rate	Tax/Service District Contribution to $350M (%)
Scenario 1: Tysons residential rates	$2,571	$18.34	$0	~~N/A~~	-	N/A	0%
Scenario 2: Tysons commercial rates	$4,627	$12.63	$0	~~N/A~~	-	N/A	0%
Scenario 3: Rates proportional to development in Reston TSAs	$7,058	$5.88	$0	~~N/A~~	-	N/A	0%
Scenario 4: Tysons rates and Service District over Reston TSAs	$2,571	$12.63	$79	~~N/A~~	-	0.012	22%
~~Scenario 5: Tysons rates and Tax District over Reston TSAs~~	~~$2,571~~	~~$12.63~~	~~$79~~	~~0.025~~	-	~~N/A~~	~~22%~~
~~*Scenario 6: Tysons Rates and Service District over Reston &TSAs~~	~~$2,571~~	~~$12.63~~	~~$79~~	~~0.025~~	~~or~~	~~0.012~~	~~22%~~
~~*Scenario 7: Tysons Rates and Service District over Small Tax District 5~~	~~$2,571~~	~~$12.63~~	~~$79~~	~~0.025~~	~~or~~	~~0.012~~	~~22%~~
Scenario 8: General adjustment from Tysons rates, -11%	$2,288	$11.24	$108	~~0.035~~	~~or~~	0.017	31%
Scenario 9: Specific adjustments from Tysons rates, +15% residential, -19% commercial	$2,957	$10.23	$80	~~0.025~~	~~or~~	0.013	23%
Scenario 10: Splits $350M equally between Road Fund/Service District and maintains Tysons proportions for Res/Com road fund rates	$1,635	$8.19	$175	~~N/A~~		0.027	50%
Scenario 11: Similar total expense per Road Fund (residential) contribution and Service District (avg. home) contribution	$2,080	$10.09	$132	~~N/A~~		0.020	38%
Scenario 12: Staff Proposal	$2,090	$9.56	$139	~~N/A~~		0.021	40%

*Scenario 6 and 7 would not generate significant amounts of additional revenue to warrant additional implementation challenges and were removed from consideration.

Staff Observations/Responses

- The Tysons Funding Plan served as a template or starting point for development of the Reston Funding Plan. While staff recognizes that there are differences between Reston and Tysons, the basis for the long range transportation plans for urban areas in Fairfax County will share similar basic foundations of transportation planning. Staff agrees that items such as land values, land uses, vision, and development are different between Reston and all other urban areas in Fairfax County. Staff does not want to create a situation where the transportation funding plan would create a competitive advantage or disadvantage to any area. In addition, several funding rate scenarios were prepared and proposed for the Reston Transportation Funding Plan with input from the Reston Network Analysis and Advisory Group (Advisory Group) that have no relation to Tysons.
- Transportation improvements included in the funding plan were recommended by the Reston Phase I Comprehensive Plan Amendment, which was the result of the Reston Master Plan Special Study. The study of Phase I around the Reston Transit Station Areas (TSAs) took four years and included robust community discussion and participation. These improvements are meant to support the plan's vision for mixed land uses in the Reston TSAs supported by a multi-modal transportation system. The benefits of these improvements apply to all of those who live, visit, or work in Reston and include enhanced road connectivity, new sidewalks, new bike lanes, congestion mitigation, and increased access to the transit stations. The Reston Network Analysis Study also verified the need for the improvements in the Reston TSAs. The Network Analysis was directed by the Board of Supervisors, to evaluate the conceptual grid of streets and road elements at gateways to the Reston TSAs.
- The total cost of the in-kind contributions, to the Grid Network, is calculated using VDOT unit costs and is a planning level estimate. If a developer can construct a section of the Grid Network at a lower cost, it has no negative impact on the funding plan, just as if a Roadway project, to be funded with public funds, is completed for less than the total project estimate. A privately constructed Grid Network segment would be inspected by County and State inspectors, meet the required design guidelines, and ultimately be dedicated as a public street. VDOT will not accept streets that do not meet its standards for maintenance.
- Each development is subject to a traffic impact analysis (TIA). Each development must accommodate the impacts from their TIA in their site plan (construct improvements to mitigate traffic impacts). Additionally, a Road Fund addresses the scale of the development by having developers contribute on a per dwelling unit or per square foot basis.
- Every development is different and staff understands that different developments absorb different costs.
- The County, expects development to occur throughout the life of the funding plan. With the creation of a service district, landowners contribute to the funding plan immediately. A landowner that develops in the later years of the funding plan would have been contributing via the service district from the day the service district was created or the day they purchased the land (the latter of the two dates). Such a landowner would also benefit from increased land values, due to improved transportation.
- There are trade-offs to use of a road fund and a service district. The higher the service district rate, the higher the funding burden on residential property. A road fund places the funding burden on new development. A service district spreads the funding burden over all

development; both existing and future development has to pay into a service district. The contributions from a service district are stable, bondable, and predictable.

- Road Fund rates in Scenario 10 are significantly below Tysons, potentially affecting the competitive balance between Reston and Tysons.
- While Scenario 11 balances the residential contributions between a road fund and a service district, the property owners who pay into the service district may change over the 40 years.

Staff Recommendation

After the high level feedback was received from the September 26, 2016, meeting with the Reston Network Analysis and Advisory Group. Staff further analyzed scenarios (8, 10, and 11). This included more detailed information on the impacts to various types of properties, advantages and disadvantages of cash flow characteristics of each option, and forecasted for varying development situations in the future. With this additional information, after further discussions with the Advisory Group, and feedback from the community and stakeholders, staff recommended a new scenario, Scenario 12, for the following reasons:

Scenario 12

Residential Rate: $2,090; Commercial Rate: $9.56; Service District Rate: $0.021

- It balances the feedback received from public meetings, stakeholders, and the Advisory Group.
- It includes both a road fund and service district.
- The road fund rates are not disproportionate to other fund areas in the County. Rates proposed for the road fund in Scenario 12 are within a range that is not significantly above or below road fund contribution rates in the Tysons Transportation Funding plan.
- The service district rate proposed in Scenario 12 is within the range of the three scenarios for which the Advisory Group had most interest (Scenario 8, 10, and 11).
- Service district collections from current homeowners (projected to be approximately $15 million over 40 years) in the Reston TSAs would not exceed the current cost estimates for Intersection Improvements ($44,600,000). This means, the Grid Network is completely paid for by commercial/industrial properties and residential owner occupied properties built after the establishment of the funding plan.

At the Advisory Group meeting on December 19, 2016, the Advisory Group voted in support of Scenario 12. The vote was 4 ayes, 1 nay, and 2 abstained.

Reston Transportation Funding Plan

Development and Coordination with the Reston Network Analysis Advisory Group

Board Transportation Committee
October 4, 2016

Tom Biesiadny, Ray Johnson, Janet Nguyen, Ken Kanownik
Fairfax County Department of Transportation

*This presentation was prepared by Fairfax County Department of Transportation staff.
It has not been reviewed or endorsed by the Board of Supervisors.

Outline

- Background
- Plan Projects and Assumptions
- Coordination with Advisory Group and Meetings
- Advisory Group Work Session Results and Feedback
- Road Fund Guidelines
- Public Revenues and Revenue Summary
- Next Steps

Background

Board of Supervisors approved the Reston Phase I Comprehensive Plan amendment on February 11, 2014. Key components include:

- Addressing the three Reston Transit Station Areas (Wiehle-Reston East, Reston Town Center, and Herndon).
- Envisioning a mix of land uses served by a multi-modal transportation system.
- Recommending a set of road transportation improvements, a grid network, and intersection improvements to achieve the vision.

Follow-on motion directed staff to develop an inclusive process to prepare a funding plan for the recommended transportation improvements that includes both public and private investment.

- Public revenues are those revenues allocated by the County for use on Countywide transportation projects.
- Private revenues are generated in Reston and used exclusively for Reston projects. Example private revenue sources: road fund, service district, and/or tax district.

Background

Funding Plan

Strategy for providing financial resources to pay for transportation improvements in the Reston Phase I Comprehensive Plan Amendment, Approved February 11, 2014.

Funding Plan Elements:

- Span a period of 40 years
- Include public and private contributions
- Allocation of costs between public and private sectors
- Project priorities
- Development of project cash flows

Plan Assumptions

Constant Dollars:

- Uses present dollars (2015).
- Will not inflate revenues or expenses over 40 year period.
- Assumes that construction costs and revenues used to fund the plan will grow at approximately the same average rate over the 40 year period.
- Will continue to monitor the plan over the 40 years.

Maintenance:

- Operations/maintenance of the new roadway facilities are assumed to be funded by VDOT.
- VDOT is aware of future transportation improvements in Reston.

Plan Assumptions Continued

Transit Service:

- Unlike Tysons, Reston has a significant amount of existing transit service, providing internal circulation, and connections to areas located outside Reston.
- Improvements were also made with the arrival of the Silver Line to Wiehle-Reston East.
- Tysons prior to opening of Silver Line, had no internal transit circulation and fewer routes accessing Tysons.
- As a result, FCDOT is not proposing to add additional service. Changes in transit needs due to Phase II of Silver Line will be accommodated through restructuring of existing service, using existing resources.
- However, transit needs will continue to be assessed.

Coordination with the Reston Network Analysis Advisory Group

- Staff has been working in coordination with the Reston Network Analysis Advisory Group to develop the funding plan.
- Reston Network Analysis Advisory Group
  - Mission Statement: Following the adoption of the Reston Master Plan Phase 1 update, the Reston Network Advisory Group was created by the Hunter Mill District Supervisor to establish **a forum for the Fairfax County Transportation staff to receive input and feedback from residents and property owners/developers on the Reston Network Analysis and associated plans**…..*
  - Advisory Group members include landowners, residents, community representatives, and members of the business community.
  - Advisory Group meetings are open to the public.
  - Charge - Review potential strategies for funding Reston transportation improvements.
  - Charge - Provide feedback to staff on potential funding plan scenarios.

*Full mission statement and additional information can be found at: http://www.fairfaxcounty.gov/fcdot/restonnetworkanalysis/advisorygroup.htm

Advisory Group Meetings

November 11, 2015	-	Introduction to the funding plan and group's purpose.
December 14, 2015	-	Potential sources of revenue to fund the plan.
February 22, 2016	-	Potential cost allocations – how to determine the public/private split.
April 11, 2016	-	Potential funding scenarios - Road Fund/Service District rates.
June 20, 2016	-	Discussed additional revenue sources/funding mechanisms and continued discussion of funding scenarios.
August 8, 2016	-	Provided updates to project estimates and continued discussion of the funding scenarios.
September 7, 2016	-	Advisory Group Work Session.
September 12, 2016	-	Reviewed Advisory Group work session feedback and provided additional analysis on funding scenarios 8, 10, and 11.
September 26, 2016	-	Continued discussions on funding scenarios 8, 10, and 11; development of high level feedback for transportation staff.

Presentations available at: http://www.fairfaxcounty.gov/fcdot/restonnetworkanalysis/advisorygroup.htm

Community and Stakeholder Meetings

Community/Public Meetings

- Open to the public.
- Meetings: February 1, 2016, June 27, 2016, November 2016 (date not yet confirmed)

Stakeholder Meetings

- Self-selected group of individuals who are interested in the planned grid of streets in the Reston Transit Station Areas.
- The group primarily consists of property owners and developers in the Transit Station Areas, and their representatives.
- The group is also open to anyone interested in the Network Analysis.
- Meetings: July 15, 2016, August 16, 2016, September 30, 2016

Project List and Estimates

Projects to be included in the Reston Transportation Funding Plan were either recommended by the Reston Phase I Comprehensive Amendment or were necessary to support the plan.

All estimates are planning level estimates.

*Project is partially or completely located in Dranesville District. Remaining projects are located in Hunter Mill District.

Reston Funding Plan Projects	
Projects	**Estimate**
Roadway Projects	
DTR Crossing at Soapstone Overpass – Sunrise Valley Dr to Sunset Hills Rd	$170,000,000
DTR Town Center Parkway Underpass – Sunrise Valley Dr to Sunset Hills Rd	$170,000,000
Fox Mill Road Widening – Reston Parkway to Monroe Street	$60,000,000
Monroe Street Widening – West Ox Road to Town of Herndon*	$80,000,000
Pinecrest Road Extension – South Lakes Dr to Sunrise Valley Dr	$25,000,000
Reston Parkway Widening – South Lakes Drive to DTR	$25,000,000
Route 286 - DTR to West Ox Widening	$80,000,000
Route 286 at Sunrise Valley Drive (Interchange)	$400,000,000
South Lakes Drive Overpass – Sunrise Valley Drive to Sunset Hills Rd	$90,000,000
West Ox Road Widening – Lawyers Road to Centreville Road	$100,000,000
Total Roadway Projects	**$1,200,000,000**
Intersection Projects	
Centreville Road at Sunrise Valley Drive*	$10,000,000
Centreville Road/DTR EB on/off Ramps*	$1,500,000
Hunter Mill Road/Sunset Hills Road	$3,500,000
Reston Parkway/Bluemont Way	$4,000,000
Reston Parkway/DTR WB on/off Ramps	$5,000,000
Reston Parkway/New Dominion Parkway	$5,000,000
Reston Parkway/Sunrise Valley Drive	$15,000,000
Wiehle Avenue/DTR EB on/off Ramps	$600,000
Total Intersection Projects	**$44,600,000**
Grid Network	**$1,021,000,000**
Total	**$2,265,600,000**

Please note that the information provided in this presentation is not final and is for discussion purposes only.

Reston Funding Plan Allocation Framework

Six options were proposed to the Advisory Group as methods of allocating costs. This allocation was chosen by staff as the basis for discussion of funding scenarios. Staff is still seeking comments on this proposal.

In this framework, public and private revenues will share costs, approximately equally.

Reston Roadway projects would be paid for with public revenues.

Intersections and the Grid would be paid for with private revenues.

Staff believes it is important to have a methodology and rationale behind proposed strategies to support decision making.

Allocation Option 5: Project Category		
Project	**Estimate**	**Allocation ($)**
Reston Roadways	**$1,200,000,000**	
Public Share	100%	$1,200,000,000
Private Share	0%	$0
Reston Intersections	**$45,000,000**	
Public Share	0%	$0
Private Share	100%	$45,000,000
Grid	**$1,021,000,000**	
Public Share	0%	$0
Private Share	100%	$1,021,000,000
Total	**$2,266,000,000**	
Public Share	**53%**	$1,200,000,000
Private Share	**47%**	$1,066,000,000

*The public private split for the Tysons Transportation Funding plan is 56/44.

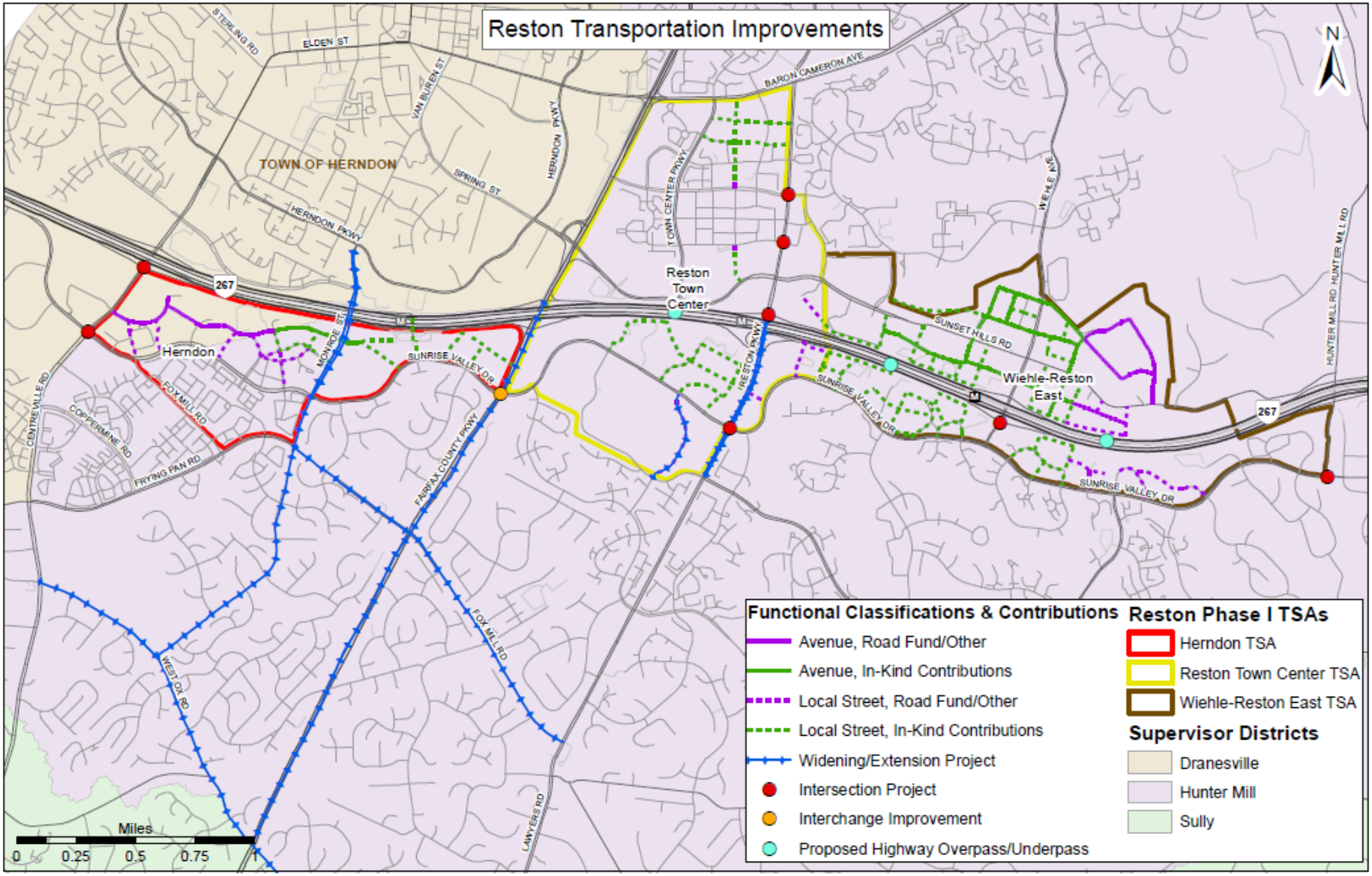
Private Share of Funding Plan

Total Private Share (Total Grid + Intersection Improvements)	$1,066,000,000

A portion of the total private share is expected to be paid for through in-kind contributions to the grid from developers as redevelopment occurs. The balance of the private share is expected to be paid for through contributions to another funding mechanism(s).

Contributions Needed Towards Private Share from Other Funding Mechanism(s)

Grid estimate	$1,021,000,000
Less: Expected developer in-kind contributions to the Grid	$716,000,000
Net funding need from private share for Grid	$305,000,000
Add: Intersections	$45,000,000
Contributions Needed Towards Private Share From Other Funding Mechanism(s)	**$350,000,000**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TOWN CENTER PKWY
WIEHLE AVE
HUNTER MILL RD
SUNSET HILLS RD
SUNRISE VALLEY DR
RESTON PKWY
MONROE ST
CENTREVILLE RD
FOX MILL RD
COPPERMINE RD
FRYING PAN RD
FAIRFAX COUNTY PKWY
WEST OX RD
LAWYERS RD
Miles
0 0.25 0.5 0.75 1
Functional Classifications & Contributions
Avenue, Road Fund/Other
Avenue, In-Kind Contributions
Local Street, Road Fund/Other
Local Street, In-Kind Contributions
Widening/Extension Project
Intersection Project
Interchange Improvement
Proposed Highway Overpass/Underpass
Reston Phase I TSAs
Herndon TSA
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Sully

Private Funding Options

- **Road Fund** pooled cash proffers for use on specific transportation improvements in the Reston TSAs. Applies to new development.
- **Tax District** is established by voluntary petition of landowners in a defined area and is approved by the Board of Supervisors to fund transportation improvements within the defined area. Service District. Applies to commercial and industrial properties.
- **Service District** is approved and established by the Board of Supervisors to fund transportation improvements located within a defined geographic area. Applies to all properties.
- **Other** – staff did not look at mechanisms or strategy that required authorizing legislation from the General Assembly.

Funding Scenarios Proposed to meet $350M Private Share Balance	Contribution Rates and Related Shortfall						
	Road Fund		Tax/Service District over Reston TSAs				
	Residential/DU	Commercial/SF	Other Funding Needed to meet $350M ($M)	Tax District Rate		Service District Rate	Tax/Service District Contribution to $350M (%)
Scenario 1: Tysons residential rates	$2,571	$18.34	$0	N/A		N/A	0%
Scenario 2: Tysons commercial rates	$4,627	$12.63	$0	N/A		N/A	0%
Scenario 3: Rates proportional to development in Reston TSAs	$7,058	$5.88	$0	N/A		N/A	0%
Scenario 4: Tysons rates and Service District over Reston TSAs	$2,571	$12.63	$79	N/A		0.012	22%
Scenario 5: Tysons rates and Tax District over Reston TSAs	$2,571	$12.63	$79	0.025		N/A	22%
~~Scenario 6: Tysons rates and Service District over Reston &TSAs~~	~~$2,571~~	~~$12.63~~	~~$79~~	~~0.025~~	~~or~~	~~0.012~~	~~22%~~
~~Scenario 7: Tysons rates and Service District over Small Tax District 5~~	~~$2,571~~	~~$12.63~~	~~$79~~	~~0.025~~	~~or~~	~~0.012~~	~~22%~~
Scenario 8: General adjustment from Tysons rates, -11%	$2,288	$11.24	$108	0.035	or	0.017	31%
Scenario 9: Specific adjustments from Tysons rates, +15% residential, -19% commercial	$2,957	$10.23	$80	0.025	or	0.013	23%
Scenario 10: Splits $350M equally between Road Fund/Service District and maintains Tysons proportions for Res/Com road fund rates	$1,635	$8.19	$175	N/A		0.027	50%
Scenario 11: Similar total out of pocket expense per Road Fund (residential) contribution and Service District (avg. home) contribution	$2,080	$10.09	$132	N/A		0.02	38%

*Scenario 6 and 7 would not generate significant amounts of additional revenue to warrant additional implementation challenges and were removed from consideration.

Funding Scenarios

Scenario 1: Tysons residential rates
Description: Uses the same combined Tysons residential per dwelling unit rate and subtracts the amount generated from this rate from the $350 million dollar need for Reston grid and intersection projects to determine the commercial rate needed to fill the balance.

Scenario 2: Tysons commercial rates
Description: Uses the same combined Tysons commercial per square foot rate and subtracts the amount generated from this rate from the $350 million dollar need for Reston grid and intersection projects to determine the residential rate needed to fill the balance.

Scenario 3: Rates proportional to development in Reston TSAs
Description: Determines a set of rates that match proportion of total new residential vs. total new commercial development in Reston TSAs. (Approximately 77% residential and 23% commercial.)

Scenario 4: Tysons rates and Service District over Reston TSA
Description: Uses the Tysons combined rates for residential and commercial and fills any shortfall based on those rates with a service district over the Reston TSAs.

Scenario 5: Tysons rates and Tax District over Reston TSAs
Description: Uses the Tysons combined rates for residential and commercial and fills any shortfall based on those rates with a tax district over the Reston TSAs.

~~**Scenario 6:** Tysons rates and a Service District over all of Reston and the Reston TSAs~~
~~**Scenario 7:** Tysons rates and Service District over Small Tax District 5~~

Funding Scenarios

Scenario 8: General adjustment from Tysons rates, -11%
Description: Uses the Tysons combined rates for residential and commercial and adjusts them downwards by 11% based on an average assessed value difference between all properties in Reston TSAs and Tysons in 2015. A service district over the Reston TSAs fills any remaining funding needs based on the adjusted rates.

Scenario 9: Specific adjustments from Tysons rates, +15% residential, -19% commercial
Description: Uses the Tysons combined rate for residential and adjusts it upwards by 15%, the commercial rates is adjusted downwards by 19%. These adjustments are based on the average assessed value difference between residential and commercial properties in Reston TSAs and Tysons in 2015. A service district over the Reston TSAs fills any remaining funding needs based on those rates.

Scenario 10: Splits $350M equally between Road Fund and a Service District and maintains Tysons proportions for Residential/Commercial road fund rates
Description: Splits the private funding shortfall ($350M) equally between a road fund and a service district and determines rates that maintain the same residential to commercial fund area contribution ratio as Tysons.

Scenario 11: Similar total out of pocket expense per Road Fund (residential) contribution and Service District (average home) contribution
Description: At an average annual service district contribution rate of $0.02/$100 of assessed value, a current resident in the Reston TSAs with an average residence of $260,000 assessed value will have an out of pocket expense, paid over 40 years, equal to a residential per dwelling unit contribution of a developer.

Advisory Group – Work Session

On September 7th, the advisory group held a work session to discuss the qualities of each funding scenario. As a result of discussions at the session, the following recommendations were made to staff:

- **A tax district over the Reston TSAs is improbable and can be removed from further discussion.** The implementation process for a tax district would require a petition by a majority of commercial and industrial landowners in the Reston TSAs. There has been no interest shown for this mechanism. In addition, commercial/industrial landowners in the Reston TSAs are already paying into a Dulles Rail tax district; Reston residents will also incur benefits from development and transportation improvements.
- **The group is less interested in funding scenarios 1-5 and 9.** The group determined that it would be difficult to build consensus around the rates included in these scenarios with developers citing difficulty in obtaining financing with associated contribution rates, and therefore, difficulty in developer's ability to provide stable levels of development to contribute to improvements in Reston.
- **The group is more interested in funding scenarios 8, 10, and 11 (without the tax district option).** The advisory group requested further analysis to show the financial effect of each of those scenarios on a residential or commercial property.

Funding Scenarios Proposed to meet $350M Private Share Balance	Contribution Rates and Related Shortfall						
	Road Fund		~~Tax~~/Service District over Reston TSAs				
	Residential/DU	Commercial/SF	Other Funding Needed to meet $350M ($M)	~~Tax District Rate~~		Service District Rate	Tax/Service District Contribution to $350M (%)
Scenario 1: Tysons residential rates	$2,571	$18.34	$0	~~N/A~~	-	N/A	0%
Scenario 2: Tysons commercial rates	$4,627	$12.63	$0	~~N/A~~	-	N/A	0%
Scenario 3: Rates proportional to development in Reston TSAs	$7,058	$5.88	$0	~~N/A~~	-	N/A	0%
Scenario 4: Tysons rates and Service District over Reston TSAs	$2,571	$12.63	$79	~~N/A~~	-	0.012	22%
Scenario 5: Tysons rates and Tax District over Reston TSAs	$2,571	$12.63	$79	~~0.025~~	-	N/A	22%
Scenario 6: Tysons Rates and Service District over Reston &TSAs	$2,571	$12.63	$79	~~0.025~~	~~or~~	0.012	22%
Scenario 7: Tysons Rates and Service District over Small Tax District 5	$2,571	$12.63	$79	~~0.025~~	~~or~~	0.012	22%
Scenario 8: General adjustment from Tysons rates, -11%	$2,288	$11.24	$108	~~0.035~~	~~or~~	0.017	31%
Scenario 9: Specific adjustments from Tysons rates, +15% residential, -19% commercial	$2,957	$10.23	$80	~~0.025~~	~~or~~	0.013	23%
Scenario 10: Splits $350M equally between Road Fund/Service District and maintains Tysons proportions for Res/Com road fund rates	$1,635	$8.19	$175	~~N/A~~		0.027	50%
Scenario 11: Similar total out of pocket expense per Road Fund (residential) contribution and Service District (avg. home) contribution	$2,080	$10.09	$132	~~N/A~~		0.02	38%

*Scenario 6 and 7 would not generate significant amounts of additional revenue to warrant additional implementation challenges and were removed from consideration.

Funding Scenario 8, 10, and 11

Scenario 8: Uses the Tysons combined rates for residential and commercial and adjusts them downwards by 11% based on an average assessed value difference between all properties in Reston TSAs and Tysons in 2015. A service district over the Reston TSAs fills any remaining funding needs based on the adjusted rates.

Scenario 10: Splits the private funding shortfall ($350M) equally between a road fund and a service district and determines rates that maintain the same residential to commercial road fund contribution ratio as Tysons.

Scenario 11: At an average annual service district contribution rate of $0.02/$100 of assessed value, a current resident in the Reston TSAs with an average residence of $260,000 assessed value will have an out of pocket expense, paid over 40 years, approximately equal to a residential per dwelling unit contribution of a developer.

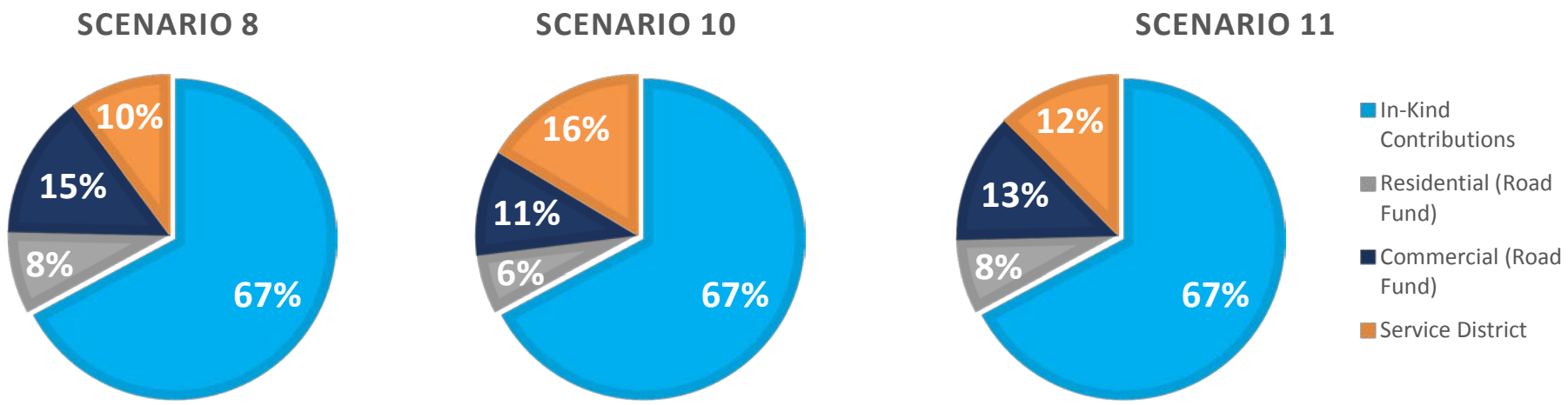
New Development – Reston TSAs					All Properties – Reston TSAs		
	Residential*		Commercial		Service District		Contribution to $350M (%)
Scenario	Rate per Dwelling Unit	Revenue	Rate per Square Foot	Revenue	Rate+	Revenue	
8	$2,288	$87,000,000	$11.24	$155,000,000	$0.017	$108,000,000	31%
10	$1,635	$62,000,000	$8.19	$113,000,000	$0.027	$175,000,000	50%
11	$2,080	$79,000,000	$10.09	$139,000,000	$0.020	$132,000,000	38%

*Residential includes apartments.

+Rate per $100 of assessed value

Funding Scenario 8, 10, and 11

Percent Contribution to Total Private Share ($1.066B):



Road Fund contribution to total private share: 23%

Road Fund contribution to total private share: 17%

Road Fund contribution to total private share: 21%

*Average annual rate for service district. Revenues shown do not account for inflation and are total revenues over 40 years.

Financial Impact of a Service District by Scenario

Residential							
Assessed Value		$260,000.00*		$500,000.00		$750,000.00	
Option	Service District Rate	Annual	40 Year Total	Annual	40 Year Total	Annual	40 Year Total
8	$0.017	$44.20	$1,768	$85.00	$3,400	$127.50	$5,100
10	$0.027	$70.20	$2,880	$135.00	$5,400	$202.50	$8,100
11	$0.020	$52.00	$2,080	$100.00	$4,000	$150.00	$6,000

Commercial							
Assessed Value		$1,000,000		$15,000,000		$50,000,000	
Option	Service District Rate	Annual	40 Year Total	Annual	40 Year Total	Annual	40 Year Total
8	$0.017	$170	$6,800	$2,550	$102,000	$8,500	$340,000
10	$0.027	$270	$10,800	$4,050	$162,000	$13,500	$540,000
11	$0.020	$200	$8,000	$3,000	$120,000	$10,000	$400,000

*Approximate average assessed value in Reston TSAs

Staff Observations

- Road Fund rates in Scenario 10 are significantly below Tysons, potentially affecting the competitive balance between Reston and Tysons.
- Trade-offs:
  - The higher the service district rate, the higher the burden on residential property.
  - Road Fund: burden is on new development
  - Service Districts: burden is spread over all development; both existing and future development pay. Service district contributions are stable, bondable, and predictable.
- Simplicity helps with understanding and implementation.
- While Scenario 11 balances the residential contributions between a road fund and a service district, the property owners who pay into the service district may change over the 40 years.

Staff Observations Continued

The transportation improvements planned for the Reston Transit Station areas are meant to provide benefits to both residents and businesses.

- Increased connections disperse traffic
- Increased options for travel – car, bike, and pedestrian facilities
- New parallel routes to existing roads
- Allows avoidance of major arterials for short, local trips
- Intersection and pedestrian safety improvements

Advisory Group High Level Feedback

On September 27, 2016, the Reston Network Analysis Advisory Group (RNAG) approved a document containing high level feedback on the funding plan. Feedback listed included:

- **Agreement on an understanding of allocation of expenses to public/private revenues** - public revenues would be responsible for the roadway improvements and that private revenues would be responsible for intersection and grid improvements.
- **Tax Districts can be removed from further discussion** - there was unanimity from the group that a Tax District is unrealistic and should be taken off the table.
- **Most interested in scenarios with a Road Fund and a Service District** - RNAG is most interested in funding scenarios which included both proffer (Road Fund) and Service District revenue streams; **e.g. Scenario 8, 10, and 11**.
- **Balance** - There continues to be discussion about the balance between proffer and service district revenues in the funding scenarios proposed and the RNAG recognizes that transportation is but one of many development objectives under the comprehensive plan update that must be funded.

Road Fund Guidelines

The guidelines are the binding document that the Board of Supervisors approves to establish the road fund area. The guidelines will contain sections defining the following:

- Geographic boundary of the road fund area (Reston TSAs)
- Applicable rezonings
- Approved projects to be paid for by the road fund.
- Contribution rates and schedule
- Creditable expenses
- Annual review

Public Share

Anticipated public revenues available to go towards the public share of the Reston Transportation Funding Plan.

Revenue Sources (Estimated)	Total Funding	Available Years
Public Funds		
Federal		
Regional Surface Transportation Program (RSTP)	$155,000,000	FY 23 - 54
Fed Discretionary Grant Program	$0	N/A
Total Federal Revenues	**$155,000,000**	
State		
Smart Scale (HB2) (Construction District Program and State High Priority Program)	$174,500,000	FY 22 - 54
Total State Revenues	**$174,500,000**	
Local		
Commercial & Industrial Tax (C&I)	$79,750,000	FY 21 -30
General Obligation (G.O.) Bonds	$194,000,000	FY 34 - 54
Northern Virginia Transportation Authority (NVTA) 30% Local Funds	$16,200,000	FY 17
Total Local Revenues	**$289,950,000**	
Regional		
NVTA 70% Regional Funds	$580,550,000	FY 23 - 54
Total Regional Revenues	**$580,550,000**	
Total Public Revenues	**$1,200,000,000**	

Reston Funding Revenue Summary

ROAD IMPROVEMENTS	
Federal	
RSTP	$155,000,000
State	
Smart Scale (HB2)	$174,500,000
Local	
C&I Tax	$79,750,000
GO Bond	$194,000,000
NVTA 30%	$16,200,000
Regional	
NVTA 70%	$580,550,000
Total	**$1,200,000,000**

GRID IMPROVEMENTS	
In-kind (with Development)	$716,000,000
Reston TSA Road Fund/Service District	$305,000,000
Total	**$1,021,000,000**

INTERSECTION IMPROVEMENTS	
Reston TSA Road Fund/Service District	$44,600,000
Total Improvements	**$2,265,600,000**

FUNDING SOURCES AS PERCENTAGE OF TOTAL REVENUES		
RSTP (Federal)	$155,000,000	6.84%
Smart Scale (State)	$174,500,000	7.70%
C&I Tax (Local)	$79,750,000	3.52%
GO Bond (Local)	$194,000,000	8.56%
NVTA 30% (Local)	$16,200,000	0.72%
NVTA 70% (Regional)	$580,550,000	25.62%
Redevelopment Proposals	$716,000,000	31.60%
Reston TSA Road Fund/Service District	$349,600,000	15.43%
Total Revenues	**$2,265,600,000**	**100.00%**

Specific public revenue source and associated revenues may vary over the life of the plan, but public revenues are projected to be available to fund the total amount of improvements approved by the Board of Supervisors for support by public revenues.

Next Steps

- Continue development of Reston transportation funding plan based on comments received from the BTC
- Continue outreach to the community and stakeholders, including a community meeting.
- Board Public Hearing
- Board approval of a funding plan for Reston transportation improvements by late 2016/early 2017

Comments/Questions?

Reston Transportation Funding Plan

Feedback and Staff Recommendation

Board Transportation Committee
December 13, 2016

Tom Biesiadny, Janet Nguyen, Ken Kanownik
Fairfax County Department of Transportation

*This presentation was prepared by Fairfax County Department of Transportation staff.
It has not been endorsed by the Board of Supervisors.

Agenda

- Review – Background, Projects, Framework, Funding Scenarios
- Recent Meetings
- Summary of Feedback from Community, Stakeholders, and Advisory Group
- Staff Recommendation
- Next Steps/Schedule

Background

- Board of Supervisors approved the Reston Phase I Comprehensive Plan amendment on February 11, 2014 to address the three Reston Transit Station Areas (Reston TSAs: Wiehle-Reston East, Reston Town Center, and Herndon).
- The plan amendment recommended road transportation improvements, a grid network, and intersection improvements to support its vision for the Reston TSAs.
- A follow-on motion was also adopted that directed staff and the planning commission to develop an inclusive process to prepare a funding plan for the recommended transportation improvements that includes both public and private investment.
- A briefing was made to the Board Transportation Committee on October 4, 2016 on the work being done to develop the funding plan.

Coordination with the Reston Network Analysis Advisory Group

- Staff has been working in coordination with the Reston Network Analysis Advisory Group to develop the funding plan.
- Reston Network Analysis Advisory Group
  - Mission Statement: Following the adoption of the Reston Master Plan Phase 1 update, the Reston Network Advisory Group was created by the Hunter Mill District Supervisor to establish **a forum for the Fairfax County Transportation staff to receive input and feedback from residents and property owners/developers on the Reston Network Analysis and associated plans**…..*
  - Advisory Group members include landowners, residents, community representatives, and members of the business community.
  - Advisory Group meetings are open to the public.
  - The group reviews potential strategies for allocation of costs, use of funding mechanisms, and revenue generation.
  - Provides feedback to staff on potential funding plan scenarios.

*Full mission statement and additional information can be found at: http://www.fairfaxcounty.gov/fcdot/restonnetworkanalysis/advisorygroup.htm

Project List and Estimates

Projects to be included in the Reston Transportation Funding Plan were either recommended by the Reston Phase I Comprehensive Amendment or were necessary to support the plan.

All estimates are planning level estimates. Network Analysis study will refine the road widths and will provide priorities.

*Project is partially or completely located in Dranesville District. Remaining projects are located in Hunter Mill District.

RESTON FUNDING PLAN PROJECTS	
Projects	**Estimate as of 2016**
Roadway Improvements	
DTR Crossing at Soapstone Overpass – Sunrise Valley Drive to Sunset Hills Road	$170,000,000
DTR Town Center Parkway Underpass – Sunrise Valley Drive to Sunset Hills Road	$170,000,000
Fox Mill Road Widening – Reston Parkway to Monroe Street	$60,000,000
Monroe Street Widening – West Ox Road to Town of Herndon*	$80,000,000
Pinecrest Road Extension – South Lakes Drive to Sunrise Valley Drive	$25,000,000
Reston Parkway Widening – South Lakes Drive to DTR	$25,000,000
Fairfax County Parkway - DTR to West Ox Road Widening	$80,000,000
Fairfax County Parkway at Sunrise Valley Drive (Interchange)	$400,000,000
South Lakes Drive Overpass – Sunrise Valley Drive to Sunset Hills Road	$90,000,000
West Ox Road Widening – Lawyers Road to Centreville Road	$100,000,000
Total Roadway Improvements	**$1,200,000,000**
Intersection Improvements	
Centreville Road at Sunrise Valley Drive*	$10,000,000
Centreville Road/DTR EB on/off Ramps*	$1,500,000
Hunter Mill Road/Sunset Hills Road	$3,500,000
Reston Parkway/Bluemont Way	$4,000,000
Reston Parkway/DTR WB on/off Ramps	$5,000,000
Reston Parkway/New Dominion Parkway	$5,000,000
Reston Parkway/Sunrise Valley Drive	$15,000,000
Wiehle Avenue/DTR EB on/off Ramps	$600,000
Total Intersection Projects	**$44,600,000**
Grid Network	**$1,021,000,000**
Total	**$2,265,600,000**

Please note that the information provided in this presentation is not final and is for discussion purposes only.

Reston Funding Plan Allocation Framework

Six options were proposed to the Advisory Group as methods of allocating costs. This allocation has been the basis for discussion of funding scenarios.

In this framework, public and private revenues will share costs, approximately equally.

Reston Roadway projects would be paid for with public revenues.

Intersections and the Grid would be paid for with private revenues.

Staff believes it is important to have a methodology and rationale behind proposed strategies to support decision making.

Allocation Option 5: Project Category		
Project	**Estimate**	**Allocation ($)**
Reston Roadways	**$1,200,000,000**	
Public Share	100%	$1,200,000,000
Private Share	0%	$0
Reston Intersections	**$44,600,000**	
Public Share	0%	$0
Private Share	100%	$45,000,000
Grid	**$1,021,000,000**	
Public Share	0%	$0
Private Share	100%	$1,021,000,000
Total	**$2,265,600,000**	
Public Share	**53%**	$1,200,000,000
Private Share	**47%**	$1,065,600,000

*The public private split for the Tysons Transportation Funding plan is 56/44.

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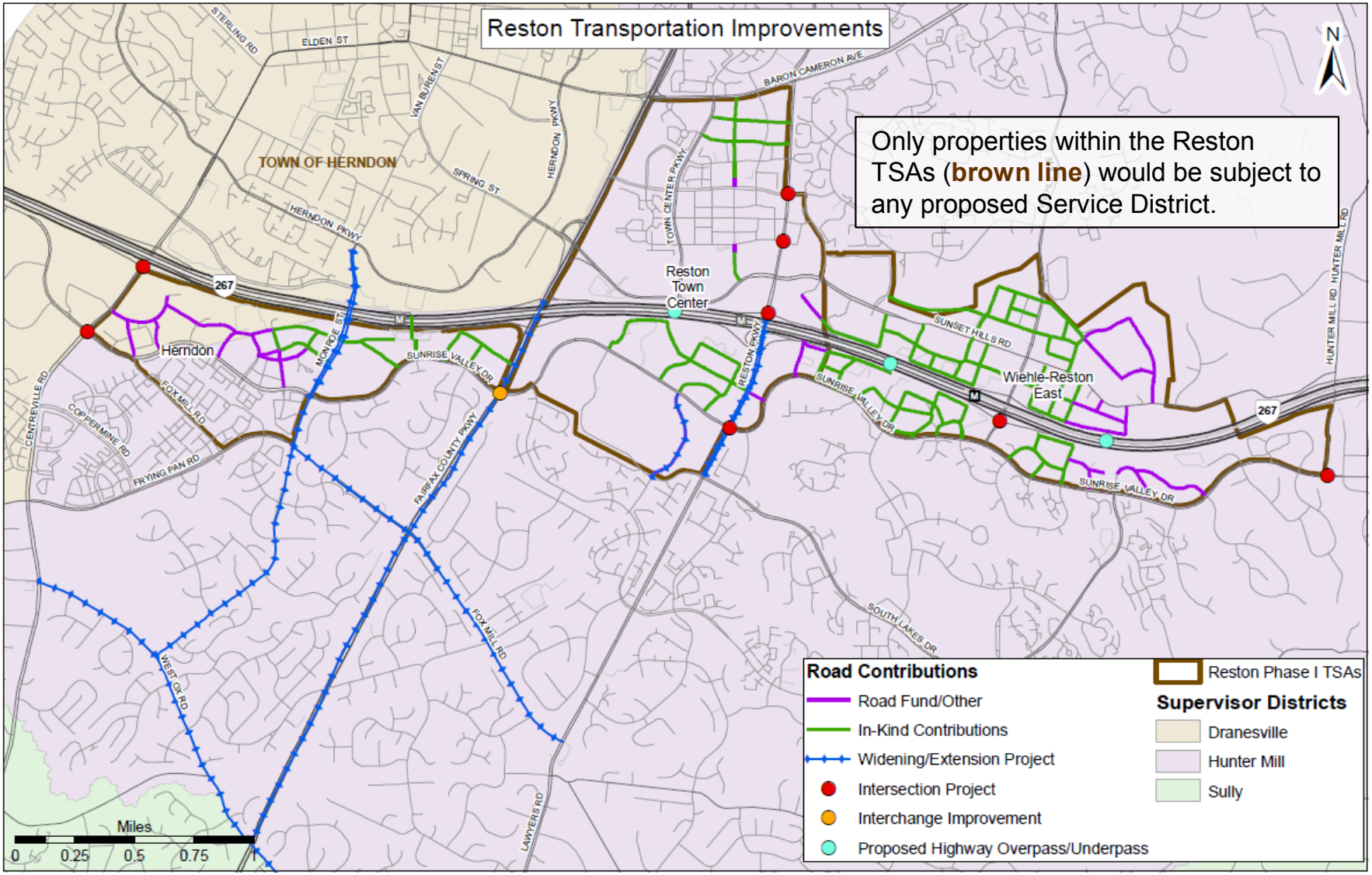
Private Share of Funding Plan

Total Private Share (Total Grid + Intersection Improvements)	$1,066,000,000

A significant portion of the total private share is expected to be paid for through in-kind contributions to the grid from developers as redevelopment occurs. The balance of the private share is expected to be paid for through contributions to another funding mechanism(s).

Contributions Needed Towards Private Share from Other Funding Mechanism(s)

Grid estimate	$1,021,000,000
Less: Expected developer in-kind contributions to the Grid	$716,000,000
Net funding need from private share for Grid	$305,000,000
Add: Intersections	$45,000,000
Contributions Needed Towards Private Share From Other Funding Mechanism(s)	**$350,000,000**


Reston Transportation Improvements
Only properties within the Reston TSAs (brown line) would be subject to any proposed Service District.
N
TOWN OF HERNDON
Herndon
Reston Town Center
Wiehle-Reston East
267
STERLING RD
ELDEN ST
VAN BUREN ST
HERNDON PKWY
SPRING ST
BARON CAMERON AVE
TOWN CENTER PKWY
MONROE ST
SUNRISE VALLEY DR
RESTON PKWY
SUNSET HILLS RD
HUNTER MILL RD
CENTREVILLE RD
FOX MILL RD
COPPERMINE RD
FRYING PAN RD
FAIRFAX COUNTY PKWY
WEST OX RD
LAWYERS RD
SOUTH LAKES DR
Miles
0 0.25 0.5 0.75 1
Road Contributions
Road Fund/Other
In-Kind Contributions
Widening/Extension Project
Intersection Project
Interchange Improvement
Proposed Highway Overpass/Underpass
Reston Phase I TSAs
Supervisor Districts
Dranesville
Hunter Mill
Sully

Funding Scenarios Proposed to meet $350M Private Share Balance	Contribution Rates and Related Shortfall						
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Please note that the information provided in this presentation is not final and is for discussion purposes only.

Recent Meetings and Outreach since October 4, 2016

Date	Event
November 7, 2016	• **Community Meeting** – provided updates regarding development of the Reston Transportation Funding Plan and sought feedback from the community.
November 21, 2016	• **Advisory Group Meeting** – reviewed feedback received from the community, stakeholders, and the Advisory Group; continued discussion of the funding scenarios.
December 1, 2016	• **Planning Commission Transportation Committee** – provided a briefing on the work being done towards development of the Reston Transportation Funding Plan.

Summary of Feedback from All Community Meetings

- Reston should not be compared to Tysons.
- If a development is profitable, developers should pay for all transportation costs associated with development.
- If a development is not profitable, the County and residents should not be subsidizing the costs associated with development.
- There was concern about developers building the expected in-kind contributions for less than the estimated total.
- Developments that create more traffic impact should pay for more of the improvements.
- The revenues from homeowners should not be used to pay for streets that benefit developers.

Summary of Feedback from All Stakeholder Meetings

- Those who develop early in the funding plan should not have to contribute more to the funding plan than later developments.
- More emphasis should be placed on a service district rather than road funds. Service districts are bondable and more reliable.
- The road fund contribution for commercial property proposed in several of the scenarios is too high, and will make it difficult to develop commercial property in the Reston TSAs.
- Are all of the improvements in the Reston Transportation Funding Plan needed?

Feedback from Advisory Group

The Reston Network Analysis Advisory Group (Advisory Group) created a written document that provided the group's high level feedback on the proposed Reston Transportation Funding Plan on September 26, 2016.

- Agreement on public/private allocation framework.
  - Roadway Improvements to be paid by public funding.
  - Intersection Improvements to be paid by private funding.
  - Grid Network to be paid by private funding.
- The tax district option is unrealistic and could be removed from further consideration for the funding plan.
- The Advisory Group is most interested in funding options that include both proffer (road fund) and service district revenue streams.

Feedback from Advisory Group Continued

- The Advisory Group team recognizes that transportation is but one of many important development objectives under the comprehensive plan update that must be funded.
- There is agreement that there should be a sunset provision that terminates the Road Fund and service tax district when all the projects for which they were intended have been funded.
- The Advisory Group directed staff to pursue all further analysis on options 8, 10, and 11.

Funding Scenarios 8, 10, and 11

Scenario 8: Uses the Tysons combined rates for residential and commercial and adjusts them downwards by 11% based on an average assessed value difference between all properties in Reston TSAs and Tysons in 2015. A service district over the Reston TSAs only fills any remaining funding needs based on the adjusted rates.

Scenario 10: Splits the private funding shortfall ($350M) equally between a road fund and a service district and determines rates that maintain the same residential to commercial road fund contribution ratio as Tysons.

Scenario 11: At an average annual service district contribution rate of $0.02/$100 of assessed value, a current resident in the Reston TSAs with an average residence of approximately $260,000 assessed value will have an out of pocket expense, paid over 40 years, approximately equal to a residential per dwelling unit contribution of a developer.

Road Fund, New Development – Reston TSAs					All Properties – Reston TSAs		
	Residential*		Commercial		Service District		Contribution to $350M (%)
Scenario	Rate per Dwelling Unit	Revenue	Rate per Square Foot	Revenue	Rate+	Revenue	
8	$2,288	$87,000,000	$11.24	$155,000,000	$0.017	$108,000,000	31%
10	$1,635	$62,000,000	$8.19	$113,000,000	$0.027	$175,000,000	50%
11	$2,080	$79,000,000	$10.09	$139,000,000	$0.020	$132,000,000	38%

*Residential includes apartments.

+Rate per $100 of assessed value

Advisory Group Meeting - November 21, 2016

At the latest Advisory Group meeting on November 21, 2016:

- The Advisory Group did not come to a consensus on a final rate scenario.
- Various members of the Advisory Group voiced that each scenario had aspects that were preferable and that each scenario also had aspects that were not preferable.
- There was differing opinion on the appropriate level of specificity of any recommendation.
- The Advisory Group requested additional time to allow for the Reston Association Board to be briefed and to discuss the funding plan.

Scenario 12

Staff Proposal:

- Using the Advisory Group's high level feedback, considering individual member's feedback, stakeholder feedback, and citizen feedback, staff proposes Scenario 12 to address as much of the input as possible.
- This scenario takes into account the ranges in scenarios 8, 10, and 11, and applied some additional refinement based on the feedback received.

Scenario 12

- Service District $0.021 per $100 of assessed value
- Residential: $2,090 per dwelling unit
- Commercial: $9.56 per square foot

Funding Scenarios 8, 10, 11, and 12

Road Fund, New Development – Reston TSAs				
	Residential		Commercial	
Scenario	Rate	Revenue	Rate	Revenue
8	$2,288	$87,264,320	$11.24	$154,412,602
10	$1,635	$62,358,900	$8.19	$112,512,385
11	$2,080	$79,331,200	$10.09	$138,614,160
12	$2,090	$79,712,600	$9.56	$131,287,400

Service District, All Properties in Reston TSAs			
	Service District		Contribution to $350M (%)
Scenario	Rate	Revenue	
8	$0.017	$108,323,078	31%
10	$0.027	$175,128,715	50%
11	$0.020	$132,054,640	38%
12	$0.021	$139,000,000	40%

- Apartments would contribute towards the residential road fund rates.
- Service district rate is shown as the annual average rate per $100 of assessed value.
- Revenues shown do not account for inflation and are total revenues over 40 years.

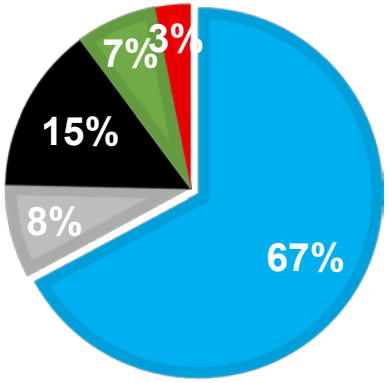
Funding Scenarios 8, 10, 11, and 12

Percent Contribution to Total Private Share ($1.066B):

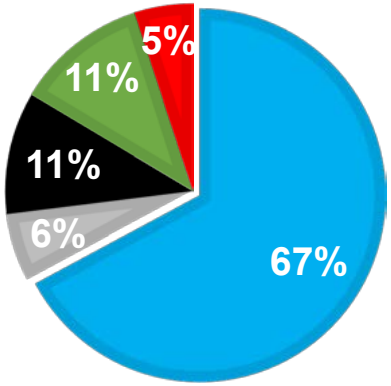
- In-Kind Contributions paid by developers
- Residential (Road Fund) paid by developers
- Commercial (Road Fund) paid by developers
- Service District C&I paid by commercial property owners
- Service District Owner Occupied paid by residents

Contribution to Total Private Share		
Scenario	**Road Fund**	**Service District**
8	23%	10%
10	17%	16%
11	20%	13%
12	20%	13%

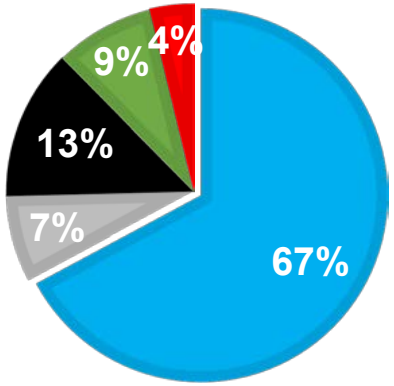
SCENARIO 8



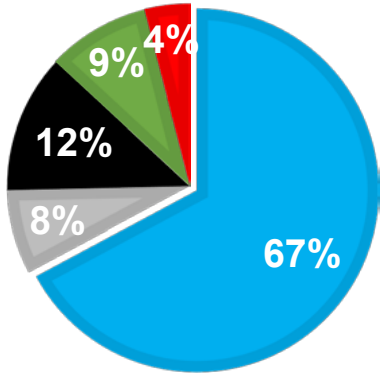
SCENARIO 10



SCENARIO 11



SCENARIO 12



Financial Impact of a Service District by Scenario

Residential							
Assessed Value		$260,000.00*		$500,000.00		$750,000.00	
Option	Service District Rate	Annual	40 Year Total	Annual	40 Year Total	Annual	40 Year Total
8	$0.017	$44.20	$1,768	$85.00	$3,400	$127.50	$5,100
10	$0.027	$70.20	$2,880	$135.00	$5,400	$202.50	$8,100
11	$0.020	$52.00	$2,080	$100.00	$4,000	$150.00	$6,000
12	$0.021	$54.60	$2,184	$105.00	$4,200	$157.50	$6,300

Commercial							
Assessed Value		$1,000,000		$15,000,000		$50,000,000	
Option	Service District Rate	Annual	40 Year Total	Annual	40 Year Total	Annual	40 Year Total
8	$0.017	$170	$6,800	$2,550	$102,000	$8,500	$340,000
10	$0.027	$270	$10,800	$4,050	$162,000	$13,500	$540,000
11	$0.020	$200	$8,000	$3,000	$120,000	$10,000	$400,000
12	$0.021	$210	$8,400	$3,150	$126,000	$10,500	$420,000

*Approximate average assessed value in Reston TSAs.

Share of Contributions from Owner Occupied Residential Units

- In response to feedback from the public meeting, several citizens expressed displeasure for the potential to fund the grid of streets with service district funds.
- It is unknown what proportion of new residences in the Reston TSAs will be constructed as owner occupied residential dwelling units (OORDU).
- The current proportion of OORDUs in the Reston TSAs is approximately 22% of the total assessed value.
- Using a very aggressive and highly unlikely projection, 75% of future growth of all residential dwelling units being assigned as OORDUs, the total contribution to the service district at an average annual rate of $0.021/$100 of assessed value is approximately $42 million.
- This shows the OORDUs do not contribute more than the cost of the intersection improvements (estimated at approximately $45 million as of 2016).
- New developments and commercial and industrial properties will contribute the amounts needed to cover the grid network and a portion of the intersection improvements.

Share of Contributions Owner Occupied Residential Units – Scenario 12

Owner Occupied Residential Dwelling Unit (OORDU) Analysis Reston TSAs			
	S.D. Rate $0.021 cents per $100		
Years	5 Year Aggregate Contribution	Percent OORDU	OORDU Contribution
2017-2021	$ 10,444,896	22%	$ 2,297,877
2022-2026	$ 12,423,086	24%	$ 2,981,541
2027-2031	$ 14,401,276	26%	$ 3,744,332
2032-2036	$ 16,379,466	28%	$ 4,586,250
2037-2041	$ 18,357,656	30%	$ 5,507,297
2042-2046	$ 20,335,846	32%	$ 6,507,471
2047-2051	$ 22,314,036	34%	$ 7,586,772
2052-2056	$ 24,292,226	36%	$ 8,745,201
Total	**$ 138,948,487**		**$ 41,956,741**
	Total Percent to Service District		30%
	Total Percent to Private Share		4%
	Total Percent to Funding Plan		2%

Discussion on Scenario 12

Staff thoughts:

- Slightly closer to the planned balance of residential to commercial development in the Reston TSAs. Only properties within the Reston TSAs will be affected.
- Owner occupied contributions do not exceed estimates for Intersection Improvements.
- Road fund rates is within acceptable range from other County fund areas.
- Aligns with input from the Advisory Group's high level feedback document from September 26, 2016, feedback from the community, and feedback from stakeholders.
- To be proposed and discussed at the Reston Association Board Meeting on December 15, 2016 and the Reston Network Advisory Group meeting on December 19, 2016.

Please note that the information provided in this presentation is not final and is for discussion purposes only.

Funding Scenarios Proposed to meet $350M Private Share Balance	Contribution Rates and Related Shortfall						
	Road Fund		~~Tax~~/Service District over Reston TSAs				
	Residential/DU	Commercial/SF	Other Funding Needed to meet $350M ($M)	~~Tax District Rate~~		Service District Rate	Tax/Service District Contribution to $350M (%)
Scenario 1: Tysons residential rates	$2,571	$18.34	$0	~~N/A~~	-	N/A	0%
Scenario 2: Tysons commercial rates	$4,627	$12.63	$0	~~N/A~~	-	N/A	0%
Scenario 3: Rates proportional to development in Reston TSAs	$7,058	$5.88	$0	~~N/A~~	-	N/A	0%
Scenario 4: Tysons rates and Service District over Reston TSAs	$2,571	$12.63	$79	~~N/A~~	-	0.012	22%
Scenario 5: Tysons rates and Tax District over Reston TSAs	$2,571	$12.63	$79	~~0.025~~	-	N/A	22%
~~Scenario 6: Tysons Rates and Service District over Reston &TSAs~~	~~$2,571~~	~~$12.63~~	~~$79~~	~~0.025~~	~~or~~	~~0.012~~	~~22%~~
~~Scenario 7: Tysons Rates and Service District over Small Tax District 5~~	~~$2,571~~	~~$12.63~~	~~$79~~	~~0.025~~	~~or~~	~~0.012~~	~~22%~~
Scenario 8: General adjustment from Tysons rates, -11%	$2,288	$11.24	$108	~~0.035~~	~~or~~	0.017	31%
Scenario 9: Specific adjustments from Tysons rates, +15% residential, -19% commercial	$2,957	$10.23	$80	~~0.025~~	~~or~~	0.013	23%
Scenario 10: Splits $350M equally between Road Fund/Service District and maintains Tysons proportions for Res/Com road fund rates	$1,635	$8.19	$175	~~N/A~~		0.027	50%
Scenario 11: Similar total expense per Road Fund (residential) contribution and Service District (avg. home) contribution	$2,080	$10.09	$132	~~N/A~~		0.020	38%
Scenario 12: Staff Proposal	$2,090	$9.56	$139	~~N/A~~		0.021	40%

Next Steps/Tentative Schedule

Date	Event
January 2017	• Dates to be determined, Community and Stakeholder Outreach
January 24, 2017	• Request authorization to advertise public hearing on Reston Transportation Funding Plan
February 28, 2017	• Public hearing to seek Board approval of Reston Transportation Funding Plan • Request authorization to advertise public hearing on associated service district over the Reston TSAs only • Board adoption of Road Fund and Road Fund Guidelines
March 2017	• Public hearing on specific service district proposal over Reston TSAs only.

Comments/Questions?

Board Agenda Item
February 28, 2017

4:30 p.m.

Public Hearing on a New Cooperative Agreement Between the Fairfax County Board of Supervisors and the Towns of Vienna and Herndon to Share Stormwater Service District Fees and Responsibilities for Related Services

ISSUE:
Board of Supervisors' (Board) adoption of an Ordinance authorizing the County to enter into an agreement with the Towns of Vienna and Herndon to address stormwater on a regional basis and to share revenues collected through the Stormwater Service District from properties within the Towns.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors of Fairfax County adopt an Ordinance authorizing the County Executive to execute the attached agreement with the Town of Vienna and the Town of Herndon to share revenues collected through the Stormwater Service District and to implement a regional approach to meeting state and federal Stormwater requirements.

TIMING:
Board action is requested on February 28, 2017 at 4:30.p.m. On January 24, 2017, the Board authorized advertisement of a public hearing before the Board. The Councils of both of the Towns of Vienna and Herndon have formally approved the recommended agreement.

BACKGROUND:
The County's Stormwater Service District currently includes the Towns of Vienna and Herndon, and property owners within the Towns are billed at the same rate as other property owners within the unincorporated parts of the County. The Towns hold Municipal Separate Stormwater System (MS4) permits from the State of Virginia, and are required by their permits to implement stormwater quality management projects in accordance with state and federal regulations. Virginia Code § 15.2-2303.3 which requires the County to provide the Towns all the funds collected from properties within the Towns pursuant to the Stormwater Service District fee if the Towns request these funds.

Pursuant to Board approval, the County executed separate cooperative agreements with the Town of Vienna and the Town of Herndon on April 1, 2014. The cooperative agreements allocated to the Towns a percentage of the revenue from Stormwater Service District Fees collected in the Towns and developed a coordinated regional approach to provide more cost effective and environmentally sound approaches to management of stormwater in compliance with MS4 permits.

The financial obligations in the original cooperative agreements with the Towns do not change in the new agreement. The County will continue to bill and collect the Stormwater Service District fees from property owners within the unincorporated parts of the County and the Towns. The Towns will receive 25% of the revenues collected from their respective residents, and such funds must be used to provide stormwater services similar to the stormwater management services that the County provides its residents. The County will use the remaining 75% of the revenues collected from within the Towns to implement and maintain projects on a countywide basis to meet all three localities' requirements under the Chesapeake TMDL and other TMDLs assigned to local waters.

FISCAL IMPACT:
The agreement requires that the County provide the Towns of Vienna and Herndon 25% of the Stormwater Service Districts fees collected from properties within each of the respective Towns, amounting to just under $526,400 for Fiscal Year 2016. Pursuant to the agreement, the County is responsible for implementing projects to meet both the County's and Towns' TMDL requirements under their respective MS4 permits.

ENCLOSED DOCUMENTS:
Attachment 1: Staff Report
Attachment 2: Cooperative Agreement
Attachment 3: Ordinance Authorizing Execution of Cooperative Agreement

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Randolph W. Bartlett, Deputy Director, DPWES

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

STAFF REPORT

☑ PROPOSED COUNTY CODE AMENDMENT

☐ PROPOSED PFM AMENDMENT

☐ APPEAL OF DECISION

☐ WAIVER REQUEST

Authorization of a proposal to consolidate two separate agreements with the Towns of Vienna and Herndon into a single agreement with the Towns of Vienna and Herndon to address stormwater on a regional basis and to share revenues collected through the Stormwater Service District from properties within the Towns.

Authorization to Advertise	January 24, 2017
Planning Commission Hearing	
Board of Supervisors Hearing	February 28, 2017
Prepared by:	Craig Carinci DPWES - Stormwater (703) 324-5865 February 25, 2014

STAFF REPORT

A. Issue:

Board of Supervisors' (Board) authorizing the County to execute a new cooperative agreement with the towns of Vienna and Herndon that addresses stormwater management on a regional basis and to share revenues collected through the Stormwater Service District from properties within the Towns.

B. Recommended Action:

Staff recommends that the Board of Supervisors approve the stormwater agreement with the Town of Vienna and Town of Herndon.

C. Timing:

Board of Supervisors' authorization to advertise – January 24, 2017
Board of Supervisors Public Hearing – February 28, 2017

D. Source:

Department of Public Works and Environmental Services (DPWES)

E. Coordination:

The proposed agreement was prepared by DPWES and coordinated with the Town of Herndon, the Town of Vieanna, and the Office of the County Attorney.

F. Background:

The Department of Public Works and Environmental Services is recommending that the Board enter into a three-party agreement with the Towns of Vienna and Herndon to share revenues collected from properties within the Towns and to cooperatively implement and operate stormwater improvement projects to meet state and federal water quality mandates. This agreement will replace the cooperative agreements that the County separately executed on April 1, 2014, with the Town of Vienna and Town of Herndon. Those cooperative agreements between the County and each of the Towns allocated to the Towns a percentage of the revenue from Stormwater Service District fees developed a coordinated regional approach to approach to provide more cost effective and environmentally sound approaches to management of stormwater compliance with state and federal permits.

In 2010, the County adopted a Stormwater Service District, which included the Towns, to provide a dedicated funding source to implement programs in response to more stringent federal and state regulatory requirements and oversight. In 2012, the Virginia General Assembly adopted a bill that requires the

County to return to the Towns all Stormwater Service District revenues collected from property within a Town if requested by the Town.

In response to this bill, staff from the County and Towns reviewed options as well as estimates for each community to meet the Chesapeake Bay requirements mandated by the state. The solution recommended to the Town Councils and Board of Supervisors was a coordinated partnership, whereby the County would continue to set the rates and collect the Stormwater Service District Tax from the entire County, including the Towns, implement projects both in the County and within the Towns to meet Chesapeake Bay water quality standards, and provide the Towns 25% of the revenue collected from properties within each Town for stormwater services provided exclusively by the Towns within the Town limits.

It is being proposed to combine the separate agreements into a single, three-party agreement to improve our regional approach to meet state and federal stormwater requirements. The proposed agreement improves how projects will be selected and how the pollutant reduction benefits will be shared among the jurisdictions to satisfy Total Maximum Daily Load requirements. The Vienna and Herndon Town Councils have approved the new agreement.

Va. Code Section 15.2-1300(B) requires that all such agreements be approved by ordinance, and therefore; this item includes an ordinance to that effect.

COOPERATIVE AGREEMENT BETWEEN THE FAIRFAX COU7.NTY BOARD OF SUPERVISORS, THE TOWN OF VIENNA, and TOWN OF HERNDON TO SHARE CERTAIN STORMWATER SERVICE DISTRICT FEES AND RESPONSIBILITY FOR RELATED SERVICES

This Agreement ("Agreement") is entered into on this ____ day of _____, 2016, by and between the BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA ("FAIRFAX"), the TOWN COUNCIL OF VIENNA, VIRGINIA ("VIENNA"), and the TOWN COUNCIL OF HERNDON, VIRGINIA ("HERNDON") (referenced collectively as the "Parties" or "the Governing Bodies", and individually as the "Party").

WITNESSETH:

WHEREAS the Towns of Vienna and Herndon (also referenced herein as "the Towns") are located within Fairfax County (also referenced herein as "the County"); and

WHEREAS Fairfax County, the Town of Vienna, and the Town of Herndon each maintain, operate, and improve stormwater systems that affect one another; and

WHEREAS Fairfax County and the Towns are each subject to a Municipal Separate Storm Sewer System ("MS4") permit issued by the Virginia Department of Environmental Quality ("DEQ"); and

WHEREAS FAIRFAX has cooperated with VIENNA and HERNDON to maintain, operate, and improve their respective stormwater systems and wish to continue such cooperation in the future in the best interests of their residents; and

WHEREAS pursuant to Va. Code Ann. § 15.2-2400 (2012), FAIRFAX has established a Stormwater Service District ("Service District"), and is authorized, pursuant to Va. Code Ann. § 15.2403(6) (Supp. 2016) to levy and collect an annual fee upon any property located within such Service District ("the Service District Fee"); and

WHEREAS the Towns of Vienna and Herndon are located within Fairfax County's Service District; and

WHEREAS, pursuant to Va. Code Ann. § 15.2-2403(6), Fairfax County collects revenues from properties located within the Towns of Vienna and Herndon; and

WHEREAS, pursuant to Va. Code Ann. § 15.2-2403.3 (Supp. 2016), by virtue of the Towns' maintenance of separate MS4 permits and their location within the Service District, the Towns are entitled to the Service District Fee revenues collected by Fairfax County within their respective jurisdictions; and

WHEREAS, the actual amount of revenues collected from the Service District Fee will vary from year to year; and

WHEREAS, each MS4 permit, among other things, assigns jurisdiction-specific, pollutant load reduction requirements for nitrogen, phosphorus, and sediment to address the Chesapeake Bay Total Maximum Daily Load (referred to herein as "TMDL"), and requires each MS4-permit jurisdiction to develop a Chesapeake Bay TMDL Action Plan that identifies the practices, means, and methods that are to be implemented by the permittee to achieve the required pollutant reductions; and

WHEREAS, the Commonwealth's Chesapeake Bay TMDL Watershed Implementation Plan (referred to herein as "the WIP") establishes the total pollutant reduction loads required to achieve the Chesapeake Bay TMDL and the timeframe for MS4-permit jurisdictions to achieve their assigned pollutant reductions; and

WHEREAS, each MS4 permit also requires the development of action plans for other pollutants where a TMDL assigns a wasteload allocation ("WLA") to the permittee; and

WHEREAS, pursuant to their respective MS4 permits, the Towns submitted their initial Chesapeake Bay TMDL Action Plans to DEQ prior to the deadline of October 1, 2015 while the County's initial Chesapeake Bay TMDL Action Plan will be submitted to DEQ prior to the deadline of April 1, 2017. Action plans for other TMDLs are submitted in accordance with the schedule contained in each MS4 permit; and

WHEREAS, while each MS4-permit jurisdiction is ultimately responsible for compliance with its MS4 permit, MS4 permits allow and encourage cooperation and coordination among permit holders, and such cooperation and coordination can mutually benefit MS4-permit jurisdictions through more effective and cost-efficient protection of water resources in each jurisdiction; and

WHEREAS, the purpose this Agreement, in part, is for the Parties to work cooperatively to satisfy the pollutant load reduction requirements of their current and future MS4 permits by implementing stormwater management practices within the Parties' jurisdiction that reduce the discharge of pollutants; and

WHEREAS, FAIRFAX, VIENNA, or HERNDON may terminate this Agreement as set forth by the terms herein if, pursuant to applicable law, either locality chooses not to participate under this Agreement or chooses not to share the Stormwater Service District Fees; and

WHEREAS FAIRFAX, VIENNA, and HERNDON have determined and agreed that the best interests of each locality's residents are fulfilled if FAIRFAX utilizes a portion of the Service District Fees collected by FAIRFAX from properties within the Towns to assist the Towns in maintaining, operating, and improving their respective stormwater systems to achieve the goals of effective regional water quality improvement and local initiatives in these localities and to satisfy certain MS4 permit requirements;

NOW, THEREFORE, in consideration of the mutual obligations set forth herein and other good and valuable consideration, so long as FAIRFAX continues to administer the Service District in FAIRFAX that encompasses VIENNA and HERNDON, and so long as VIENNA and HERNDON qualify to receive the Service District Fees collected by FAIRFAX from properties within the Towns, FAIRFAX, VIENNA, and HERNDON agree as follows:

1. FAIRFAX will continue to engage in a coordinated approach with VIENNA, and HERNDON to maintain and operate their respective stormwater systems throughout the incorporated and unincorporated parts of FAIRFAX. Moreover, FAIRFAX, VIENNA, and HERNDON will engage in a coordinated approach for future improvements to their respective stormwater systems.

2. This Agreement's duration shall be for one fiscal year and shall renew at the beginning of each fiscal year thereafter unless terminated pursuant to the terms set forth herein below. For the purposes of this Agreement, "fiscal year" shall mean Fairfax County's fiscal year, which, at the time of the execution of this agreement, ends on June 30.

3. This Agreement's purpose is to set forth how the Parties shall share revenues to be collected pursuant to the Service District Fee, including revenues collected from properties within VIENNA and HERNDON, and the respective obligations of the Parties with respect to the stormwater management services described herein.

STORMWATER FEE REVENUE SHARING

4. FAIRFAX shall collect all revenues to be collected pursuant to the Service District Fee, including revenues collected from properties within the Towns.

5. Revenues actually collected throughout the Service District are referred to herein as "STORMWATER FEE REVENUES."

6. At the end of each fiscal year, FAIRFAX shall calculate separately the total amount of stormwater fee revenues that were actually collected from properties within VIENNA and HERNDON from the amount of stormwater fee revenues collected elsewhere in FAIRFAX (the "VIENNA STORMWATER FEE" and "HERNDON STORMWATER FEE").

7. On or before October 30th of each fiscal year, FAIRFAX shall estimate the anticipated VIENNA STORMWATER FEE and HERNDON STORMWATER FEE for that year, and shall pay to VIENNA and HERNDON an amount equal to twenty-five percent (25%) of the estimated VIENNA STORMWATER FEE and HERNDON STORMWATER FEE, respectively, for that fiscal year, rounded to the nearest penny (the "PAID VIENNA REVENUES" and "PAID HERNDON REVENUES").

8. The Parties acknowledge and agree that PAID VIENNA REVENUES and/or PAID HERNDON REVENUES may be more or less than the amount that is actually due and owing to either or both of the Towns, and which amount is calculated at the end of each fiscal year.

9. If the PAID VIENNA REVENUES for a particular fiscal year are determined to have been less than 25% of the actual VIENNA STORMWATER FEE actually collected for that fiscal year, then FAIRFAX shall pay VIENNA the difference between the PAID VIENNA REVENUES and 25% of the VIENNA STORMWATER FEE actually collected for that fiscal year. FAIRFAX shall pay this difference at the same time as it pays the next fiscal year's PAID VIENNA REVENUES.

10. If the PAID HERNDON REVENUES for a particular fiscal year are determined to have been less than 25% of the actual stormwater fee actually collected for that fiscal year in HERNDON, then FAIRFAX shall pay HERNDON the difference between the PAID

HERNDON REVENUES and 25% of the HERNDON STORMWATER FEE actually collected for that fiscal year in HERNDON. FAIRFAX shall pay this difference at the same time as it pays the next fiscal year's PAID HERNDON REVENUES.

11. If the PAID VIENNA REVENUES for a particular fiscal year are determined to have been more than 25% of the actual VIENNA STORMWATER FEE actually collected for that fiscal year, then FAIRFAX shall deduct the difference between the PAID VIENNA REVENUES and 25% of the VIENNA STORMWATER FEE actually collected for that fiscal year from the amount that FAIRFAX pays for the next fiscal year's PAID VIENNA REVENUES.

12. If the PAID HERNDON REVENUES for a particular fiscal year are determined to have been more than 25% of the actual HERNDON STORMWATER FEE actually collected for that fiscal year, then FAIRFAX shall deduct the difference between the PAID HERNDON REVENUES and 25% of the HERNDON STORMWATER FEE actually collected for that fiscal year from the amount that FAIRFAX pays for the next fiscal year's PAID HERNDON REVENUES.

13. Once FAIRFAX has determined the amount of the actual VIENNA STORMWATER FEE and HERNDON STORMWATER FEE, which shall occur within 90 days of the fiscal year end, FAIRFAX shall forward the respective amounts to the Towns' Mayors in writing ("FINAL ACCOUNTING"). If VIENNA and/or HERNDON disputes the amount of the FINAL ACCOUNTING, then within 30 days of the Mayors' receipt of this FINAL ACCOUNTING, VIENNA and/or HERNDON, shall state the complete factual basis for any such dispute in writing to the Fairfax County Executive, and the Parties shall endeavor in good faith to resolve any such dispute. Upon the resolution of any such dispute, or if VIENNA and/or

HERNDON fails to dispute the amount of the FINAL ACCOUNTING within 30 days of either Mayor's receipt thereof, then VIENNA and/or HERNDON shall be deemed to have accepted payment of the respective fiscal year's PAID VIENNA REVENUES or PAID HERNDON REVENUES, which shall result in the waiver of any right to request from FAIRFAX any additional amount of the collected STORMWATER FEE REVENUES. VIENNA's and/or HERNDON's waiver of any such balance, however, is conditioned upon FAIRFAX's obligations to VIENNA and/or HERNDON pursuant to this Agreement.

14. Pursuant to Va. Code Ann. § 15.2-2403.3 VIENNA and HERNDON shall expend the PAID VIENNA REVENUES and PAID HERNDON REVENUES, respectively, only for costs directly related to the Towns' stormwater systems and not for non-stormwater-system costs, such as public safety, schools, or road maintenance.

15. Under this Agreement, neither VIENNA nor HERNDON is required to expend any of the paid revenues within any specific amount of time. This Agreement does not affect any other authority that VIENNA or HERNDON might have to carry over revenues from year-to-year or to expend revenues in one fiscal year when the revenues were collected in a previous fiscal year.

16. If, at any time in the future, either VIENNA or HERNDON becomes unincorporated or ceases to qualify to receive paid revenues for any reason or terminates its stormwater program or ceases to maintain its stormwater systems, none of the previously paid revenues shall be expended for anything other than the maintenance, operation, and improvement of such Town's stormwater systems. If any such amounts are returned to FAIRFAX they may be used for other qualified uses in the Service District as FAIRFAX, or its designee, in its or his sole discretion, deems appropriate.

TMDL COMPLIANCE AND THE TMDL ADVISORY COMMITTEE

17. Fairfax, Vienna, and Herndon agree that Fairfax will implement stormwater management practices throughout the County and in the Towns sufficient to achieve the TMDL pollutant load reduction requirements that are incorporated into each Party's respective current and future MS4 permit.

18. A TMDL Compliance Advisory Committee (hereinafter referred to as the "Advisory Committee") shall be established and shall be comprised of one or more representatives from each governing body.

19. Regardless of the number of representatives appointed by each governing body, each locality will have one vote on the Advisory Committee.

20. The Advisory Committee shall:

a. establish, pursuant to each Party's respective MS4 permit, the nitrogen, phosphorus, and sediment (referred to as "pollutants of concern" or "POCs") load reductions necessary for each individual Party to achieve full compliance with the Chesapeake Bay TMDL and the WIP (referred to herein as "the Chesapeake Bay TMDL Endpoint").

b. establish the "TOTAL POLLUTANT REDUCTION," which is the total amount of each POC that the Parties must reduce in order to reach the Chesapeake Bay TMDL Endpoint.

c. establish the percentage of the TOTAL POLLUTANT REDUCTION for which each locality is responsible. That percentage assigned to each Party shall hereinafter be referred to, respectively, as the "FAIRFAX PERCENTAGE," "VIENNA PERCENTAGE," and "HERNDON PERCENTAGE."

d. as determined by the Advisory Committee, the FAIRFAX PERCENTAGE, VIENNA PERCENTAGE, and the HERNDON PERCENTAGE may be established for each POC, an average of POCs, or by another mutually agreed upon methodology that will allocate pollutant reduction credits for projects completed under this Agreement as provided for in paragraph 27 below, in a manner necessary to meet the Chesapeake Bay TMDL Endpoint.

e. establish a watershed-specific FAIRFAX PERCENTAGE, VIENNA PERCENTAGE, and HERNDON PERCENTAGE to allocate pollutant reduction credits for projects implemented within a watershed to meet a non-Chesapeake Bay TMDL Endpoint.

21. VIENNA and HERNDON may at any time provide FAIRFAX with a list of stormwater management projects to be considered for implementation. Before submitting any such project, the submitting Town must thoroughly investigate and analyze each project to ensure that any such project is feasible. Any project submitted before June 30 of each year will be considered by FAIRFAX for implementation during the following fiscal year. If a project is not implemented, it will continue to be considered for implementation in subsequent fiscal years until such time that the project is determined to be infeasible. Selection of projects for implementation and determination of final feasibility are at the sole discretion of the Director of the Fairfax County Department of Public Works and Environmental Services ("Director").

22. By April 1 of each year, the Director will send to the Towns of VIENNA and HERNDON and/or their designees a proposed list of projects within their jurisdiction.

23. Within 30 days after each Mayors' receipt of this list, the Towns shall provide comments and suggestions regarding each project, its timing, and its costs for implementation,

lifetime maintenance, and replacement. If the Towns provide any comments or suggestions, the Director shall fully consider any such comments, and may, but shall not be obligated to implement or adhere to them. In the event that a dispute exists regarding implementation of any project on the list sent by the Director, the Director and the disputing Town shall endeavor in good faith to resolve any such dispute, but final authority for the implementation of any such projects rests solely with Fairfax County and the Director.

24. FAIRFAX will pay for the development of the updated Chesapeake Bay TMDL Action Plan for each Town that is due at the beginning of each new MS4 permit cycle. Each Town will be responsible for routine annual updates as required in the MS4 permits. FAIRFAX will also pay for the initial development of other TMDL action plans necessary for compliance with each Town's MS4 permit and any substantial updates to these action plans required in future permit cycles. The action plans will include all information necessary to demonstrate compliance with MS4 permit requirements. Changes or additions to projects identified in the action plans will be reported to each Town annually in accordance with paragraph 31.

25. FAIRFAX shall be solely responsible for implementing projects under this Agreement, excluding the acquisition of any permanent or temporary land rights necessary to construct and maintain a project located within a Town. The Parties may, as necessary, have agreements that are separate from this Agreement that address the Parties' responsibilities over specific projects, facilities, and other funding.

26. A project is subject to this Agreement if it is funded in whole or in part by the Service District Fee and substantially completed on or after July 1, 2009.

27. For each project substantially completed under this Agreement on or after July 1, 2009, whether the project or facility is located within VIENNA, HERNDON, or elsewhere

within Fairfax County, the Parties will receive a pollutant reduction credit for each POC. The reduction credit is determined by applying the VIENNA PERCENTAGE and the HERNDON PERCENTAGE to the estimated total POC load reductions for each project that is substantially completed pursuant to this Agreement (the "VIENNA CREDIT," "HERNDON CREDIT," "FAIRFAX CREDIT," and collectively "REDUCTION CREDITS"). For completed projects and facilities, the REDUCTION CREDITS shall survive any termination of this Agreement provided that the functionality and performance of completed projects are maintained by the jurisdiction in which the project is constructed, unless otherwise agreed to by the Parties.

28. The Party in whose jurisdiction any stormwater management facility or improvement is constructed under this Agreement shall ensure that the long-term maintenance of such facility or improvement is performed as necessary to maintain the functionality and performance thereof. Each party shall ensure long-term maintenance in accordance with Va. Code Ann. § 62.1-44.15.15:27(E)(2) and 9 Va. Admin. Code §§ 25-870-58 and 112. In the event that a Party's failure to maintain a project completed under this Agreement results in a decrease in the amount of POCs removed therefrom, as determined by DEQ, then that Party shall, at its sole cost, maintain or improve the facility to restore the facility to its original functionality.

29. In the event that a Party is unable to meet its load reduction requirement for a specific reporting period, and another Party has exceeded its load reduction requirement, the Director may, with written notification to the Parties, transfer credit from shared credit projects among Parties in a manner to ensure that each Party is able to meet its load reduction requirement. Any such transfer shall be temporary and last only as long as it is needed to address the immediate shortfall. Further, no transfer will occur or stay in force that would result in a donating Party being in non-compliance with an MS4 permit condition.

30. Any Party that completes a stormwater management project from funds not generated by or transferred through Fairfax County shall be entitled to claim all resulting load reduction credits for purposes of satisfying its MS4 permit requirements.

31. FAIRFAX will prepare an annual report that details the activities performed under this Agreement. The report will provide sufficient detail so that each locality may use it to meet their respective MS4 permit reporting obligations to DEQ. Fairfax will provide the report annually no later than one month before the date the annual report is due to DEQ.

STAFF TRAINING

32. Without any additional invitation or payment, VIENNA's and/or HERNDON's staff may attend MS4 permit-related training programs that are conducted or hosted by FAIRFAX. FAIRFAX will provide VIENNA and HERNDON with at least one-month's advance notice of such training opportunities.

TERMINATION

33. Any Party may terminate this Agreement by resolution of that Party's governing body. Any such resolution shall be at a public meeting with notice in writing to the non-terminating Parties. Notice shall be made at least three weeks in advance of any such meeting to the Mayor(s) or, as applicable, the County Executive, of Fairfax County. After adoption of any such resolution, the terminating Party shall notify the remaining Parties. The termination shall be effective no earlier than the end of the fiscal year in which the governing body's vote for the resolution for the termination occurs.

34. If this Agreement is terminated by any party other than FAIRFAX, the Agreement shall remain in force as to the remaining parties. The terminating Town shall have responsibility to maintain and replace, as necessary, any facility constructed under this Agreement that is

located within its boundaries and shall assume all liability for such facility. Unless otherwise agreed to by the Parties, neither Town shall have any liability or responsibility for any facility that is located outside of its jurisdictional boundaries and was developed and implemented under this Agreement.

ADDITIONAL PROVISIONS

35. This Agreement is integrated and contains all provisions of the Agreement between the Parties.

36. In the event of a conflict between any term(s) of this Agreement and either of the Parties' MS4 permits or other permit requirements, either Party's respective permit provision(s), shall control.

37. Any provision or term of this Agreement may be modified only by a writing that is approved by resolution at a public meeting of each of the localities' respective governing bodies.

38. This Agreement shall be binding on the Parties' respective agencies, employees, agents, and successors-in-interests.

39. This Agreement shall not be assigned by either of the Parties unless both of the Parties agree to such an assignment in writing.

40. Nothing in this Agreement otherwise limits the respective regulatory and police powers of the Parties.

41. The Parties agree that nothing in this Agreement creates a third-party beneficiary. The Parties also agree that this Agreement does not confer any standing or right to sue or to enforce any provision of this Agreement or any other right or benefit to any person who is not a

party to this Agreement, including but not limited to a citizen, resident, private entity, or local, state, or federal governmental or public body.

42. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one in the same Agreement.

43. This Agreement shall be governed by Virginia law, and any litigation relating to this Agreement shall be brought and/or maintained only in the Circuit Court of Fairfax County, Virginia.

IN WITNESS WHEREOF, the Parties have executed this Agreement, as verified by their signatures below.

[Signatures appear on the following pages.]

TOWN OF VIENNA

By:_____
(Name and Title)

STATE OF VIRGINIA :
: to-wit
COUNTY OF FAIRFAX :

The foregoing Agreement was acknowledged before me by _____ of the Town of VIENNA, this _____ day of _____ 2016 on behalf of the Town of VIENNA.

_____
Notary Public

My commission expires: _____

Notary Registration Number: _____

TOWN OF HERNDON

By:_____
(Name and Title)

STATE OF VIRGINIA :
: to-wit
COUNTY OF FAIRFAX :

The foregoing Agreement was acknowledged before me by _____ of the Town of HERNDON, this _____ day of _____ 2016 on behalf of the Town of HERNDON.

_____
Notary Public

My commission expires: _____

Notary Registration Number: _____

BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA

By:_____
Edward L. Long Jr.
County Executive
Fairfax County, Virginia

STATE OF VIRGINIA :
: to-wit
COUNTY OF FAIRFAX :

The foregoing Agreement was acknowledged before me by _____ of the County Executive, on behalf of the Board of Supervisors of Fairfax County, Virginia this _____ day of _____ 2016.

_____
Notary Public

My commission expires: _____

Notary Registration Number: _____

Approved as to form: _____
Office of the County Attorney
Fairfax, Virginia

AN UNCODIFIED ORDINANCE RELATING TO 4 COOPERATIVE AGREEMENTS WITH THE TOWNS OF HERNDON AND VIENNA TO SHARE CERTAIN STORMWATER SERVICE DISTRICT FEES AND RESPONSIBILITIES FOR RELATED SERVICES

As Adopted on February 28, 2017

AN UNCODIFIED ORDINANCE relating to a cooperative agreement between the Fairfax County Board of Supervisors and the Towns of Herndon and Vienna, Virginia, to share certain fees and responsibilities of the countywide stormwater service district, pursuant to the provisions of Va. Code § 15.2-2403.3 (2012).

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

1. That, pursuant to Va. Code § 15.2-1300(B) (2012), the new Cooperative Agreement between the Fairfax County Board of Supervisors and the Town of Herndon, Virginia, and the Town of Vienna, Virginia, that is attached hereto is hereby approved. This agreement is referred to herein as the "Cooperative Agreement." This Cooperative Agreement rescinds and replaces the Cooperative Agreement between the Fairfax County Board of Supervisors and the Town of Herndon, Virginia, and the Cooperative Agreement between the Fairfax County Board of Supervisors and the Town of Vienna, Virginia, that were approved by the Fairfax County Board of Supervisors on March 25, 2014.

2. That the County Executive and/or his designee(s) is hereby authorized and delegated all necessary authority to sign and perform and administer the new Cooperative Agreement on behalf of the Fairfax County Board of Supervisors.

3. That this ordinance shall take effect upon adoption.

GIVEN under my hand this ____ day of _____, 2017.

_____
Catherine A. Chianese
Clerk to the Board of Supervisors

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Board Agenda Item
February 28, 2017

4:30 p.m.

Public Hearing on RZ 2011-MV-033 (Lorton Valley III, LLC) to Rezone from R-1 to R-5 to Permit Residential Development with a Total Density of 1.36 Dwelling Units Per Acre, Located on Approximately 38.28 Acres of Land (Mount Vernon District)

This property is located on the West side of I-95, directly North and South of Dixon Street. Tax Map 107-4 ((1)) 83, 84, 98, and 98A and a vacated portion of Sanger St. public rights-of-way.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, September 14, 2016, the Planning Commission voted 9-0 (Commissioners Hedetniemi, Lawrence and Strandlie were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2011-MV-033, subject to the execution of proffers consistent with those dated August 18, 2016;

- Approval of a modification of the 200-foot minimum distance required between residential buildings and interstate right-of-way pursuant to Paragraph 1 of Section 2-414 of the Zoning Ordinance, to permit a minimum distance of approximately 60 feet as shown on the Generalized Development Plan; and

- Approval of an increase in height for a noise barrier pursuant to Paragraph 3F of Section 10-104 of the Zoning Ordinance.

ENCLOSED DOCUMENTS:
Planning Commission Verbatim Excerpt and Staff Report available online at:
http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/

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

Board Agenda Item
February 28, 2017

4:30 p.m.

Public Hearing to Consider Disposition of County-Owned Property Pursuant to a Real Estate Exchange Agreement Between the Board of Supervisors and Columbia Crossroads L.P. ("Columbia Crossroads") (Mason District)

ISSUE:
Public hearing to consider the disposition of County-owned property totaling approximately 1.32 acres identified as Tax Maps 61-2 ((19)) parcels 5A and 11A ("County Land") as required by Va. Code Ann. § 15.2-1800 (2012). The disposition of the County Land will be considered in connection with a Real Estate Exchange Agreement ("REEA") between the Board of Supervisors and Columbia Crossroads (an affiliate of Weissberg Development Corp.) concerning a portion of the property identified as Tax Maps 61-2 ((1)) parcels 113, 113A, 113C and 114 and 61-4 ((30)) parcels 15 and 17, totaling approximately 4.47 acres ("Weissberg Land"). It is intended that a rezoning action will be considered on the County Land and the Weissberg Land, along with an adjacent property identified as Tax Map 61-2 ((1)) parcel 112A ("Landmark Parcel"), to permit residential development by Columbia Crossroads, a future office site, and the future connection to a realigned Seminary Road.

RECOMMENDATION:
The County Executive recommends the Board approve the disposition of the County Land in connection with the REEA with Columbia Crossroads providing for an exchange of real property and joint infrastructure development in conjunction with the development of the County Land, the Weissberg Land, and the Landmark Parcel (collectively, the foregoing will be referred to as the "Subject Property").

TIMING:
On February 14, 2017, the Board authorized advertisement of a public hearing to be held on February 28, 2017, at 4:30 p.m.

BACKGROUND:
The County is the owner of the County Land (approximately 1.32 acres), Columbia Crossroads is the owner of the Weissberg Land (approximately 4.47 acres), and the County is the contract purchaser of the Landmark Parcel pursuant to a contract ("Landmark Contract") with 5827 Columbia Pike Associates, LLC, an affiliate of Landmark Atlantic, Inc.) (approximately 1.44 acres). These land areas are shown, approximately, on Attachment 1, with the County Land shown as Area A, the Weissberg Land shown as Areas B1 and B2, and the Landmark Parcel shown as Area C.

The Comprehensive Plan recommends that, with consolidation of at least five acres, the Subject Property may be appropriate for retail/office/residential mixed-use development at an intensity of up to 2.25 FAR. In addition, the Comprehensive Plan calls for a road realignment to connect Seminary Road with Columbia Pike and Moncure Avenue through the eastern portion of the Subject Property. The road realignment through the Subject Property will necessitate the removal of the office building on the Landmark Parcel.

The County Land is the site of the Baileys Crossroads Community Shelter ("Shelter"), identified in the adopted Capital Improvements Plan ("CIP") for reconstruction. In addition, the CIP identifies a need for a number of community services, currently housed in leased space in the area, to be consolidated into County-owned space in an East County Human Services Center ("ECHSC"), which could be constructed on the future office site.

The Subject Property (ownership as described above) was the subject of a previous exchange contract dated April 11, 2016, ("AvalonBay Contract") with AvalonBay Communities, Inc. ("AvalonBay,"), who was at that time the contract purchaser of the Weissberg Land). In addition, at the time the County entered into the AvalonBay Contract, it entered into the Landmark Contract. AvalonBay terminated the AvalonBay Contract during the feasibility period, but the County elected to keep the Landmark Contract in effect pursuant to an amendment that reduced the purchase price from $6.6 million to $6.35 million (this reduction reflects the amount that AvalonBay was obligated to contribute toward the County purchase of the Landmark Parcel pursuant to the AvalonBay Contract). The Board authorized funding for the Landmark Contract and associated site work in February 2016 ($6,350,000 to purchase the Landmark Parcel, an estimated $1,440,000 for the demolition). After the AvalonBay Contract was terminated, Columbia Crossroads, the owner of the Weissberg Land, approached the County with an interest in entering into a similar agreement for a property exchange.

Columbia Crossroads will seek rezoning of the Subject Property to permit the construction of a residential mid-rise apartment development of approximately 355 dwelling units, a future office site, which may house the County's ECHSC, and the connection to Seminary Road. As proposed, the residential development would be located on the western portion of the site, fronting Moncure Avenue. The office site would be located on the eastern portion of the site, fronting on the new road (the first phase of the connection to Seminary Road envisioned by the Comprehensive Plan). This remains consistent with the previous AvalonBay Contract.

The initial step in this process is for the County to purchase the Landmark Parcel (Area C shown on Attachment 1) to effectuate the first phase of the road network envisioned by the Comprehensive Plan and to allow for development of the entire site in a more comprehensive, cost effective manner. After purchase of the Landmark Parcel, the County's holdings will total approximately 2.76 acres (Areas A and C). The second step is for the County and Columbia Crossroads, through the REEA, to exchange real estate such that Columbia Crossroads' property will be located on the western side of

the site (Areas A and B1) and the County's property will be consolidated on the eastern side of the site (Areas B2 and C). The REEA will provide for common infrastructure and rezoning costs to be equitably shared between the County and Columbia Crossroads. This remains consistent with the AvalonBay Contract.

The REEA will not require the County to move forward with any specific development on the future office site, such as, for example, the ECHSC; any such design and construction will be subject to future Board approval. The Shelter on the County Land will be relocated prior to the Columbia Crossroads residential development; a site has been purchased for the relocation of the Shelter and the County is currently designing the facility and pursuing zoning and site plan approvals. All of this is consistent with the AvalonBay Contract, except that the date by which the County must vacate the Shelter has been extended by two years, to enable the County to move the Shelter to a permanent site and thereby avoid the significant costs of a temporary shelter.

Major terms of the REEA with Columbia Crossroads are as follows:

1. Exchange of the County Land (Area A shown on Attachment 1) for approximately 1.49 acres of the Weissberg Land (Area B2 shown on Attachment 1). *Consistent with the AvalonBay Contract.*
2. Closing on this exchange is contingent upon approval of the joint rezoning application to be pursued by Columbia Crossroads, which shall not be later than July 25, 2017. *Outside rezoning date extended one month compared to the AvalonBay Contract.*
3. Closing date for this exchange is set at October 1, 2017, with a provision allowing for the closing to occur at a later date. If closing occurs prior to October 31, 2019, the REEA allows the County to lease back the Shelter site at no cost until October 31, 2019. *Vacation of the shelter extended two years compared to the previous AvalonBay Contract.*
4. The County agrees to demolish two structures on the Weissberg Land (a restaurant and an auto body shop), a new requirement not included in the AvalonBay Contract. Columbia Crossroads agrees to demolish the Shelter building (as well as the remainder of the buildings on the Weissberg Land), consistent with the AvalonBay Contract.

The full text of the REEA with Columbia Crossroads is available online at:
http://fcrevit.com/offsite/REEA021417.pdf

FISCAL IMPACT:
The County's share of the rezoning, common infrastructure, and pre-development costs to support the development agreement with Columbia Crossroads, as contemplated by the REEA, will be approximately $450,000. Funding to authorize the proposed development agreement, is available in Fund 30010, Project HS-000004, East County Human Services Center.

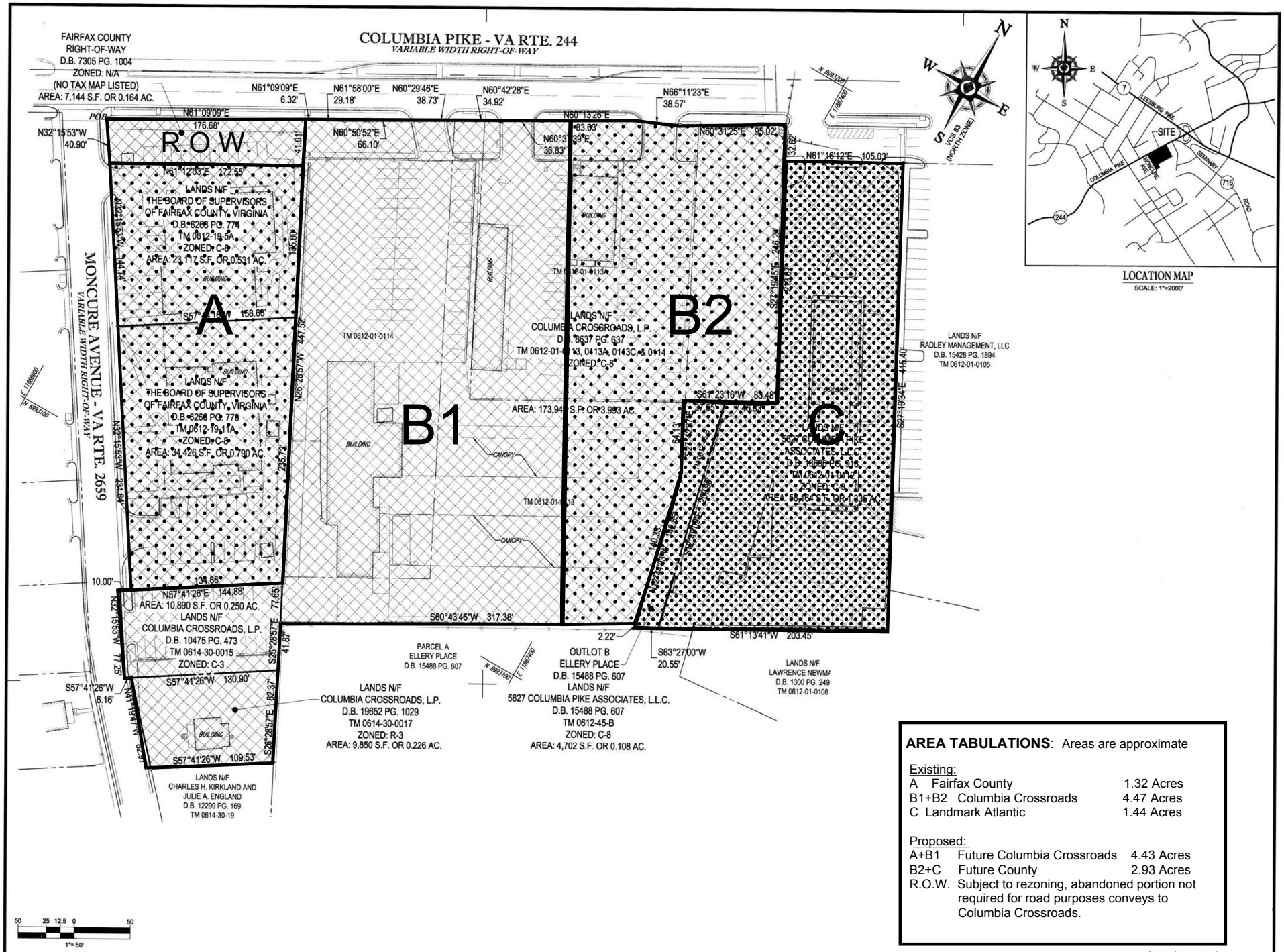
The total project estimate for the new shelter is $12 million as approved in the November 2016 Human Services Bond referendum. Funds are available in Fund 30010, Project HS-000013, Bailey's Crossroads Community Shelter.

ENCLOSED DOCUMENTS:
Attachment 1: Approximate land areas of ownership on the Subject Property
Attachment 2: Resolution

The full text of the REEA with Columbia Crossroads is available online at:
http://fcrevit.com/offsite/REEA021417.pdf

STAFF:
Robert A. Stalzer, Deputy County Executive
Katayoon Shaya, Department of Public Works and Environmental Services
Tracy Strunk, Office of Community Revitalization

ASSIGNED COUNSEL:
Alan M. Weiss, Assistant County Attorney



AREA TABULATIONS: Areas are approximate

Existing:

A	Fairfax County	1.32 Acres
B1+B2	Columbia Crossroads	4.47 Acres
C	Landmark Atlantic	1.44 Acres

Proposed:

A+B1	Future Columbia Crossroads	4.43 Acres
B2+C	Future County	2.93 Acres
R.O.W.	Subject to rezoning, abandoned portion not required for road purposes conveys to Columbia Crossroads.	

Attachment 1

ATTACHMENT 2

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia ("Board"), held in the Board Auditorium in the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, February 28, 2017, at which a quorum was present and voting, the following resolution was adopted.

WHEREAS, the Board has been presented with a copy of a proposed real estate exchange agreement ("Agreement") between the Board and Columbia Crossroads, L.P. ("Columbia Crossroads").

WHEREAS, the Board is the sole owner, in fee simple absolute, of certain land containing approximately 1.32 acres, located at the intersection of Columbia Pike and Moncure Avenue, Bailey's Crossroads, Virginia, Tax Map Nos. 61-2-((19)) parcels 5A and 11A (the "Original County Parcel"). In addition, the Board has an interest in land adjacent to the Original County Parcel dedicated to the Board for purposes of road right-of-way as described in Agreement ("ROW").

WHEREAS, Columbia Crossroads is the owner in fee simple absolute of approximately 4.47 acres of land adjacent to the Original County Parcel along Columbia Pike and Moncure Avenue in Bailey's Crossroads, Virginia, Tax Map Nos. 61-2 ((1)) parcels 113, 113A, 113C and 114 and 61-4 ((30)) parcels 15 and 17 ("Original Columbia Crossroads Property").

WHEREAS, the Board finds that it would be in the best interest of the residents of Fairfax County to convey the Original County Parcel and the Board's interest in the ROW to Columbia Crossroads in exchange for a portion of the Original Columbia Crossroads consisting of approximately 1.49 acres, as described in and in accordance with the Agreement.

NOW, THEREFORE, upon public hearing duly advertised according to law, it is **RESOLVED** that the Board hereby approves the Agreement in substantially the form presented to the Board, and that the County Executive or his designee is authorized and directed to execute and deliver the Agreement, in the name and on behalf of the Board.

AND FURTHER RESOLVED, that the County Executive and other members, officers, and employees of the Board to do all acts required of them by the provision of the Agreement for the full, punctual, and complete performance of all of the terms of the Agreement and also to do all acts required of them, and record such instruments and take such other actions as will promote the goals of, the Agreement.

A Copy Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

Board Agenda Item
February 28, 2017

5:00 p.m.

Public Comment from Fairfax County Citizens and Businesses on Issues of Concern