

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
November 1, 2022**

AGENDA

9:30	Done	Presentations
9:30	Done	Presentation of the Transportation Advisory Commission (TAC) Transportation Achievement Awards
10:00	Done	Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:00	Done	Matters Presented by Board Members
10:00	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Authorization to Advertise a Public Hearing on Proposed Amendment to the Code of the County of Fairfax, Chapter 82, Article 2, to Add a New Section 82-2-9 (Photo Speed Monitoring Devices)
2	Approved with modification	Authorization to Advertise Public Hearings on Proposed County Code Amendments Re: County Code Amendments for Consistency with New Chapter 112.1
3	Approved with modification	Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment to Chapter 112.1 Re: Minor and Editorial Revisions
4	Approved	Authorization to Advertise a Public Hearing to Consider a Temporary Uncodified Ordinance that will Provide for up to a One Dollar Per-Trip Emergency Taxicab Fuel Surcharge from December 30, 2022, Through June 30, 2023
5	Approved	Authorization to Advertise a Public Hearing to Lease County-Owned Property at 9514 Workhouse Way to Bunnyman Brewery Company, LLC (Mount Vernon District)
6	Approved	Authorization to Advertise a Public Hearing to Consider Amendments to the Code of the County of Fairfax, Virginia-Chapter 4 (Taxation and Finance), Article 17.1 (Personal Property Tax)
7	Approved	Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Route 28 Widening from the Prince William County Line to Route 29 (Sully District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
November 1, 2022**

**ADMINISTRATIVE
ITEMS
(continued)**

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| 8 | Approved | Authorization to Advertise a Public Hearing to Amend and Readopt Sections 7-2-3 and 7-2-7 of the Fairfax County Code to Rename the Lee District to the Franconia District, and Appendix G, Section 32 and Appendix M, Section 38 to Rename Associated Parking Districts (Lee District) |
| 9 | Approved | Authorization for the Department of Transportation to Partner with the Virginia Tech Transportation Institute to Apply for Grant Funding from the United States Department of Transportation's FY 2022 Strengthening Mobility and Revolutionizing Transportation Phase 1 Planning and Advanced Transportation Technologies and Innovative Mobility Deployment Discretionary Grant Programs (Providence District) |
| 10 | Approved | Supplemental Appropriation Resolution AS 23097 for Various Fairfax County Agencies to Accept Department of Homeland Security Urban Areas Security Initiative Subgrant Awards from the Government of the District of Columbia Homeland Security and Emergency Management Agency |

ACTION ITEMS

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|---|-----------------|--|
| 1 | Approved | Adoption of Resilient Fairfax, the County's Climate Adaptation and Resilience Plan |
| 2 | Approved | Approval of Supplemental Appropriation Resolution AS 23091 to Accept Grant Funding and Authorization to Execute Project Administration Agreement with the Virginia Department of Transportation for the Implementation of Transportation Alternatives Funded Bush Hill Elementary School Safe Routes to School (SRTS) Project (Lee District) |
| 3 | Approved | Authorization for the Fairfax County Redevelopment and Housing Authority to Make a Supplemental Loan to the Autumn Willow Project in the Amount of \$4,300,000, to Finance the Development of The Lodge at Autumn Willow, Fairfax, Virginia (Springfield District) |
| 4 | Approved | Endorsement of Design Plans for the Compton Road Shared-Use Path Project (Sully District) |
| 5 | Approved | Approval of Funding Allocations for Pedestrian and Bicycle Improvement Projects and Maintenance |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
November 1, 2022**

**ACTION ITEMS
(continued)**

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|---|-----------------|---|
| 6 | Approved | Approval of a Public Transportation Agency Safety Plan (PTASP) for Fairfax Connector |
| 7 | Approved | Approval of Project Agreements Between the Virginia Department of Rail and Public Transportation (DRPT) and Fairfax County for Fiscal Year (FY) 2023 Transit Assistance Grant Funds |

**CLOSED SESSION
Done**

Closed Session

**PUBLIC
HEARINGS**

- | | | |
|------|----------------------------------|--|
| 3:00 | Held | Public Hearing to Receive Comment from Citizens on the Proposed Legislative Program to be Presented to the 2023 Virginia General Assembly |
| 3:30 | Approved | Public Hearing on SE 2022-PR-00023 (1820 Dolley Madison LLC) (Providence District) |
| 3:30 | Approved | Public Hearing on SE 2022-HM-00025 (Trine University) (Hunter Mill District) |
| 3:30 | Approved | Public Hearing on PCA 2003-PR-022-03 (RZPA 2022-PR-00017) (V Metro, LLC; V Metro W, LLC, Metro W, LLC) (Providence District) |
| 3:30 | Approved | Public Hearing on PCA 89-V-038 (RZPA 2022-MV-00010) (Praesum Healthcare Services, LLC) Concurrent with SE 2022-MV-00002 (Praesum Healthcare Services, LLC) (Mount Vernon District) |
| 3:30 | Approved | Public Hearing on SEA 2005-SU-007-02 (Korean Central Presbyterian Church) (Sully District) |
| 4:00 | Approved | Public Hearing on Spot Blight Abatement Ordinance for 12839 Lee Highway, Fairfax, VA 22030 (Springfield District) |
| 4:00 | Deferred
Indefinitely | Public Hearing on Spot Blight Abatement Ordinance for 1724 Beulah Road, Vienna, VA 22182 (Hunter Mill District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
November 1, 2022**

**PUBLIC
HEARINGS
(continued)**

4:00	Approved	Public Hearing on Spot Blight Abatement Ordinance for 6120 Hillview Avenue, Alexandria, VA 22310 (Lee District)
4:30	Approved	Public Hearing to Consider Amendments to The Code of the County of Fairfax, Virginia—Chapter 4 (Taxation and Finance), Article 13 (Transient Occupancy Tax)
4:30	Done	Public Comment



Fairfax County, Virginia

BOARD OF SUPERVISORS

AGENDA

**Tuesday
November 1, 2022**

9:30 a.m.

PRESENTATIONS

- RESOLUTION — To recognize 21 of the county's nonprofit partners for their contributions during the pandemic. Requested by Chairman McKay and Supervisors Foust and Palchik.
- RESOLUTION — To recognize the Burke Composite Squadron Cadet Competition Team for their success in the Civil Air Patrol National Cadet Competition. Requested by Supervisors Walkinshaw and Herrity.
- PROCLAMATION — To designate the week of November 13-19, 2022 as Transgender Awareness Week. Requested by Chairman McKay and Supervisor Foust.
- PROCLAMATION — To designate November 15, 2022 as Fairfax Recycle Day. Requested by Supervisors Herrity, Gross and Storck.

STAFF:

Tony Castrilli, Director, Office of Public Affairs
Jeremy Lasich, Office of Public Affairs

Board Agenda Item
November 1, 2022

9:30 a.m.

Presentation of the Transportation Advisory Commission (TAC) Transportation
Achievement Awards

ENCLOSED DOCUMENTS:
None.

PRESENTED BY:
Michael D. Champness, Chairman of the Transportation Advisory Commission

Board Agenda Item
November 1, 2022

10:00 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard November 1, 2022

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

FINAL COPY

APPOINTMENTS TO BE HEARD NOVEMBER 1, 2022
(ENCOMPASSING VACANCIES PROJECTED THROUGH **DECEMBER 31, 2022)**
 (Unless otherwise noted, members are eligible for reappointment)

**A. HEATH ONTHANK MEMORIAL AWARD
 SELECTION COMMITTEE (1-year term)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Clifford L. Fields; appointed 1/96-1/03 by Hanley; 1/04-1/08 by Connolly; 2/09- 1/20 by Bulova) Term exp. 1/21 <i>Resigned</i>	At-Large Chairman's Representative		McKay	At-Large Chairman's
Kerrie Wilson (Appointed 1/10-7/21 by Foust) Term exp. 1/22	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Mary Frances Tunick; appointed 10/20-3/21 by Gross) Term exp. 1/22 <i>Resigned</i>	Mason District Representative		Gross	Mason

ADVISORY SOCIAL SERVICES BOARD
(4-year terms – limited to 2 full terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Nancy Dalton Hall (Appointed 9/14-9/18 by Gross) Term exp. 9/22 <i>Not eligible for reappointment</i>	Mason District Representative		Gross	Mason

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Richard N. Rose (Appointed 7/97-4/01 by Hanley; 9/05-5/09 by Connolly; 6/13- 6/17 by Bulova) Term exp. 5/21	Builder (Multi-Family) Representative		By Any Supervisor	At-Large
Renko R. Hardison (Appointed 6/18 by McKay) Term exp. 5/22	Citizen Representative		By Any Supervisor	At-Large
James H. Scanlon (Appointed 6/93-5/17 by Bulova) Term exp. 5/21	Engineer/Architect/ Planner #1 Representative		By Any Supervisor	At-Large
Mark Drake (Appointed 2/09-5/12 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 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large

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AFFORDABLE DWELLING UNIT ADVISORY BOARD (4-year terms)

Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Francis C. Steinbauer (Appointed 8/02-5/18 by Hudgins) Term exp. 5/22	Non-Profit Housing Representative		By Any Supervisor	At-Large

**ALCOHOL SAFETY ACTION PROGRAM LOCAL
POLICY BOARD (ASAP) (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Grant J. Nelson Appointed 10/95-5/01 by Hanley; 6/04-9/07 by Connolly; 6/10- 9/19 by Bulova) Term exp. 6/22	At-Large #2 Representative		By Any Supervisor	At-Large
Darren Dickens (Appointed 11/96- 5/01 by Hanley; 6/04- 10/07 by Connolly; 6/10-9/19 by Bulova) Term exp. 6/22	At-Large #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Jayant Reddy; appointed 1/16-7/18 by Bulova) Term exp. 8/21 <i>Resigned</i>	At-Large #4 Representative		By Any Supervisor	At-Large
Linda Perlstein (Appointed 4/05- 10/19 by Hudgins) Term exp. 10/22	At-Large #6 Representative	Linda Perlstein (Alcorn)	By Any Supervisor	At-Large

ARCHITECTURAL REVIEW BOARD (3-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jason F. Zellman (Appointed 5/18-9/19 by Herrity) Term exp. 9/22	Attorney Representative		By Any Supervisor	At-Large

ATHLETIC COUNCIL (2-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Terry Adams; appointed 11/11-7/13 by Gross) Term exp. 6/15 <i>Resigned</i>	Mason District Alternate Representative		Gross	Mason
VACANT (Formerly held by Stephen McLaughlin; appointed 9/98-9/03 by Connolly; 9/05- 9/19 by Smyth, 9/21 by Palchik) Term exp. 9/23 <i>Resigned</i>	Providence District Principal Representative	Kelly Ego-Osuala	Palchik	Providence
VACANT (Formerly held by Kelly Ego-Osuala; appointed 1/21 by Palchik) Term exp. 9/24	Providence District Alternate Representative		Palchik	Providence
Michael W. Thompson (Appointed 1/09-6/20 by Herrity) Term exp. 6/22	Springfield District Principal Representative		Herrity	Springfield
Jenni R. Cantwell (Appointed 9/10-6/20 by Herrity) Term exp. 6/22	Women's Sports Principal Representative		By Any Supervisor	At-Large

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1-year term)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Raymond Smith; appointed 7/20-6/22 by Walkinshaw) Term exp. 6/23 <i>Resigned</i>	Braddock District Representative		Walkinshaw	Braddock
VACANT (Formerly held by Barbara Glakas; appointed 1/12-6/19 by Foust) Term exp. 6/20 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
Kim S. Farington (Appointed 1/19-6/21 by Herrity) Term exp. 6/22	Springfield District Representative	Kim S. Farington	Herrity	Springfield

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4-year terms)

NOTE: No official, technical assistant, inspector or other employee of the Department of Public Works and Environmental Services, Department of Planning and Development, or Fire and Rescue Department shall serve as a member on this Board.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Wayne Bryan; appointed 6/13-2/17 by Bulova) Term exp. 2/21 <i>Resigned</i>	Alternate #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Thomas J. Schroeder; appointed 06/92-2/17 by Bulova) Term exp. 2/21 <i>Resigned</i>	Design Professional #1 Representative		By Any Supervisor	At-Large

**BOARD OF EQUALIZATION OF REAL ESTATE
ASSESSMENTS (BOE) (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Asim Elfaki (Appointed 5/18-12/18 by Bulova; 1/21 by McKay) Term exp. 12/22	At-Large #1 Representative		By Any Supervisor	At-Large
Robert Mansker (Appointed 9/06-1/20 by Gross) Term exp. 12/22	At-Large #3 Representative	Robert Mansker (Gross)	By Any Supervisor	At-Large
VACANT (Formerly held by Maria Dolores Quintela; appointed 2/20-11/21 by McKay) Term exp. 12/23 <i>Resigned</i>	Professional #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Arthur S. Nachman; appointed 6/14-11/20 by Foust) Term exp. 12/22 <i>Resigned</i>	Professional #2 Representative		By Any Supervisor	At-Large
Noelle M. Holmes (Appointed 5/06-12/08 by Connolly; 12/10-12/18 by Smyth; 12/20 by Palchik) Term exp. 12/22	Professional #4 Representative		By Any Supervisor	At-Large
M. Yvonne Demory (Appointed 1/07-12/18 by Hudgins; 11/20 by Alcorn) Term exp. 12/22	Professional #5 Representative	M. Yvonne Demory (Alcorn)	By Any Supervisor	At-Large

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**BOARD OF EQUALIZATION OF REAL ESTATE
ASSESSMENTS (BOE) (2-year terms)**
Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Constance M. Hylton (Appointed 1/21 by McKay) Term exp. 12/22	Professional #6 Representative		By Any Supervisor	At-Large

CHILD CARE ADVISORY COUNCIL (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Kerry O'Brien (Appointed 5/18-9/20 by Herrity) Term exp. 9/22	Springfield District Representative		Herrity	Springfield

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Andrea C. McCarthy; appointed 6/20 by Alcorn) Term exp. 5/22 <i>Resigned</i>	Hunter Mill District Representative		Alcorn	Hunter Mill
VACANT (Formerly held by Joseph Hansen; appointed 9/20 by Storck) Term exp. 5/22 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon

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CITIZEN CORPS COUNCIL, FAIRFAX COUNTY (2-year terms)

Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Nathaniel Baldwin; appointed 7/20-5/24 by Palchik) Term exp. 5/24 <i>Resigned</i>	Providence District Representative		Palchik	Providence

CIVIL SERVICE COMMISSION (2-year terms)

NOTE: The Commission shall include at least 3 members who are male, 3 members who are female, and 3 members who are from a minority group.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Deborah A. Woolen (Appointed 7/19 by McKay; 12/20 by Lusk) Term exp. 12/22	At-Large #2 Representative		By Any Supervisor	At-Large

COMMISSION FOR WOMEN (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Alesia Taylor-Boyd (Appointed 5/22 by Lusk) Term exp. 10/22	Lee District Representative		Lusk	Lee
VACANT (Formerly held by Jane M. Materna; appointed 2/19-10/19 by Gross) Term exp. 10/22 <i>Resigned</i>	Mason District Representative		Gross	Mason

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COMMISSION FOR WOMEN (3-year terms)

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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	Lesbian-Gay-Bisexual-Queer-Intersex-Asexual ("LGBQIA+") Representative		McKay	At-Large Chairman's
NEW POSITION	Transgender Woman Representative		McKay	At-Large Chairman's

COMMISSION ON AGING (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Kathleen Hoyt; appointed 12/16-2/21 by Gross) Term exp. 5/22 <i>Resigned</i>	Mason District Representative	Irvin S. Katz	Gross	Mason
VACANT (Formerly held by Thomas Bash; appointed 5/11-5/21 by Herrity) Term exp. 5/23 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jennifer Chronis; appointed 12/16-7/18 by Herrity) Term exp. 8/21 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

**DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT
ADVISORY BOARD, PHASE I (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Michael J. Cooper; appointed 3/04-7/18 by Smyth) Term exp. 3/22 <i>Resigned</i>	At-Large #6 Representative		By Any Supervisor	At-Large

ECONOMIC ADVISORY COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Dominic Bonaiuto (Appointed 9/18-6/20 by Foust) Term exp. 12/22	At-Large #1 Representative		By Any Supervisor	At-Large

ECONOMIC DEVELOPMENT AUTHORITY (EDA) (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Roderick Mitchell (Appointed 10/20 by McKay) Term exp. 7/22	At-Large #3 Citizen Representative		By Any Supervisor	At-Large

ENGINEERING STANDARDS REVIEW COMMITTEE (3-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Howard J. Guba; appointed 6/18 by Bulova) Term exp. 3/21 <i>Resigned</i>	Citizen #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Maya Huber; appointed 12/09-1/14 by Confirmation; 5/18 by Bulova) Term exp. 3/21 <i>Resigned</i>	Citizen #4 Representative		By Any Supervisor	At-Large

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Bryan P. Campbell (Appointed 2/20 by Walkinshaw) Term exp. 11/22	Braddock District Representative	Bryan P. Campbell	Walkinshaw	Braddock
Johna Gagnon (Appointed 8/93-10/95 by Alexander; 10/98- 1/08 by Kauffman; 11/10-11/16 by McKay; 1/20 by Lusk) Term exp. 11/22	Lee District Representative		Lusk	Lee

FAIRFAX AREA DISABILITY SERVICES BOARD**(3-year terms - limited to 2 full terms)**

NOTE: Members may be reappointed after being off the Board for three years. State Code requires that the membership in the local disabilities board include at least 30 percent representation by individuals who have physical, visual, or hearing disabilities or their family members. For this 15-member board, the minimum number for this representation would be five members.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Christie Garton (Appointed 5/22 by McKay) Term exp. 11/22	At-Large #1 Business Community Representative	Christie Garton (McKay)	By Any Supervisor	At-Large
Deborah K. Hammer (Appointed 3/16-1/20 by Storck) Term exp. 11/22 <i>Not eligible for reappointment</i>	Mount Vernon District Representative		Storck	Mount Vernon
Diane Monnig (Appointed 5/21 by Palchik) Term exp. 11/22	Providence District Representative		Palchik	Providence

HEALTH SYSTEMS AGENCY BOARD (3-year terms -limited to 2 full terms)

NOTE: Members may be reappointed after 1 year break

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Maria Zlotnick; appointed 6/20 by Alcorn) Term exp. 6/22 <i>Resigned</i>	Provider #4 Representative		By Any Supervisor	At-Large

HISTORY COMMISSION (3-year terms)

NOTE: The Commission shall include at least one member who is a resident from each District.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Barbara Naef; appointed 6/04-1/17 by Hudgins; 1/20 by Alcorn) Term exp. 12/22 <i>Hunter Mill District</i> <i>Resigned</i>	Archaeologist Representative	Kevin Bradley (Alcorn)	By Any Supervisor	At-Large
Tammy Mannarino (Appointed 1/20 by Storck) Term exp. 12/22 <i>Mount Vernon District</i>	At-Large #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Phyllis Walker Ford; appointed 1/09-1/17 by McKay; 1/20 by Lusk) Term exp. 12/22 <i>Lee District</i> <i>Resigned</i>	At-Large #3 Representative		By Any Supervisor	At-Large
Elise Ruff Murray (Appointed 11/83- 11/89 by Pennino; 11/92-11/01 by Hanley; 12/04-2/17 by Hudgins; 1/20 by Alcorn) Term exp. 12/22 <i>Hunter Mill District</i>	Citizen #3 Representative		By Any Supervisor	At-Large
Barbara J. Peters (Appointed 3/17-1/20 by Gross) Term exp. 12/22 <i>Mason District</i>	Citizen #7 Representative		By Any Supervisor	At-Large

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HISTORY COMMISSION (3-year terms)

NOTE: The Commission shall include at least one member who is a resident from each District.
Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Anne G. Stuntz (Appointed 3/2-1/17 by Hudgins; 1/20 by Alcorn) Term exp. 12/22 <i>Hunter Mill District</i>	Historian #2 Representative	Anne G. Stuntz (Alcorn)	By Any Supervisor	At-Large

HUMAN RIGHTS COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Emanuel Solon (Appointed 9/95-7/01 by Connolly; 9/04- 9/19 by Smyth) Term exp. 9/22	At-Large #5 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Elliot Bell-Krasner; appointed 1/20 by Palchik) Term exp. 9/22 <i>Resigned</i>	At-Large #6 Representative		By Any Supervisor	At-Large

HUMAN SERVICES COUNCIL (4-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jeff Dannick; appointed 4/14-7/17 by Cook; 7/21 by Walkinshaw) Term exp. 7/25 <i>Resigned</i>	Braddock District #1 Representative		Walkinshaw	Braddock
Robert L. Faherty (Appointed 9/99-7/02 by Kauffman; 7/06- 7/18 by McKay) Term exp. 7/22	Lee District #2 Representative		Lusk	Lee
VACANT (Formerly held by Lanita R. Thweatt; appointed 6/19-7/20 by Storck) Term exp. 7/24 <i>Resigned</i>	Mount Vernon District #1 Representative		Storck	Mount Vernon

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC) (3-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Rajni Goel (Appointed 1/20 by Foust) Term exp. 12/22	Dranesville District Representative		Foust	Dranesville
Richard A. Kostro (Appointed 7/18-1/20 by Storck) Term exp. 12/22	Mount Vernon District Representative		Storck	Mount Vernon
Dennis Carlton (Appointed 2/16-1/20 by Smith) Term exp. 12/22	Sully District Representative	Dennis Carlton	Smith	Sully

**JUVENILE AND DOMESTIC RELATIONS COURT
CITIZENS ADVISORY COUNCIL (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jan B. Reitman appointed 7/14-1/20 by Gross) Term exp. 1/22 <i>Resigned</i>	Mason District Representative		Gross	Mason

**OVERSIGHT COMMITTEE ON DISTRACTED AND
IMPAIRED DRIVING (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Annette Koklauner (Appointed 1/16 by Bulova) Term exp. 6/19	At-Large Chairman's Representative		McKay	At-Large Chairman's
VACANT (Formerly held by William Uehling; appointed 3/10-7/12 by Bulova) Term exp. 6/15 <i>Resigned</i>	Braddock District Representative		Walkinshaw	Braddock
VACANT (Formerly held by Amy K. Reif; appointed 8/09-6/12 by Foust) Term exp. 6/15 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville

Continued on next page

**OVERSIGHT COMMITTEE ON DISTRACTED AND
IMPAIRED DRIVING (3-year terms)**

Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Sarah McCue (Appointed 3/19 by Alcorn) Term exp. 6/21	Hunter Mill District Representative		Alcorn	Hunter Mill
Nabil S. Barbari (Appointed 1/07-9/16 by Gross) Term exp. 6/19	Mason District Representative		Gross	Mason
VACANT (Formerly held by Jeffrey Levy; appointed 7/02-6/13 by Hyland) Term exp. 6/16 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon
VACANT (Formerly held by Tina Montgomery; appointed 9/10-6/11 by Smyth) Term exp. 6/14 <i>Resigned</i>	Providence District Representative		Palchik	Providence
Peyton Smith (Appointed 10/17 by Smith) Term exp. 6/20	Sully District Representative		Smith	Sully

PARK AUTHORITY (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Kiel Stone (Appointed 10/17-11/18 by Cook) Term exp. 12/22	Braddock District Representative		Walkinshaw	Braddock
Ronald J. Kendall (Appointed 2/17-11/18 by Gross) Term exp. 12/22	Mason District Representative	Ronald J. Kendall	Gross	Mason
Linwood M. Gorham (Appointed 2/11-11/14 by Hyland; 12/18 by Storck) Term exp. 12/22	Mount Vernon District Representative		Storck	Mount Vernon
Michael W. Thompson (Appointed 7/12-11/18 by Herrity) Term exp. 12/22	Springfield District Representative		Herrity	Springfield

PLANNING COMMISSION (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Timothy J. Sargeant (Appointed 2/06 by Connolly; 12/10-11/18 by Bulova) Term exp. 12/22	At-Large #2 Representative		By Any Supervisor	At-Large
Julie M. Strandlie (Appointed 12/14-11/18 by Gross) Term exp. 12/22	Mason District Representative		Gross	Mason
Peter F. Murphy (Appointed 12/82 by Travesky; 11/89-12/06 by McConnell; 12/10-11/18 by Herrity) Term exp. 12/22	Springfield District Representative		Herrity	Springfield

POLICE CIVILIAN REVIEW PANEL (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Shirley A. Norman-Taylor appointed 2/19 by Bulova; 2/20 by McKay) Term exp. 2/23 <i>Resigned</i>	Seat #3 Representative		By Any Supervisor	At-Large

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Brendan D. Harold (Appointed 5/05-11/14 by Hyland; 12/18 by Storck) Term exp. 12/22	Citizen At-Large #2 Representative		By Any Supervisor	At-Large
James E. Bitner (Appointed 5/17-10/18 by Bulova) Term exp. 6/22	Citizen At-Large #3 Representative		By Any Supervisor	At-Large

SMALL BUSINESS COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Kelly Hebron; appointed 11/08-12/17 by McKay; 12/20 by Lusk) Term exp. 12/23 <i>Resigned</i>	Lee District Representative		Lusk	Lee

TENANT LANDLORD COMMISSION (3-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Eric Fielding; appointed 6/15-1/19 by Bulova) Term exp. 12/21 <i>Resigned</i>	Citizen Member #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Shahana Begum Islam; appointed 6/20 by Palchik) Term exp. 1/23 <i>Resigned</i>	Condo Owner Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Christopher Lee Kocsis; appointed 3/99-11/00 by Hanley; 1/04-12/06 by Connolly; 12/09-1/16 by Bulova) Term exp. 12/18 <i>Deceased</i>	Landlord Member #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Anup Nair; appointed 6/21 by Palchik) Term exp. 1/24 <i>Resigned</i>	Tenant Member #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Jade Harberg; appointed 7/17 by Bulova; 1/20 by McKay) Term exp. 1/23 <i>Resigned</i>	Tenant Member #3 Representative		By Any Supervisor	At-Large

TRANSPORTATION ADVISORY COMMISSION (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Alexis Glenn (Appointed 9/20 by Lusk) Term exp. 6/22	Lee District Representative		Lusk	Lee

TREE COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robert D. Vickers (Appointed 4/07 by DuBois; 11/09-10/18 by Foust) Term exp. 10/21	Dranesville District Representative		Foust	Dranesville
Cory A. Suter (Appointed 2/20 by Herrity) Term exp. 10/22	Springfield District Representative		Herrity	Springfield

TRESPASS TOWING ADVISORY BOARD (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
John Theodore Fee (Appointed 6/06-9/07 by Connolly; 9/10-0/19 by Bulova) Term exp. 9/22	Citizen Representative		By Any Supervisor	At-Large
Alvin C. Leach (Appointed 7/06-9/07 by DuBois; 10/10-9/19 by Foust) Term exp. 9/22	Towing #2 Representative	Alvin Leach (Foust)	By Any Supervisor	At-Large

**TYSONS TRANSPORTATION SERVICE DISTRICT
ADVISORY BOARD (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Barry Mark; appointed 3/15-2/17 by Bulova) Term exp. 2/19 <i>Resigned</i>	Commercial or Retail Ownership #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Brad Swanson; appointed 2/21-2/21 by Alcorn) Term exp. 2/23 <i>Resigned</i>	Hunter Mill District #1 Representative		Alcorn	Hunter Mill

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Frank Henry Grace (Appointed 5/01-6/02 by Hanley; 10/06 by Connolly; 7/10-7/18 by Bulova) Term exp. 7/22	Citizen Appointed by BOS #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Maria Teresa Valenzuela; appointed 7/16-11/17 by Bulova) Term exp. 10/21 <i>Resigned</i>	Citizen Appointed by BOS #4 Representative		By Any Supervisor	At-Large

WETLANDS BOARD (5-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Kimberly V. Larkin (Appointed 10/16- 12/18 by Storck) Term exp. 12/22	At-Large #1 Representative		By Any Supervisor	At-Large
Douglas M. Kleine (Appointed 5/18 by Storck) Term exp. 12/22	Mount Vernon District #1 Representative		Storck	Mount Vernon

YOUNG ADULTS ADVISORY COMMITTEE (2-year terms - limited to 2 full terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Sarah Bufano; appointed 7/20-1/22 by Walkinshaw) Term exp. 1/24 <i>Resigned</i>	Braddock District Representative		Walkinshaw	Braddock
VACANT (Formerly held by Jessica Sun; appointed 6/20-2/22 by Palchik) Term exp. 1/24 <i>Resigned</i>	Providence District Representative		Palchik	Providence

NEW BOARDS**AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC) (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	Mason District Representative		Gross	Mason

CONFIRMATION NEEDED:

- Dr. Vernon C. Walton as the Business, Economic Development, Health #3 Representative

FAIRFAX COUNTY 250TH COMMISSION (6-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Bobbi Bowman; appointed 10/21 by McKay) Term exp. 6/27 <i>Resigned</i>	At-Large Chairman's Representative		McKay	At-Large Chairman's

Board Agenda Item
November 1, 2022

10:00 a.m.

Matters Presented by Board Members

Board Agenda Item
November 1, 2022

10:00 a.m.

Items Presented by the County Executive

Board Agenda Item
November 1, 2022

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing on Proposed Amendment to the Code of the County of Fairfax, Chapter 82, Article 2, to Add a New Section 82-2-9 (Photo Speed Monitoring Devices)

ISSUE:

Authorization to advertise a public hearing on amendment to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Article 2, to add a new Section 82-2-9.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the advertisement of a public hearing on December 6, 2022, at 4:30 p.m., to consider the proposed amendment to Chapter 82.

TIMING:

Board action is requested on November 1, 2022, to provide sufficient time to advertise the proposed public hearing for consideration of this amendment on December 6, 2022, at 4:30 p.m.

BACKGROUND:

Effective July 1, 2020, HB 1442, enacted into law as Code of Virginia [§ 46.2-882.1](#), authorized state and local law enforcement to operate photo speed monitoring devices in or around school crossing zones and highway work zones. In order to enact a speed monitoring device program in Fairfax County, Chapter 82, Article 2, should be amended to add a new Section 82-2-9 addressing the photo speed monitoring program. This amendment will permit the Fairfax County Police Department to implement this program which will include a graduated fine structure based on vehicle speed. The draft ordinance is included in Attachment 1.

EQUITY IMPACT:

None.

FISCAL IMPACT:

None.

Board Agenda Item
November 1, 2022

CREATION OF POSITIONS:

None.

ENCLOSED DOCUMENTS:

Attachment 1- Proposed Amendment to Article 2 of Chapter 82 of the Fairfax County Code.

STAFF:

Thomas Arnold, Deputy County Executive
Captain Alan Hanson, Fairfax County Police Department

ASSIGNED COUNSEL:

Richard Dzubin, Assistant County Attorney

**AN ORDINANCE AMENDING
ARTICLE 2 OF CHAPTER 82 OF THE FAIRFAX COUNTY CODE, RELATING TO
THE USE OF PHOTO MONITORING DEVICES IN HIGHWAY WORK ZONES AND
SCHOOL CROSSING ZONES**

Draft of September 21, 2022

AN ORDINANCE to amend the Fairfax County Code by adding a new section 82-2-9 relating to the use of photo monitoring devices in highway work zones and school crossing zones.

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

1. That Section 82-2-9 is adopted as follows:

Chapter 82 – Motor Vehicles and Traffic.

Article 2. – Signs, Signals and Markers.

Section 82-2-9. Use of photo speed monitoring devices in highway work zones and school crossing zones; penalty.

- (a) For purposes of this section, "highway work zone" has the same meaning ascribed to it in Code of Virginia, § 46.2-878.1. "Photo speed monitoring device" means equipment that uses radar or LIDAR-based speed detection and produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles. "School crossing zone" has the same meaning ascribed to it in Code of Virginia, § 46.2-873.
- (b) Pursuant to Va. Code § 46.2-882.1, the Fairfax County Police Department may install and operate photo speed monitoring devices, within the jurisdictional boundaries of the County, in school crossing zones for the purposes of recording violations of Va. Code § 46.2-873 and in highway work zones for the purposes of recording violations of Va. Code § 46.2-878.1.
- (c) The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to Va. Code § 46.2-882.1 if such vehicle is found, as evidenced by information obtained from a photo speed monitoring device, to be traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone, while such zone is active. Such civil penalties will be imposed on a graduated basis: (i) for speeds at least 10 but not greater than 14 miles per hour above the posted speed limit, the civil penalty will be \$50.00; (ii) for speeds at least 15 but not greater than 19 miles per hour above the posted speed limit, the civil penalty will be \$75.00; (iii) for speeds at least 20 miles over the posted speed limit, the civil penalty will be \$100.00. Any prosecution will be instituted and conducted in the manner prescribed by Va. Code § 46.2-882.1. Civil penalties collected from a summons issued by a Fairfax County law-enforcement officer must be paid to Fairfax County.

1 (d) A private vendor may enter into an agreement with the County, on behalf of and through the
2 Fairfax County Police Department, to be compensated for providing a photo speed
3 monitoring device and all related support services, including consulting, operations and
4 administration. Any such agreement for compensation shall be based on the value of the
5 goods and services provided, not on the number of violations paid or monetary penalties
6 imposed. Any private entity contracting with the County, on behalf of the Fairfax County
7 Police Department, pursuant to this section will comply with all of the requirements set
8 forth in Va. Code § 46.2-882.1.

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

13
14 **3. That this Ordinance is effective upon adoption.**
15

16
17 GIVEN under my hand this _____ day of _____, 2022
18

19 _____
20 Clerk for the Board of Supervisors

ADMINISTRATIVE - 2

Authorization to Advertise Public Hearings on Proposed County Code Amendments Re: County Code Amendments for Consistency with New Chapter 112.1

ISSUE:

Following the adoption of the new Zoning Ordinance on March 23, 2021, which became effective on July 1, 2021, a number of necessary revisions to the County Code have been identified. The proposed amendment will update the County Code to reflect the new Zoning Ordinance as Chapter 112.1. In so doing, references to Chapter 112 will change to Chapter 112.1 and references to sections in the previous zoning ordinance will be updated. In the affected provisions, other minor editorial revisions (e.g., replacing “shall”) are included as well. Also, after consulting with the Department of Tax Administration (DTA), Chapter 27, Establishments Permitting Dancing, is proposed to be repealed, as dance halls are no longer a use in the new Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends the authorization of the proposed County Code amendments.

TIMING:

Board action is requested on November 1, 2022, to provide sufficient time to advertise the proposed Planning Commission public hearing on December 8, 2022, at 7:30 p.m., and the proposed Board of Supervisors public hearing on January 24, 2023, at 4:00 p.m.

BACKGROUND:

On March 23, 2021, the Board of Supervisors adopted a new Zoning Ordinance that took effect on July 1, 2021. Since that time, staff has compiled a list of changes to the County Code that are needed to resolve inconsistencies between new Chapter 112.1 and other chapters of the County Code. Those changes are the subject of this proposed amendment.

The amendment includes the following changes to the County Code:

- Replaces references to Chapter 112 with Chapter 112.1, which is the new Zoning Ordinance chapter in the County Code.

Board Agenda Item
November 1, 2022

- Removes references to the R-P District in Chapters 101 – Subdivision Provisions, 114 – Local Agricultural and Forestal Districts of Statewide Significance, 115 – Local Agricultural and Forestal Districts, and 122 – Tree Conservation Ordinance. The R-P District has been removed from the Zoning Ordinance.
- Updates use names and other terms referenced in the Code to correspond with the applicable terms in the new Zoning Ordinance. For example, references to “mobile home” are replaced with “manufactured home” and references to “yards” are replaced with “setbacks.” These updates are made in Chapter 30 – Minimum Private School and Child Care Facility Standards, Chapter 101 – Subdivision Provisions, and Chapter 118 – Chesapeake Bay Preservation Ordinance.
- Updates references to provisions from the previous Zoning Ordinance, found in various chapters of the County Code, to the applicable provisions in the new Zoning Ordinance.
- In consultation with DTA, the amendment repeals Chapter 27, Establishments Permitting Dancing, as a dance hall is no longer a use in the new Zoning Ordinance. The use of dance hall was replaced with a new use, Public Entertainment, which requires approval by the Board, either by special exception in the C-5 through C-8 and I-2 through I-6 Districts or in certain planned districts if shown on an approved development plan or if approved by special exception. Accessory entertainment is also allowed in conjunction with a restaurant if it meets the applicable use standards. DTA has indicated that, between FY 2018 and FY 2022, the revenue collections from the Dance Hall License fee ranged from \$2,060 to \$3,590.

A more detailed discussion of these proposed changes is contained in the Staff Report (Attachment 2).

REGULATORY IMPACT:

The proposed amendment enhances existing regulations by resolving inconsistencies and making editorial revisions.

EQUITY IMPACT:

None.

FISCAL IMPACT:

The proposed amendment to repeal Chapter 27, Establishments Permitting Dancing, would eliminate the \$100 annual license fee associated with dance halls. Revenues over the past five years from this license fee have averaged approximately \$2,800. As a result, negligible revenue impacts are expected with the repeal of Chapter 27.

Board Agenda Item
November 1, 2022

ENCLOSED DOCUMENTS:

Attachment 1 – Ordinance
Attachment 2 – Staff Report

STAFF:

Rachel Flynn, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Leslie Johnson, Zoning Administrator, DPD
Carmen Bishop, Deputy Zoning Administrator, DPD
Jennan Qato, Planner, DPD

ASSIGNED COUNSEL:

Laura Gori, Senior Assistant County Attorney
Daniel Robinson, Senior Assistant County Attorney

**AN ORDINANCE AMENDING
VARIOUS CHAPTERS OF THE FAIRFAX COUNTY CODE TO REFLECT THE NEW
CHAPTER 112.1 (ZONING ORDINANCE).**

Draft of October 3, 2022

AN ORDINANCE to repeal Chapter 27 in its entirety and to amend the Fairfax County Code by amending and readopting Sections 1-1-16, 4-13-1, 4-24-1, 4-24-3.1, 30-1-1, 31-2-4, 34-1-3, 82-5A-2, 82-5B-1, 101-1-12, 101-1-14, 101-2-1, 101-2-2, 101-2-5, 101-2-8, 101-3-4, 101-3-8, 101-3-11, 101-4-1, 104-1-2, 110-3-2, 110-3-7, 114-1-4, 115-5-1, 118-3-2, 118-5-4, 118-6-3, 118-6-5, 118-6-7, 122-2-1, 122-3-1, 122-5-3, 124-1-5, 124-4-2, 124-5-4, Appendix A, and Appendix Q.

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

1. That Chapter 27 is repealed in its entirety and Sections 1-1-16, 4-13-1, 4-24-3.1, 30-1-1, 31-2-4, 34-1-3, 82-5A-2, 82-5B-1, 101-1-12, 101-1-14, 101-2-1, 101-2-2, 101-2-5, 101-2-8, 101-3-4, 101-3-8, 101-3-11, 101-4-1, 104-1-2, 110-3-2, 110-3-7, 114-1-4, 115-5-1, 118-3-2, 118-5-4, 118-6-3, 118-6-5, 118-6-7, 122-2-1, 122-3-1, 122-5-3, 124-1-5, 124-4-2, 124-5-4, Appendix A, and Appendix Q of the Fairfax County Code are amended and readopted as follows:

Chapter 1 – General Provisions

Article 1. General Provisions.

Section 1-1-16. Reorganization of departments, agencies and offices.

(a)(1) All provisions of the County Code, including ~~Chapter 112, the Zoning Ordinance,~~ Chapter 112.1 (Zoning Ordinance), the Public Facilities Manual, and all other codified and uncodified ordinances of Fairfax County that refer to the "Director of the Department of Environmental Management," the "Department of Environmental Management," its divisions, branches or sections, and officials thereof whose positions ~~shall be~~ were retitled or changed in the reorganization, ~~shall~~ mean the "Director of the Department of Public Works and Environmental Services," the "Department of Public Works and Environmental Services," and the corresponding offices, divisions, branches or sections, as the case may be, specified as part of the reorganization of the Departments of Public Works, Environmental Management and part of General Services.

43 **Chapter 4 – Taxation and Finance**

44 **Article 13. Transient Occupancy Tax.**

45 **Section 4-13-1. Definitions.**

46 *Hotel* means any public or private hotel, inn, apartment hotel, hostelry, tourist home or house,
47 motel, rooming house, any place that offers Short-Term Lodging as defined in ~~Article 20, Part~~
48 ~~3~~subsection 9103.7 of the Fairfax County Zoning Ordinance, or other lodging place within the
49 County offering lodging for one or more persons at any one time, and the owner and operator
50 thereof, who, for compensation, furnishes lodging to any transients as hereinafter defined.

51
52 **Article 24. Partial Property Tax Exemption for Certain Rehabilitated Real Property.**

53 **Section 4-24-1. Definitions.**

54 *Commercial Revitalization District* means those Commercial Revitalization Districts specified
55 in ~~Appendix 7 to Chapter 112~~Section 3102 of Chapter 112.1 (Zoning Ordinance) of the Fairfax
56 County Code, the boundaries of which are established by the Official Zoning Map.

Section 4-24-3.1. - Partial tax exemption for certain rehabilitated, renovated, or replacement commercial or industrial structures within certain districts.

D. In addition to any other provision of this Section, if the total floor area of a commercial or industrial structure that is substantially rehabilitated, renovated, or replaced is more than 80,000 square feet, then the owner of such property ~~shall~~will be issued a partial tax exemption to the general real property tax only if the improved or replacement structure is or is part of a Mixed-Use Project. In order to qualify for an exemption authorized by this Section, a Mixed-Use Project must have two different uses, and each such use ~~shall~~must consist of at least 25 percent of the total gross floor area ratio of the entire Mixed-Use Project, and for the purposes of this Section, all business service ~~and supply~~ establishments, all ~~eating establishments~~restaurants, ~~carryout restaurants~~, all financial institutions, including drive-in banks ~~through financial institutions~~, all funeral homes, all ~~garment cleaning establishments~~personal service establishments, all health ~~clubs~~and exercise facilities, all ~~personal service establishments~~, all ~~pharmacies~~, including drive-in ~~through pharmacies~~, all retail sales establishments, and all ~~theatres~~indoor commercial recreation, as such terms are defined in ~~Chapter 112~~Chapter 112.1 of the Fairfax County Code, the Fairfax County Zoning Ordinance, ~~shall~~will be considered retail uses. An owner of a Commercial or Industrial Structure that either is or is part of a Mixed-Use Project qualifying for partial exemption from the real property tax because of substantial rehabilitation, renovation, or replacement ~~shall~~will be issued a partial tax exemption to the general real property tax otherwise due on the fair market value of the total project in an amount that is equal to the value of the real property tax levy calculated on the difference in value between the Base Value of the qualifying Commercial or Industrial Structure and the initial fair market value of the completed substantially rehabilitated, renovated, or replaced Mixed-Use Project. However, in no case ~~shall~~will the assessed value of land be included in the partial exemption of a qualifying Mixed-Use Project. Any Multifamily Structures or units that are part of a Mixed-Use Project are subject to the same moderate Rental Apartment requirements as defined in this Article. The tax abatement period for Mixed-Use Projects ~~shall~~will be the same as for Commercial and Industrial Structures set forth in Section 4-24-3.1.

Chapter 27 – Establishments Permitting Dancing

ARTICLE 1. — General Requirements.¹⁴¹

Footnotes:

~~—(1)—~~

~~1. As to regulation of dance halls in counties, see Va. Code Ann., §§ 18.2-432 to 18.2-433.~~

~~Section 27-1-1. — Definition.~~

~~For the purposes of this Article, an establishment permitting dancing shall mean any place open to the general public where dancing is permitted.~~

~~(1954 Code, vol. 1, § 6-1; 1961 Code, § 10-1.)~~

~~Section 27-1-2. — Exception as to certain dances.~~

~~This Article shall not be construed to apply to dances held for benevolent or charitable purposes or when dances are conducted under the auspices of religious, educational, civic or military organizations.~~

~~(1954 Code, vol. 1, § 6-9; 1961 Code, § 10-9.)~~

~~Section 27-1-3. — Reserved.~~

~~Section 27-1-4. — License required; tax; term; renewal; transferability.¹²¹~~

~~(a) It shall be unlawful for any person to operate or conduct an establishment permitting dancing in the County without having first paid a license tax and obtained a license as provided in this Article. The license shall be issued by the Supervisor of Assessments, and the tax for such license shall be One Hundred Dollars (\$100.00).~~

~~(b) Licenses issued pursuant to this Article shall be for the entire calendar year and shall not be prorated. Applicants who fail to renew a license by January 31 of each year shall pay a penalty of ten percent (10%) of the license tax.~~

~~(c) Licenses issued pursuant to this Article shall not be transferable or assignable.~~

~~(1954 Code, vol. 1, § § 604, 5, 6, 7, 8; 1961 Code, § § 10-4, 5, 6, 7, 8.)~~

Footnotes:

~~—(2)—~~

~~2. As to amount of license tax that may be imposed by the County, see Va. Code Ann., § 18.2-433.~~

~~Section 27-1-5. — Permit required.~~

~~(a) It shall be unlawful for any person to operate or conduct an establishment permitting dancing in the County, without having first obtained a permit from the Zoning Administrator. Application for such a permit shall be made to the Zoning Administrator on forms to be provided for by him.~~

~~(b) A permit may be revoked by the Zoning Administrator if:~~

~~(1) The establishment fails to operate in accordance with the provisions of this Article.~~

~~(2) The establishment is not operating in compliance with the Zoning Chapter of this Code.~~

~~(c) Revocation or denial of a permit may be appealed in writing to the County Executive.~~

~~(Code 1954, Vol. 1, § 6-5.)~~

~~Section 27-1-6. — Prohibited hours of operation.¹³¹~~

147 It shall be unlawful for any person conducting an establishment permitting dancing to
148 have such establishment open between the hours of 2:00 A.M. and 9:00 A.M.

149 (~~1954 Code, vol. 1, § 6-3; 1961 Code, § 10-3; 5-77-27.~~)

150 ***Footnotes:***

151 ~~—(3)—~~

152 ~~3. As to prescribing the hours or times during which licensed public dance halls~~
153 ~~may be kept open and operated in County, see Va. Code Ann., § 18.2-433.~~

154 **~~Section 27-1-7. — Penalty.~~**

155 ~~The penalty for a violation of any provision under this Article shall be a fine of not more than~~
156 ~~Five Hundred Dollars (\$500.00).~~

157 (~~1976.~~)

158 [RESERVED]

159
160 **Chapter 30 – Minimum Private School and Child Care Facility Standards**

161
162 **Article 1. In General**

163
164 **Section 30-1-1. - Definitions.**

165 *Home child care facility* means any facility located in a dwelling or ~~mobile~~manufactured home,
166 as defined in ~~Article 20 of Chapter 112~~Article 9 of Chapter 112.1 of the Fairfax County Code
167 (~~the~~ Zoning Ordinance), where a person, for compensation, regularly provides care, protection,
168 supervision and guidance to one or more children who do not reside in the facility and who are
169 not attended by a parent, guardian or legal custodian while they are in that facility, during a
170 part of the day for at least four days of a calendar week. If, on a regular basis, a person receives
171 compensation for the care, protection, supervision and guidance of one or more children in a
172 structure other than a dwelling or ~~mobile~~manufactured home, as defined in the Zoning
173 Ordinance, that facility ~~shall~~will be deemed to be a child care center and included within those
174 facilities defined in this Section. A home child care facility does not include: (i) any family day
175 home licensed by the Commonwealth ~~pursuant to~~under Virginia Code § 63.2-1701 or any
176 facility exempted from licensure by Virginia Code § 63.2-1715; (ii) any dwelling or
177 ~~mobile~~manufactured home where a person provides care solely for children who reside there;
178 or (iii) any dwelling or ~~mobile~~manufactured home where a person provides care solely for
179 relatives of the resident owner or tenant. However, if on a regular basis, a person receives
180 compensation for the care, protection, supervision and guidance of one or more children who
181 do not reside in that dwelling or ~~mobile~~manufactured home and who are not attended by a

parent, guardian or legal custodian while they are in that dwelling or ~~mobile~~manufactured home during a part of the day for at least four days of a calendar week, and a home child care facility is established thereby, then any children who are related to the person who provides such care and are present in that dwelling or ~~mobile~~manufactured home and any other children who reside in that dwelling or ~~mobile~~manufactured home ~~shall~~will be counted and considered in determining whether the facility complies with the provisions of this Chapter.

Chapter 31 – Peddlers, Solicitors, and Canvassers

Article 2. Licenses

Section 31-2-4. - Application for license.

(a)(10) Any other permits or licenses required under other applicable County or state laws or regulations to enable the applicant to peddle or solicit in the manner or location indicated [in] his or her application, specifically including, for example, any special permits or ~~non-residential~~nonresidential use permits required by the Zoning Ordinance (~~Chapter 112~~Chapter 112.1 of the County Code).

Chapter 34 – Charitable Solicitations

Article 1. In General

Section 34-1-3. - Application for license.

(12) Any other permits or licenses required under other applicable County or State laws or regulations to enable the applicant to solicit in the manner or location indicated in his or her application, specifically including, for example, any special permits or ~~non-residential~~nonresidential use permits required by the zoning ordinance (~~Chapter 112~~Chapter 112.1 of the County Code).

Chapter 82 – Motor Vehicles and Traffic

Article 5A. Residential Permit Parking Districts

Section 82-5A-2. - Definitions.

(h) *Residential area* ~~shall~~means that side of any street, road or highway adjacent to property: used exclusively as a residence; contained in any one of the residential (R) districts; or contained in the residential portion of any of the planned development (P) districts set forth in the Zoning Ordinance, ~~Chapter 112~~Chapter 112.1 of this Code.

216 **Article 5B. Prohibition Against Parking Watercraft, Trailers, Motor Homes, and Other**
217 **Devices in Certain Areas.**

218 **Section 82-5B-1. - Definitions.**

219 *Residential area* means that side of any street, road or highway adjacent to property: used
220 exclusively as a residence; contained in any one of the residential (R) districts; or contained in
221 the residential portion of any planned development (P) districts set forth in the Zoning
222 Ordinance, ~~Chapter 112~~ Chapter 112.1 of this Code.

223
224 **Chapter 101 – Subdivision Provisions**

225
226 **Article 1. In General**

227 **Section 101-1-12. - Validation of certain divisions of land recorded by metes and bounds or**
228 **an unapproved plat before September 1, 1947.**

- 229
230 (a) All divisions of land undertaken by the recordation among the land records of Fairfax
231 County prior to September 1, 1947, of a metes and bounds description or a plat not
232 approved by the appropriate County board, agency or official that complied with all
233 applicable provisions of the Zoning Ordinance in effect at the time the description or
234 plat was recorded or at some time thereafter, or meet the provisions of ~~Seet. 2-~~
235 ~~405~~ subsection 5100.2.J of the Zoning Ordinance, except as noted in paragraph (b), are
236 hereby validated and ~~shall~~ will for all purposes be deemed to be in compliance with all
237 provisions of the Subdivision Ordinance in effect at the time they were recorded as if
238 they had fully complied with all provisions of ~~said~~ the Subdivision Ordinance.
239
240 (b) Any lot or parcel that is the result of a division of land undertaken by the recordation
241 among the land records of Fairfax County prior to September 1, 1947, of a metes and
242 bounds description or a plat not approved by the appropriate County board, agency or
243 official which did not comply with the applicable minimum district size, lot area and/or
244 lot width provisions of the Zoning Ordinance in effect at the time the description or plat
245 was recorded or at some time thereafter, or does not meet the provisions of ~~Seet. 2-~~
246 ~~405~~ subsection 5100.2.J of the Zoning Ordinance is hereby designated as an outlot
247 under the Subdivision Ordinance and ~~shall~~ will not constitute a buildable lot.
248

249 **Section 101-1-14. - Validation of parcels.**

- 250 (a) **QUALIFICATION FOR VALIDATION BASED ON DOCUMENTS RECORDED**
251 **AFTER AUGUST 31, 1947.** A parcel of land described or depicted in a metes and
252 bounds description or a plat not approved by the appropriate County board, agency or
253 official, which description or plat was recorded among the land records of Fairfax County
254 after August 31, 1947, is hereby validated even though such parcel had not been
255 approved ~~pursuant to~~ under the provisions of the Subdivision Ordinance in effect at the
256 time of recordation if:
257 (1) The parcel created by such metes and bounds description or unapproved plat
258 complied with all applicable provisions of the Zoning Ordinance in effect at the

time the description or plat was recorded or at some time thereafter, or meets the provisions of ~~Sect. 2-405~~subsection 5100.2.J of the Zoning Ordinance; and

(b) Any lot or parcel that is the result of a division of land undertaken by the recordation among the land records of Fairfax County after August 31, 1947, of a metes and bounds description or a plat not approved by the appropriate County board, agency or official which did not comply with the applicable minimum district size, lot area and/or lot width provisions of the Zoning Ordinance in effect at the time the description or plat was recorded or at some time thereafter, or does not meet the provisions of ~~Sect. 2-405~~subsection 5100.2.J of the Zoning Ordinance is hereby designated as an outlot under the Subdivision Ordinance and ~~shall~~does not constitute a buildable lot.

Article 2. Subdivision Application Procedure and Approval Process.

Section 101-2-1. - Procedure.

Whenever any subdivision of land is proposed, the subdivider shall apply for and secure approval of such proposed subdivision in accordance with the following procedure.

- (5) Subdivision plats proposing the development or construction of affordable dwelling units in accordance with ~~Part 8 of Article 2~~Section 5101 of the Zoning Ordinance ~~shall~~will be processed within 280 days from the receipt thereof, provided such plats substantially comply with all ordinance requirements when submitted. The calculation of the review period ~~shall~~will include only that time the plats are in for County review; and ~~shall~~will not include such time as may be required for revisions or modifications in order to comply with ordinance requirements.

Section 101-2-2. - Minimum requirements.

The following shall be considered desirable minimum requirements and may be varied or waived only in specific cases by the County Executive or, only in the case of specific requests to waive the public street frontage requirement, by the Board of Supervisors; such variance or waiver may be granted with or without conditions only upon a finding, after consideration of a recommendation from the Director of Land Development Services subsequent to the notice provisions contained in Paragraph 101-2-2(19) herein, or in the case of a specific request to waive the public street frontage requirement, after notice of the public hearings has been sent as provided below, that the waiver or variance of any minimum requirement will not adversely affect adequacy of provisions for those items set forth in Section 101-2-2; provided however, that lots in the R-A, ~~R-P~~, R-C, or R-E Districts which were created on private streets shall be ineligible for a waiver of the requirement that all parcels shall front on dedicated recorded public streets for any subsequent divisions or redivisions under the Subdivision Ordinance. In the case of a specific request to waive the public street frontage requirement, the Board of Supervisors may grant such a waiver provided the private street which provides access to the application property has been constructed and recorded among the Fairfax County land records on or before June 28, 1993 and provided further that such waiver is in conformance with the applicable recommendations of the Comprehensive Plan. A lot shall not be eligible for a waiver of public street frontage requirements unless:

Section 101-2-5. - Final subdivision plat.

(c)(11) The specific lots which will contain affordable dwelling units ~~pursuant to Part 8 of Article 2 in accordance with Section 5101~~ of the Zoning Ordinance ~~shall must~~ be designated on the final subdivision plat. For multiple section developments where not all the required affordable dwelling units are to be provided in the first section of the development, the final subdivision plat for the first section and all subsequent sections ~~shall must~~ contain a notation identifying in which section(s) the affordable dwelling units will be or have been provided and a total of all affordable dwelling units for which such plat(s) have been approved.

Additionally, at the time of final subdivision plat submission, the owner and/or applicant ~~shall must~~ submit an affidavit which ~~shall must~~ include:

- A. The names of the owners of each parcel of the sites or portions thereof at one location, as such term is defined in ~~Par. 1 of Sect. 2-802~~ subsection 5101.2 of the Zoning Ordinance; and
- B. The Fairfax County Property Identification Map Number, parcel size and zoning district classification for each parcel which is part of the site or portion thereof.

Section 101-2-8. - Cluster subdivision provisions.

- (b) Open space ~~shall~~must be provided ~~pursuant to~~in accordance with the regulations of the zoning district in which located and ~~Set. 2-309~~subsection 5100.3 of the Zoning Ordinance. To the greatest extent possible and as determined by the Urban Forest Management Division, existing trees ~~shall~~must be preserved within the open space area.

Article 3. Pro Rata Road Reimbursement Districts.

Section 101-3-4. - Definitions.

For the purposes of this Article, the following words and phrases ~~shall~~ have the following meanings:

- (a) Initial subdivider or developer ~~shall~~means the person or entity who has constructed public road improvements within an approved Pro Rata Road Reimbursement District and who is entitled to receive pro rata road reimbursement payments from certain subsequent subdividers and developers within the District. The initial subdivider or developer ~~shall will~~ be the record title owner of the parcel designated at the time of adoption of a District ~~pursuant to~~under Section 101-3-9. There may be only one (1) initial subdivider or developer per District.
- (b) *Developer* ~~shall~~means the record title owner of property, the development of which is subject to Article ~~178~~, of the Zoning Ordinance, and the record title owner of property upon which a single-family detached dwelling is constructed on a lot within a recorded subdivision plat approved after the effective date of adoption of a Pro Rata Road Reimbursement District.
- (c) *Petitioner* ~~shall~~means a subdivider or developer who has constructed public road improvements and who has submitted a petition requesting adoption of a Pro Rata Road Reimbursement District by the Board of Supervisors whereby he would be entitled to receive pro rata reimbursement payments from other subdividers and developers within the District.
- (d) *Public road improvements* ~~shall~~means the construction of new or the widening of existing minor arterial streets and principal arterial streets as such streets are defined in the Zoning Ordinance, including construction of related drainage improvements and utility relocations required as a result of such construction. The term "public road improvements" ~~shall~~ also includes installation of traffic lights and highway signs required by the Virginia Department of Transportation (VDOT) or the Director. Such term ~~shall does~~ not include the construction of improvements required under Article 2 of this Chapter or ~~Article 17~~Section 8100 of the Zoning Ordinance, which improvements are necessary to serve a particular development.

377 **Section 101-3-8. - Calculation of pro rata road reimbursement payments.**

- 378 (b) The following formula ~~shall~~will be used to determine the pro rata reimbursement rate per
379 vehicle trip per day:

380
381 [Cost of public road improvements within proposed District constructed at petitioner's
382 expense (exclusive of improvements required ~~pursuant to~~under Article 2 of this Chapter or
383 ~~Article 17~~subsection 8100.7 of the Zoning Ordinance)] divided by [Total estimated number
384 of vehicle trips per day (vpd) on the road segments for which reimbursement is sought) = \$
385 amount per vpd.

386
387 **Section 101-3-11. - Payment of pro rata road reimbursements.**

- 388 (a) Required pro rata road reimbursement payments ~~shall~~must be made prior to the
389 issuance of any residential or nonresidential use permit required ~~pursuant to Part 7,~~
390 ~~Article 18~~by subsection 8100.9 of the Zoning Ordinance.

391
392 **Article 4. Definitions.**

393 **Section 101-4-1. - Definitions.**

- 394 (5) *Minor adjustment of property lines* means a subdivision where the division or
395 redivision of a tract, plot or parcel of land which reallocates or consolidates land area of
396 contiguous lots or parcels, but which does not result in the creation of any additional
397 lot(s), parcels or outlots or any increase in density, and which does not create or
398 aggravate an existing noncompliance with regard to minimum lot area, minimum lot
399 width, or minimum required ~~yard~~setbacks.

400
401 **Chapter 104 – Erosion and Sedimentation Control**

402
403 **Article 1. Purpose and Administration**

404 **Section 104-1-2. - Applicability; regulated land-disturbing activities; submission and**
405 **approval of a conservation plan.**

406 Except as noted herein, no person may engage in any land-disturbing activity in Fairfax County
407 until he has submitted to the County a conservation plan for the land-disturbing activity and the
408 plan has been reviewed and approved by the Director. The conservation plan ~~shall~~must be
409 included in the grading plan required under ~~Paragraph 3 of Part 6 of Article 2~~Section 5104 of the
410 Zoning Ordinance unless the following applies. Where the land-disturbing activity results from
411 the demolition of a single family dwelling, demolition of an accessory structure to a single
412 family dwelling, construction of an addition to a single family dwelling as defined in Chapter 61
413 of the Code, or construction of an accessory structure to a single family dwelling, that results in a
414 disturbed area of 5,000 square feet or less and does not require the installation of water quality
415 controls or other drainage improvements, the conservation plan may be included in a plat
416 certified by a land surveyor, engineer, landscape architect or architect authorized by the State to
417 practice as such meeting the requirements of ~~Part 6 of Article 18~~subsection 8101.5 of the Zoning

Ordinance in lieu of a grading plan. The standards in Section 104-1-8 are to be used by the applicant when making a submittal under the provisions of this Chapter and in the preparation of a conservation plan. The Director, in considering the adequacy of a submitted plan, ~~shall~~will be guided by these standards. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan ~~shall~~must provide the name of an individual holding a certificate of competence to the Director, as provided in § 62.1-44.15:52 of the Code of Virginia, who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan ~~shall~~will be subject to the penalties provided in this Chapter. In order to prevent further erosion, the County may require approval of a conservation plan for any land identified as an erosion impact area. The provisions of this Article ~~shall~~do not limit the powers or duties presently exercised by the State Water Control Board or the Department of Mines, Minerals and Energy.

Chapter 110 – Inoperative Motor Vehicles

Article 3. Inoperative Motor Vehicles, Trailers, and Semitrailers.

Section 110-3-2. - Exceptions.

Section 110-3-1 ~~shall~~does not preclude the placement or storage of any inoperative motor vehicle, trailer, or semitrailer on any property containing a heavy equipment and specialized vehicle sale, rental and service establishment, a junkyard, a motor vehicle storage and impoundment yard, a service station, a vehicle light service establishment, a vehicle major service establishment or a vehicle sale, rental and ancillary service establishment, ~~provided such as long as that~~ placement or storage is in accordance with the applicable provisions of ~~Chapter 112~~Chapter 112.1 (Zoning Ordinance) for such uses; nor ~~shall~~does Section 110-3-1 apply to a licensed business that is regularly engaged in business as an automobile dealer, a salvage dealer or scrap processor. Notwithstanding any other provisions of this Chapter, if the owner of an inoperative motor vehicle can demonstrate that he is actively restoring or repairing the vehicle, and if it is shielded or screened from view, the vehicle and one additional inoperative motor vehicle being used for the restoration or repair may remain on the property.

Section 110-3-7. - Storage of inoperative motor vehicles, trailers, or semitrailers.

Any inoperative motor vehicle, trailer, or semitrailer removed ~~in accordance with~~pursuant to Section 110-3-6 may be stored at any impoundment yard or other storage area designated by the Chief of Police, provided such storage is in accordance with the applicable provisions of ~~Chapter 112.1~~Chapter 112.1 (Zoning Ordinance) for such uses.

459 **Chapter 114 – Agricultural and Forestal Districts of Statewide Significance**

461 **Article 1. In General.**

462 **Section 114-1-4. - Criteria for the Establishment, Modification, Renewal, Continuation or**
463 **Termination of a District.**

464 (b) All lands in the district should be zoned to the ~~R-P~~, R-C, R-A, or R-E District.

466 **Chapter 115 – Local Agricultural and Forestal Districts**

468 **Article 5. Criteria for Establishment, Modification, Renewal or Termination of a District.**

469 **Section 115-5-1. - Criteria.**

470 The following criteria ~~shall~~will be used as a guide in recommendations and decisions on
471 whether to establish, modify, renew, continue or terminate local agricultural and forestal
472 districts:

473 *Criteria Group A:* All the following criteria should be met by all proposed districts:

474 (2) All lands in the district should be zoned to the ~~R-P~~, R-C, R-A or R-E District.

475 (b) *Criteria Group B:* In addition to meeting all of the Criteria for Group A, all properties in
476 the district should meet as well at least two (2) of the following criteria:

477 (5) The land is zoned R-A, ~~R-P~~ or R-C.

479 **Chapter 118 – Chesapeake Bay Preservation Ordinance**

481 **Article 3. Land Use and Development Performance Criteria.**

482 **Section 118-3-2. - General performance criteria for resource management areas**
483 **and resource protection areas.**

484 (j) The buildable areas allowed on each lot must be delineated on all preliminary plans,
485 site plans, minor site plans, subdivision plans, infill lot grading plans, conservation
486 plans, rough grading plans, and public improvement plans. The buildable area must be
487 based on: 1) the performance criteria specified in Article 3 of this Code, 2) the
488 minimum required ~~yard~~setbacks of the zoning district in which the lot is located, and
489 3) any other relevant easements or limitations on lot coverage.

Article 5. Nonconformities, Waivers, Exceptions, and Exemptions.

Section 118-5-4. - Waivers for Loss of Buildable Area in a Resource Protection Area.

- (6) The lot or parcel must meet the minimum lot size specified for the zoning district in which located or meet the requirements of ~~Section 2-405 of Chapter 112,~~subsection 5100.2.J of Chapter 112.1 and any other applicable ordinances and laws;

Article 6. Exceptions

Section 118-6-3. - Required Notice for Public Hearings.

- (d) If an exception is heard concurrently with a public hearing on proposed rezoning or special exception applications, notification of the proposed exception ~~shall~~must be conducted concurrently with the rezoning and special exception notification and ~~shall~~must meet the requirements of ~~Article 18~~Section 8100 of the Zoning Ordinance in lieu of paragraph (c) above.

Section 118-6-5. - Submission Requirements for Exception Requests.

Submission Requirements for Exception Requests:

- (c) Fourteen copies of a plat which meets the submission requirements of Zoning Ordinance ~~Section 9-011, paragraph 2~~subsection 8101.3.B

Section 118-6-7. - Exceptions for loss of buildable area in a resource protection area.

- (c) The lot or parcel must meet the minimum lot size specified for the zoning district in which located or meet the requirements of ~~Section 2-405 of Chapter 112,~~subsection 5100.2.J of Chapter 112.1, the Zoning Ordinance, and any other applicable ordinances and laws;

Chapter 122 – Tree Conservation Ordinance

Article 2. Tree Conservation During Land Development.

Section 122-2-1. - Ten-year Tree Canopy Requirements.

Table 1 10-Year Tree Canopy Requirements

Use or Zoning District	Percentage of site to be covered by tree canopy in 10 years
Dedicated school, athletic field, nonwooded active recreation area	Ten percent (10%)
Commercial Revitalization District	See Note Below
Commercial; Industrial; PDC; R-20; R-30; PDH-20; PDH-30; PDH-40; PRM; R-MHP;	Ten percent (10%)

medium and high-density areas of a PRC District	
R-12; R-16; PDH-12; PDH-16	Fifteen percent (15%)
R-5; R-8; PDH-5; PDH-8	Twenty percent (20%)
R-3; R-4; PDH-3; PDH-4	Twenty-five percent (25%)
R-A; R-P ; R-C; R-E; R-1; R-2; PDH-1; PDH-2; and low-density areas of a PRC District	Thirty percent (30%)
Note: In Commercial Revitalization Districts, the above requirements shall apply to the extent feasible for to the expansion or enlargement of existing developments and shall be applicable for to redevelopment and new developments. Expansion, enlargement, redevelopment and new developments shall be as <u>are</u> defined by the Zoning Ordinance.	

Article 3. Plan Requirements.

Section 122-3-1. - Tree conservation plans.

Tree conservation plans ~~shall must~~ be submitted for review and approval by the Director as provided below and in accordance with the tree conservation plan provisions of Chapters 104 (Erosion and Sedimentation Control Ordinance), Chapter 101 (Subdivision Ordinance), and ~~Articles 13~~ Section 5108 and ~~47-subsection 8101.4~~ of Chapter 112.1 (Zoning Ordinance) of the Code.

- (a) 4. Tree conservation plans ~~shall must~~ be submitted as part of all site plans as required by ~~Article 17~~ subsection 8101.4 of the Zoning Ordinance.

Article 5. Violations and Penalties.

Section 122-5-3. - Criminal Violations and Penalties.

- (b) The remedy provided for in this Section ~~shall be is~~ in addition to any other remedies provided by law including, but not limited to, violations of Chapters 101 (Subdivision Ordinance), 104 (Erosion and Sedimentation Control Ordinance), 112.1 (Zoning Ordinance), and 118 (Chesapeake Bay Preservation Ordinance) of the Code; however, the designation of a particular violation of this Ordinance for a civil penalty precludes criminal prosecution or sanction, except for any infraction that results in civil penalties that total \$5,000 or more.

544 **Chapter 124 – Stormwater Management Ordinance**

546 **Article 1. General Provisions.**

547 **Section 124-1-5. - Definitions.**

548 "Floodplain" means the area adjacent to a channel, river, stream, or other water body that is
549 susceptible to being inundated by water normally associated with the 100-year flood or storm
550 event. This includes, but is not limited to, any floodplain designated by the Federal Emergency
551 Management Agency or meets the definition of floodplain in Chapter 112.1 (Zoning Ordinance)
552 of the Code.
553

554 **Article 4. Technical Criteria for Regulated Land-Disturbing Activities.**

555 **Section 124-4-2. - Water Quality Design Criteria Requirements.**

556 B. The Board has established a Water Supply Protection Overlay District (WSPOD) in the
557 Occoquan Watershed to prevent water quality degradation of the Occoquan Reservoir
558 due to pollutant loadings within the watershed. WSPOD boundaries have been
559 established on the Official Zoning Map. Use limitations are established which require
560 that there shall must be water quality control measures designed to reduce the projected
561 phosphorus runoff by at least one-half for any subdivision which is subject to the
562 provisions of Chapter 101 of the Code or any use requiring the approval of a site plan in
563 accordance with the provisions of ~~Article 17~~Section 8100 of Chapter 112.1 of the Code,
564 unless a modification or waiver is approved by the Director. In no instance ~~shall~~will the
565 requirement for water quality control measures be modified or waived except where
566 existing site characteristics make the provision impractical or unreasonable on-site and an
567 alternative provision is not or cannot be accommodated off-site, and where it can be
568 established that the modification or waiver will not affect the achievement of the water
569 quality goals for the public water supply watershed as set forth in the adopted
570 comprehensive plan.

571 **Article 5. Technical Criteria for Regulated Land-Disturbing Activities: Grandfathered**
572 **Projects and Projects Subject to Time Limits on Applicability of Approved Design Criteria.**

573 **Section 124-5-4. - Water Quality.**

574 A.1. For development, the projected total phosphorus runoff pollution load for the proposed
575 development ~~shall~~must be reduced by no less than forty (40) percent compared to
576 phosphorus loads projected for the development without BMPs. This requirement
577 ~~shall~~will not apply to any development that does not require a site plan ~~pursuant to under~~
578 ~~Article 17~~subsection 8100.7 of the Zoning Ordinance, that does not require subdivision
579 approval ~~pursuant to under~~ Chapter 101 of the Fairfax County Code, and that does not
580 result in an impervious area of 18% or greater on the lot or parcel on which the
581 development will occur.

APPENDIX A. - Flood Plains.

The maps and studies cited below depict areas designated as floodplain by Fairfax County. They represent only a portion of the total area of Fairfax County that satisfies the definition of floodplain in ~~Article 20~~ Section 9104 of the Zoning Ordinance. Floodplain studies prepared in accordance with the provisions of the Public Facilities Manual which propose changes to the flood elevations and/or flooding limits shown on these maps and studies cited below may be approved by the Director of Land Development Services if physical changes have occurred which have rendered these maps inaccurate or if physical changes are proposed within the existing floodplain which meet the provisions of ~~Part 2-900~~ Section 5105 of the Zoning Ordinance.

APPENDIX Q. - Land Development Services Fee Schedule

This fee schedule establishes the fees charged, by Land Development Services and the Fire Marshal, for building and site development activities ~~pursuant to~~ under the authority granted by §§ 15.2-2241(A) (9), 15.2-2286(A)(6), 62.1-44.15:54(J), 36-98.3, 36-105, 62.1-44.15:28(A) and 62.1-44.15:29 of the Code of Virginia and Chapters 2 (Property Under County Control), 61 (Building Provisions), 64 (Mechanical Provisions), 65 (Plumbing and Gas Provisions), 66 (Electrical Provisions), 101 (Subdivision Ordinance), 104 (Erosion and Sediment Control Ordinance), 112.1 (Zoning Ordinance), and 124 (Stormwater Management Ordinance) of the Code of the County of Fairfax, Virginia (the Code).

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

3. That this Ordinance will become effective on December 7, 2022.

GIVEN under my hand this _____ day of _____, 2022

Clerk to the Board of Supervisors



FAIRFAX COUNTY

PROPOSED ZONING ORDINANCE AMENDMENT

STAFF REPORT

County Code Amendments for Consistency with New Chapter 112.1

November 1, 2022

Hearing Dates

Planning Commission: December 8, 2022

Board of Supervisors: January 24, 2023

Staff Contact

Jennan Qato, Planner



Americans with Disabilities Act (ADA): Reasonable Accommodation is available upon 48 hours advance notice. For additional Information on ADA call 703-324-1334 or 711 (Virginia Relay Center).



**Zoning Administration Division
Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5507
Phone 703-324-1314**

www.fairfaxcounty.gov/planning-development

Table of Contents

Background..... 2

Proposed Changes 3

Summary..... 6

Background

On March 23, 2021, the Board of Supervisors adopted a new and modernized Zoning Ordinance that took effect on July 1, 2021. The proposed amendment will update various chapters of the County Code to reflect the new Zoning Ordinance as Chapter 112.1. In so doing, references to Chapter 112 will change to Chapter 112.1 and references to sections in the previous zoning ordinance will be updated. In the affected provisions, other minor editorial revisions (e.g., replacing “shall”) are included as well.

The proposed changes have been coordinated with staff from the appropriate departments. In addition to the updates described above, and as further discussed below under item #38, after consulting with the Department of Tax Administration (DTA), this amendment proposes to repeal Chapter 27, Establishments Permitting Dancing, as dance halls are no longer a use in the new Zoning Ordinance. They were replaced with a new use, Public Entertainment, which requires approval by the Board, either by special exception in the C-5 through C-8 and I-2 through I-6 Districts or in certain planned districts if shown on an approved development plan or if approved by special exception. Accessory entertainment is also allowed in conjunction with a restaurant if it meets the applicable use standards. DTA has indicated that, between FY 2018 and FY 2022, the annual revenue collections from the Dance Hall License fee ranged from \$2,060 to \$3,590.

Proposed Changes

The proposed changes are described in the table below and are shown in the draft Ordinance, Attachment 1 to the Board Item for these proposed County Code amendments. Where the provision contains the word "shall," it has been replaced with "will," "must," or other similar language. Where the provision contains the phrase "pursuant to," it has been replaced with "in accordance with," "under," or other similar language.

	County Code Reference	Description of Change
Chapter 1 – General Provisions.		
1	1-1-16. - Reorganization of departments, agencies and offices.	Replace the reference to Chapter 112 with Chapter 112.1.
Chapter 4 – Taxation and Finance.		
2	4-13-1. - Definitions.	Replace reference to "Article 20, Part 3" with subsection 9103.7.
3	4-24-1. - Definitions.	Replace reference to "Appendix 7 to Chapter 112" with Section 3102 of Chapter 112.1.
4	4-24-3.1. - Partial tax exemption for certain rehabilitated, renovated, or replacement commercial or industrial structures within certain districts.	Update the use names and replace the reference to "Chapter 112" with Chapter 112.1.
Chapter 30 – Minimum Private School and Child Care Facility Standards.		
5	30-1-1. - Definitions.	Replace the reference to "Article 20 of Chapter 112" with Article 9 of Chapter 112.1, and replace the references to mobile home with the correct term, manufactured home, as used in the Zoning Ordinance.
Chapter 31 – Peddlers, Solicitors and Canvassers.		
6	31-2-4. - Application for license.	Replace reference to Chapter 112 with Chapter 112.1, and delete the hyphen in non-residential.
Chapter 34 – Charitable Solutions.		
7	34-1-3. par. 12 - Application for license.	Replace reference to Chapter 112 with Chapter 112.1, and delete the hyphen in non-residential.
Chapter 82 – Motor Vehicles and Traffic		
8	82-5A-2. par. (h) - Definitions.	Replace reference to Chapter 112 with Chapter 112.1.
9	82-5B-1. - Definitions.	In the definition of Residential area, replace Chapter 112 with Chapter 112.1.

	County Code Reference	Description of Change
Chapter 101. – Subdivision Provisions		
10	101-1-12. - Validation of certain divisions of land recorded by metes and bounds or an unapproved plat before September 1, 1947.	Replace reference to Sect. 2-405 with subsection 5100.2.J.
11	101-1-14. - Validation of parcels.	Replace reference to Sect. 2-405 with subsection 5100.2.J.
12	101-2-1. par. 5 - Procedure.	Replace reference to “Part 8 of Article 2” with Section 5101.
13	101-2-2. Minimum Requirements.	Remove the reference to the R-P District, as that district has been removed from the Zoning Ordinance.
14	101-2-5. par. (c)(11) - Final subdivision plat.	In Paragraph (c)(11), replace reference to “Part 8 of Article 2” with Section 5101, and replace reference to “Par. 1 of Sect. 2-802” with subsection 5101.2.
15	101-2-8. - Cluster subdivision provisions.	Replace reference to Sect. 2-309 with subsection 5100.3.
16	101-3-4. par. (a), (b), (c), (d) - Definitions.	In Par. (b), replace the reference to Article 17 with Article 8. In Par. (d), replace the reference to Article 17 with Section 8100 of the Zoning Ordinance.
17	101-3-8. par. (b) - Calculation of pro rata road reimbursement payments.	Replace reference to Article 17 of the Zoning Ordinance with subsection 8100.7 of the Zoning Ordinance.
18	101-3-11. par (a) - Payment of pro rata road reimbursements.	Replace reference to “Part 7, Article 18” of the Zoning Ordinance with subsection 8100.9 of the Zoning Ordinance.
19	101-4-1. par. (5) - Definitions.	Replace reference to “yards” with the correct term, setbacks.
Chapter 104 – Erosion and Sedimentation Control.		
20	104-1-2. introductory par. - Applicability; regulated land-disturbing activities; submission and approval of a conservation plan.	Replace reference to “Paragraph 3 of Part 6 of Article 2 of the Zoning Ordinance” with Section 5104 of the Zoning Ordinance. Replace reference to “Part 6 of Article 18” of the Zoning Ordinance with subsection 8101.5 of the Zoning Ordinance.
Chapter 110. – Inoperative Motor Vehicles, Trailers and Semitrailers.		
21	110-3-2. - Exceptions.	Replace reference to Chapter 112 with Chapter 112.1.
22	110-3-7. - Storage of inoperative motor vehicles, trailers, or semitrailers.	Replace reference to Chapter 112 with Chapter 112.1.

	County Code Reference	Description of Change
Chapter 114. – Agricultural and Forestal Districts of Statewide Significance		
23	114-1-4. par. (b) - Criteria for the Establishment, Modification, Renewal, Continuation or Termination of a District.	Remove the reference to the R-P District as that district has been removed from the Zoning Ordinance.
Chapter 115. – Local Agricultural and Forestal Districts.		
24	115-5-1. - par. (2) and (b)(5) - Criteria.	Remove the reference to the R-P District as that district has been removed from the Zoning Ordinance.
Chapter 118. – Chesapeake Bay Preservation Ordinance.		
25	118-3-2. par. (j) - General Performance Criteria for resource management areas and resource protection areas.	Replace reference to “yards” with the correct term, setbacks.
26	118-5-4. par. (a)(6) - Waivers for Loss of Buildable Area in a Resource Protection Area.	Replace reference to “Section 2-405 of Chapter 112” with subsection 5100.2.J
27	118-6-3. par. (d) - Required Notice for Public Hearings.	Replace reference to Article 18 of the Zoning Ordinance with Section 8100.
28	118-6-5. - Submission Requirements for Exception Requests.	Replace the reference to “Section 9-011, paragraph 2” with subsection 8101.3.B.
29	118-6-7. par. (c) - Exceptions for loss of buildable area in a resource protection area.	Replace reference to “Section 2-405 of Chapter 112” with subsection 5100.2.J.
Chapter 122. – Tree Conservation Ordinance.		
30	122-2-1. Table 1 - Ten-year Tree Canopy Requirements.	Remove the reference to the R-P District as that district has been removed from the Zoning Ordinance.
31	122-3-1. introductory par. and par. (a)4 - Tree conservation plans.	In the introductory paragraph, replace references to “Articles 13 and 17 of Chapter 112 (Zoning Ordinance)” with Section 5108 and subsection 8101.4 of Chapter 112.1 (Zoning Ordinance). In paragraph (a)4, replace reference to Article 17 with subsection 8101.4.
32	122-5-3. par. (b) - Criminal Violations and Penalties.	Replace reference to 112 (Zoning Ordinance) with 112.1 (Zoning Ordinance).
Chapter 124. Stormwater Management Ordinance.		
33	124-1-5. - Definitions.	In the definition of Floodplain, replace reference to Chapter 112 with Chapter 112.1.
34	124-4-2. par. B - Water Quality Design Criteria Requirements.	Replace reference to “Article 17 of Chapter 112 of the Code” with Section 8100 of Chapter 112.1 of the Code.

	County Code Reference	Description of Change
35	124-5-4. par. A.1. - Water Quality.	Replace reference to Article 17 of the Zoning Ordinance to subsection 8100.7 of the Zoning Ordinance.
Appendix A. – Flood Plains.		
36	Appendix A. - Flood Plains.	In the introductory paragraph, replace the reference to Article 20 of the Zoning Ordinance with Section 9104 and replace the reference to Part 2-900 with Section 5105.
Appendix Q. – Land Development Services Fee Schedule		
37	Appendix Q. – Land Development Services Fee Schedule	In the introductory paragraph, replace the reference to 112 (Zoning Ordinance) with 112.1 (Zoning Ordinance).
Chapter 27. – Establishments Permitting Dancing.		
38	Chapter 27. - Establishments Permitting Dancing.	Chapter 27 is proposed to be repealed. This Chapter requires an annual license tax of \$100 for an establishment permitting dancing. This is defined as any place open to the general public where dancing is permitted. The Chapter also requires the Zoning Administrator to issue a permit and prohibits the establishment from being open between the hours of 2:00 AM and 9:00 AM. With adoption of the new Zoning Ordinance, the dance hall use was removed and replaced with a new use, Public Entertainment, which requires approval by the Board, either by special exception in the C-5 through C-8 and I-2 through I-6 Districts or in certain planned districts if shown on an approved development plan or if approved by special exception. Accessory entertainment is also allowed in conjunction with a restaurant, if it meets the applicable standards. DTA has stated that, between FY 2018 and FY 2022, the revenue collections from the Dance Hall License fee ranged from \$2,060 to \$3,590

Summary

The proposed amendment will update the County Code to reflect the new Zoning Ordinance as Chapter 112.1. In addition, Chapter 27 is proposed to be repealed, as the dance hall use has been removed from the Zoning Ordinance. It is recommended that the amendment become effective at 12:01 a.m. on the day following adoption.

ADMINISTRATIVE - 3

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance
Amendment to Chapter 112.1 Re: Minor and Editorial Revisions

ISSUE:

Following the adoption of the new Zoning Ordinance on March 23, 2021, which became effective on July 1, 2021, and the adoption of several minor and editorial revisions on February 22, 2022, a number of additional necessary revisions have been identified. The proposed changes correct typographical or editorial errors, resolve inconsistencies, address recent State Code amendments, or provide for clarification of certain provisions.

RECOMMENDATION:

The County Executive recommends the authorization of the proposed Zoning Ordinance amendment by adopting the Resolution set forth in Attachment 1.

TIMING:

Board action is requested on November 1, 2022, to provide sufficient time to advertise the proposed Planning Commission public hearing on December 8, 2022, at 7:30 p.m., and the proposed Board of Supervisors public hearing on January 24, 2023, at 4:00 p.m.

BACKGROUND:

On March 23, 2021, the Board of Supervisors adopted a new Zoning Ordinance that took effect on July 1, 2021. Following that, an initial round of minor and editorial amendments was adopted on February 22, 2022. Since that time, based on staff use of the Zoning Ordinance and feedback from other users, staff has compiled a list of additional changes that are needed to correct errors, resolve inconsistencies, and provide clarification of certain provisions, which are the subject of this proposed amendment.

The proposed amendment addresses three items on the Zoning Ordinance Work Program for Fiscal Year 2023: a) Item #3C – to consider reducing the fee for a special permit under subsection 4102.8.I(1) for a special event lasting longer than the 21-day maximum allowed by administrative permit; b) Item #11A – to review the Zoning Ordinance for consistency with the State Code changes relating to the housing of livestock as part of an agricultural operation; and c) Item #12A – for additional minor

and editorial corrections to the new Zoning Ordinance. Staff will continue to review the new Zoning Ordinance on an ongoing basis for future updates.

In addition to typographical and editorial revisions to correct references and grammatical errors, the amendment includes the following:

- Clarify the last sentence of subsection 3102.3.E(2)(b) to specify that it pertains to the fee for parking reductions which is found in Appendix Q of the County Code, not Section 8102.
- Consistent with the previous Zoning Ordinance, revise the accessory use for a Residence for Manager or Employee to allow the Board or BZA to approve more than one residence for a manager or employee for a nonresidential use in conjunction with the approval of another special exception or special permit use.
- Clarify that short-term lodging is not permitted on a lot with an accessory living unit, neither in the accessory living unit nor in the principal unit.
- Increase the maximum allowed footcandles (fc) for recreational tennis courts from 40 to 50 fc. The Park Authority recommends this change for consistency with the United States Tennis Association and the Illuminating Engineering Society of North America recommendation for up to 50 fc for recreational tennis courts. The Park Authority's athletic field lighting guidelines also recommend up to 50 fc.
- Establish a fee of \$4,090 **[advertised range: \$910 - \$16,375]** for a special permit application for a Special Event. A Special Event is a temporary, outdoor activity, such as a fair or festival. Special permit approval by the BZA is required when the event extends longer than the maximum of 21 days that can be approved by an administrative permit. Since a specific fee was not established, the general fee for a special permit of \$16,375 currently applies. The proposed application fee of \$4,090 recognizes the temporary nature of the use with no permanent structures and is 25% of the general fee. This fee accommodates the extensive coordination required with other agencies for these events which are typically commercial and for-profit. In accordance with a motion by the Board of Supervisors on May 24, 2022, a separate report will be provided to evaluate the 21-day administrative permit process as well as longer-term interim uses.
- Revise the definition of a lot, consistent with long-standing interpretation, to state that it must be a contiguous parcel(s) of land.
- The State Code was amended in 2022 to include the housing of livestock in the definition of an agricultural operation. Livestock, under the State Code, includes horses or ponies. Therefore, the Zoning Ordinance needs to be updated for consistency with the State Code. The amendment proposes changes to the definitions and standards for a Riding or Board Stable and a Limited Riding or Boarding Stable to acknowledge that where a total of at least seven acres are dedicated to the housing of horses or ponies, it is an Agricultural Operation. The

definition and standards for an Agricultural Operation are also proposed to be revised to include the new State Code reference to the housing of livestock. Under the Zoning Ordinance, an Agricultural Operation requires a minimum of seven acres to be devoted to the agricultural activity.

- Revise the definitions for the Animal-Related Services use category and a Kennel, consistent with previous interpretations, to include recreation and exercise areas provided for a fee, such as a private dog park. This does not apply to public uses or accessory private amenities, such as an off-leash dog area provided for a multifamily building.

A more detailed discussion of these and other proposed changes is contained in the Staff Report (Attachment 2).

EQUITY IMPACT:

None.

REGULATORY IMPACT:

The proposed amendment enhances existing regulations by correcting errors, resolving inconsistencies, and clarifying certain Zoning Ordinance provisions.

FISCAL IMPACT:

The amendment includes the proposed reduction of the special permit application fee to extend the time for a Special Event. The current fee is \$16,375 and the proposed fee is \$4,090 (advertised range: \$910 to \$16,375). Based on staff experience, it is anticipated that the proposed fee will accommodate the staff time for review and coordination of these applications. Earlier this year, the Board reduced the fee for an application of this type to the proposed fee. Including that one, only three applications of this type have been received in the past five years. As a result, negligible revenue impacts are expected from the proposed fee reduction.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution
Attachment 2 – Staff Report

Board Agenda Item
November 1, 2022

STAFF:

Rachel Flynn, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Leslie Johnson, Zoning Administrator, DPD
Carmen Bishop, Deputy Zoning Administrator, DPD

ASSIGNED COUNSEL:

Laura Gori, Senior Assistant County Attorney

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, on November 1, 2022, at which meeting a quorum was present, the following resolution was adopted:

WHEREAS, certain inconsistencies have resulted from the adoption of Chapter 112.1 (Zoning Ordinance) that became effective on July 1, 2021; and

WHEREAS, certain revisions are needed to correct typographical and editorial errors or inadvertent omissions; and

WHEREAS, it is desirable to clarify the intent of certain Zoning Ordinance provisions and make changes necessary to address recent Virginia Code amendments; and

WHEREAS, the public necessity, convenience, general welfare, and good zoning practice require consideration of the proposed revisions to the Zoning Ordinance.

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

A Copy Teste:

Jill G. Cooper
Clerk to the Board of Supervisors



FAIRFAX COUNTY

PROPOSED ZONING ORDINANCE AMENDMENT

STAFF REPORT Minor and Editorial Revisions

November 1, 2022

Hearing Dates

Planning Commission: December 8, 2022

Board of Supervisors: January 24, 2023

Staff Contact

Carmen Bishop, Deputy Zoning Administrator



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).



**Zoning Administration Division
Government Center Parkway, Suite 807
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Table of Contents

Background	2
Proposed Changes	2
Summary	7
Proposed Text	8

Background

On March 23, 2021, the Board of Supervisors adopted a new and modernized Zoning Ordinance (zMOD) that took effect on July 1, 2021. Since that time, in using the new Ordinance, a number of necessary minor and editorial revisions have been identified. A first round of revisions was adopted on February 22, 2022, and the proposed amendment is a second iteration of similar changes. Most of the proposed revisions are typographical or editorial in nature and do not result in any substantive changes.

Proposed Changes

The proposed changes are described in the table below and are shown under Proposed Text.

	Reference (Section or subsection)	Description of Change
1	2103 – Lot and Building Standards tables for commercial districts	Add a note to the front setback requirement in each table with a cross-reference to subsection 3102.3.C(2)(a) for the front setback applicable in commercial revitalization districts. This change is for reference for the reader and does not revise any requirements.
2	2105.1.C(2) – General standards for Planned Districts	Correct a typographical error by deleting “of.”
3	3102.3.E(2)(b) – Commercial Revitalization Districts	Correct a typographical error and correct the last sentence of this subsection to clarify that it pertains to the fee for parking reductions, which is contained in Appendix Q of the County Code.
4	4102.3.D(1), 5101.5.D, 8100.7.D, 9102 (Manufactured Home Park), and 9103 (Short-Term Lodging) – Mobile home	Replace references to “mobile home” with manufactured home, consistent with references throughout the Ordinance. These references were inadvertently missed during the adoption of the new Ordinance in 2021.
5	4102.1.H(6); 4102.4.C(1)(c); 4102.4.J(2); 4102.4.Q(14), (15), and (16); 4102.5.A(7); 4102.5.NN(7); 4102.7.A(5)(e); 4102.7.A(6)(b) - Table 4102.3; 4102.7.F(5); 4102.7.J(7)(b); 5100.2.D(11)(f)4; 8101.3.F(2) – Setback	Replace the references to minimum “yard” requirements with minimum “setback” requirements to be consistent with the previous changes made as part of zMOD.
6	4102.4.X(2) – Light Utility Facility	Correct a typographical error in a cross-reference.

	Reference (Section or subsection)	Description of Change
7	4102.4.Y(1)(e) – Wireless Facility	Restore the provision that a wireless facility is not subject to lot size requirements and bulk regulations, consistent with the previous Zoning Ordinance. This was an inadvertent omission.
8	4102.7.L – Residence for Manager or Employee	Revise this accessory use, consistent with Sect. 2-501 of the previous Zoning Ordinance, to clarify when a residence for a manager or employee may be allowed with an administrative permit and to allow the Board or BZA to approve more than one residence for a manager or employee for a nonresidential use only in conjunction with the approval of another special exception or special permit use.
9	4102.7.N(4)(g) – Short-term lodging	Clarify that short-term lodging is not permitted on a lot with an accessory living unit, neither within the accessory living unit nor in the principal unit.
10	4102.8.C – Construction Site Office and Storage	Delete subsection (7) because it repeats a portion of subsection (1).
11	5100.2.D(4)(b) – Rear setback on corner lots	Clarify that for corner lots developed with a single-family detached dwelling as of July 1, 2021, the minimum side setback dimension is applicable for determining rear setback coverage in accordance with subsection 4102.7.A(5). This is consistent with previous Zoning Administrator interpretation.
12	5100.2.D(4)(c)1 and 3 – Sight distance requirements on corner lots	Correct a typographical error in (c)1 and clarify the sight distance requirement for corner lots in (c)3. The area that must be maintained clear of structures is the area described in the previous subsection 2, between the two horizontal planes, not the entire sight distance triangle.
13	5100.2.D(5)(b)3 – Permitted extensions into minimum required setbacks	Delete “any” before stairs to clarify that only uncovered stairs are permitted to extend into the setbacks.
14	5100.2.D(7)(a) – Setbacks on through lots	Clarify that the two yards between the principal building and the streets are front yards.
15	5100.2.D(11)(e)1.b, 5104.1.A(2), 5104.3.B, and Table 5108.2 – Section/subsection	Correct the terms to “Section” or “subsection” in accordance with the Ordinance structure as specified in subsection 1104.4.
16	5101.8.A(2)(b)1.c – Administration of ADU Program	Correct a typographical error in a cross-reference.

	Reference (Section or subsection)	Description of Change
17	Table 5109.1 – Maximum illumination for sports facilities	Increase the maximum allowed footcandles (fc) for recreational tennis courts from 40 to 50 fc. The current standard was adopted in 2003, and since that time, the United States Tennis Association and the Illuminating Engineering Society of North America have increased the recommended lighting for recreational tennis courts to 50 fc. The Park Authority's athletic field lighting guidelines also recommend up to 50 fc.
18	6100.2.B(3) – Front yard driveway surfacing	Correct this provision to indicate that the limitations on the amount of driveway surfacing apply only on lots that are 36,000 square feet or less and developed with single-family detached dwellings. This was an inadvertent change during adoption of the new Ordinance when the previous provision was separated into two subsections.
19	6100.4.C – Transit Station Areas (Table 6100.3)	Add a reference in Table 6100.3 to the shopping center parking rate table (Table 6100.2), which includes the parking rates for TSAs. This was an inadvertent omission.
20	8100.1.B(1)(j)8 – Written notice of public hearings	Clarify that the owners of property subject to the approval of an original application must receive written notice of a proposed amendment.
21	8100.2.F(3)(i) – PRC plan approval	Clarify that a minor modification is allowed for a PRC plan.
22	8100.7.C(1) – Minor site plans	Correct a typographical error in a cross-reference.
23	8100.10.A(2)(b)3 – Appeals	Correct a typographical error in a cross-reference.

	Reference (Section or subsection)	Description of Change
24	8102 – Fee Schedule, Special Event (Table 8102.1)	Establish a fee of \$4,090 [advertised range: \$910 - \$16,375] for a special permit application for a Special Event. A Special Event is a temporary, outdoor activity, such as a fair or festival. Special permit approval by the Board of Zoning Appeals is required when the event extends longer than the maximum of 21 days that can be approved by an administrative permit. Since a specific fee was not established, the general fee for a special permit of \$16,375 applies. The proposed application fee of \$4,090 is 25% of the general fee, recognizing the temporary nature of the use with no permanent structures. However, these events are typically commercial and for-profit and are often approved for multiple years. These longer-term special events do require staff coordination with other agencies and often include the erection of temporary structures that require review by the building official and fire marshal. In accordance with a motion by the Board of Supervisors on May 24, 2022, a separate report will be provided to evaluate the 21-day administrative permit process as well as longer-term interim uses.
25	8102 – Fee Schedule	Revise the heading for Amendments to Pending Applications and Extensions of Time to include Previously Approved applications as well, since those fees are also included in this portion of the fee schedule.
26	8104.3.B(3) – Nonconformities	Correct an inadvertent change. The provision for reconstruction of a dwelling should refer to the setback (i.e., the location of the dwelling on the lot) before the casualty, not the minimum required setback.
27	9102 – Development Plan, Generalized	Correct a typographical error in a cross-reference.
28	9102 – Lot	Revise the definition of a lot, consistent with long-standing interpretation, to state that it must be a contiguous parcel(s) of land, which may include more than one lot.

	Reference (Section or subsection)	Description of Change
29	9103.2, 9103.7, 4102.2.A(1), 4102.2.D(1), 4102.7.K – State Code changes relating to the housing of livestock	The State Code was amended in 2022 to include the housing of livestock in the definition of an agricultural operation. Livestock, under the State Code, includes horses or ponies. Therefore, the Zoning Ordinance needs to be updated to be consistent with the State Code. Changes are proposed to the definitions and standards for a Riding or Board Stable and a Limited Riding or Boarding Stable to acknowledge that where a total of at least seven acres are dedicated to the housing of horses or ponies, it is an Agricultural Operation. The definition and standards for an Agricultural Operation are also proposed to be revised to include the new State Code reference to the housing of livestock. Under the Zoning Ordinance, an Agricultural Operation requires a minimum of seven acres to be devoted to the agricultural activity.
30	4102.4.F(1), 9103.4.A – Community Swim, Tennis, and Recreation Club	Revise the definition and standard for consistency, requiring membership to be limited primarily to residents of a designated area.
31	9103.4.D – Transit Facility	Correct a typographical error and move the definition of Regional Rail Transit Facility to be a sub-definition nested under Transit Facility.
32	9103.5 – Animal-Related Services and Kennel	Revise the definitions for the Animal-Related Services use category and a Kennel, consistent with previous interpretations, to include recreation and exercise areas provided for a fee, such as a private dog park. This does not apply to public uses or accessory private amenities, such as an off-leash dog area provided for a multifamily building. A kennel is permitted by special exception (SE) in the R-A through R-1 Districts; it is allowed by right when indoors in C-5 through C-8 and I-3 through I-6, or by SE in those districts if there are outdoor components; and the use is allowed in all P districts when shown on an approved development plan or by SE.
33	9103.7 – Accessory Structure	Revise the definition of an accessory structure to include that it must be customarily found in association with the principal building or use. This requirement is included in the definition of an accessory use and, under the previous Zoning Ordinance, applied to accessory structures as well.

Summary

The proposed amendment corrects a number of typographical and editorial errors in the new Ordinance, resolves inconsistencies, and provides further clarification. It is recommended that the amendment become effective at 12:01 a.m. on the day following adoption.

Proposed Text

In the revisions shown below, text to be deleted is identified with ~~strike-through~~ and text to be added is underlined. The item numbers in the INSTRUCTION boxes correspond to the numbers in the table above.

#1 INSTRUCTION: Add a note in the Lot and Building Standards tables for each commercial zoning district to include a reference to subsection 3102.3.C(2)(a) for the front setback and renumber Notes as needed. Table 2103.1 is shown below for illustration, but the change applies to the following tables as well: 2103.2, 2103.3, 2103.4, 2103.5, 2103.6, 2103.7, and 2103.8.

Table 2103.1: C-1 Lot and Building Standards [1]		
	Lot area, minimum [2]	20,000 sq. ft.
A	Lot width, minimum [2]	100 feet
	Landscaped open space, minimum [3]	50 percent of the gross area
B	Front setback, minimum <u>[4]</u>	Setback equal to building height
C	Side setback, minimum	No requirement
D	Rear setback, minimum	25 feet
E	Building height, maximum	35 feet
	Floor area ratio, maximum	0.25
Notes:		
	[1] Refer to subsection 5108.6 for provisions that may qualify the setback requirements.	
	[2] Lot area and lot width may be modified in accordance with subsection 5100.2.K.	
	[3] Open space is calculated in accordance with subsection 5100.3.A(3).	
	[4] <u>Refer to subsection 3102.3.C(2)(a) for front setback provisions in Commercial Revitalization Districts.</u>	
	[5] Freestanding accessory structures are regulated by subsection 4102.7.A.	

#2 INSTRUCTION: Revise subsection 2105.1.C(2) to delete “of,” as shown below.

- (2) The planned development must be ~~of~~ designed to achieve the stated purpose of the planned development district more than would development under a conventional zoning district.

#3 INSTRUCTION: Revise subsection 3102.3.E(2)(b) to specify that the fee for a parking reduction is contained in Appendix Q and to correct a typographical error, as shown below.

(2) Parking

The off-street parking, loading, and private street requirements of Article 6 apply, except as follows:

- (a)** In the Richmond Highway CRD, the minimum off-street parking requirements for all nonresidential uses may be reduced by 20 percent.
- (b)** In all other CRD§s, the minimum off-street parking requirements for nonresidential uses may be reduced by up to 20 percent by the Board, subject to conditions it deems appropriate. The applicant must demonstrate to the Board that the reduction furthers the goals of the CRD as set forth in the Comprehensive Plan, including economic vitality, appearance and function. A request for this reduction in minimum off-street parking requirements may also be considered in conjunction with a rezoning or special exception application. The parking reduction fee established in ~~Section 8102~~ Appendix Q of the County Code is not applicable.

#4 INSTRUCTION: Revise subsections 4102.3.D(1), 5101.5.D, 8100.7.D, 9102 (Manufactured Home Park), and 9103 (Short-Term Lodging) to replace “mobile” with “manufactured.”

4102.3.D(1):

D. Manufactured Home

Standards applicable to all manufactured homes:

A manufactured home that is to be used as a dwelling is allowed only:

- (1)** In a ~~mobile~~ manufactured home park in the R-MHP District in accordance with subsection 2102.14, provided that the manufactured home must be licensed in accordance with Chapter 32 of the County Code and bear a certification label or have other verification consistent with the requirements of the U.S. Department of Housing and Urban Development that the manufactured home is constructed in conformance with the Federal Manufactured Home Construction and Safety Standards in effect on the date of manufacture;

5101.5.D:

D. Provisions for Manufactured Home Parks

To encourage the redevelopment of manufactured home parks to house low and moderate income families in Fairfax County, in conjunction with the review and approval of a rezoning application and proffered generalized development plan, the Board may grant an increase in the number of ~~mobile~~ manufactured homes or dwelling units per acre permitted in the R-MHP District by a factor of 50 percent. Where deemed necessary, as part of that approval for the provision of moderately-priced housing units, the Board may waive other regulations of the R-MHP District and the provisions of subsection 5100.2.E(2) related to lots comprised of marine clays.

8100.7.D:

D. Uses Exempt from a Site Plan or a Minor Site Plan

Unless otherwise required by proffered conditions or development conditions of an approved rezoning, special exception, special permit, or variance, the following uses are not subject to the requirement for a site plan or a minor site plan. Such uses, however, are still subject to all other applicable provisions of this Ordinance, the Public Facilities Manual, and the County Code.

- (1) Single-family detached dwellings and their related accessory uses and structures.
- (2) Additions to single-family attached dwellings and ~~mobile~~ manufactured homes, and related accessory uses and structures.
- (3) Installation of new ~~mobile~~ manufactured homes on existing pads within an existing ~~mobile~~ manufactured home park.

9102:

Manufactured Home Park

A parcel of land designed for use by one or more manufactured homes that provides the infrastructure and utilities necessary for single-family occupancy of those homes. This term does not include sales lots on which unoccupied ~~mobile~~ manufactured homes, whether new or used, are parked for the purposes of inspection and sale.

9103:

Short-Term Lodging

The provision of a room or space that is suitable or intended for transient occupancy, in exchange for a charge for the lodging. This use does not include an accessory living unit, bed and breakfast, hotel or motel, or family health care structure. For purposes of subsection 4102.7.N, Short-Term Lodging, the following definitions apply:

Authorized Agent

An adult designated by a short-term lodging operator who consents to be available to address any issues or emergencies that may arise during any short-term lodging stay.

Permanent Resident

A person who occupies or intends to occupy a dwelling or ~~mobile~~ manufactured home for at least 185 days out of the calendar year for the purposes of establishing the dwelling or ~~mobile~~ manufactured home as that person's primary residence. A person may have only one permanent residence.

Short-Term Lodging Operator

An owner or tenant of a property who offers that property for short-term lodging.

#5 INSTRUCTION: Revise subsections 4102.1.H(6); 4102.4.C(1)(c); 4102.4.J(2); 4102.4.Q(14), (15), and (16); 4102.5.A(7); 4102.5.NN(7); 4102.7.A(5)(e); 4102.7.A(6)(b) - Table 4102.3; 4102.7.F(5); 4102.7.J(7)(b); 5100.2.D(11)(f)4; and 8101.3.F(2) to replace "yard" with "setback," as shown below.

4102.1.H(6):

H. Standards for Alternative Use of Historic Buildings

- (6) All off-street parking and loading spaces must be located outside of required minimum side and rear ~~yards~~ setbacks that abut a residential district, unless modified by the Board.

4102.4.C(1)(c):

C. Child Care Center

- (1) The outdoor recreation area required under Chapter 30 of the County Code must:
- (c) Occupy less than 80 percent of the combined total areas of the required rear and side ~~yards~~ setbacks;

4102.4.J(2):

J. School, Private

- (2) If a private school provides an outdoor recreation area, it must:
- (a) Be developable, designed, and usable for active outdoor recreation purposes;
- (b) Occupy less than 80 percent of the combined total areas of the required rear and side ~~yards~~ setbacks;
- (c) Be located outside the minimum front setback, unless specifically approved by the Board; and
- (d) Not include any area covered by a building or required for off-street parking in accordance with Article 6.

4102.4.Q(14), (15), and (16):

Q. Independent Living Facility

- (14) In residential districts, the maximum building height is 50 feet, except that the maximum building height is 35 feet when the structure is designed to look like a

single-family detached dwelling and utilizes the applicable residential district minimum ~~yard~~ setback requirements set forth below, subject to further limitations by the Board to ensure neighborhood compatibility. For independent living facilities in commercial districts, the maximum building height is as set forth in the district in which they are located.

- (15) For independent living units that are located in a structure designed to look like a single-family detached dwelling unit and located in the R-E, R-1, R-2, R-3, R-4, R-5, or R-8 Districts, the Board may permit compliance with the applicable single-family detached minimum ~~yard~~ setback requirements of the zoning district in which located. For independent living facilities located in any other structure or district, the minimum front, side, and rear ~~yard~~ setback requirements must be as follows:

- (a) 50 feet where the yard abuts or is across a street from an area adopted in the Comprehensive Plan for 0.2 to eight dwelling units per acre.
- (b) 30 feet where the yard abuts or is across a street from an area adopted in the Comprehensive Plan for a residential use having a density greater than eight dwelling units per acre or any commercial or industrial use classifications.

- (16) In any event, the Board may modify ~~yard~~ setback requirements in subsection (15) above to ensure compatibility with the surrounding neighborhood.

4102.5.A(7):

A. Animal Shelter or Kennel

- (7) In approving a special exception, the Board may impose conditions of approval, such as screening or minimum ~~yard~~ setback requirements, to prevent adverse impact, emission of noise, or emission of odor that would be detrimental to adjacent properties.

4102.5.NN(7):

NN. Vehicle Fueling Station

- (7) Pump islands and associated canopies may be located in any required ~~yard~~ setback.

4102.7.A(5)(e):

(5) Rear Setback Coverage Limitations

- (e) An increase in the limitations on coverage of the minimum rear setback in subsection (a) above may be permitted by special permit in accordance with subsection 8100.4, except where the lot is located in a planned district that is subject to proffered ~~yards~~ setbacks, in which case an amendment to the development plan is required. Approval of the special permit by the BZA is subject to the following:

4102.7.A(6)(b) - Table 4102.3:

Table 4102.3: Accessory Structure Height and Yard Setback Requirements	
Height of Accessory Structure	Setbacks Required
Up to 8.5 feet	Side: None
	Rear: None
Greater than 8.5 feet to 12 feet	Side: 5 feet [1], [3]
	Rear: 5 feet [2]
Greater than 12 feet	Side: Required side yard setback of district [3]
	Rear: Distance in height from rear lot line

Notes:

- [1] This setback does not apply in commercial and industrial districts if there is no minimum side setback for the district.
- [2] This setback does not apply in industrial districts if there is no minimum required rear setback for the district.
- [3] Although the side ~~yard~~ setback requirements do not apply to individual single-family attached units except at peripheral lot lines, the setbacks are required for freestanding accessory structures on single-family attached lots.

4102.7.F(5):

F. Family Health Care Structure

- (5) Family health care structures are limited to a maximum of 300 square feet of gross floor area and must meet the minimum ~~yard~~ setback requirements for single-family detached dwellings of the zoning district in which it is located. When located in a Planned Development district, the family health care structure is subject to any proffered ~~yards~~ setbacks and/or ~~yards~~ setbacks depicted on an approved development plan. If there are no proffered ~~yards~~ setbacks or ~~yards~~ setbacks depicted on an approved development plan in a Planned Development district, the family health care structure will be deemed an alteration to a single-family dwelling unit and subject to subsection 8100.2.E(3)(f).

4102.7.J(7)(b):

J. Keeping of Animals

- (7) The BZA may approve a special permit to modify the provisions of subsections (2) through (6) above, in accordance with the following:
- (b) The BZA may impose such conditions, to include screening and minimum ~~yards~~ setbacks, as may be necessary to ensure that there will be no adverse impact on any adjacent property and no emission of noise or odor detrimental to other property in the area.

1 **5100.2.D(11)(f)4:**

2 **(11) Reductions in Setback Requirements**

3 **(f) Special Permit Approval for Certain Additions to Existing Single-Family**
4 **Detached Dwellings**

- 5 **4.** The total gross floor area resulting from an addition to an existing single-
6 family detached dwelling may be up to 150 percent of the total gross floor
7 area of the dwelling that existed at the time of the first expansion
8 request. The total gross floor area resulting from any subsequent addition
9 is limited to 150 percent of the gross floor area of the dwelling that
10 existed at the time of the first expansion request, regardless of whether
11 that addition complies with the minimum yard setback requirements or is
12 the subject of a subsequent yard setback reduction special permit. No
13 more than 50 percent of the gross floor area of an existing single-family
14 detached dwelling at the time of the first yard setback reduction may be
15 removed. For the purpose of this subsection, the gross floor area of a
16 single-family dwelling includes the floor area of any attached garage.

17
18 **8101.3.F(2):**

19 **F. Additional Submission Requirements for Specific Variance Applications**

20 **(2) Minimum ~~Yards~~ Setbacks for Dwellings**

21 The plat information required by subsections 8101.3.B(1) through B(9), B(11), B(13)
22 and B(14).

23
24 **#6 INSTRUCTION:** In subsection 4102.4.X(2), correct the cross-reference to refer to subsection
25 **4102.4.Y(6), as shown below.**

26 **X. Utility Facility, Light**

- 27 **(2)** New utility distribution or transmission poles with attached facilities, including small
28 cell facilities, that are more than 50 feet in height, require special exception approval
29 by the Board subject to subsection 4102.4.~~X~~Y(6).

30
31 **#7 INSTRUCTION:** Add new subsection 4102.4.Y(1)(e) to specify that wireless facilities are not
32 **required to comply with lot size or bulk regulations, as shown below.**

33
34 **Y. Wireless Facility**

- 35 **(1)** The following standards apply to all wireless facilities:
36 **(e)** Wireless facility uses are not required to comply with the lot size requirements
37 or the bulk regulations for the zoning district where they are located.
38
39

#8 INSTRUCTION: Revise subsection 4102.7.L(1) and add new subsection (3) to allow more than one residence for a manager or employee with approval of a special exception or special permit.

L. Residence for Manager or Employee

Standards when permitted by administrative permit:

- (1) One ~~An~~ accessory residence for a manager or employee is allowed in conjunction with a nonresidential use. The residence must be only allowed if it is located within the principal structure.

Standards when permitted by special exception or special permit:

- (2) A residence for manager or employee may be located in a structure detached from the principal structure only if it is approved in conjunction with approval of another SE or SP use and if it complies with the applicable bulk regulations for a principal structure set forth in the specific district in which it is located. Any locational requirements set forth as additional standards for a special exception or special permit use are not applicable to detached structures occupied by dwelling units.
- (3) A nonresidential use may have more than one residence for a manager or employee only if approved in conjunction with approval of another SE or SP use.

#9 INSTRUCTION: Revise subsection 4102.7.N(4)(g) to clarify that short-term lodging is not permitted on the same property as an accessory living unit, as shown below.

- (4) The short-term lodging use is subject to the following use limitations:

- (g) Short-term lodging is prohibited in a detached accessory structure, ~~accessory living unit,~~ temporary family health care structure, affordable dwelling unit, ~~or~~ workforce dwelling unit, and on a lot with an accessory living unit.

#10 INSTRUCTION: Revise subsection 4102.8.C to delete subsection (7) and renumber the following subsection.

C. Construction Site Office and Storage

Standards when permitted by administrative permit:

- (1) An administrative permit may be issued for a period beginning no earlier than 30 days before the commencement of actual construction and terminating no later than 20 days after completion of the last building to be constructed in the project. All buildings, materials, supplies, and debris must be completely removed from the temporary use site before the administrative permit expires.
- ~~(7) The use may commence no earlier than 30 days before the beginning of actual construction.~~

#11 INSTRUCTION: Revise subsection 5100.2.D(4)(b) to apply the side setback dimension for rear setback coverage for corner lots with existing single-family detached dwellings as of July 1, 2021, as shown below.

(4) Corner Lots

The following regulations apply to corner lots:

(b) Rear Setback

The rear yard must meet the minimum rear setback for the district or as proffered; however, for single-family detached dwellings that lawfully exist as of July 1, 2021, and future additions to these dwellings in the R-E, R-1, R-2, R-3, R-4, R-5, and R-8 Districts, the rear setback may continue to equal the dimension for the minimum side setback in effect before adoption of this Ordinance. On corner lots with dwellings lawfully existing as of July 1, 2021, in the zoning districts identified in this subsection, the minimum side setback dimension is used to determine the area subject to rear setback coverage limitations in accordance with subsection 4102.7.A(5).

#12 INSTRUCTION: Revise subsection 5100.2.D(4)(c)1 to correct a typographical error and revise subsection 5100.2.D(4)(c)3 to clarify the area to be maintained clear within the sight distance triangle, as shown below.

(c) Sight Distance Requirements on Corner Lots

Sight distance on corner lots must be maintained in accordance with the following standards:

- 1.** The sight distance triangle is formed by the ~~by the~~ street lines of a lot and a line drawn between points established in accordance with the following (see Figure 5100.1 below):
 - a.** For a lot having an interior angle of 90 degrees or more at the street corner: Points must be 30 feet from the property lines extended.
 - b.** For a lot having an interior angle of less than 90 degrees at the street corner: Points must be 30 feet from the property lines extended, plus one foot for every ten degrees or fraction by which such angle is less than 90 degrees.
- 2.** Sight distance must be maintained between two horizontal planes, one of which is three and one-half feet, and the other ten feet above the established grade of either street (see Figure 5100.1 below).
- 3.** This sight distance ~~triangle area~~ area, as described in subsection 2 above, must be maintained clear of structures and plantings, except for a post, column, or trunk of a tree (not to include branches or foliage) equal or lesser than one foot in diameter.

#13 INSTRUCTION: Revise subsection 5100.2.D(5)(b)3 to delete “any,” as shown below.

3. Open fire escapes, smokeproof enclosures, uncovered stoops and ~~any~~ stairs, heating, ventilation, and air conditioning (HVAC) equipment, pool pumps, generators, and similar required features and equipment whether attached or detached may extend up to five feet into any minimum required setback if the individual feature is not more than ten feet in width and is not located within five feet of any lot line.

#14 INSTRUCTION: Revise subsection 5100.2.D(7)(a) to clarify that there are two front yards, as shown below.

(7) Setbacks on Through Lots

- (a)** The ~~minimum front setback on a through lot applies to the~~ two yards lying between the principal building and the two or more abutting public streets are front yards and the minimum front setback applies, except as qualified in subsection (6) above for residential lots having reverse frontage, and when one of the public streets is an alley.

#15 INSTRUCTION: Make the following revisions: a) In subsection 5100.2.D(11)(e)1.b, replace the term ‘Section’ with ‘subsection’ in reference to subsection 5100.2.L(2); b) In subsections 5104.1.A(2) and 5104.3.B, replace the term ‘subsection’ with ‘Section’ in reference to Section 5105; and c) In the heading for Table 5108.2, replace the term ‘Section’ with ‘subsection’ in reference to subsection 5108.6.A(1).

#16 INSTRUCTION: Revise subsection 5101.8.A(2)(b)1.c to correct the cross-reference, as shown below.

1. The written notice may be sent by the owner at any time after the issuance of a building permit for the affordable dwelling unit and approval of the sales price for the unit by the County Executive. The Notice of Availability must:
 - a. Be in the form prescribed by the Redevelopment and Housing Authority;
 - b. Advise the Authority that a particular affordable dwelling unit or units are or will be completed and ready for purchase;
 - c. Include the information described in subsection ~~B4~~ 5101.8.A(2)(a)1 above; and

- d. Provide marketing materials concerning the units and the development to be used in the sale of the units.

#17 INSTRUCTION: Revise Table 5109.1 to increase the maximum footcandles for recreational tennis courts to 50 fc, as shown below.

TABLE 5109.1: Maximum Permitted Levels of Illumination for Outdoor Recreation and Sports Facilities

Facility or Use	Specific Lighted Area	Maximum Illumination Maintained (footcandles)
...		
Tennis courts (college and high school)		60
Tennis courts (recreational)		40 50

#18 INSTRUCTION: Revise subsection 6100.2.B(3) to clarify that the limitations on the amount of the front yard that may be surfaced area for a driveway or vehicle parking apply to lots containing 36,000 square feet or less and developed with single-family detached dwellings, as shown below.

- (3) On a lot with a single-family detached dwelling and containing 36,000 square feet or less, in the R-1 and R-2 Districts, no more than 25 percent of any front yard and in the R-3 and R-4 Districts, no more than 30 percent of any front yard may be surfaced area for a driveway or vehicle or trailer parking area. Surfaced area materials are defined in subsection 6100.2.C(3)(b) below. On a pipestem lot, the surfaced area within the pipestem driveway is not included in this limitation. In addition, these limitations may be exceeded for a surfaced area that is:
- (a) Limited to two side-by-side parking spaces if the surfaced area is not more than 25 feet long and 18 feet wide;
 - (b) On a lot that has its primary access from a major thoroughfare and consists of two side-by-side parking spaces and a vehicular turn-around area as long as the surfaced area is not more than 25 feet long and 18 feet wide and the turn-around area does not exceed 150 square feet; or
 - (c) Provided as an accessibility improvement as approved by the Zoning Administrator.

#19 INSTRUCTION: Revise Table 6100.3 to include a reference to Table 6100.2, as shown below.

TABLE 6100.3: Transit Station Area Minimum Required Off-Street Vehicle Parking Spaces

Use	Minimum Parking Requirement
Dwelling, Multifamily and Stacked Townhouse	0 or 1 bedroom: 1.3 spaces per unit 2 bedrooms: 1.5 spaces per unit 3 or more bedrooms: 1.6 spaces per unit
Office	0 to 0.25 miles from a metro station entrance along an accessible route: 2 spaces per 1,000 square feet of gross floor area More than 0.25 miles from a metro station entrance along an accessible route: 2.3 spaces per 1,000 square feet gross floor area
All other commercial uses, except restaurants	80 percent of the parking rate established in Tables 6100.1 or 6100.2
All other uses	As established in Table 6100.1

#20 INSTRUCTION: Revise subsection 8100.1.B(1)(j)8 to clarify the owners of property under the original application must receive notice of an amendment, as shown below.

8. If the application seeks to amend a previously approved rezoning, PRC plan, final development plan, special exception, or special permit affecting a portion of a property, the hearing body or its representative must also send written notice at least 15 days before a hearing to all owners of property subject to approval of an the original application. However, this notice is not required if the Zoning Administrator determines the proposed change is to a component or lot that does not affect the rest of the development.

#21 INSTRUCTION: Revise subsection 8100.2.F(3)(i) to clarify that a minor modification of a PRC plan is allowed.

- (i) Minor modifications to an approved rezoning, ~~and development plan, or PRC plan~~ may be permitted ~~in a PRC plan~~, in accordance with subsection 8100.5, when the Zoning Administrator determines that they substantially conform to the approved rezoning, ~~and development plan, and PRC plan~~ and do not materially alter the character of the development.

#22 INSTRUCTION: Correct the cross-reference in subsection 8100.7.C(1) to refer to subsection 8100.7.E, as shown below.

C. Uses and Activities Eligible for Minor Site Plans

- (1) A minor site plan may be submitted in lieu of a site plan for a use listed below when the Director determines that the use will not require the improvements set forth in subsection ~~8101.4.A~~ 8100.7.E, that the improvements already exist, that the improvements may be made without a formal site plan, or that the improvements are not required in accordance with the Commercial Revitalization District provisions.

#23 INSTRUCTION: Correct the cross-reference in subsection 8100.10.A(2)(b)3 to refer to subsection 6100.2.B(2) for parking on unsurfaced areas.

3. Parking of vehicles on an unsurfaced area in the front yard of a single-family detached dwelling in the R-1, R-2, R-3, or R-4 Districts in violation of subsection ~~6100.2.A(3)~~ 6100.2.B(2).

#24 INSTRUCTION: Add a special permit application fee of \$4,090 [advertised range: \$910 - \$16,375] for Special Events in the Fee Schedule in Section 8102.

TABLE 8102.1: FEE SCHEDULE

This table includes standard fees related to approvals under the Zoning Ordinance. Additional fees may apply related to review or approval by other County departments or governmental or quasi-governmental agencies, or in accordance with Appendix Q of the County Code.

APPLICATION TYPE		FEE [1]
SPECIAL PERMITS [2]		
Standard fees for special permit approvals are listed below.		
General Fee Unless Otherwise Listed		\$16,375
Accessory and Temporary Uses		
Accessory Living Unit	Special Permit	\$435
	Renewal Fee	\$70
Community Garden		\$435
Home Day Care Facility		\$435
Home-Based Business		\$435

Special Event for longer than 21 days	\$4,090 [advertised range: \$910 - \$16,375]
---------------------------------------	--

#25 INSTRUCTION: In the Fee Schedule in Section 8102, Table 8102.1, modify the heading shown below to include previously approved applications.

TABLE 8102.1: FEE SCHEDULE

This table includes standard fees related to approvals under the Zoning Ordinance. Additional fees may apply related to review or approval by other County departments or governmental or quasi-governmental agencies, or in accordance with Appendix Q of the County Code.

APPLICATION TYPE	FEE [1]
AMENDMENTS TO PENDING <u>AND PREVIOUSLY APPROVED</u> APPLICATIONS AND EXTENSIONS OF TIME [4][5]	

#26 INSTRUCTION: Revise subsection 8104.3.B(3) to delete “required,” as shown below.

- (3) A dwelling reconstructed under this section may not result in any setback that is less than the ~~required~~ setback in existence immediately before the casualty or that complies with the current minimum required setbacks, whichever is applicable. The Board may approve a special exception in accordance with subsection 5100.2.D(5)(d) to allow an extension into the minimum required setback for single-family detached dwellings that are destroyed by casualty.

#27 INSTRUCTION: Revise the definition for a generalized development plan in Section 9102 to correct the cross-reference from subsection 8100.7 to 8100.1.

Development Plan, Generalized

A required submission at the time of filing for an amendment to the Zoning Map for all districts other than a P district that generally characterizes the planned development of the subject lot. A generalized development plan must be prepared and approved in accordance with subsection 8100.71.

#28 INSTRUCTION: Revise the definition of a Lot in Section 9102, to include a requirement for it to be a contiguous parcel of land, as shown below.

Lot

A contiguous parcel(s) of land that is designated at the time of application for a special permit, a special exception, building permit, residential use permit, or nonresidential use permit, as a tract all of which is to be used, developed, or built on as a unit under one ownership. A parcel(s) of land will be deemed to be a lot, regardless of whether its boundaries coincide with the boundaries of lots or parcels shown on any map of record.

#29 INSTRUCTION: Revise the following subsections as shown below for the housing of livestock, including horses or ponies, as an agricultural operation: 9103.2 (definitions of Agricultural Operation and Riding or Boarding Stable), 9103.7 (definition of Limited Riding or Boarding Stable), 4102.2.A(1), and 4102.7.K(1), and add new subsection (1) under 4102.2.D.

9103.2:

Agricultural Operation

Any operation that is devoted to the bona fide production, harvesting, and sale of crops and other agricultural products, including livestock, dairy, aquaculture, poultry, horticultural, floricultural, viticultural, and silvicultural products, or the housing of livestock, as defined in Va. Code Sect. 3.2-6500. An agricultural operation may include agritourism uses, farm worker housing, and wayside stands as an accessory use.

The definition of agricultural operation does not preclude the keeping of livestock on parcels of two acres or more in size, as permitted by subsection 4102.7.J(3), or gardening and composting, as permitted as an accessory use.

An agricultural operation does not include a garden center, commercial stockyard/feed lot, landscape contracting services, on-site processing of agricultural products, riding or boarding stable, or the above-ground application or storage of sewage sludge.

Stable, Riding or Boarding

An establishment where horses or ponies, not including horses or ponies owned by a resident of the property, are kept, maintained, or boarded, or where riding lessons are made available to the general public or members of a private club. These services may be offered for a fee or free of charge. This use may include the hosting of events, competitions, exhibitions, or other displays of equestrian skills. The keeping of horses or ponies as an accessory use in accordance with subsection 4102.7.J and subsection 4102.7.K is not considered a riding or boarding stable. Where a total of seven or more acres are devoted to activities meeting the definition of an agricultural operation, including the housing of horses or ponies, whether boarded or owned by a resident, it is an agricultural operation.

1
2 **9103.7:**

3
4 **Limited Riding or Boarding Stable**

5 A riding or boarding stable operated as accessory to a residence, where horses or ponies, not
6 including those owned by a resident of the property, are kept, maintained, or boarded, or where
7 riding lessons are made available to the general public or members of a private club. These
8 services may be offered for a fee or free of charge. Where a total of seven or more acres are
9 devoted to activities meeting the definition of an agricultural operation, including the housing of
10 horses or ponies, whether boarded or owned by a resident, it is an agricultural operation.

11
12 **4102.2.A(1):**

13
14 **A. Agricultural Operation**

15 **Standards when permitted by right:**

- 16 (1) A minimum of seven acres must be dedicated to the production of an agricultural
17 product, as defined in Va. Code Sect. 3.2-6400, or the housing of livestock, as defined
18 in Va. Code Sect. 3.2-6500, unless a larger acreage is required by this Ordinance for a
19 use related to an agricultural operation.

20
21 **4102.7.K(1):**

22
23 **K. Limited Riding or Boarding Stable**

24 **Standards when permitted by right:**

- 25 (1) On lots containing two to less than five acres, up to five horses may be boarded, and
26 on lots containing five or more acres, up to eight horses may be boarded. Boarding of
27 horses in excess of these numbers is deemed a riding or boarding stable and requires
28 special exception or special permit approval. However, regardless of the lot size, if a
29 total of seven or more acres are devoted to activities meeting the definition of an
30 agricultural operation, including the housing of horses or ponies, whether boarded or
31 owned by a resident, it is an agricultural operation and subject to the standards in
32 subsection 4102.2.A.

33
34 **New 4102.2.D(1):**

35
36 **D. Stable, Riding or Boarding**

- 37 (1) Where a total of seven or more acres are devoted to activities meeting the definition
38 of an agricultural operation, including the housing of horses or ponies, whether
39 boarded or owned by a resident, it is an agricultural operation and subject to the
40 standards in subsection 4102.2.A.

#30 INSTRUCTION: Revise the standard in subsection 4102.4.F(1) and the definition in subsection 9103.4 for a Community Swim, Tennis, and Recreation Club, as shown below.

4102.4.F(1):

F. Community Swim, Tennis, and Recreation Club

Standards when permitted by special permit:

- (1) This use must limit ~~have a~~ membership primarily limited ~~limited~~ to residents of a designated area and their guests and must be under the control and direction of a board of managers composed, at least in part, of residents of the area. Additionally, the owner of the facility must be a nonprofit organization.

9103.4:

Community Swim, Tennis, and Recreation Club

An outdoor facility not operated for profit providing ~~primarily~~ recreation facilities with membership limited primarily to residents of ~~nearby residential~~ a designated areas. This use must be under the control and direction of a board of managers that includes residents of the area served by the facility.

#31 INSTRUCTION: In subsection 9103.4.D, correct a typographical error and nest the definition of Regional Rail Transit Facility under Transit Facility, as shown below.

Transit Facility

A stations and its associated pedestrian connections, bus bays, parking areas, service yards, and inspection yards associated with rail or non-rail transit systems, including but not limited to WMATA Metrorail and Virginia Railway Express (VRE) facilities. A transit facility does not include a facility containing only administrative offices operated by a transit facility authority or entity.

Regional Rail Transit Facility

A transit facility associated with a rapid rail transit system that serves only the Washington metropolitan region or parts thereof, including but not limited to WMATA Metrorail facilities.

#32 INSTRUCTION: In subsection 9103.5.A, revise the definitions for the Animal-Related Services category and a Kennel, as shown below.

A. Animal-Related Services

The Animal-Related Services use category is characterized by uses related to the provision of medical services, general care, recreation, exercise, and boarding services for household pets and domestic animals.

1 **Kennel**

2 An establishment primarily engaged in boarding, keeping, training, breeding, or handling dogs,
3 cats, birds, or other small domestic animals for a fee. A kennel also includes recreation and
4 exercise areas for dogs and other small domestic animals operated for a fee.

5

6

7

8

#33 INSTRUCTION: In subsection 9103.7, revise the definition of Accessory Structure, as shown below.

9 **Accessory Structure**

10 A building or structure that:

- 11 1. Is subordinate in purpose to, and customarily found in association with, a principal building
12 or a principal use legally existing on the same lot; and
13 2. Contributes to the comfort, convenience, or necessity of the occupants, business, or
14 industry of the principal structure or principal use served on that lot.

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Board Agenda Item
November 1, 2022

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Consider a Temporary Uncodified Ordinance that will Provide for up to a One Dollar Per-Trip Emergency Taxicab Fuel Surcharge from December 30, 2022, Through June 30, 2023

ISSUE:

Board of Supervisors authorization to advertise a public hearing to consider a temporary uncodified ordinance providing for an emergency taxicab fuel surcharge of up to one dollar (\$1.00) per-trip, effective December 30, 2022, through June 30, 2023, unless rescinded sooner.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on December 6, 2022, at 4:00 p.m. to consider a temporary uncodified ordinance providing for an emergency taxicab fuel surcharge of up to \$1.00 per-trip effective December 30, 2022, through June 30, 2023 (Attachment 1).

TIMING:

Board action is requested on November 1, 2022, to advertise the public hearing before the Board of Supervisors on December 6, 2022, at 4:00 p.m.

BACKGROUND:

In response to a request for emergency taxicab rate relief submitted on March 17, 2022, by Old Dominion Transportation Group, Inc. (ODTG), the Board adopted an emergency uncodified ordinance providing for a taxicab fuel surcharge of up to \$1.00 per-trip pursuant to Fairfax County Code Section 84.1-6-2 (Attachment 2), from April 13, 2022, through June 11, 2022.

On June 28, 2022, the Board of Supervisors approved a temporary uncodified ordinance that provided for a taxicab fuel surcharge of up to \$2.00 per-trip from June 29, 2022, through December 29, 2022.

At the time of Board action on June 28, 2022, the American Automobile Association (AAA) Daily Report for the retail price for regular gasoline in Fairfax County averaged \$5.022 per gallon.

Board Agenda Item
November 1, 2022

When gasoline prices increase, drivers absorb greater costs. With retail gas prices in Fairfax County now averaging \$3.790 per gallon, taxicab drivers incur additional monthly expenses of \$36, or \$429 per year. These levels of non-reimbursed expense may continue to pose an economic hardship to the taxicab drivers in Fairfax County. The proposed emergency taxicab fuel surcharge of up to \$1.00 per-trip would offset gasoline prices up to \$4.296 per gallon.

In October 2022, staff received a second request from Old Dominion Transportation Group, Inc. to extend the surcharge into 2023, citing concerns about drivers leaving the taxicab industry.

Staff has analyzed the need for an emergency taxicab fuel surcharge and for the reasons set forth in the attached staff report recommends approving an emergency taxicab fuel surcharge beyond the previously approved date of December 29, 2022, for up to \$1.00 per-trip (Attachment 3). This surcharge of \$1.00 per-trip will continue to provide relief to current taxicab drivers who may still be suffering economic hardships resulting from high gasoline prices.

The proposed six-month emergency taxicab fuel surcharge will expire on June 30, 2023, unless rescinded sooner. Staff will continue to monitor gasoline prices during the next several months and may seek continued relief if prices remain high. Similarly, staff may recommend that the proposed emergency surcharge be rescinded prior to June 30, 2023, if prices consistently remain at a lower level.

On October 18, 2022, the Consumer Protection Commission (CPC) is scheduled to vote on the authorization to advertise a public hearing to be held at their meeting on November 15, 2022, to consider a temporary uncodified ordinance that will provide for up to a \$1.00 per-trip emergency taxicab fuel surcharge from December 30, 2022, through June 30, 2023. Action taken by the CPC on November 15, will be included in staff's report to the Board on December 6, 2022.

Several surrounding jurisdictions have also reviewed similar requests for emergency taxicab fuel surcharges in response to sustained high gasoline prices and are continuing to monitor the impact on drivers that operate in their jurisdictions. Jurisdictions with current surcharges still in effect include Washington, DC with a \$1.00 surcharge effective March 16, 2022, and extended to November 11, 2022; Arlington County with a \$1.00 surcharge effective May 14, 2022, through November 13, 2022, and the City of Alexandria with a \$1.00 surcharge effective March 31, 2022, through March 30, 2023.

Board Agenda Item
November 1, 2022

The County and Fairfax County Public Schools (FCPS) have several contracts with taxicab companies for special needs transportation. Payments under these contracts are in accordance with the current rates set forth in County Code Section 84.1-6-3. While both organizations will experience an operational impact from the temporary emergency taxicab fuel surcharge, the retention of taxicab drivers is vital in maintaining transportation for students with disabilities and special needs to and from school and transportation options for eligible older adults, persons with disabilities, and those with limited income.

FISCAL IMPACT:

Based on a six-month emergency taxicab fuel surcharge, the Department of Neighborhood and Community Services (DNCS) estimates an operational impact of \$1,416 based on 236 taxicab trips per month in their TOPS – Transportation, Options, Programs & Services program. TOPS connects riders with a variety of transportation modes and options, enabling them to travel affordably, safely, and independently. While the program participants are responsible for the full cost of the transportation fare, the TOPS program provides subsidized transportation funds for eligible residents of Fairfax County, the City of Fairfax, and the City of Falls Church.

FCPS estimates an operational impact of \$16,000 based on current monthly usage and indicates they can absorb the increased costs within their FY 2023 budget appropriation.

EQUITY IMPACT:

This action supports a multi-modal transportation system that supports the economic growth, health, congestion mitigation, and prosperity goals of Fairfax County and provides accessible mobility solutions that are based on the principles associated with sustainability, diversity, and community health, a One Fairfax Policy Area of Focus.

The on-demand availability of safe and reliable taxicab services supports the *County's Strategic Outcome Area: Mobility and Transportation* and is important to the public well-being, especially for those consumers unable to use public transportation and who rely on taxicab service for their basic transportation needs. In Fairfax County, 4.4 percent of the 398,653 households have no vehicle available.¹ In 2020, taxicabs provided service to over 327,000 passengers including 2,769 wheelchair accessible trips.

The retention of taxicab drivers is also vital in maintaining transportation for approximately 90 students with disabilities and special needs to and from school. Taxicab drivers also provide transportation services through the TOPS – Transportation

¹ United States Census Bureau: [Census - Table Results](#)

Board Agenda Item
November 1, 2022

Options, Programs & Services program which provides subsidized transportation funds for eligible participants who live in Fairfax County, the City of Fairfax, and the City of Falls Church. This program serves approximately 1,400 eligible residents and supports the *County's Strategic Outcome Area: Empowerment and Supporting Residents Facing Vulnerability* by using the existing taxicab framework to cross-collaborate with County and School efforts to provide residents with transportation services, enabling them to travel affordably, safely, and independently.

The \$1.00 per-trip emergency taxicab fuel surcharge will continue to provide relief to the taxicab drivers who may still be suffering an economic hardship from high fuel costs. This increase may also help retain current drivers and recruit new drivers, supporting the *County's Strategic Outcome Area: Economic Opportunity*.

ENCLOSED DOCUMENTS:

Attachment 1 – Temporary Uncodified Ordinance
Attachment 2 – Fairfax County Code Section 84.1-6-2
Attachment 3 – Staff Report on Emergency Rate Relief

STAFF:

Ellicia Seard-McCormick, Deputy County Executive
Rebecca Makely, Acting Director, Department of Cable and Consumer Services

ASSIGNED COUNSEL:

John Burton, Assistant County Attorney

**AN UNCODIFIED ORDINANCE TO PROVIDE EMERGENCY TAXICAB RATE
RELIEF**

AN UNCODIFIED ORDINANCE to impose an emergency fuel surcharge of up to one dollar per trip, in addition to the existing rates and charges for transportation and other services rendered to passengers in the County by taxicabs, from December 30, 2022, through June 30, 2023.

Draft of October 6, 2022

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

1. That the following uncodified ordinance is hereby adopted:

A. Authority for Emergency Rate Relief

1. Fairfax County Code Section 84.1-6-2(g) permits requests for emergency rate relief if dire financial needs exist as a result of circumstances beyond the taxicab industry's control. A petition for emergency rate relief was submitted to the County by a certificate holder operating within the County. Dire financial needs exist due to the rapid increase in gasoline prices that could not have been predicted and thus are not addressed by the current taxicab rates and charges set forth in County Code Section 84.1-6-3.
2. Virginia Code § 46.2-2062 authorizes the governing body of any county to regulate by ordinance the rates and charges for taxicab service in such county.

B. Taxicab Fuel Surcharge

1. In addition to the rates, fares and surcharges otherwise described in Fairfax County Code Section 84.1-6-3, there may be imposed an emergency fuel surcharge of up to one dollar (\$1.00) per trip.
2. No such emergency fuel surcharge shall be imposed after June 30, 2023, unless the Board of Supervisors readopts this ordinance.

- 2. That this ordinance will take effect on December 30, 2022, and extend through June 30, 2023, unless sooner rescinded by the Board.**

GIVEN under my hand this ____ day of December, 2022.

Jill G. Cooper
Clerk for the Board of Supervisors
Department of Clerk Services

Section 84.1-6-2. Changes to rules, regulations, rates, fares, and charges; procedures.

- (a) Changes in any rule, regulation, rate, fare, charge, and or practice thereto, for taxicab services rendered by certificate holders, may be approved by the Board after notice and hearing held by the Commission or upon recommendation of the Director.
- (b) On an annual basis the Board may consider changes in rates, fares or charges, upon petition by a certificate holder or a driver association. Any petition filed by a certificate holder or driver association for changes in rates, fares or charges must be filed simultaneously with the Clerk to the Board and the Director by June 30. A copy of such requests must be sent by the Director to the Commission, certificate holders, and any driver association within seven calendar days of submission to the Clerk to the Board.
- (c) Any petition for a change in rates, fares or charges will contain the following:
 - (1) The rates, fares or charges which are proposed for approval; and
 - (2) A sample billing analysis which will show the cost to riders for trips ranging from one mile to 20 miles in one-mile increments, using existing rates and proposed rates, including for each increment, the percent change.
- (d) Rate change petitions will be analyzed by the Director, using information submitted under Section 84.1-5-2 and other relevant data. The Director will use the following standard in consideration of whether the request is justified: the change in the Fairfax County Taxicab Industry Price Index since the last adoption of rates (plus or minus two percent). The Fairfax County Taxicab Industry Price Index is in the following form:

Fairfax County Taxicab Industry Price Index

Taxicab Cost Element	BLS Index	Weight
Salaries, Wages, and Profits	CPI-U (All Items)	0.62
Vehicle Purchase	New Vehicles	0.14
Fuel	Motor Fuel	0.11
Insurance and Other	Private Transportation Services	0.08
Maintenance, Parts, and Equipment	Motor Vehicle Maintenance and Repairs	0.05
TOTAL COMPOSITE INDEX		1.00

- (e) The Commission will review all recommendations or petitions for rate changes, along with the report of the Director, and the Commission will hold a hearing to consider evidence related to such recommendations or petitions for changes in rates, fares and charges, or any rule, regulation, or practice thereto, as soon as analysis and scheduling permit. After holding a public hearing and after such further investigation as the Commission may deem advisable, the Director will convey the recommendations of the Commission and the Director concerning the appropriate taxicab rates to the Board for consideration.
- (f) Except for emergency rate relief, certificate holders will provide notice to the public of proposed changes in fares, rates, or charges, by means of a sign posted in a conspicuous place in each of their vehicles operated as taxicabs in Fairfax County. Such notice will be on a document no smaller than 8.5 by 11.0 inches, printed in no smaller than 12-point type, and will contain substantially the following legend:

Notice of Proposed Rate Change
(Insert the Name of the Certificate Holder)

A proposed change in taxicab rates is under consideration by the Fairfax County government. The proposed rates are: (Insert description of the proposed changes).

The proposed taxicab rate change will be considered by the Consumer Protection Commission at a public hearing on (insert date, time, and location). Any interested person may appear before the Commission to be heard on this proposed change. Persons who wish to be placed on the speakers' list or who wish further information should call the Department of Cable and Consumer Services at 703-222-8435.

Notices with respect to the request for a rate change will be posted at least 15 calendar days prior to the Consumer Protection Commission public hearing and the Board of Supervisor's public hearing and will remain posted until the change in rates is denied or becomes effective.

- (g) Emergency rate relief requests will be considered in as timely a manner as possible, under the same procedures and criteria as set forth herein, except that emergency rate relief petitioners must demonstrate that dire financial needs as a result of circumstances beyond their control necessitate an increase prior to the next annual filing period. The filing date requirement found in 84.1-6-2(b) does not apply to an emergency rate relief request. A rate review according to Section 84.1-6-2, Subsections (a) through (f) will supersede any rate change granted on an emergency basis.

(4-00-84.1; 56-08-84.1; 39-16-84.1.)

STAFF REPORT ON EMERGENCY RATE RELIEF**SUMMARY:**

In response to a request for emergency taxicab rate relief submitted on March 17, 2022, by Old Dominion Transportation Group, Inc. (ODTG), the Board adopted an emergency uncodified ordinance providing for a per-trip taxicab fuel surcharge of up to one dollar (\$1.00). This surcharge expired June 11, 2022. On June 28, 2022, the Board of Supervisors approved a temporary uncodified ordinance that provided for up to a two dollar (\$2.00) per-trip emergency taxicab fuel surcharge from June 29, 2022, through December 29, 2022.

In October 2022, staff received a second request from Old Dominion Transportation Group, Inc. to extend the surcharge into 2023, citing concerns about drivers leaving the taxicab industry.

The current average gasoline price still supports a surcharge and, in an effort, to avoid any gap in a surcharge as requested by the industry, staff recommends extending the emergency taxicab fuel surcharge beyond the previously approved expiration date of December 29, 2022. However, because of the decrease in gasoline prices, staff is only recommending up to a \$1.00 per-trip emergency taxicab fuel surcharge to offset the additional financial burden presently being absorbed by the taxicab drivers in Fairfax County. The taxicab operator has confirmed that 100 percent of the surcharge will go directly to the taxicab drivers.

PREVIOUS BOARD ACTIONS TO ADJUST TAXICAB FARES:

On June 28, 2022, the Board of Supervisors approved a temporary uncodified ordinance that provided for an emergency taxicab fuel surcharge of up to \$2.00 per-trip from June 29, 2022, through December 29, 2022.

Previously on April 12, 2022, the Board of Supervisors adopted an emergency uncodified ordinance to provide for an emergency taxicab fuel surcharge of up to \$1.00 per-trip. This surcharge expired June 11, 2022.

Permanent taxicab fares were last increased in November 2014, when the cost of regular unleaded gasoline in the Metropolitan Washington area was \$3.66 per gallon.

TAXICAB INDUSTRY IN FAIRFAX COUNTY:

Since staff's last report in June 2022, King Cab Company operating White Top Cab shut down operations on September 1, 2022, and returned their 20 taxicab certificates to the County resulting in one operator managing the remaining three taxicab companies in Fairfax County.

Company	Taxicab Certificates
Fairfax Yellow Cab ¹	90
Springfield Yellow ¹	30
Fairfax Red Top ¹	10
White Top Cab	20
Total	130

¹ Owned and operated by Old Dominion Transportation Group, Inc.

Current taxicab rates are based on a gasoline cost of \$3.66 per gallon from July 2014. Since the last permanent rate increase in 2014, the taxicab industry has experienced significant changes. The chart below demonstrates several impacts over the last eight years as reported by the taxicab companies' most recent reports filed in 2021.

	2013	2020¹	Change
Taxicab Certificates	654	150	-77.1%
Taxicab Drivers	820	200	-75.6%
Trips	2,292,232	274,736	-88.0%
Passengers	2,732,894	327,032	-88.0%
Revenue	\$40,821,451	\$5,529,465	-86.5%

¹ As last reported by the companies in 2021.

The taxicab industry in Fairfax County is staffed by taxicab drivers who are independent contractors associated with the certificate holder; the drivers are not company employees. Taxicab drivers either lease their cabs from the taxicab companies or own their own cabs and pay "stand dues" to a company. Lease fees/car payments and fuel represent most of the operating expenses for drivers.

As independent operators, individual driver income is highly variable depending upon factors including the number of hours and days a driver chooses to work, the number of calls received by dispatch, a driver's awareness of market opportunities and ability to cultivate repeat customers, and economic growth and development within the County.

The industry is currently reporting that taxicab drivers work 5.7 days a week and 25 days a month and average 6.8 trips per day with a trip length of approximately eight miles.

GASOLINE COSTS AND TRENDS: NATIONAL AND REGIONAL PERSPECTIVE:

As shown in Table 1, the AAA's Daily Report the Washington, DC (VA Only) retail price for regular gasoline averaged \$3.660 as of October 11, 2022, \$0.477 higher than prices

a year ago. Table 1 also illustrates that the average regular gasoline retail price in Fairfax County is \$3.790 per gallon as of October 10.

The U.S. Energy Information Administration (EIA) *Short-Term Energy Outlook*¹ dated September 7, 2022, notes that petroleum supply disruptions and slower production growth continue to impact higher prices, while the possibility of slower than projected economic growth could lower prices.

IMPACT OF ADDITIONAL GAS COSTS ON DRIVERS:

According to company data, taxicab drivers in this area typically use approximately 11 gallons of gasoline per day. Other than lease fees, gasoline is the only operating expense most drivers face. As gasoline prices increase, drivers must absorb greater costs. Using the July 2014 (last permanent rate increase) gasoline price of \$3.66 per gallon as a baseline, compared to the currently retail price in Fairfax County of \$3.790 per gallon, taxicab drivers will incur additional monthly expenses of \$36, or \$429 per year. These levels of non-reimbursed expense may continue to pose an economic hardship to the taxicab drivers in Fairfax County.

SURCHARGE AMOUNT REQUIRED TO OFFSET THE INCREASED COSTS OF GASOLINE:

Table 2 displays actual per-gallon gasoline prices, and the corresponding surcharge that allows drivers to recoup their added costs of gasoline. An emergency taxicab fuel surcharge of up to \$1.00 per-trip would offset gasoline prices up to \$4.296 per gallon.

SURROUNDING JURISDICTIONS:

Several surrounding jurisdictions have also reviewed similar requests for emergency taxicab fuel surcharges in response to sustained high gasoline prices and are continuing to monitor the impact on drivers that operate in their jurisdictions. Results of that survey are summarized in Table 3.

IMPACT OF A FUEL SURCHARGE ON THE COST OF A TRIP:

Table 4 contains sample billings when a per-trip fuel surcharge of \$0.50 and \$1.00 are added to trips ranging from one mile to 20 miles. For an eight-mile trip, which company data indicates is the current average trip duration, an emergency taxicab fuel surcharge of up to \$1.00 per-trip would increase the average fare from \$20.78 to \$21.78, or 4.8 percent.

While the percentage increase on any of the potential emergency taxicab fuel surcharge amounts are proportionately much higher for short trip fares, the enactment of an

¹ EIA, *Short Term Energy Outlook* (9/7/22), available at [Short-Term Energy Outlook - U.S. Energy Information Administration \(EIA\)](#)

emergency taxicab fuel surcharge will provide an incentive for taxicab drivers to seek short trips, and thus to provide better service to the community.

DURATION OF SURCHARGE:

During 2005 and 2008, the Board approved a series of temporary surcharges that typically lasted about six months. In this case, the proposed six-month emergency taxicab fuel surcharge will expire on June 30, 2023, unless rescinded sooner. Staff will continue to monitor gasoline prices during the next several months and may seek continued relief if prices remain high.

Similarly, staff may recommend that the proposed emergency surcharge be rescinded prior to June 30, 2023, if prices consistently remain at a lower level.

FINDINGS:

It is staff's opinion that this economic impact satisfies the requirement of Section 84.1-6-2(g) of "dire financial need" that it is "as a result of circumstances beyond [the taxi drivers'] control."

A temporary emergency taxicab fuel surcharge of up to \$1.00 per-trip is intended to offset drivers' increased operating expenses attributable to increased gasoline prices. As noted, area gasoline prices averaged \$3.660 per gallon on October 8, with the average retail price in Fairfax County at \$3.790 per gallon which is \$0.130 per gallon more than the \$3.66 per gallon average gasoline price in 2014 when taxicab rates were last permanently increased.

The on-demand availability of safe and reliable taxicab services is important to the public well-being, especially for those consumers unable to use public transportation and who rely on taxicab service for their basic transportation needs. The emergency taxicab fuel surcharge of up to \$1.00 per-trip will provide continued relief to the taxicab drivers who may still be suffering an economic hardship from high fuel costs. This increase may also help retain current drivers and aid in the effort to add new taxicab drivers, to the public's benefit.

RECOMMENDATIONS:

1. Staff recommends that the Board of Supervisors approve up to a \$1.00 per-trip emergency taxicab fuel surcharge.
2. The emergency taxicab fuel surcharge of up to \$1.00 per-trip is designed to (a) cover the added costs of gasoline at pricing levels of approximately \$3.790 per gallon, thereby temporarily compensating drivers for high gasoline costs; and (b) provide a sufficient incentive to retain and recruit drivers operating in Fairfax County, to the public's benefit.
3. The emergency taxicab fuel surcharge of up to \$1.00 per-trip would expire on June 30, 2023, unless rescinded sooner by the Board of Supervisors.

ATTACHMENTS:

Table 1: AAA Local Gasoline Price Trends

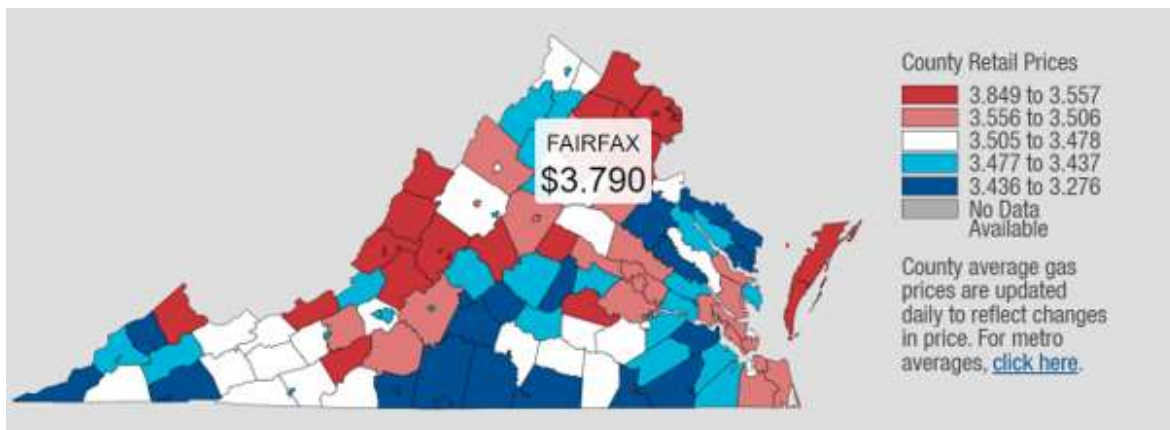
Table 2: Surcharge Amount Required to Offset Increased Fuel Cost

Table 3: Comparison of Taxicab Rates in Local Jurisdictions

Table 4: Sample Billing Analysis – October 2022

Table 1: AAA Local Gasoline Price Trends¹

Washington, DC, (VA Only)				
	Regular	Mid	Premium	Diesel
Current Avg.	\$3.660	\$4.124	\$4.435	\$4.964
Yesterday Avg.	\$3.639	\$4.100	\$4.410	\$4.909
Week Ago Avg.	\$3.530	\$4.015	\$4.317	\$4.708
Month Ago Avg.	\$3.675	\$4.169	\$4.487	\$4.869
Year Ago Avg.	\$3.183	\$3.577	\$3.878	\$3.366
HIGHEST RECORDED AVERAGE PRICE				
		Price	Date	
Regular Unleaded		\$5.048	6/15/22	



Source: [American Automobile Association](#)

¹ As of October 11, 2022

Table 2: Surcharge Amount Required to Offset Increased Fuel Cost

	DC Metro Region (VA Only)			Fairfax County				
Gasoline Prices Per Gallon¹	\$4.061 4/12/22	\$4.575 5/18/22	\$4.767 5/25/22	\$5.000 6/7/22	\$5.022 6/28/22	\$3.790 10/11/22	\$3.978 <i>Estimate</i>	\$4.296 <i>Estimate</i>
Average cost of gas July 2014	\$3.66	\$3.66	\$3.66	\$3.66	\$3.66	\$3.66	\$3.66	\$3.66
Per gallon difference	\$0.401	\$0.915	\$1.107	\$1.340	\$1.362	\$0.130	\$0.318	\$0.636
Average gallons used per day	11	11	11	11	11	11	11	11
Additional daily cost of gas	\$4.41	\$10.07	\$12.18	\$14.74	\$14.98	\$1.430	\$3.50	\$7.00
Average number of daily trips ²	7	7	7	7	7	7	7	7
Surcharge required to offset increased fuel cost	\$0.63	\$1.44	\$1.74	\$2.11	\$2.14	\$0.20	\$0.50	\$1.00

¹ Source: [American Automobile Association](#)

² Source: Company data provided March 21, 2022.

Note: Weekly costs reflect 5.7 working days, monthly costs reflect 25 working days.

Table 3: Comparison of Taxicab Rates in Local Jurisdictions

Jurisdiction	Initial Charge	Mileage Charge	First Mile Charge	Fuel Surcharge	Average Trip Charge
Fairfax County Current	\$3.50	\$0.36 per 1/6 mile	\$5.66	\$2.00	\$22.78
Fairfax County Proposal	\$3.50	\$0.36 per 1/6 mile	\$5.66	\$1.00	\$21.78
Arlington County	\$3.00	\$0.36 per 1/6 mile	\$5.16	\$1.00 effective 6/1/2022 to 11/30/2022	\$21.28
City of Alexandria	\$3.00	\$0.36 per 1/6 mile	\$5.16	\$1.00 effective 3/31/2022 to 3/31/2023	\$21.28
Prince William County	\$4.00	\$0.20 per 1/10 mile	\$5.00	\$1.00 effective 3/15/2022 to 5/13/2022 and extended to 7/13/2022	\$24.00
Montgomery County, MD	\$4.00	\$0.50 per 1/4 mile	\$6.00	No surcharge triggered	\$20.00
Washington, DC	\$3.50	\$0.36 per 1/6 mile	\$5.66	\$1.00 effective 3/16/2022 to 7/16/2022 and extended to 11/11/2022	\$21.78
Uber	N/A	N/A	N/A	\$0.45-\$0.55 effective 3/16/2022 to 5/15/2022 and extended indefinitely as of 6/14/2022	N/A
Lyft	N/A	N/A	N/A	\$0.55 effective 3/21/2022 to 5/21/2022	N/A

Note: Average trip length is approximately eight (8) miles as provided by company data on March 21, 2022.

Table 4: Sample Billing Analysis: October 2022

Proposed Fuel Surcharge of \$0.50				
Mileage	Current	Surcharge	Proposed	Increase
1	\$5.66	\$0.50	\$6.16	8.8%
2	\$7.82	\$0.50	\$8.32	6.4%
3	\$9.98	\$0.50	\$10.48	5.0%
4	\$12.14	\$0.50	\$12.64	4.1%
5	\$14.30	\$0.50	\$14.80	3.5%
6	\$16.46	\$0.50	\$16.96	3.0%
7	\$18.62	\$0.50	\$19.12	2.7%
8	\$20.78	\$0.50	\$21.28	2.4%
9	\$22.94	\$0.50	\$23.44	2.2%
10	\$25.10	\$0.50	\$25.60	2.0%
11	\$27.26	\$0.50	\$27.76	1.8%
12	\$29.42	\$0.50	\$29.92	1.7%
13	\$31.58	\$0.50	\$32.08	1.6%
14	\$33.74	\$0.50	\$34.24	1.5%
15	\$35.90	\$0.50	\$36.40	1.4%
16	\$38.06	\$0.50	\$38.56	1.3%
17	\$40.22	\$0.50	\$40.72	1.2%
18	\$42.38	\$0.50	\$42.88	1.2%
19	\$44.54	\$0.50	\$45.04	1.1%
20	\$46.70	\$0.50	\$47.20	1.1%

Proposed Fuel Surcharge of \$1.00				
Mileage	Current	Surcharge	Proposed	Increase
1	\$5.66	\$1.00	\$6.66	17.7%
2	\$7.82	\$1.00	\$8.82	12.8%
3	\$9.98	\$1.00	\$10.98	10.0%
4	\$12.14	\$1.00	\$13.14	8.2%
5	\$14.30	\$1.00	\$15.30	7.0%
6	\$16.46	\$1.00	\$17.46	6.1%
7	\$18.62	\$1.00	\$19.62	5.4%
8	\$20.78	\$1.00	\$21.78	4.8%
9	\$22.94	\$1.00	\$23.94	4.4%
10	\$25.10	\$1.00	\$26.10	4.0%
11	\$27.26	\$1.00	\$28.26	3.7%
12	\$29.42	\$1.00	\$30.42	3.4%
13	\$31.58	\$1.00	\$32.58	3.2%
14	\$33.74	\$1.00	\$34.74	3.0%
15	\$35.90	\$1.00	\$36.90	2.8%
16	\$38.06	\$1.00	\$39.06	2.6%
17	\$40.22	\$1.00	\$41.22	2.5%
18	\$42.38	\$1.00	\$43.38	2.4%
19	\$44.54	\$1.00	\$45.54	2.2%
20	\$46.70	\$1.00	\$47.70	2.1%

Note: Average trip length is approximately eight (8) miles as provided by company data on March 21, 2022.

"Current trip cost" includes base-rate charges only.

Board Agenda Item
November 1, 2022

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Lease County-Owned Property at 9514 Workhouse Way to Bunnyman Brewery Company, LLC (Mount Vernon District)

ISSUE:

Authorization to advertise a public hearing to lease a portion of County-owned property, located at 9514 Workhouse Way to Bunnyman Brewery Company LLC, for the private operation of a food and beverage retail establishment.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held on December 6, 2022, at 4:30 p.m.

TIMING:

Board approval is requested on November 1, 2022, to provide sufficient time to advertise the proposed public hearing on December 6, 2022, at 4:30 p.m.

BACKGROUND:

The Board of Supervisors is the owner of 9514 Workhouse Way, identified as Building W-13 at the Workhouse Arts Campus (Campus) on a County-owned parcel identified as Tax Map Number 106-4 ((1)) 58. The proposed site currently includes a vacant historic structure of approximately 4,500 square feet.

The Campus was acquired by Fairfax County in 2002 as part of a 2,440-acre land purchase by Fairfax County from the federal government following the 2001 closure of the Lorton Reformatory. Pursuant to Section 106 of the National Historic Preservation Act, the federal government entered into a legally binding Memorandum of Agreement with Fairfax County and other interested parties to preserve the historically significant buildings and structures on the Campus in a manner that favors adaptive reuse.

In September 2019, the Board of Supervisors approved a zoning action (Minor Variation) that granted flexibility in the proffers to permit craft beverage production (tasting room) and small-scale production (container agriculture) establishments as permitted uses at the Campus.

Board Agenda Item
November 1, 2022

In FY 2020, Fairfax County initiated a capital project for Buildings W-13 (9514 Workhouse Way) and W-15 (9517 Workhouse Way) to complete exterior historic restoration and interior renovation to an open-plan and warm-lit shell allowing for future occupancy by tenants meeting the approved retail uses of these structures under RZ/FDP 2003-MV-033, as amended. In addition to the improvements to Buildings W-13 and W-15, the project includes natural landscaping and site enhancements in a shared courtyard and streetscape improvements along Ox Road (Rt. 123). These improvements are to support placemaking and activation goals on the Campus.

On April 1, 2021, the County advertised a request for expressions of interest (RFI) for Buildings W-13 and W-15. The RFI sought interested qualified parties to establish and operate restaurants, craft beverage production or tasting rooms and/or other uses that would contribute to the enhancement and activation of the Campus in accordance with the Campus vision and approved land use entitlements.

After receiving the RFI responses, Fairfax County engaged JLL as a real estate broker to assist with marketing and leasing of the site, with a preference for food and beverage uses. These uses are the most cited demand by Campus visitors and the other site tenant, the Workhouse Arts Foundation (WAF). Having an on-site food and beverage retailer is expected to assist with placemaking and support the vibrant arts and cultural programming and education that WAF provides throughout the site. After reviewing potential tenants, the County and JLL began exclusive negotiations with Bunnyman Brewing as a tenant for Building W-13. The current construction timeline anticipates substantial completion in early calendar year 2023, and tenant occupancy to occur in fall 2023. The County continues to work with JLL to seek a prospective tenant for W-15.

Virginia Code Ann. 15.2-1800 requires a locality to hold a public hearing before it may lease its real property.

FISCAL IMPACT:

It is anticipated that the lease will generate approximately \$109,150 annually after the initial 18-month rent abatement period has ended. All lease revenue will be deposited into the County's General Fund. The tenant will be also responsible for payment of real estate taxes on the leasehold.

ENCLOSED DOCUMENTS:

Attachment 1: Location Map – Workhouse Campus, 106-4 ((1)) 58

Board Agenda Item
November 1, 2022

STAFF:

Ellicia Seard-McCormick, Deputy County Executive of Administration
Christina Jackson, Chief Financial Officer and Director, Department of Management and Budget
Rachel Flynn, Deputy County Executive for Community Development
José Comayagua, Jr., Director, Facilities Management Department
Rebecca Moudry, Director, Department of Economic Initiatives
Joe LaHait, Debt Manager, Department of Management and Budget
Mike Lambert, Assistant Director, Facilities Management Department
Joan Beacham, P3 Branch Chief, Department of Public Works and Environmental Services
Scott Sizer, Division Manager, Department of Economic Initiatives

ASSIGNED COUNSEL:

Susan Timoner, Assistant County Attorney

Location Map - Workhouse Arts Campus



9514 Workhouse Way
Building W-13

Board Agenda Item
November 1, 2022

ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Consider Amendments to the Code of the County of Fairfax, Virginia-Chapter 4 (Taxation and Finance), Article 17.1 (Personal Property Tax)

ISSUE:

Authorization to advertise a public hearing to consider amendments to The Code of the County of Fairfax, Chapter 4, Article 17.1.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on December 6, 2022, at 4:30 p.m. to consider adoption of these amendments.

TIMING:

Board action is required on November 1, 2022, to provide sufficient time to advertise the public hearing on December 6, 2022. The ordinance would become effective January 1, 2023.

BACKGROUND:

Fairfax County Code Section 4-17.1-6 requires Fairfax County residents that have motor vehicles which acquire situs in, or have title transferred into, Fairfax County between January 2 and March 1 to file their personal property tax return for that vehicle by May 1. For those motor vehicles which acquire situs in Fairfax County or have titled transferred to a Fairfax County taxpayer after March 2, the return must be filed within 60 days.

The Department of Motor Vehicles (DMV) notifies Fairfax County when an owner registers a motor vehicle, trailer, or semitrailer with the DMV. Currently, the Department of Tax Administration (DTA) sends a courtesy letter to remind owners to separately file their personal property tax return with the County as required by the Fairfax County Code. If a taxpayer fails to properly file a personal property tax return with Fairfax County within the time set forth in Article 17.1, a 10% penalty of the taxes assessable or ten dollars, whichever is greater, is automatically imposed pursuant to Fairfax County Code Section 4-17.1-7.

As an alternative method of filing the personal property tax returns for motor vehicles, trailers, and semitrailers, DTA proposes to have the personal property tax returns automatically filed on behalf of Fairfax County residents that have registered with the

Board Agenda Item
November 1, 2022

Department of Motor Vehicles (DMV) within 30 days as required by Virginia Code §§ 46.2-600 and -662. As a result, Fairfax County residents that timely register with the DMV will no longer be required to separately file personal property tax returns for motor vehicles, trailers, or semitrailers purchased or moved into the County within the time period set forth in Article 17.1 of Chapter 4 of the Fairfax County Code. The change will also eliminate the 10% penalty if the vehicle is timely registered with the DMV. Should the Board approve this alternative method for filing the personal property tax returns for motor vehicles, trailers, and semitrailers, the effective date would be as of January 1, 2023.

In addition, the proposed amendments to Chapter 4, Article 17.1 of the Fairfax County Code would provide updated language to clarify that taxes will be prorated on trailers or semi-trailers whose ownership or situs in the County changes during the calendar year in accordance with the Virginia Code.

Finally, the proposed amendments to the County Code include housekeeping changes to provide updated and clarifying language.

FISCAL IMPACT:

Amending the ordinance to incorporate an alternative method of filing the tax returns for motor vehicles, trailers, and semitrailers is estimated to result in an annual revenue loss of approximately \$2.4 million in late penalties. However, since this amendment cannot be retroactive and certain vehicles would have already incurred a late filing penalty in fiscal year 2023, the revenue loss is estimated at \$1.2 million for fiscal year 2023 and has already been reflected in the FY 2023 Adopted Budget Plan.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Ordinance, Redline.
Attachment 2 – Proposed Ordinance, Clean.

STAFF:

Christina Jackson, Chief Financial Officer
Jaydeep Doshi, Director, Department of Tax Administration (DTA)
Young Tarry, Director, Personal Property and Business License Division, DTA
Andrea Goutam, Assistant Director, Personal Property and Business License Division, DTA

ASSIGNED COUNSEL:

Daniel Robinson, Senior Assistant County Attorney
Martin R. Desjardins, Assistant County Attorney

**AN ORDINANCE AMENDING ARTICLE 17.1 OF CHAPTER 4
OF THE FAIRFAX COUNTY CODE, RELATING TO PRORATION,
FILING, AND PENALTIES FOR PERSONAL PROPERTY TAXES**

Draft of October 10, 2022

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Sections 4-17.1-1, 4-17.1-2, 4-17.1-3, 4-17.1-4, 4-17.1-5, 4-17.1-6, 4-17.1-6.1, 4-17.1-7, 4-17.1-8, 4-17.1-9, 4-17.1-10, 4-17.1-11, 4-17.1-12, and 4-17.1-13, all relating to proration, filing, and penalties for personal property taxes.

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

- 1. That Sections 4-17.1-1, 4-17.1-2, 4-17.1-3, 4-17.1-4, 4-17.1-5, 4-17.1-6, 4-17.1-6.1, 4-17.1-7, 4-17.1-8, 4-17.1-9, 4-17.1-10, 4-17.1-11, 4-17.1-12, and 4-17.1-13 of the Fairfax County Code are amended and readopted, as follows:**

ARTICLE 17.1. – Personal Property Tax.

Section 4-17.1-1. - Personal property tax.

All tangible personal property with situs in Fairfax County not exempted under the *Code of Virginia* as amended or by this Article ~~shall~~will be assessed and taxed at a rate or rates established annually by resolution of the Board of Supervisors.

Section 4-17.1-2. - Situs.

The situs for personal property taxation ~~shall~~will be as set forth in the *Code of Virginia* as amended.

Section 4-17.1-3. - Exemptions.

The following classes of personal property ~~shall be~~are exempt from personal property taxation:

- (a) Household goods and personal effects as defined in ~~*Code of Virginia, Section*~~*Va. Code* § 58.1-3504.

- 38
- 39 (b) Farm animals, grains and feeds used for the nurture of farm animals, farm machinery, and
40 farm implements and/or equipment as defined in ~~Code of Virginia, Section Va. Code~~
41 § 58.1-3505.

42

43 **Section 4-17.1-4. - Assessment.**

44

45 The ~~assessed~~ value of all tangible personal property ~~shall will~~ be assessed as of January 1 each
46 year and ~~shall will~~ be determined as prescribed by the *Code of Virginia* as amended.

47

48 **Section 4-17.1-5. - Proration.**

49

50 (A) The personal property taxes will be levied and collected on all motor vehicles, trailers, and
51 semitrailers that which acquire situs in the County on or after January 2, or where title is
52 transferred on or after January 2, and such tax will~~shall~~ be prorated on a monthly basis for
53 the balance of the tax year. When a motor vehicle, trailer, or semitrailer with situs in the
54 County is sold or legally transferred to a new owner, the motor vehicle, trailer, or semitrailer
55 will ~~shall~~ be assessed and taxed to such new owner from the date of sale or title transfer and
56 the tax will be levied and collected on a prorated monthly basis for the balance of the tax
57 year.

58

59 (B) Any person who moved from a non-prorating locality to a prorating locality in a single tax
60 year shall be entitled to a property tax credit in the prorating jurisdiction if (i) the person
61 was liable for personal property taxes on a motor vehicle and has paid those taxes to a non-
62 prorating locality and, (ii) the owner replaces for any reason the original vehicle upon which
63 taxes are due to the non-prorating locality for the same tax year. The prorating locality shall
64 provide a credit against the total tax due on the replacement vehicle in an amount equal to
65 the tax paid to the non-prorating locality for the period of time commencing with the
66 disposition of the original vehicle and continuing through the close of the tax year in which
67 the owner incurred tax liability to the non-prorating locality for the original vehicle.

68

69 (C) Except as otherwise provided herein, when a motor vehicle, trailer, or semitrailer loses its
70 situs within the County after January 1 of the tax year or has its title transferred after January
71 1 of the tax year, the taxpayer ~~shall will~~ be relieved from personal property tax, prorated on
72 a monthly basis, and receive a refund for tax already paid upon application to the Director
73 of the Department of Tax Administration, provided that such application is made within
74 three (3) years from the last day of the tax year during which the motor vehicle, trailer, or
75 semitrailer lost its situs or title was transferred. No refund of less than Five Dollars (\$5.00)

~~shall-will~~ be issued to a taxpayer, unless specifically requested by the taxpayer. No refund ~~shall-will~~ be made if a motor vehicle, trailer or semitrailer acquires a new situs in another locality within the Commonwealth of Virginia which does not prorate a personal property tax on motor vehicles, trailers, or semitrailers.

- (D) For purposes of proration as applied to personal property taxes on motor vehicles, trailers, and semitrailers, a period of more than one-half of a month ~~shall-will~~ be counted as a full month, and a period of less than one-half of a month ~~shall-will~~ not be counted.

- (E) The personal property taxes on all ~~mobile-manufactured~~ homes as defined in ~~Code of Virginia, Section~~ Va. Code § 36-85.3 which acquire situs in the County on or after January 2 and are used as a place of full time residence, ~~shall-will~~ be prorated on a quarterly basis. For purposes of prorating the personal property taxes on manufactured mobile-homes, the tax period ~~shall-will~~ commence at the beginning of the quarter from the date the manufactured mobile-home is moved into the County. The personal property taxes on manufactured mobile-homes sold or moved out of the County during the tax year ~~shall-will~~ not be prorated.

- (F) The personal property taxes on all other tangible personal property subject to taxation by this Article ~~shall-will~~ not be prorated.

Section 4-17.1-6. - Filing personal property returns.

- (A) Personal property tax returns for all property with a situs in Fairfax County as of January 1 ~~shall-must~~ be filed with the Director of the Department of Tax Administration no later than May 1 of the tax year.

- (B) Personal property tax returns for motor vehicles, trailers, and semitrailers which acquire situs or have title transferred in Fairfax County between January 2 and March 1 must be filed with the Director of the Department of Tax Administration no later than May 1 of the tax year.

- (C) Personal property tax returns for motor vehicles, trailers, and semitrailers which acquire situs or have title transferred in Fairfax County after March 2 of the tax year ~~shall-must~~ be filed with the Director of the Department of Tax Administration within 60 days from the date the motor vehicle acquires situs or title transfer.

(D) Personal property tax returns for ~~mobile-manufactured~~ homes which acquire situs in the County after January 2 ~~shall-must~~ be filed with the Director of the Department of Tax Administration within 60 days of the date the mobile home acquired situs.

(E) Residents of all towns within Fairfax County must file personal property tax returns with the Director of the Department of Tax Administration in accord with the above requirements.

(F) The Director of the Department of Tax Administration ~~shall-will~~ prescribe forms for the reporting of tangible personal property subject to taxation by this Article.

Section 4-17.1-6.1. - Filing personal property tax return for motor vehicles, trailers, and semitrailers.

(A) Notwithstanding the provisions of Section 4-17.1-6, any ~~person who has previously filed motor vehicle, trailer, or semitrailer for which~~ a personal property tax return ~~for any motor vehicle was previously filed, and~~ for which there has been no change in situs or status as ~~hereinafter~~ set forth in this Section, ~~shall-will~~ not be required to file another personal property tax return on such vehicle.

The annual assessment and taxation of motor vehicles, trailers, and semitrailers for which the owner or owners have previously filed a personal property tax return whose name or address has not changed and whose vehicle(s) has have had no change in situs since the previous filing ~~shall-will~~ be based on the personal property tax return filed the previous year.

(B) A new personal property tax return ~~shall-must~~ be filed with the ~~Supervisor of Assessments~~ Director of the Department of Tax Administration as provided under Section 4-17.1-6 whenever there is:

- (1) A change in the name or address of the person or persons owning or leasing taxable personal property ~~;~~
- (2) A change in the situs of personal property ~~;~~
- (3) Any action which causes a motor vehicle, trailer, or semitrailer to acquire situs in Fairfax County during the tax year and for which no personal property tax return has been filed ~~;~~ or
- (4) Any other change affecting the assessment or levy of the personal property tax on a motor vehicles, trailer, or semitrailer for which a tax return has been filed previously.

150 (C) Any owner of a motor vehicle, trailer, or semitrailer ~~who that~~ has a change in situs or in
151 status as enumerated under paragraph (B), subsection (1), (2), (3), ~~and-or~~ (4), ~~shall-must~~
152 notify the ~~Supervisor of Assessments~~ Director of the Department of Tax Administration
153 within 60 days of such change by filing a personal property tax return on the prescribed
154 form. However, if such owner registers the motor vehicle, trailer or semitrailer with the
155 Virginia Department of Motor Vehicles (DMV) with all required information, then the
156 Director of the Department of Tax Administration will deem the personal property tax return
157 filed on the date such motor vehicle, trailer, or semitrailer is registered with the DMV.
158

159 (D) Any owner of a motor vehicle, trailer, or semitrailer which acquires situs in the County ~~shall~~
160 must file a personal property tax return by the due dates prescribed under Section 4-17.1-6
161 of this Article. Persons who fail to file a tax return by the prescribed due dates ~~shall-will~~
162 incur a penalty for late filing in accord with Section 4-17.1-7.
163

164 (E) Personal Property tax returns for taxable properties other than motor vehicles, trailers, or
165 semitrailers ~~shall-must~~ be filed annually in accord with Section 4-17.1-6.
166

167 **Section 4-17.1-7. - Late filing penalties.**
168

169 (A) Persons failing to file a personal property tax return as required by Section 4-17.1-6 of this
170 Article ~~shall-will~~ incur a penalty of ten percent (10%) of the taxes assessable on such
171 personal property for which a return is required or Ten Dollars (\$10.00), whichever is
172 greater; provided, however, that the penalty ~~shall-will not~~, in ~~no-any~~ case, exceed the amount
173 of the tax assessable. Said penalty ~~shall-will~~ be added to the amount of taxes due. This
174 penalty will not apply to any individual who has registered a motor vehicle, trailer, or
175 semitrailer with the DMV within 30 days of purchase or transfer, as required by Virginia
176 Code Sections 46.2-600 and 46.2-662, regardless of when the DMV forwards registration
177 information to the Director of the Department of Tax Administration.
178

179 (B) An extension in time, not to exceed ninety (90) days, for filing tangible business personal
180 property, or machinery and tools may be granted by the Director of the Department of Tax
181 Administration whenever good cause exists. Application for such extension of time must be
182 made prior to the regular May 1 filing deadline. Requests received after May 1 ~~shall-are~~ not
183 to be granted unless it is documented that the delay was in no way the fault of the taxpayer.
184 Failure to file returns within the extended time will cause the taxpayer to be treated the same
185 as if no extension had been granted.
186

187 (C) The Director of the Department of Tax Administration may waive the penalty for failure to
188 file a return if such failure was not the fault of the taxpayer or was the fault of the Director

of the Department of Tax Administration as the case may be. The burden of proof in all cases is with the applicant for waiver.

Section 4-17.1-8. - Payment of personal property taxes.

(A) Except as provided by subsection (1), personal property taxes ~~shall~~must be paid on or before October 5 of each tax year.

(1) Personal property taxes on motor vehicles, trailers, and semitrailers which acquire situs or have title transferred on or after July 1 of the tax year ~~shall~~must be paid no later than February 15 of the following tax year.

Section 4-17.1-9. - Late payments penalties.

(A) Except as set forth herein, any person failing to pay personal property tax on or before the payment dates set forth by Section 4-17.1-8 ~~shall~~will incur a penalty thereon of ten percent which ~~shall~~will be added to the amount of taxes due. Any person failing to pay tax year 2020 personal property tax assessments on or before the payment dates set forth by Section 4-17.1-8 ~~shall~~will incur a penalty thereon of five percent which ~~shall~~will be added to the amount of the taxes due.

(B) Notwithstanding subsection (A), in the case of delinquent personal property taxes, assessed in accordance with Article 17.1, that are more than 30 days past due, the late payment penalty ~~shall~~will increase to twenty five percent of the taxes assessable. The increased late penalty provided for in this paragraph (B) ~~shall~~will not apply to tax year 2020 personal property tax assessments.

(C) For purposes of this section, any late filing penalty that may be assessed in accordance with Section 4-17.1-7 ~~shall~~will become a part of the tax due and ~~shall~~will be included as part of the basis upon which any late payment penalty is calculated.

(D) And, in addition to such penalty, interest ~~shall~~will be due on such taxes and penalty, commencing the first day following the day such taxes are due, at the applicable interest rate specified in Section 4-20-3.

(E) The Director of the Department of Tax Administration, or to his employees as he may so delegate, may waive penalty and interest for failure to pay a tax if such failure was not the fault of the taxpayer.

227 **Section 4-17.1-10. - Exemption. When taxes paid elsewhere in the Commonwealth.**

228
229 (A) Exemption from this tax and any penalties arising therefrom ~~shall~~will be granted for any tax
230 year or portion thereof during which the property was legally assessed by another jurisdiction
231 in the Commonwealth and such tax on the assessed property was paid.

232
233 (B) The term "legally assessed by another ~~Virginia~~ jurisdiction in the Commonwealth" ~~shall~~
234 means that the property ~~has~~had tax situs in a locality outside of the territorial limits of the
235 County but within the Commonwealth of Virginia. In all cases, the taxpayer must furnish to
236 the Director of the Department of Tax Administration evidence that the property had taxable
237 situs in another ~~Virginia~~ jurisdiction in the Commonwealth and that all taxes assessable on
238 such property have been paid.

239
240 **Section 4-17.1-11. - Military.**

241
242 (A) Persons who are active duty military and claim Fairfax County as legal domicile must declare
243 all taxable personal property for taxation regardless of where such property may be located
244 in accord with military orders.

245
246 (B) Persons who are active duty military and claim a legal domicile other than Fairfax County
247 ~~shall~~will be exempt from personal property taxes provided that the property is owned solely
248 by the active duty military member. Taxation of personal property owned by military persons
249 and located in Fairfax County by reason other than military orders ~~shall~~will be assessed and
250 taxed regardless of the owners' legal domicile.

251
252 (C) Active duty military personnel who are otherwise entitled to personal property exemption in
253 Fairfax County under Subsection (B) ~~shall~~will not be exempt in ~~such~~ cases where the
254 property is leased to such individual.

255
256 **Section 4-17.1-12. - Omitted assessments.**

257
258 (A) If any person liable to file a return on any personal property subject to taxation by this Article
259 fails, neglects or refuses to file such return for any year within the time and manner
260 prescribed, the Director of the Department of Tax Administration ~~shall~~will, from the best
261 information he can obtain, assess such property as if it had been reported to him.

262
263 (B) If the Director of the Department of Tax Administration ascertains that any personal property
264 has not been assessed as required by this Article for any tax year or the three (3) preceding

tax years, or that the same has been assessed at less than the law requires for any of such years, or that the same has been assessed at less than the law requires for any of such years, or that the personal property taxes for any reason have not been realized, the Director of the Department of Tax Administration ~~shall~~will assess the property for taxes at the rate or rates provided for that year adding thereto all penalties and interest provided under this Article.

(C) Interest ~~shall~~will be computed upon the taxes and penalties from the first day following the due date in the year in which such taxes should have been filed and paid and ~~shall~~will accrue thereon from such date until payment.

(D) In the event that any assessment made under this Section was necessitated through no fault of the taxpayer, the penalty for late payment and interest ~~shall~~will accrue after thirty days from the date of the assessment until paid.

Section 4-17.1-13. - Criminal penalties for failure or refusal to file a return.

(A) Any person who willfully fails or refuses to file a personal property tax return as required by this Article or who makes a false statement with intent to defraud in such returns ~~shall~~will be guilty of a Class 3 misdemeanor if the amount of the tax lawfully assessed in connection with such return is \$1,000.00 or less. If the amount of the tax lawfully assessed in connection with such return exceeds \$1,000.00, such person ~~shall~~will be guilty of a Class 1 Misdemeanor.

2. That the provisions of this ordinance will take effect on January 1, 2023.

GIVEN under my hand this _____ day of _____, 2022.

Jill G. Cooper
Clerk for the Board of Supervisors
Department of Clerk Services

**AN ORDINANCE AMENDING ARTICLE 17.1 OF CHAPTER 4
OF THE FAIRFAX COUNTY CODE, RELATING TO PRORATION,
FILING, AND PENALTIES FOR PERSONAL PROPERTY TAXES**

Draft of October 10, 2022

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Sections 4-17.1-1, 4-17.1-2, 4-17.1-3, 4-17.1-4, 4-17.1-5, 4-17.1-6, 4-17.1-6.1, 4-17.1-7, 4-17.1-8, 4-17.1-9, 4-17.1-10, 4-17.1-11, 4-17.1-12, and 4-17.1-13, all relating to proration, filing, and penalties for personal property taxes.

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

- 1. That Sections 4-17.1-1, 4-17.1-2, 4-17.1-3, 4-17.1-4, 4-17.1-5, 4-17.1-6, 4-17.1-6.1, 4-17.1-7, 4-17.1-8, 4-17.1-9, 4-17.1-10, 4-17.1-11, 4-17.1-12, and 4-17.1-13 of the Fairfax County Code are amended and readopted, as follows:**

ARTICLE 17.1. – Personal Property Tax.

Section 4-17.1-1. - Personal property tax.

All tangible personal property with situs in Fairfax County not exempted under the *Code of Virginia* as amended or by this Article will be assessed and taxed at a rate or rates established annually by resolution of the Board of Supervisors.

Section 4-17.1-2. - Situs.

The situs for personal property taxation will be as set forth in the *Code of Virginia* as amended.

Section 4-17.1-3. - Exemptions.

The following classes of personal property are exempt from personal property taxation:

- (a) Household goods and personal effects as defined in Va. Code § 58.1-3504.

- (b) Farm animals, grains and feeds used for the nurture of farm animals, farm machinery, and farm implements and equipment as defined in Va. Code § 58.1-3505.

Section 4-17.1-4. - Assessment.

The value of all tangible personal property will be assessed as of January 1 each year and will be determined as prescribed by the *Code of Virginia* as amended.

Section 4-17.1-5. - Proration.

(A) The personal property tax will be levied and collected on all motor vehicles, trailers, and semitrailers that acquire situs in the County on or after January 2, or where title is transferred on or after January 2, and such tax will be prorated on a monthly basis for the balance of the tax year. When a motor vehicle, trailer, or semitrailer with situs in the County is sold or legally transferred to a new owner, the motor vehicle, trailer, or semitrailer will be assessed and taxed to such new owner from the date of sale or title transfer and the tax will be levied and collected on a prorated monthly basis for the balance of the tax year.

(B) Any person who moved from a non-prorating locality to a prorating locality in a single tax year shall be entitled to a property tax credit in the prorating jurisdiction if (i) the person was liable for personal property taxes on a motor vehicle and has paid those taxes to a non-prorating locality and, (ii) the owner replaces for any reason the original vehicle upon which taxes are due to the non-prorating locality for the same tax year. The prorating locality shall provide a credit against the total tax due on the replacement vehicle in an amount equal to the tax paid to the non-prorating locality for the period of time commencing with the disposition of the original vehicle and continuing through the close of the tax year in which the owner incurred tax liability to the non-prorating locality for the original vehicle.

(C) Except as otherwise provided herein, when a motor vehicle, trailer, or semitrailer loses its situs within the County after January 1 of the tax year or has its title transferred after January 1 of the tax year, the taxpayer will be relieved from personal property tax, prorated on a monthly basis, and receive a refund for tax already paid upon application to the Director of the Department of Tax Administration, provided that such application is made within three (3) years from the last day of the tax year during which the motor vehicle, trailer, or semitrailer lost its situs or title was transferred. No refund of less than Five Dollars (\$5.00) will be issued to a taxpayer, unless specifically requested by the taxpayer. No refund will be made if a motor vehicle, trailer or semitrailer acquires a new situs in another locality within the Commonwealth of Virginia which does not prorate a personal property tax on motor vehicles, trailers, or semitrailers.

(D) For purposes of proration as applied to personal property taxes on motor vehicles, trailers, and semitrailers, a period of more than one-half of a month will be counted as a full month, and a period of less than one-half of a month will not be counted.

(E) The personal property taxes on all manufactured homes as defined in Va. Code § 36-85.3 which acquire situs in the County on or after January 2 and are used as a place of full time residence, will be prorated on a quarterly basis. For purposes of prorating the personal property taxes on manufactured homes, the tax period will commence at the beginning of the quarter from the date the manufactured home is moved into the County. The personal property taxes on manufactured homes sold or moved out of the County during the tax year will not be prorated.

(F) The personal property taxes on all other tangible personal property subject to taxation by this Article will not be prorated.

Section 4-17.1-6. - Filing personal property returns.

(A) Personal property tax returns for all property with a situs in Fairfax County as of January 1 must be filed with the Director of the Department of Tax Administration no later than May 1 of the tax year.

(B) Personal property tax returns for motor vehicles, trailers, and semitrailers which acquire situs or have title transferred in Fairfax County between January 2 and March 1 must be filed with the Director of the Department of Tax Administration no later than May 1 of the tax year.

(C) Personal property tax returns for motor vehicles, trailers, and semitrailers which acquire situs or have title transferred in Fairfax County after March 2 of the tax year must be filed with the Director of the Department of Tax Administration within 60 days from the date the motor vehicle acquires situs or title transfer.

(D) Personal property tax returns for manufactured homes which acquire situs in the County after January 2 must be filed with the Director of the Department of Tax Administration within 60 days of the date the mobile home acquired situs.

(E) Residents of all towns within Fairfax County must file personal property tax returns with the Director of the Department of Tax Administration in accord with the above requirements.

(F) The Director of the Department of Tax Administration will prescribe forms for the reporting of tangible personal property subject to taxation by this Article.

Section 4-17.1-6.1. - Filing personal property tax return for motor vehicles, trailers, and semitrailers.

(A) Notwithstanding the provisions of Section 4-17.1-6, any motor vehicle, trailer, or semitrailer for which a personal property tax return was previously filed, and for which there has been no change in situs or status as set forth in this Section, will not be required to file another personal property tax return on such vehicle.

The annual assessment and taxation of motor vehicles, trailers, and semitrailers for which the owner or owners have previously filed a personal property tax return whose name or address has not changed and whose vehicle(s) has/have had no change in situs since the previous filing will be based on the personal property tax return filed the previous year.

(B) A new personal property tax return must be filed with the Director of the Department of Tax Administration as provided under Section 4-17.1-6 whenever there is:

- (1) A change in the name or address of the person or persons owning or leasing taxable personal property;
- (2) A change in the situs of personal property;
- (3) Any action which causes a motor vehicle, trailer, or semitrailer to acquire situs in Fairfax County during the tax year and for which no personal property tax return has been filed; or
- (4) Any other change affecting the assessment or levy of the personal property tax on a motor vehicle, trailer, or semitrailer for which a tax return has been filed previously.

(C) Any owner of a motor vehicle, trailer, or semitrailer that has a change in situs or in status as enumerated under paragraph (B), subsection (1), (2), (3), or (4), must notify the Director of the Department of Tax Administration within 60 days of such change by filing a personal property tax return on the prescribed form. However, if such owner registers the motor vehicle, trailer or semitrailer with the Virginia Department of Motor Vehicles (DMV) with all required information, then the Director of the Department of Tax Administration will

deem the personal property tax return filed on the date such motor vehicle, trailer, or semitrailer is registered with the DMV.

(D) Any owner of a motor vehicle, trailer, or semitrailer which acquires situs in the County must file a personal property tax return by the due dates prescribed under Section 4-17.1-6 of this Article. Persons who fail to file a tax return by the prescribed due dates will incur a penalty for late filing in accord with Section 4-17.1-7.

(E) Personal Property tax returns for taxable properties other than motor vehicles, trailers, or semitrailers must be filed annually in accord with Section 4-17.1-6.

Section 4-17.1-7. - Late filing penalties.

(A) Persons failing to file a personal property tax return as required by Section 4-17.1-6 of this Article will incur a penalty of ten percent (10%) of the taxes assessable on such personal property for which a return is required or Ten Dollars (\$10.00), whichever is greater; provided, however, that the penalty will not, in any case, exceed the amount of the tax assessable. Said penalty will be added to the amount of taxes due. This penalty will not apply to any individual who has registered a motor vehicle, trailer, or semitrailer with the DMV within 30 days of purchase or transfer, as required by Virginia Code Sections 46.2-600 and 46.2-662, regardless of when the DMV forwards registration information to the Director of the Department of Tax Administration.

(B) An extension in time, not to exceed ninety (90) days, for filing tangible business personal property, or machinery and tools may be granted by the Director of the Department of Tax Administration whenever good cause exists. Application for such extension of time must be made prior to the regular May 1 filing deadline. Requests received after May 1 are not to be granted unless it is documented that the delay was in no way the fault of the taxpayer. Failure to file returns within the extended time will cause the taxpayer to be treated the same as if no extension had been granted.

(C) The Director of the Department of Tax Administration may waive the penalty for failure to file a return if such failure was not the fault of the taxpayer or was the fault of the Director of the Department of Tax Administration as the case may be. The burden of proof in all cases is with the applicant for waiver.

Section 4-17.1-8. - Payment of personal property taxes.

(A) Except as provided by subsection (1), personal property taxes must be paid on or before October 5 of each tax year.

(1) Personal property taxes on motor vehicles, trailers, and semitrailers which acquire situs or have title transferred on or after July 1 of the tax year must be paid no later than February 15 of the following tax year.

Section 4-17.1-9. - Late payments penalties.

(A) Except as set forth herein, any person failing to pay personal property tax on or before the payment dates set forth by Section 4-17.1-8 will incur a penalty thereon of ten percent which will be added to the amount of taxes due. Any person failing to pay tax year 2020 personal property tax assessments on or before the payment dates set forth by Section 4-17.1-8 will incur a penalty thereon of five percent which will be added to the amount of the taxes due.

(B) Notwithstanding subsection (A), in the case of delinquent personal property taxes, assessed in accordance with Article 17.1, that are more than 30 days past due, the late payment penalty will increase to twenty five percent of the taxes assessable. The increased late penalty provided for in this paragraph (B) will not apply to tax year 2020 personal property tax assessments.

(C) For purposes of this section, any late filing penalty that may be assessed in accordance with Section 4-17.1-7 will become a part of the tax due and will be included as part of the basis upon which any late payment penalty is calculated.

(D) And, in addition to such penalty, interest will be due on such taxes and penalty, commencing the first day following the day such taxes are due, at the applicable interest rate specified in Section 4-20-3.

(E) The Director of the Department of Tax Administration, or to his employees as he may so delegate, may waive penalty and interest for failure to pay a tax if such failure was not the fault of the taxpayer.

Section 4-17.1-10. - Exemption. When taxes paid elsewhere in the Commonwealth.

(A) Exemption from this tax and any penalties arising therefrom will be granted for any tax year or portion thereof during which the property was legally assessed by another jurisdiction in the Commonwealth and such tax on the assessed property was paid.

- 225
- 226 (B) The term "legally assessed by another jurisdiction in the Commonwealth" means that the
- 227 property had tax situs in a locality outside of the territorial limits of the County but within
- 228 the Commonwealth of Virginia. In all cases, the taxpayer must furnish to the Director of the
- 229 Department of Tax Administration evidence that the property had taxable situs in another
- 230 jurisdiction in the Commonwealth and that all taxes assessable on such property have been
- 231 paid.

232

233 **Section 4-17.1-11. - Military.**

234

- 235 (A) Persons who are active duty military and claim Fairfax County as legal domicile must declare
- 236 all taxable personal property for taxation regardless of where such property may be located
- 237 in accord with military orders.
- 238
- 239 (B) Persons who are active duty military and claim a legal domicile other than Fairfax County
- 240 will be exempt from personal property taxes provided that the property is owned solely by
- 241 the active duty military member. Taxation of personal property owned by military persons
- 242 and located in Fairfax County by reason other than military orders will be assessed and taxed
- 243 regardless of the owners' legal domicile.
- 244
- 245 (C) Active duty military personnel who are otherwise entitled to personal property exemption in
- 246 Fairfax County under Subsection (B) will not be exempt in cases where the property is leased
- 247 to such individual.

248

249 **Section 4-17.1-12. - Omitted assessments.**

250

- 251 (A) If any person liable to file a return on any personal property subject to taxation by this Article
- 252 fails, neglects or refuses to file such return for any year within the time and manner
- 253 prescribed, the Director of the Department of Tax Administration will, from the best
- 254 information he can obtain, assess such property as if it had been reported to him.
- 255
- 256 (B) If the Director of the Department of Tax Administration ascertains that any personal property
- 257 has not been assessed as required by this Article for any tax year or the three (3) preceding
- 258 tax years, or that the same has been assessed at less than the law requires for any of such
- 259 years, or that the same has been assessed at less than the law requires for any of such years,
- 260 or that the personal property taxes for any reason have not been realized, the Director of the
- 261 Department of Tax Administration will assess the property for taxes at the rate or rates
- 262 provided for that year adding thereto all penalties and interest provided under this Article.

(C) Interest will be computed upon the taxes and penalties from the first day following the due date in the year in which such taxes should have been filed and paid and will accrue thereon from such date until payment.

(D) In the event that any assessment made under this Section was necessitated through no fault of the taxpayer, the penalty for late payment and interest will accrue after thirty days from the date of the assessment until paid.

Section 4-17.1-13. - Criminal penalties for failure or refusal to file a return.

(A) Any person who willfully fails or refuses to file a personal property tax return as required by this Article or who makes a false statement with intent to defraud in such returns will be guilty of a Class 3 misdemeanor if the amount of the tax lawfully assessed in connection with such return is \$1,000.00 or less. If the amount of the tax lawfully assessed in connection with such return exceeds \$1,000.00, such person will be guilty of a Class 1 Misdemeanor.

2. That the provisions of this ordinance will take effect on January 1, 2023.

GIVEN under my hand this _____ day of _____, 2022.

Jill G. Cooper
Clerk for the Board of Supervisors
Department of Clerk Services

Board Agenda Item
November 1, 2022

ADMINISTRATIVE – 7

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Route 28 Widening from the Prince William County Line to Route 29 (Sully District)

ISSUE:

Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Route 28 Widening from Prince William County Line to Route 29, supported by Project 2G40-189-000 in Fund 40010, County and Regional Transportation Projects.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for December 6, 2022, commencing at 4:00 p.m.

TIMING:

Board action is requested on November 1, 2022, to provide sufficient time to advertise the proposed public hearing on December 6, 2022, on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

This project consists of the widening of Route 28 from the existing four-lane divided roadway to a six-lane divided roadway. Widening shall begin just north of the Route 28 bridge over Bull Run and the Prince William/Fairfax County line and extend northward to a point just north of the Route 28/Upperridge Drive/Old Centreville Road intersection.

The project will also include intersection improvements including turn lane additions and limited widening on the intersecting street approaches to Route 28, and reconstruction of existing traffic signals. Stormwater management for quality and quantity control will be provided in accordance with Fairfax County, Virginia Department of Transportation, and Virginia Department of Environmental Quality criteria. Shared use paths shall be provided on both sides of the roadway from just north of the Bull Run bridge to the Route 28 intersection with Upperridge Drive/Old Centreville Road.

Land rights for Phase 2 of these improvements are required on eight properties, none of which have been acquired by the Land Acquisition Division. The construction of this

Board Agenda Item
November 1, 2022

project requires the acquisition of Dedication, Storm Drainage Easement, Sight Distance Easement, and Grading Agreement and Temporary Construction Easement.

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

FISCAL IMPACT:

Funding is available in Project 2G40-189-000, Route 28 Widening Right-of-Way, Northern Virginia Transportation Authority 70 Percent, Fund 40010, County and Regional Transportation Projects. This project is included in the Adopted FY 2023 – FY 2027 Capital Improvement Program (with future Fiscal Years to FY 2032) and is included in the Board's Transportation Priorities Plan (TPP) adopted on January 28, 2014, and as amended on December 3, 2019. No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:

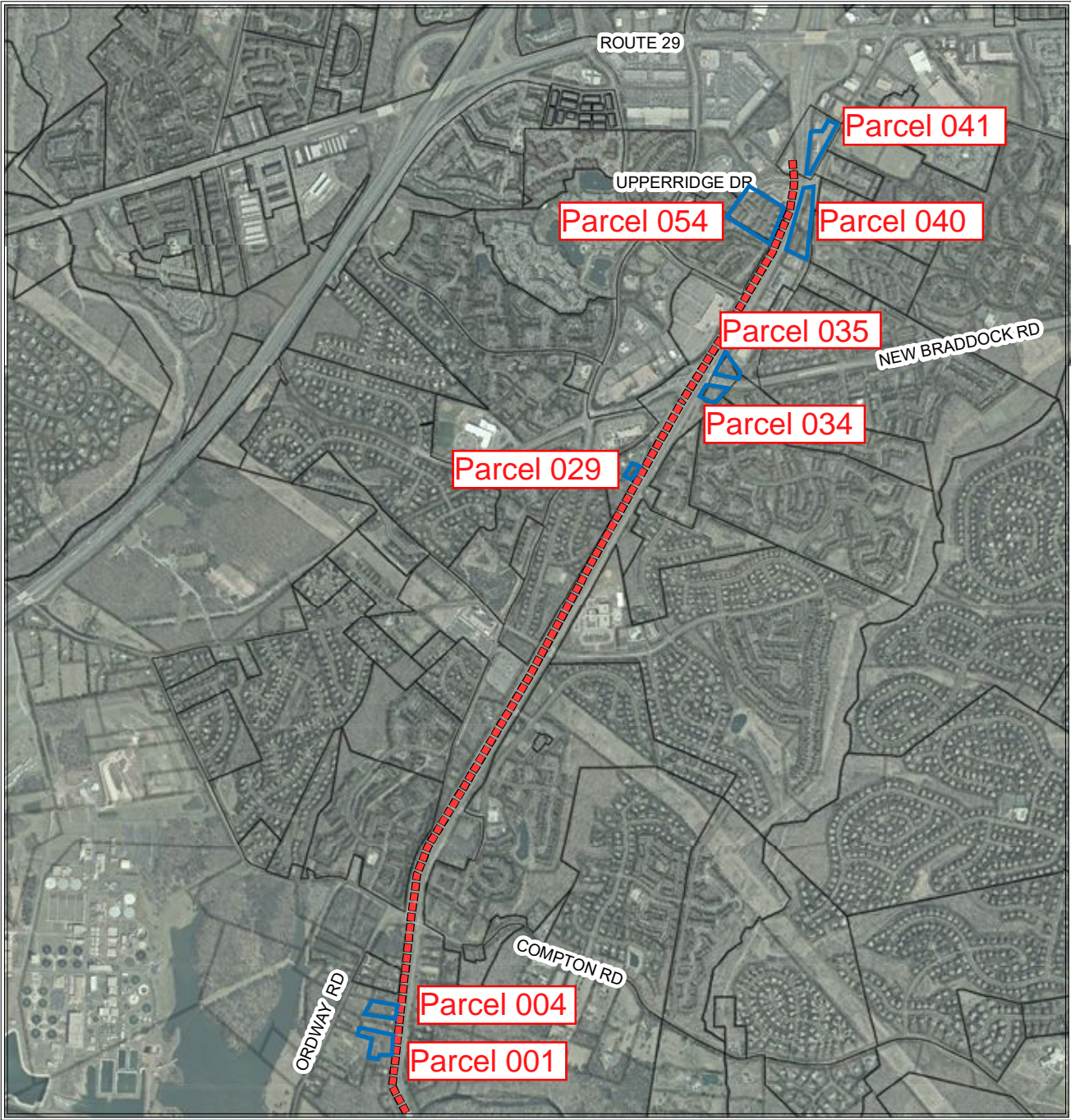
Attachment A - Project Location Map
Attachment B - Listing of Affected Properties

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)
Carey Needham, Deputy Director, DPWES, Capital Facilities

ASSIGNED COUNSEL:

F. Hayden Coddington, Assistant County Attorney



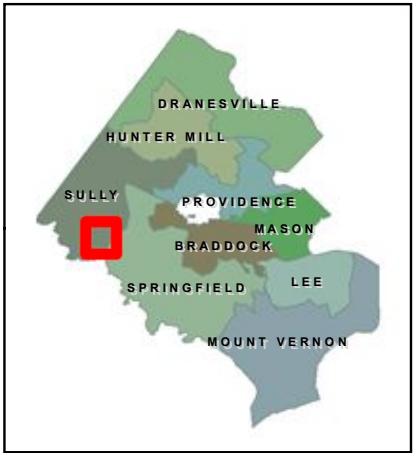
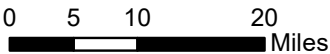
**ROUTE 28 WIDENING
(PRINCE WILLIAM COUNTY LINE TO ROUTE 29)
Project 2G40-189-000**

**Tax Map: 065-1 and 065-3
065-2, 074-1, 054-4**

Sully District

Affected Properties: 

Proposed Improvements: 



LISTING OF AFFECTED PROPERTIES
 Project 2G40-189-000
 Route 28 Widening (Prince William County Line to Route 29)
 (Sully District)

PROPERTY OWNER(S)

- | | |
|--|--|
| <p>1. Lewis E. Washington III
 Chelsea B. Washington</p> <p>Address:
 7108 Centreville Road
 Centreville, VA 20121</p> | <p>Parcel 001
 074-1-01-0003B1</p> |
| <p>2. Jae Seon Oum
 Jae Murphy</p> <p>Address:
 7102 Centreville Road
 Centreville, Virginia 20121</p> | <p>Parcel 004
 0653-01-0087</p> |
| <p>3. Maria I. Vasquez</p> <p>Address:
 6321 Old Centreville Road
 Centreville, Virginia 20121</p> | <p>Parcel 029
 0651-01-0008A1</p> |
| <p>4. Colonial Pipeline Company</p> <p>Address:
 Centreville and New Braddock Road-East
 Centreville, Virginia 20121</p> | <p>Parcel 034
 0652-02-0002A</p> |

5. Colonial Pipeline Company

Parcel 035
0652 02 0001B

Address:
Centerville and New Braddock Road-East
Centerville, Virginia 20121

6. North Fairfax Drive Investments, LLC

Parcel 040
0652-01-0005

Address:
6009 Old Centerville Road
Centerville, Virginia 20121

7. SH Park Associates LLC

Parcel 041
0544-05-0002A1

Address:
5906 Old Centerville Road
Centerville, Virginia 20121

8. Centre Village Homeowners Association

Parcel 054
0652-16-A

Address:
Centerville Village Parcel A, 3.361 AC at Centerville Rd.
Chantilly, Virginia 20121

Board Agenda Item
November 1, 2022

ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing to Amend and Readopt Sections 7-2-3 and 7-2-7 of the Fairfax County Code to Rename the Lee District to the Franconia District, and Appendix G, Section 32 and Appendix M, Section 38 to Rename Associated Parking Districts (Lee District)

ISSUE:

Authorization to advertise a public hearing to consider an ordinance that proposes to amend and readopt Fairfax County Code Sections 7-2-3 and 7-2-7 of the Fairfax County Code to rename the Lee District to the Franconia District, and Appendix G, Section 32 and Appendix M, Section 38 to rename associated parking districts.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Tuesday, December 6, 2022, at 4:30 p.m. to consider this ordinance.

TIMING:

Board action is requested on November 1, 2022, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on December 6, 2022, at 4:30 p.m. If adopted, the ordinance will go into effect immediately.

BACKGROUND:

In mid-January 2022, the Fairfax County Redistricting Advisory Committee evaluated BOS district and precinct names with a focus on equity, as tasked by the Board of Supervisors. As a result of this evaluation, the committee recommended a name change for the Lee District. Based on this recommendation, Supervisor Rodney Lusk hosted a series of community engagement opportunities for district residents to provide input on the proposed name change. On June 28, 2022, the Board of Supervisors approved a Board Matter presented by Supervisor Lusk to initiate the process of formally changing the name of the Lee District to the Franconia District. A cross-county agency team has been formed to prepare a seamless and coordinated effort for this initiative.

The Virginia Code permits the governing body of each county and city to establish by ordinance, districts, and district names. Districts may be renamed at any time as long as the procedures of Titles 15.2 and 24.2 of the Virginia Code are satisfied, including

Board Agenda Item
November 1, 2022

advertising any proposed ordinance making changes to election districts, precincts, or polling places for at least two consecutive weeks prior to adoption.

EQUITY IMPACT STATEMENT:

This item aligns with focus area eight of the One Fairfax Policy: Neighborhoods that support all communities and individuals through strong social networks, trust among neighbors, and the ability to work together to achieve common goals that improve the quality of life for everyone in the neighborhood. The Redistricting Advisory Committee (RAC) evaluated magisterial district names based on seven criteria, including whether a name is associated with the Confederacy, segregation, racism, and slave ownership.

While the historical record is somewhat inconclusive on whether Lee District is named for Robert E. Lee or a family member, the significance of the Lee name to the Confederacy remains. The specific name of a magisterial district is essential to forming trust within communities and is an expression of community values. Names that are more inclusive enable neighbors to feel more welcome, leading to a greater sense of belonging.

FISCAL IMPACT:

A cross-county agency team has been formed to execute a seamless and coordinated effort for this initiative with minimal to no fiscal impact. The minimal costs associated with this effort will be absorbed within current appropriations.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Ordinance

STAFF:

Bryan J. Hill, County Executive
Ellicia Seard-McCormick, Deputy County Executive
Karla Bruce, Chief Equity Officer
Evan Braff, County-Wide Coordinator

ASSIGNED COUNSEL:

Daniel Robinson, Senior Assistant County Attorney
Martin Desjardins, Assistant County Attorney

**AN ORDINANCE AMENDING AND READOPTING SECTIONS 7-2-3 AND 7-2-7
OF THE FAIRFAX COUNTY CODE TO RENAME THE LEE DISTRICT TO THE
FRANCONIA DISTRICT, AND APPENDIX G, SECTION 32 AND APPENDIX M,
SECTION 38 TO RENAME ASSOCIATED PARKING DISTRICTS**

Draft of October 11, 2022

AN ORDINANCE to amend and readopt Sections 7-2-3 and 7-2-7 of the Fairfax County Code to rename the Lee District to the Franconia District, and Appendix G, Section 32 and Appendix M, Section 38 to rename associated parking districts.

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

- 1. That Sections 7-2-3 and 7-2-7 the Fairfax County Code are amended and readopted as follows:**

Section 7-2-3. – Election Districts of the members of the Board.

Except for the Chairman whose election shall be controlled by Section 7-2-2, supra, the members of the Board shall be elected in accordance with state law from single-member election districts by the qualified voters of those districts. There shall be nine election districts that shall be named: Braddock, Hunter Mill, Dranesville, ~~Lee~~, Franconia, Mason, Mount Vernon, Providence, Springfield and Sully.

Section 7-2-7. – Lee Franconia District

The ~~Lee~~ Franconia District shall consist of these election precincts: Bush Hill, Cameron, Clermont, Crestwood, Fairfield, Forestdale, Franconia No. 1, Franconia No. 2, Garfield, Greenspring, Groveton, Hayfield, Huntley, Hybla Valley, Island Creek, Kingstowne, Lane, Lynbrook No. 1, Lynbrook No. 2, Mount Eagle, Pinewood, Pioneer, Rose Hill, Van Dorn, Villages, Virginia Hills, and West Springfield.

- 2. That Appendix G, Section 32 of the Fairfax County Code is amended and readopted as follows:**

G-32. - ~~Lee~~ Lewis Residential Permit Parking District.

(a) *Purpose and Intent.* The ~~Lee~~ Lewis Residential Permit Parking District is established to protect the residential area in proximity to ~~Lee~~ John R. Lewis High School from polluted air, excessive noise, and other adverse impacts of automobile commuting; to protect the residents of these areas from unreasonable burdens in gaining access to their property; and to preserve the residential character of the area and the property values therein.

(b) *District Designation.*

(1) The ~~Lee~~ Lewis Residential Permit Parking District is designated as Residential Permit Parking District 32, for the purposes of signing and vehicle decal identification.

(2) Blocks included in the ~~Lee~~ Lewis Residential Permit Parking District are shown on the Official Residential Permit Parking District map and are described below:

Cimarron Street (Route 2681):

From Alamo Street to Frontier Drive

Frontier Drive (Route 2677):

From Custer Street to Cimarron Street

Frontier Drive (Route 2677):

From Cimarron Street to Buckskin Street

Crozet Court (Route 3733):

From Deepford Street to the end

(c) *District Provisions.*

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

(2) Parking is prohibited along all of the described street blocks, both sides, within the ~~Lee~~ Lewis Residential Permit Parking District from 8:00 a.m. to 3:30 p.m., Monday through Friday, when school is in session, except as permitted by the provisions of Article 5A, of Chapter 82.

(3) One (1) free transferable visitor pass per address shall be issued in the name of a bona fide resident of said address and said pass shall be valid for a maximum of two (2) years from the month issued, not to exceed the expiration date on the pass. However, visitor passes shall not be issued to multifamily or townhouse addresses which have off-street parking lots provided.

(4) Owners of property in the District who are not bona fide residents of said District may obtain a temporary visitor parking pass for a period not to exceed two (2) weeks.

~~(5) All permits and visitor passes for the Lee Residential Permit Parking District shall expire on June 30, 2000. Thereafter, all permits and visitor passes may be renewed for periods of two (2) years.~~

(d) *Signs.* Signs delineating the ~~Lee~~ Lewis Residential Permit Parking District shall indicate the following:

NO PARKING
8:00 a.m.—3:30 p.m.
School Days

3. That Appendix M, Section 68 of the Fairfax County Code is amended and readopted as follows:

M-68. - ~~Lee~~ Franconia Community Parking District.

(a) District Designation.

(1) The restricted parking area is designated as the ~~Lee~~ Franconia Community Parking District.

(2) Blocks included in the ~~Lee~~ Franconia Community Parking District are described below:

All public secondary streets in residential areas within the ~~Lee~~ Franconia Election/Magisterial District. This includes the previously established CPDs of Daventry, Grove at Huntley Meadows, Hayfield View, Island Creek, Kingstowne, Lackawanna, Landsdowne, Manchester Lakes, Potters Glen, Runnymede, St. John and West Hampton.

(b) District Provisions.

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

(2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 is prohibited at all times on the streets within the ~~Lee~~ Franconia Community Parking District.

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

(c) Signs. Signs delineating the ~~Lee~~ Franconia Community Parking District will not be installed.

2. That the provisions of this ordinance are severable, and if any provision of this ordinance or any application thereof is held invalid, that invalidity shall not affect the other

provisions or applications of this ordinance that can be given effect without the invalid provision or application.

3. That the Clerk for the Board of Supervisors shall send a certified copy of this ordinance to the Fairfax County Electoral Board, the Department of Elections, and the Division of Legislative Services, as required under Va. Code § 24.2 306(C).

4. That this Ordinance is effective upon adoption.

GIVEN under my hand this ____ day of _____, 2022

Jill G. Cooper
Clerk for the Board of Supervisors
Department of Clerk Services

ADMINISTRATIVE – 9

Authorization for the Department of Transportation to Partner with the Virginia Tech Transportation Institute to Apply for Grant Funding from the United States Department of Transportation's FY 2022 Strengthening Mobility and Revolutionizing Transportation Phase 1 Planning and Advanced Transportation Technologies and Innovative Mobility Deployment Discretionary Grant Programs (Providence District)

ISSUE:

Board of Supervisors authorization is requested for the Fairfax County Department of Transportation (FCDOT) to partner with the Virginia Tech Transportation Institute (VTTI) to apply for grant funding from the United States Department of Transportation's (USDOT) Discretionary Strengthening Mobility and Revolutionizing Transportation (SMART) and Advanced Transportation Technologies and Innovative Mobility Deployment (ATTIMD) grant programs. The project applications require a project endorsement resolution from the local governing body; therefore, Board approval of Attachment 1 (in substantial form) is also requested.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize FCDOT to partner with VTTI to apply for grant funding from USDOT in an amount up to \$2 million for the planning and project development phase of a SMART Grant Mobility project.

The County Executive also recommends that the Board of Supervisors authorize FCDOT to partner with VTTI to apply for grant funding from USDOT in an amount up to \$12 million for the deployment, installation, and operation of an ATTIMD Grant Mobility project.

The County Executive also recommends the Board authorize the Director of the Department of Transportation to enter into the grant agreement(s) and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

The County Executive also recommends that the Board of Supervisors adopt the project endorsement resolution in substantial form of Attachment 1.

TIMING:

Board approval is requested on November 1, 2022, to meet the submission deadline of November 18, 2022.

BACKGROUND:

SMART Grant Program

The USDOT has recently published a Notice of Funding Opportunity (NOFO) for \$500 million in SMART grant funding, with \$100 million appropriated annually for 5 years (FY 2022-2026). The SMART program was established to provide grants to eligible public sector agencies to conduct demonstration projects focused on advanced smart community technologies and systems to improve transportation efficiency and safety.

The Program is comprised of two distinct phases: Phase 1 provides up to \$2 million for planning and project development, while Phase 2 provides up to \$15 million to implement projects that have been awarded a Phase 1 grant.

ATTIMD Grant Program

The Federal Highway Administration (FHWA) also published a NOFO for the 2022 ATTIMD grant program, also known as the Advanced Transportation Technology and Innovation Program (ATTAIN). The purpose of the program is to make competitive grants available for the development and operation of advanced transportation technologies to improve safety, efficiency, system performance, and infrastructure return on investments. USDOT intends for these projects to help demonstrate how emerging transportation technologies, data, and their applications can be effectively deployed and integrated with existing systems to provide access to essential services and other destinations. This also includes efforts to support workforce development; and/or contribute to increased mobility, particularly for persons with disabilities and elderly individuals.

The estimated total funding available for the ATTIMD Program is \$60 million and awards are expected to be up to \$12 million. Applicants may use funds under this program to deploy advanced transportation technologies.

Project Concept

The Project Team, consisting of Fairfax County, Inova Health, VTTI, the Virginia Department of Transportation (VDOT), the Virginia Department of Rail and Public Transportation (DRPT), May Mobility, and Via, intends to work on a project to deploy intelligent transportation solutions (ITS) to address the first-mile/last-mile (FMLM) needs of the mobility limited community in Fairfax County. Specifically, the team proposes to provide FMLM connections to increase access between the Dunn Loring-Merrifield Metrorail Station and health care services at the INOVA campus and Sharon Bulova Center for Community Health using automotive grade autonomous vehicles (AV) that are Federal Motor Vehicle Safety Standards (FMVSS)-compliant, wheelchair accessible, and Americans with Disabilities Act (ADA)-compliant. The proposal provides that the AVs will be outfitted with ITS that will include integration with intersection controllers and safety messaging to increase the safety of the vehicles. The project would include the deployment of digital booking and payment mechanisms that ensure

Board Agenda Item
November 1, 2022

the service can be easily used by all types of riders, including those who are unbanked or without a smartphone. The AVs will be shared, booked on demand, and dynamically routed in real time. During the planning phase, details related to the installation and maintenance of this equipment will be fully developed.

The service's demand-responsive technology is intended to achieve energy and cost efficiencies by filling as many seats for as many trips as possible to minimize ride wait time and trip duration while maximizing ridership, fleet utilization, and cost efficiency. The project will also further the County's economic development goals of becoming an innovation center for emerging technology companies, providing a test bed for emerging mobility technology, and deepening the innovation ecosystem.

Both grants provide the means to fund the project concept. However, the ATTIMD program provides funding for immediate deployment of the project, while SMART requires a Phase 1 planning grant before a Phase 2 implementation grant is available. As such, the County and its partners would apply for up to \$2 million for a Phase 1 SMART Grant and up to \$12 million through the ATTIMD program this fall. The project team would submit a Phase 2 grant submission at a later date if the Phase 1 grant is successful.

FISCAL IMPACT:

Grant funding in an amount up to \$2 million is being requested from the SMART discretionary grant program. This program does not require a local cash match. Grant funding in an amount of up to \$12 million is being requested for the ATTIMD discretionary grant program. This program requires a 20% local match, which is expected to be covered by team members and in-kind contributions. No new General Fund resources are required. If grant funding is awarded, formal budget appropriation will be requested at a quarterly review once the Grant Agreements have been fully executed.

CREATION OF NEW POSITIONS:

There are no positions associated with this grant funding.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution for Project Endorsement

Board Agenda Item
November 1, 2022

STAFF:

Rachel Flynn, Deputy County Executive

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

Eta Nahapetian, Manager of Smart Community Innovation and Strategy, Fairfax County
Department of Economic Initiatives

Dale Castellow, Special Assistant to the Deputy County Executive, Office of the County
Executive

Gregg Steverson, Deputy Director, FCDOT

Noelle Dominguez, Coordination and Funding Division Chief, FCDOT

John Zarbo, Section Chief, Fairfax Connector Operations, FCDOT

Fairfax County Board of Supervisors Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center in Fairfax, Virginia, on Tuesday, November 11, 2022, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, hereby endorses submissions to the United States Department of Transportation for the FY 2022 Strengthening Mobility and Revolutionizing Transportation Phase 1 Planning Grant Program for up to \$2 million and the Advanced Transportation Technologies and Innovative Mobility Deployment Discretionary Grant Program for up to \$12 million in funding for a project to deploy intelligent transportation solutions to address the first-mile/last-mile needs of the mobility limited community in the Merrifield area of Fairfax County.

Adopted this 1st day of November 2022, Fairfax, Virginia

ATTEST _____
Jill G. Cooper
Clerk to the Board of Supervisors

ADMINISTRATIVE – 10

Supplemental Appropriation Resolution AS 23097 for Various Fairfax County Agencies to Accept Department of Homeland Security Urban Areas Security Initiative Subgrant Awards from the Government of the District of Columbia Homeland Security and Emergency Management Agency

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 23097 in the amount of \$8,136,028 for Fairfax County to accept Department of Homeland Security (DHS) FY 2022 Urban Areas Security Initiative (UASI) subgrant awards from the State Administrative Agency (SAA). These funds are made available by DHS through the District of Columbia, which is serving as the State Administrative Agency. DHS provides financial assistance to address the unique planning, training, equipment, and exercise needs of high-threat, high-density urban areas to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from acts of terrorism. The grant period for the FY 2022 subgrant awards is September 1, 2022, through December 31, 2023, May 31, 2024, June 30, 2024, or September 30, 2024, depending on the award. No Local Cash Match is required. Board authorization is also requested for the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 23097 in the amount of \$8,136,028. These funds will be used by various County agencies to enhance security and overall preparedness by implementing the projects summarized in Attachment 1. All projects will be implemented in accordance with the program guidance documents. Funding will continue to support 3/3.0 FTE existing grant positions. No Local Cash Match is required. The County Executive also recommends the Board authorize the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

TIMING:

Board approval is requested on November 1, 2022.

BACKGROUND:

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

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

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

FISCAL IMPACT:

Grant funding in the amount of \$8,136,028 is available in the DHS UASI grant funds through the District of Columbia. These funds will be used to enhance capabilities in the Department of Emergency Management and Security, Police Department, Fire and Rescue Department, and the Department of Information Technology. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in

Board Agenda Item
November 1, 2022

reserve for Homeland Security grant awards received in FY 2022. Indirect costs are recoverable for some of these awards. No Local Cash Match is required.

CREATION OF NEW POSITIONS:

Grant funding will continue to support 3/3.0 FTE existing grant positions. The County is under no obligation to continue these positions when the grant funding expires.

ENCLOSED DOCUMENTS:

Attachment 1 – Grant Award Summary

Attachment 2 – Grant Award Documents

Attachment 3 – Supplemental Appropriation Resolution AS 23097

STAFF:

Tom Arnold, Deputy County Executive

Seamus Mooney, Coordinator, Dept. of Emergency Management & Security

John S. Butler, Chief, Fire and Rescue Department

Kevin Davis, Chief, Police Department

Gregory Scott, Director, Department of Information Technology

Department of Homeland Security - FY 2022 Homeland Security Grant Program Applications and Awards
National Capital Region (NCR) Urban Areas Security Initiative (UASI) Funds
Projects to be Implemented by Fairfax County

Attachment 1

Project Title	Program Year	Award Amount	Award Status	Award Type	Implementing County Agency	Program Manager	Positions	Begin Date	End Date	Project Synopsis
FY 2022 UASI AWARDS AND APPLICATIONS										
1 Radio Cache (NCRIG) (Continuation)	FY2022	\$222,845	Received	Continuation	Fire and Rescue Department	Greg Hunter	0/0.0 FTE	9/1/2022	5/31/2024	Providing ongoing logistical support to the National Capital Region radio cache housed in Fairfax County and to support training and exercise initiatives, or cache deployment for emergency responses and personnel.
2 Incident Management Team (Continuation)	FY2022	\$330,000	Received	Continuation	Fire and Rescue Department	Ian Gregoire	0/0.0 FTE	9/1/2022	5/31/2024	Continued funding to ensure the NCR- Incident Management Team (NCR-IMT) receives adequate training and exercises to develop and maintain capability, capacity, and proficiency in all functional areas. The NCR-IMT is composed of 115 members from fire, emergency medical services (EMS), law enforcement, emergency management and public health agencies from the participating Council of Governments (COG) jurisdictions.
3 Regional Preparedness System (Continuation)	FY2022	\$475,317	Received	Continuation	Department of Emergency Management & Security	Andrew Sullivan	3/3.0 FTE	9/1/2022	12/31/2023	The National Capital Region (NCR) seeks to enhance regional preparedness and facilitate increased coordination capabilities among jurisdictions in the State of Maryland, the Commonwealth of Virginia and the District of Columbia. These enhancements can only occur by establishing a systematic program to integrate regional preparedness efforts, through targeted engagement of NCR Regional Emergency Support Function (RESF) Committees, devising a concept of operations for regional preparedness resourcing and facilitating regional communication, coordination, collaboration and consensus among various regional jurisdictions and multi-disciplinary stakeholders.
4 Mass Notification and Communications (Continuation)	FY2022	\$1,775,000	Received	Continuation	Department of Emergency Management & Security	Sulayman Brown	0/0.0 FTE	9/1/2022	5/31/2024	Payment of the yearly maintenance costs for the National Capital Region's emergency alerting system, which includes EAN and Fairfax Alerts.
5 Web EOC Maintenance (Continuation)	FY2022	\$1,139,748	Received	Continuation	Department of Emergency Management & Security	Paul Lupe	0/0.0 FTE	9/1/2022	6/30/2024	Continued funding to further enhance the WebEOC system within the NCR area and increase the interoperability with local and Federal Partners; as well as to expand the common operating picture within the National Capital Region.
6 Intelligence Analysis (Continuation)	FY 2022	\$1,375,367	Received	Continuation	Police Department	Jack Hurlock	0/0.0 FTE	9/1/2022	5/31/2024	Continued funding for contracted intelligence analysts who support the National Capital Region. These analysts complete detailed reports in a timely manner any time something occurs in the world that may have an impact on the region. This information is provided to our first responders to increase their ability to detect, deter, and disrupt such planning activity to prevent attack.

Department of Homeland Security - FY 2022 Homeland Security Grant Program Applications and Awards
National Capital Region (NCR) Urban Areas Security Initiative (UASI) Funds
Projects to be Implemented by Fairfax County

Attachment 1

Project Title	Program Year	Award Amount	Award Status	Award Type	Implementing County Agency	Program Manager	Positions	Begin Date	End Date	Project Synopsis
7 Interoperable Communications Infrastructure (NCRnet) (Sustainment)	FY2022	\$1,626,376	Received	Continuation	Department of Information Technology	Mike Palacios	0/0.0 FTE	9/1/2022	9/30/2024	Continued sustainment of the investments in the NCRNet, identity authentication services for regional applications, the regional colocation hosting facility, and the regional videoteleconferencing service. Services for technical, financial, and management functions supporting the NCR Interoperable Communications Infrastructure (ICI) for governance, operations, and other regional activities.
8 CAD to CAD Maintenance (Continuation)	FY2022	\$891,375	Received	Continuation	Department of Information Technology	Greg Scott	0/0.0 FTE	9/1/2022	9/30/2024	Provides sustainment funding for seamless, real-time data interoperability between disparate CAD Systems in daily use by first responders in NOVA and paves the way for expansion into Maryland. It will fund: (1) infrastructure hosting services, core software refresh and 24x7 maintenance/operations spt.; (2) maintenance of CAD System vendor enhancements; (3) vendor enhancements/testing/integration spt.; (4) data mapping to universal CAD2CAD data types; (5) dev/testing; and (6) technical and project management resources to support day-to-day operations.
9 Cybersecurity Regional Coordination	FY2022	\$300,000	Received	Continuation	Department of Information Technology	Mike Dent	0/0.0 FTE	9/1/2022	9/30/2024	Allows first responders and other emergency support functions (ESF) in the NCR to use a single, familiar username/email address and strong password combination to access regional and shared applications. This concept of "single credential" that is used for any authorized application is a faster, easier, trusted and secure common utility, that does not require additional regional credentialing administration overhead.
Total: \$8,136,028							3/3.0 FTE			

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



Muriel Bowser
Mayor

Dr. Christopher Rodriguez
Director

Subaward

PROGRAM
FY 2022 Homeland Security Grant Program
Urban Areas Security Initiative

SUBRECIPIENT
Fairfax County Office of Emergency
Management

SUBAWARD TITLE
Regional Preparedness System

SUBAWARD ID
22UASI531-01

SUBAWARD AMOUNT
\$475,317.00

SUBAWARD PERFORMANCE PERIOD
09/01/2022–12/31/2023

SUBRECIPIENT UEI
W2ZUFMBDM378 Fairfax County Virginia

FEDERAL AWARD IDENTIFICATION NUMBER
EMW-2022-SS-00084

FEDERAL AWARD DATE
09/06/2022

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

CFDA
97.067 Homeland Security Grant Program

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

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

- 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- FY 2022 DHS Homeland Security Grant Program Agreement Articles
- FY 2022 DHS Standard Terms and Conditions
- FY 2022 District of Columbia Homeland Security and Emergency Management Agency Terms and Conditions
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- FY 2022 Homeland Security Grant Program Notice of Funding Opportunity
- Subrecipient Handbook

AWARDING OFFICIAL
Dr. Christopher Rodriguez
Director

SUBRECIPIENT OFFICIAL
Bryan Hill
County Executive
Fairfax County Government

Signature  Date 10/03/2022

Signature _____ Date _____

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

Muriel Bowser
Mayor



Dr. Christopher Rodriguez
Director

Subaward

PROGRAM
FY 2022 Homeland Security Grant Program
Urban Areas Security Initiative

SUBRECIPIENT
Fairfax County Office of Emergency
Management

SUBAWARD TITLE
Text Alert Notification

SUBAWARD ID
22UASI531-02

SUBAWARD AMOUNT
\$1,775,000.00

SUBAWARD PERFORMANCE PERIOD
09/01/2022–05/31/2024

SUBRECIPIENT UEI
W2ZUFMBDM378 Fairfax County Virginia

FEDERAL AWARD IDENTIFICATION NUMBER
EMW-2022-SS-00084

FEDERAL AWARD DATE
09/06/2022

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

CFDA
97.067 Homeland Security Grant Program

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

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AWARDING OFFICIAL
Dr. Christopher Rodriguez
Director

SUBRECIPIENT OFFICIAL
Bryan Hill
County Executive
Fairfax County Government

Signature  Date 10/03/2022

Signature _____ Date _____

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

Muriel Bowser
Mayor



Dr. Christopher Rodriguez
Director

Subaward

PROGRAM
FY 2022 Homeland Security Grant Program
Urban Areas Security Initiative

SUBRECIPIENT
Fairfax County Office of Emergency
Management

SUBAWARD TITLE
WebEOC

SUBAWARD ID
22UASI531-03

SUBAWARD AMOUNT
\$1,139,748.00

SUBAWARD PERFORMANCE PERIOD
09/01/2022–06/30/2024

SUBRECIPIENT UEI
W2ZUFMBDM378 Fairfax County Virginia

FEDERAL AWARD IDENTIFICATION NUMBER
EMW-2022-SS-00084

FEDERAL AWARD DATE
09/06/2022

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

CFDA
97.067 Homeland Security Grant Program

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

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AWARDING OFFICIAL
Dr. Christopher Rodriguez
Director

SUBRECIPIENT OFFICIAL
Bryan Hill
County Executive
Fairfax County Government



Signature Date 10/03/2022

Signature Date

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

Muriel Bowser
Mayor



Dr. Christopher Rodriguez
Director

Subaward

PROGRAM
FY 2022 Homeland Security Grant Program
Urban Areas Security Initiative

SUBRECIPIENT
Fairfax County Police Department

SUBAWARD TITLE
Intelligence Analysis

SUBAWARD ID
22UASI533-01

SUBAWARD AMOUNT
\$1,375,367.00

SUBAWARD PERFORMANCE PERIOD
09/01/2022–05/31/2024

SUBRECIPIENT UEI
W2ZUFMBDM378 Fairfax County Virginia

FEDERAL AWARD IDENTIFICATION NUMBER
EMW-2022-SS-00084

FEDERAL AWARD DATE
09/06/2022

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

CFDA
97.067 Homeland Security Grant Program

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

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AWARDING OFFICIAL
Dr. Christopher Rodriguez
Director

SUBRECIPIENT OFFICIAL
Bryan Hill
County Executive
Fairfax County Government



Signature Date 10/03/2022

Signature Date

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

Muriel Bowser
Mayor



Dr. Christopher Rodriguez
Director

Subaward

PROGRAM
FY 2022 Homeland Security Grant Program
Urban Areas Security Initiative

SUBRECIPIENT
Fairfax County Department of Information
Technology

SUBAWARD TITLE
CAD2CAD

SUBAWARD ID
22UASI583-01

SUBAWARD AMOUNT
\$891,375.00

SUBAWARD PERFORMANCE PERIOD
09/01/2022–09/30/2024

SUBRECIPIENT UEI
W2ZUFMBDM378 Fairfax County Virginia

FEDERAL AWARD IDENTIFICATION NUMBER
EMW-2022-SS-00084

FEDERAL AWARD DATE
09/06/2022

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

CFDA
97.067 Homeland Security Grant Program

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

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AWARDING OFFICIAL
Dr. Christopher Rodriguez
Director

SUBRECIPIENT OFFICIAL
Bryan Hill
County Executive
Fairfax County Government



Signature

10/03/2022

Date

Signature

Date

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

Muriel Bowser
Mayor



Dr. Christopher Rodriguez
Director

Subaward

PROGRAM
FY 2022 Homeland Security Grant Program
Urban Areas Security Initiative
SUBRECIPIENT
Fairfax County Department of Information
Technology
SUBAWARD TITLE
Interoperable Communications Infrastructure
(NCRnet)
SUBAWARD ID
22UASI583-02
SUBAWARD AMOUNT
\$1,626,376.00
SUBAWARD PERFORMANCE PERIOD
09/01/2022–09/30/2024
SUBRECIPIENT UEI
W2ZUFMBDM378 Fairfax County Virginia

FEDERAL AWARD IDENTIFICATION NUMBER
EMW-2022-SS-00084
FEDERAL AWARD DATE
09/06/2022
FEDERAL AWARDDING AGENCY
U.S. Department of Homeland Security
Federal Emergency Management Agency
CFDA
97.067 Homeland Security Grant Program
STATE ADMINISTRATIVE AGENT /
PASS-THROUGH ENTITY
District of Columbia Homeland Security and
Emergency Management Agency

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AWARDING OFFICIAL
Dr. Christopher Rodriguez
Director

SUBRECIPIENT OFFICIAL
Bryan Hill
County Executive
Fairfax County Government



Signature Date 10/03/2022

Signature Date

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

Muriel Bowser
Mayor



Dr. Christopher Rodriguez
Director

Subaward

PROGRAM
FY 2022 Homeland Security Grant Program
Urban Areas Security Initiative
SUBRECIPIENT
Fairfax County Department of Information
Technology
SUBAWARD TITLE
Cybersecurity Regional Coordination
SUBAWARD ID
22UASI583-03
SUBAWARD AMOUNT
\$300,000.00
SUBAWARD PERFORMANCE PERIOD
09/01/2022–09/30/2024
SUBRECIPIENT UEI
W2ZUFMBDM378 Fairfax County Virginia


FEDERAL AWARD IDENTIFICATION NUMBER
EMW-2022-SS-00084
FEDERAL AWARD DATE
09/06/2022
FEDERAL AWARDOING AGENCY
U.S. Department of Homeland Security
Federal Emergency Management Agency
CFDA
97.067 Homeland Security Grant Program
STATE ADMINISTRATIVE AGENT /
PASS-THROUGH ENTITY
District of Columbia Homeland Security and
Emergency Management Agency

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AWARDING OFFICIAL
Dr. Christopher Rodriguez
Director

SUBRECIPIENT OFFICIAL
Bryan Hill
County Executive
Fairfax County Government



Signature Date 10/03/2022

Signature Date

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

202.727.6161

hsema.dc.gov

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

Muriel Bowser
Mayor



Dr. Christopher Rodriguez
Director

Subaward

PROGRAM
FY 2022 Homeland Security Grant Program
Urban Areas Security Initiative

SUBRECIPIENT
Fairfax County Fire and Rescue Department

SUBAWARD TITLE
Radio Cache (NCRIG)

SUBAWARD ID
22UASI529-01

SUBAWARD AMOUNT
\$222,845.00

SUBAWARD PERFORMANCE PERIOD
09/01/2022–05/31/2024

SUBRECIPIENT UEI
W2ZUFMBDM378 Fairfax County Virginia

FEDERAL AWARD IDENTIFICATION NUMBER
EMW-2022-SS-00084

FEDERAL AWARD DATE
09/06/2022

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

CFDA
97.067 Homeland Security Grant Program

STATE ADMINISTRATIVE AGENT /
PASS-THROUGH ENTITY
District of Columbia Homeland Security and
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AWARDING OFFICIAL
Dr. Christopher Rodriguez
Director

SUBRECIPIENT OFFICIAL
Bryan Hill
County Executive
Fairfax County Government



Signature

10/03/2022

Date

Signature

Date

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

Muriel Bowser
Mayor



Dr. Christopher Rodriguez
Director

Subaward

PROGRAM
FY 2022 Homeland Security Grant Program
Urban Areas Security Initiative

SUBRECIPIENT
Fairfax County Fire and Rescue Department

SUBAWARD TITLE
Incident Management Team

SUBAWARD ID
22UASI529-02

SUBAWARD AMOUNT
\$330,000.00

SUBAWARD PERFORMANCE PERIOD
09/01/2022–05/31/2024

SUBRECIPIENT UEI
W2ZUFMBDM378 Fairfax County Virginia

FEDERAL AWARD IDENTIFICATION NUMBER
EMW-2022-SS-00084

FEDERAL AWARD DATE
09/06/2022

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

CFDA
97.067 Homeland Security Grant Program

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

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- Subrecipient Handbook

AWARDING OFFICIAL
Dr. Christopher Rodriguez
Director

SUBRECIPIENT OFFICIAL
Bryan Hill
County Executive
Fairfax County Government



Signature

10/03/2022

Date

Signature

Date

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

202.727.6161

hsema.dc.gov

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 23097

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax Virginia on November 1, 2022, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2022, the following supplemental appropriation is authorized, and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G7070, Department of Information Technology	\$2,817,751
Grants:	1HS0036, CAD to CAD Maintenance	
	1HS0037, Interoperable Communications Infrastructure (NCRnet)	
	1HS0084, Cybersecurity Regional Coordination	
Agency:	G9090, Police Department	\$1,375,367
Grant:	1HS0039, Intelligence Analysis	
Agency:	G9292, Fire and Rescue Department	\$552,845
Grants:	1HS0040, Incident Management Team	
	1HS0047, Radio Cache Maintenance (NCRIG)	
Agency:	G9393, Department of Emergency Management & Security	\$3,390,065
Grants:	1HS0035, Regional Preparedness System	
	1HS0050, Mass Notification and Communications	
	1HS0052, WebEOC Maintenance	

Appropriate to:

Agency:	G8787, Unclassified Administrative Expenses	\$8,136,028
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: U.S. Department of Homeland Security, \$8,136,028

A Copy - Teste:

Jill G. Cooper
Clerk to the Board of Supervisors

ACTION – 1

Adoption of Resilient Fairfax, the County's Climate Adaptation and Resilience Plan

ISSUE:

Board adoption of Resilient Fairfax, the county's Climate Adaptation and Resilience Plan.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Resilient Fairfax Climate Adaptation and Resilience Plan, which is included as Attachment 1.

TIMING:

Board action is requested on November 1, 2022, so that staff may begin implementation of the plan.

BACKGROUND:

"Climate," by definition, refers to weather trends of 20 years or more. For the majority of Fairfax County history, our local climate has been relatively stable and predictable. However, in recent decades, there has been a measurable and accelerating shift in our climatic patterns. The changes in climatic trends have been fed by decades of increasing concentrations of greenhouse gases (GHGs) in the planet's atmosphere on a global scale. This shift in climate patterns makes extreme weather events, such as extreme heat, severe storms, and flood-inducing precipitation more common and more severe. Fairfax County is seeking to address both the **cause** and **effects** of climate change. Numerous existing county plans and programs focus on the *cause* side, ensuring that the county is doing our part in the worldwide effort to reduce GHGs. These emissions reduction efforts include the Community-wide Energy and Climate Action Plan (CECAP), the Operational Energy Strategy (OES), the Carbon Neutral Counties Declaration, Carbon-Free Fairfax engagement efforts, HomeWise, and others.

Resilient Fairfax, in contrast, focuses on adapting to the effects of climate change. The Resilient Fairfax plan guides the county in becoming more resilient to the shift in climate hazards that we are experiencing locally, such as increasingly heavy precipitation, extreme heat, and severe storms.

Several actions led to the development of the Resilient Fairfax plan, as summarized below:

- **In June 2017**, the Fairfax County Board of Supervisors (BOS) released an updated Environmental Vision, which included the planning of adaptation and resilience strategies.
- **In November 2018**, the Environmental Quality Advisory Council (EQAC) 2018 Annual Report on the Environment included a recommendation that the BOS “direct the development and implementation of a climate adaptation/resilience plan.”
- **In February 2019**, the BOS unanimously adopted the Fairfax Green Initiatives Board Matter, which was composed of 19 action items. These action items included a direction to the Environmental Committee of the BOS to discuss and consider “identification of a timeline for developing a county-specific Climate Resiliency and Adaptation Plan.”
- **In June 2020**, the Board of Supervisors Environmental Committee (BOSEC) endorsed the use of an existing Metropolitan Washington Council of Governments (MWWOG) contract for the development of the plan. Through this contract we used the services of Cadmus to assist in the development of the Resilient Fairfax Plan.
- **In September 2020**, the BOS allocated funding from FY 2020 Carryover funds for contractual services.
- **Between February 2021 to October 2022**, the Resilient Fairfax plan and all associated technical analyses were completed by OEEC staff with Cadmus and advisory group support.

The Resilient Fairfax planning process included five major components, which are each summarized in the final Resilient Fairfax plan:

1. The **Climate Projections Report** described Fairfax County’s current and future climatic conditions, including future temperatures, precipitation, and storm severity.
2. The **Vulnerability and Risk Assessment** described how the county’s infrastructure, public services, populations, and natural resources are vulnerable to climate hazards. The vulnerabilities of 21 sub-sectors were assessed based on levels of exposure, sensitivity, and adaptive capacity. The top risks were defined based on likelihood and severity of consequence.
3. The **Audit of Existing Policies, Plans, and Programs** described how the county is currently managing resilience, and where we have opportunities for improvement.
4. The **Strategies for Adaptation and Resilience** describe how we will enhance our resilience to these hazards.
5. The **Implementation Roadmap** details how the strategies will be implemented.

The Resilient Fairfax planning process was led by the Office of Environmental and Energy Coordination (OEEC) and was supported by over **100 internal and external advisors**, including representatives of **20 county departments and agencies**. Robust engagement was conducted throughout the process with advisory groups, the general public, and other community groups, including a total of over **200 engagement meetings**.

The resulting Resilient Fairfax plan is thorough, actionable, and supported by stakeholders within and outside of the county government.

EQUITY IMPACT:

One Fairfax serves as the foundation for all Resilient Fairfax recommendations. Climate hazards often disproportionately burden certain populations, such as low-income, disabled, or elderly populations, communities of color, those experiencing homelessness, and outdoor workers, among others. These populations are often disproportionately vulnerable to climate hazards due to higher exposure, higher sensitivity, or lower adaptive capacity. For example, outdoor workers and those experiencing homelessness have higher exposure to extreme heat. Those with pre-existing health conditions or disability have higher physical sensitivity to dangerous temperatures. Low-income populations living in sub-standard housing or without the ability to afford air conditioning may have a lower capacity to adapt to the trend of increasing extreme heat. This combination of exposure, sensitivity, and adaptive capacity leads to higher overall vulnerability. The same equity burdens are seen for other climate hazards, such as increasingly severe flooding and storms. **Resilient Fairfax is predicted to have a positive equity impact by working on the issues described above.** More specifically, the Resilient Fairfax process, plan, and implementation incorporate equity in the following ways:

- **Assessment of inequitable impacts:** The Vulnerability and Risk Assessment population section was based upon an analysis of disproportionate impacts of climate hazards on vulnerable populations.
- **Inclusive engagement and trust building:** Community representatives and members of the public were engaged throughout the planning process to advocate for and give voice to marginalized populations. OEEC leveraged partnerships with county departments and partner organizations with existing trust in the communities most affected. That engagement will continue and be expanded in the implementation phase.
- **Equitable strategies:** Resilient Fairfax strategies were written to prioritize and inclusively involve underserved populations. Additionally, each prioritized strategy includes a list of “equitable implementation” considerations in the Implementation Roadmap.

Board Agenda Item
November 1, 2022

- **Justice-driven action:** The Resilient Fairfax plan includes strategies such as “Adaptation Action Areas” to facilitate the prioritization of communities with the greatest need for resilience projects.

FISCAL IMPACT:

No direct fiscal impact will result from the Board of Supervisors adoption of the Resilient Fairfax plan. However, there are strategy recommendations in the Resilient Fairfax plan that may ultimately require resource needs beyond existing resources. If and when resource needs arise for implementation of specific strategies, those requests will be put forward as part of the County’s annual and/or quarterly budget processes.

ENCLOSED DOCUMENTS:

Attachment 1 – Resilient Fairfax Climate Adaptation and Resilience Plan

STAFF:

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Kambiz Agazi, Director, Office of Environmental and Energy Coordination (OEEC)
Susan Hafeli, Deputy Director, OEEC
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ASSIGNED COUNSEL:

Joanna Faust, Assistant County Attorney

Resilient Fairfax

Climate Adaptation and Resilience Plan

October 2022

A Fairfax County, VA publication





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Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services and activities. Reasonable accommodations will be provided upon request. For information call the Office of Environmental and Energy Coordination, 703-324-7136 | TTY 711.

El condado de Fairfax está comprometido a no discriminar en función de la incapacidad en todos los programas, servicios y actividades del condado. Se proporcionarán las adaptaciones razonables mediante solicitud. Para obtener información, llame a Office of Environmental and Energy Coordination, 703-324-7136 | TTY 711.

The county's language access policy (PM 02-08) states that "no person will be denied equal access to county services based on his/her inability, or limited ability, to communicate in the English language."

Board of Supervisors



- Jeffrey C. McKay, Chairman** At-Large
- Penelope A. Gross, Vice-Chairman** Mason District
- James R. Walkinshaw**..... Braddock District
- John W. Foust**..... Dranesville District
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- Daniel G. Storck** Mount Vernon District
- Dalia A. Palchik**..... Providence District
- Pat Herrity** Springfield District
- Kathy L. Smith**..... Sully District



From left to right: Walter Alcorn, Kathy Smith, Pat Herrity, Daniel Storck, Penny Gross, Jeffrey McKay, Dalia Palchik, John Foust, James Walkinshaw, Rodney Lusk.

A. Table of Contents

1. BACKGROUND INFORMATION ON THE PLAN AND PROCESS	3
A. Table of Contents	4
B. Letter from the Chairman	5
C. Acknowledgements	6
D. Acronyms	9
E. Introduction	11
F. Engagement and Plan Development Process	17
Stakeholder Engagement	17
Feedback from Our Advisory Groups	19
Public Engagement	20
G. Equity in Climate Resilience	21
Existing Inequities	21
How Resilient Fairfax is Driven by and Addresses Equity	22
2. SUMMARIES OF TECHNICAL ANALYSES	23
H. Climate Projections: Warmer, Wetter, Weirder	23
Warmer.	24
Wetter	27
Weirder.	30
I. Vulnerabilities and Risks	32
Vulnerability and Risk Assessment Scoring	34
Vulnerability and Risk Assessment Key Findings and Outcomes	34
Climate Hazards in your Community.	35
J. Audit of Existing Policies, Plans and Programs	36
Audit Purpose and Overview.	36
Audit Structure	36
Audit Methodology.	36
Audit Key Findings	37
3. HOW WE WILL ENHANCE OUR RESILIENCE	39
K. Resilient Fairfax Strategies and Implementation	39
Snapshot of Resilient Fairfax Strategies	41
How to Read an Implementation Roadmap.	42
Integrated Action Planning Implementation Roadmaps.	44
Climate Ready Communities Implementation Roadmaps	56
Resilient Infrastructure and Buildings Implementation Roadmaps	71
Adaptive Environments Implementation Roadmaps	78
L. Moving Forward.	87
Appendix A: Glossary	88
Appendix B: Summary Table of How Strategies Address Top Risks	90

B. Letter from the Chairman



Fairfax County is already facing serious and costly challenges due to climate change. Our county has witnessed a measurable increase in the severity and frequency of storms, extreme heat, and flooding. These changes are projected to continue, amplifying vulnerabilities for our populations, infrastructure, public services, and natural systems.

The good news is that Fairfax County is taking action to address both the *cause* and the *effects* of climate change. A previous plan, the Community-Wide Energy and Climate Action Plan (CECAP), focused on the *cause*, aiming to reduce our county's contributions to the global greenhouse gas emissions that feed into climate change. This plan, **Resilient Fairfax**, focuses on the *effects*, helping our county adapt and become more resilient to the changing conditions we experience locally.

There is additional good news. Many of our existing county programs, policies, and initiatives enhance our climate resilience and adaptation. For example, our departments already work hard to tackle flooding issues, infrastructure improvements, and a range of hazard mitigation needs. Our existing aid programs and community services enhance the resilience of our population. Our departments and partners also work daily to protect our natural resources, parklands, and floodplains that provide natural resilience to flooding, storm surge, and extreme heat. Our prioritization of One Fairfax helps us ensure that this work is conducted in an inclusive and equitable way. The existing excellence of the Fairfax County community gives us a uniquely strong foundation for climate resilience.

The Resilient Fairfax plan builds upon this existing work. The plan was led by our Office of Environmental and Energy Coordination (OEEC) and involved a remarkable level of interagency coordination and stakeholder engagement. I want to commend all those who participated, both internal and external to the county. The Resilient Fairfax Planning Team (PT) was composed of 20 county departments and agencies. In addition, the process involved an Infrastructure Advisory Group (IAG) composed of over 40 representatives of utilities, authorities, and infrastructure managers at all levels of government, and a Community Advisory Group (CAG) composed of over 30 representatives of non-profit, advocacy, and environmental organizations, and residents of each district. The general public was also instrumental to the development of this plan, providing essential feedback throughout the process. In all, over **200 engagement meetings** were held.

This Resilient Fairfax plan answers five major questions in one package: 1) What are Fairfax County's current and future climate conditions? 2) Where are we vulnerable to these changing conditions? 3) How are we currently doing in terms of climate resilience? 4) What strategies should we use to enhance our climate adaptation and resilience? 5) How can we implement those strategies?

With the completion of this first Resilient Fairfax plan, the county looks forward to implementation and continuous action. These changing conditions present a challenge, but also an opportunity. Many strategies that boost our climate resilience also enhance our quality of life, public services, natural resource health, infrastructure strength, economic vitality, and social connectivity. Together, we can adapt proactively to create a more resilient, connected, equitable, and prosperous Fairfax County. We thank each of you for your involvement and look forward to working with you towards a more Resilient Fairfax.

Jeffrey C. McKay
Chairman, Fairfax County Board of Supervisors

C. Acknowledgements

Resilient Fairfax would not be possible without the significant contributions of the dozens of local, regional, state, and federal departments, agencies, organizations, partners, and dedicated residents who supported the development of this plan. Thank you to Resilient Fairfax’s three advisory groups (the Planning Team, the Infrastructure Advisory Group, and the Community Advisory Group), and to all other partners for their support in time and thought.

PROJECT TEAM

Office of Energy and Environmental Coordination (OEEC): Kambiz Agazi (OEEC Director), Matthew Meyers (Resilient Fairfax Project Director), Allison Homer (Resilient Fairfax Project Manager), Neely Law, and Ali Althen.

PLANNING TEAM (PT)

The PT was composed of technical leads and subject matter experts from 20 relevant county departments and agencies. The PT was responsible for providing interdepartmental information and coordination, reviewing and providing technical feedback on deliverables, developing recommendations, and assisting the OEEC with coordination between Resilient Fairfax and related initiatives in other county departments.

Department of Emergency Management and Security (DEMS):

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Office of Environmental and Energy Coordination (OEEC):

All “Project Team” members (above) and: Kate Daley, Maya Dhavale, Monica Downs, Sara Girello, Susan Hafeli, John Morrill, Kevin Smith, Regina Weil

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Information Systems (GIS): Mike Liddle, Gregory Bacon, Chip Galloway

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One Fairfax, Office of the County Executive:

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Katherine Hermann

Department of Planning & Development (DPD), Zoning Administration Division (ZAD):

Casey Judge

Department of Public Safety Communications (DPSC):

Bernard DuCharme, Gabrielle Graves

Fairfax County Public Schools (FCPS):

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Department of Public Works and Environmental Services (DPWES):

Laurel Shultzaberger, Catherine Torgersen

DPWES Urban Forest Management Division (UFMD):

Brian Keightley

Department of Transportation (FCDOT):

Jeffrey Hermann, Zachary Krohmal

Department of Vehicle Services (DVS):

Marguerite Guarino

INFRASTRUCTURE ADVISORY GROUP (IAG)

The IAG was composed of representatives from relevant infrastructure entities, utilities, service providers, the development community, and authorities at the local, regional, state, and federal levels. Certain relevant county departments served on both the PT and the IAG. The IAG was responsible for reviewing and providing feedback on key deliverables, with the purpose of planning for infrastructure that is resilient to changing climate hazards.

American Society of Highway Engineers (ASHE): Cerasela Cristei

Federal Emergency Management Agency (FEMA): Nicole Lick

Verizon: Jessica Chait, Tetoya Gibson

Columbia Gas of Virginia: Terrence Frasier, Petrina Jones Wrobleki

Metropolitan Washington Council of Governments (MWCOC): Maia Davis, Katherine Dyer, Jeff King

Virginia Department of Conservation & Recreation (VDCR): Russ Baxter, Darryl Glover

Cox of Northern Virginia: Jeff Merritt

National Association of Industrial & Office Properties (NAIOP): Richard Fernicola, Myrrh Caplan

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Dominion Energy: Brendon Shaw

Engineers & Surveyors Institute: Jeff Blackford

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Northern Virginia Electric Cooperative (NOVEC): Joshua Cleveland, Priscilla Knight

Virginia Department of Transportation (VDOT): Alex Foraste, Steve Begg

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RUCA Capital: Chelsea Mehra

WTS International: Cerasela Cristei

Fairfax Water: Greg Prelewicz, Michele Siminari

United States Department of Defense (DOD) – Fort Belvoir Public Works: Wilamena Harback

COMMUNITY ADVISORY GROUP (CAG)

The CAG was composed of representatives from environmental, religious, non-profit, and civil rights organizations, businesses, residential communities, and the county's boards, authorities, and commissions. The CAG was responsible for reviewing and providing feedback on key deliverables.

350 Fairfax:

Helene Shore

Cornerstones:

Alexandra Stewart

EcoLatinos: Ruby Stemmler

Environmental Quality Advisory Council (EQAC): Larry Zaragoza

Faith Alliance for Climate Solutions (FACS): Jean Wintemute

Federation of Citizens Associations: C. Flint Webb

George Mason University: Celso Ferreira, Jeremy M. Campbell, Alexandra Albright

League of Women Voters: Judith Helein

Multicultural Advisory Council: Fazia Dean

National Association for the Advancement of Colored People (NAACP): Lydia Lawrence

Northern Virginia Chamber of Commerce: Jerry Sparks

Northern Virginia Soil & Water Conservation District (NVSWCD): Chris Koerner

Resilient Virginia: Annette Osso

Reston Association: Peter Schultz

Sierra Club, Great Falls Group: Ana Prados

Small Business Commission: Gwyn Whittaker

Tyson's Partnership: Elizabeth Wayt

The CAG also includes Board-appointed residents from the following magisterial districts:

Braddock: Andrew Hamilton, Pritidhara (Jini) Mohanty

Dranesville: Kenneth Gubin, Esq., Barbara Ryan

Hunter Mill: Renee Jakobs

Lee: Renee Grebe

Mason: Rafael Arancibia, Kevin Holland

Mount Vernon: Barbara Bacon, Glenda Booth

Providence: Cindy Speas

Springfield: David Skiles

Sully: Rich Weisman, Erica Carter

CONSULTANT SUPPORT

The Cadmus Group: Julia Nassar, Bridget Smith, Lindsey Popken, Zack Wyman, Debra Perry, Julia Chase, Sarah Booth

WSP USA, Inc.: Allie Reilly, Rawlings Miller, Annika Ragsdale, Josh Amos, Jordyn Gross, Sienna Templeman, Mark Teschauer

NspireGreen: Anne Tyska, Nancy Templeton, Karen Armendariz, Kyle Wire

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D. Acronyms

AAA	Adaptation Action Areas	EQAC	Environmental Quality Advisory Council
ACCO	Association of Climate Change Officers	ERRF	Energy Resource Recovery Facility
AE	Adaptive Environments	ESA	Environmentally Sensitive Area
ASHE	American Society of Highway Engineers	FACS	Faith Alliance for Climate Solutions
BACs	Boards, Authorities, and Commissions	FCDOT	Fairfax County Department of Transportation
BOS	Board of Supervisors	FCHD	Fairfax County Health Department
BRIC	Building Resilient Infrastructure and Communities	FCPA	Fairfax County Park Authority
CAG	Community Advisory Group	FCPS	Fairfax County Public Schools
CAP	Conservation Assistance Program	FEMA	Federal Emergency Management Agency
CDBG	Community Development Block Grant Programs	FMA	Flood Mitigation Assistance
CDBG-MIT	Community Development Block Grant Mitigation	FMD	Facilities Management Department
CDD	Cooling Degree Days	GHG(s)	Greenhouse Gas(es)
CECAP	Community-Wide Energy and Climate Action Plan	GI	Green Infrastructure
CFPF	Community Flood Preparedness Fund Grant Program	GIS	GIS and Mapping Services
CIP	Capital Improvement Program	HCD	Department of Housing and Community Development
CO2	Carbon Dioxide	HHS	Health and Human Services
Cox	Cox Communications	HMA	Hazard Mitigation Assistance
C-PACE	Commercial Property Assessed Clean Energy Program	HMGP	Hazard Mitigation Grant Program
CRC	Climate Ready Communities	HMP	Hazard Mitigation Plan
CSB	Community Services Board	IAG	Infrastructure Advisory Group
DCC	Department of Code Compliance	IAP	Integrated Action Planning
DEI	Department of Economic Initiatives	ICEF	Inclusive Community Engagement Framework
DEMS	Department of Emergency Management and Security	ICPRB	Interstate Commission on the Potomac River Basin
DER	Distributed Energy Resources	JET	Joint Environmental Task Force
DFS	Department of Family Services	LDS	Land Development Services
DIT	Department of Information Technology	LEED	Leadership in Energy and Environmental Design
DMB	Department of Management and Budget	LiDAR	Light Detection and Ranging
DOD	United States Department of Defense	MARISA	Mid-Atlantic Regional Integrated Sciences and Assessments
DPD	Department of Planning & Development	MWCOG	Metropolitan Washington Council of Governments
DPSC	Department of Public Safety Communications	NAACP	National Association for the Advancement of Colored People
DPWES	Department of Public Works and Environmental Services	NAIOP	National Association of Industrial & Office Properties
DVS	Department of Vehicle Services	NCRF	National Coastal Resilience Fund
EDA	Fairfax County Economic Development Authority	NCS	Neighborhood and Community Services
EDGR	Emergency Data Gathering Repository	NESC	National Electric Safety Code
EIP	Environmental Improvement Program	NOAA	National Oceanic and Atmospheric Administration
EPA	U.S. Environmental Protection Agency		

NOVEC	Northern Virginia Electric Cooperative
NVRC	Northern Virginia Regional Commission
NVSWCD	Northern Virginia Soil & Water Conservation District
NVTA	Northern Virginia Transportation Authority
OCA	Office of the County Attorney
OEEC	Office of Environmental and Energy Coordination
OES	Operational Energy Strategy
PT	Planning Team
RCP	Representative Concentration Pathway
RIB	Resilient Infrastructure and Buildings
STORM	Safeguarding Tomorrow Through Ongoing Risk Mitigation
TPPF	Tree Preservation and Planning Fund
UFMD	Urban Forest Management Division of DPWES
UHI	Urban Heat Island
USACE	United States Army Corps of Engineers
VCAP	Virginia Conservation Assistance Program
VDCR	Virginia Department of Conservation & Recreation
VDEM	Virginia Department of Emergency Management
VDEQ	Virginia Department of Environmental Quality
VDOT	Virginia Department of Transportation
VRA	Vulnerability and Risk Assessment
WMATA	Washington Metropolitan Area Transit Authority
WW	Waste Water

1. BACKGROUND INFORMATION ON THE PLAN AND PROCESS

E. Introduction

WHY RESILIENT FAIRFAX? WHY ADAPT?

Fairfax County, Virginia is already feeling the effects of climate change, including more severe storms, increased flooding, and amplified extreme heat. Climate change is a threat multiplier, increasing the frequency and intensity of climate hazards and conditions. This shift in climate hazards can pose threats to our county's residents, businesses, infrastructure, assets, public services, and natural resources.

Climate change is a global phenomenon fed by worldwide emissions of greenhouse gases. These gases trap heat in our atmosphere and alter long-term global climatic patterns. We have an opportunity to help address both the *causes* and the *effects* of climate change. A different plan, the [Community-wide Energy and Climate Action Plan \(CECAP\)](#), focuses on the *causes* of climate change describing how Fairfax County is doing our part in the global group project to reduce emissions.

This program, **Resilient Fairfax**, focuses on adapting to the *effects* of climate change. Resilience and adaptation planning is important because we are already experiencing climate impacts, and those impacts are projected to increase. It is also important because climate change cannot be fully halted. Due to climatic feedback loops, even if all greenhouse gas emissions abruptly came to an end globally today, we would still continue to see some level of climate change in the coming years due to the level of global greenhouse gases already emitted. Therefore, in all future scenarios, it is helpful to build our resilience to climate change effects.

Climate resilience and adaptation planning is also financially smart. NOAA reports that the number of "[Billion-Dollar Weather and Climate Disasters](#)" in the United States has increased from an average of 3.1 events per year in the 1980s to 20 per year in 2021. At the local level in Fairfax County, responding reactively to individual climate-amplified hazards as they occur can be costly.

- The North American Blizzard (2010) resulted in a \$2 million loss
- Tropical Storm Lee (2011) cost the county \$10 million in repairs to bridges and roads
- Hurricane Sandy (2012) cost the county more than \$1.5 million
- The July 2019 rainfall/flooding event led to costs of \$14.8 million, including \$2 million in damages to Fairfax County government property

We have an opportunity to more proactively build resilience to these increasing climatic hazards.

WHAT IS THE DIFFERENCE BETWEEN CLIMATE AND WEATHER?

Weather: Short-term conditions we experience day-to-day

Climate: Long-term weather trends over 20+ years

WHAT IS CLIMATE RESILIENCE?

Resilience is defined as the capacity of a community, business, or natural environment to prevent, withstand, respond to, and recover from a disruption. In the context of climate change, climate resilience is the ability to prepare for and adapt to climate-related conditions, such as increasing heat waves, severe storms, and heavy precipitation and flooding.

Resilience can take many forms-

- **At the individual level**, it can include strengthening ties amongst neighbors or making home improvements, such as undertaking flood-proofing projects or creating a rain garden in your backyard.
- **At the community level**, it can look like raising awareness of climate impacts, supporting community networks and resources, and advocating for resilience upgrades.
- **At the county government level**, it could be preparing our infrastructure for climate hazards, working collaboratively across the region to ensure continuity of critical services, and providing resources to local residents and businesses to enhance their adaption.





The good news is that there is a lot we can do to be resilient, and there is a lot already being done. This plan, Resilient Fairfax, is Fairfax County's first plan that focuses specifically on climate adaptation and resilience. However, this plan is built on a strong foundation of existing county services and practices, including the county's emergency management planning, flood mitigation efforts, population services, and natural resource protections. Resilient Fairfax is envisioned to be a long-term program of iterative climate planning and implementation to help the county better anticipate, prepare for, adapt to, and build resilience to a changing climate.

Climate change resilience and adaptation planning provides an opportunity for the county to reduce climate-related risks while also enhancing the local economy and quality of life, strengthening our infrastructure, protecting our natural environment, and addressing disproportionate vulnerabilities. Rather than reacting to increasingly severe climate hazards as they occur, Fairfax County will serve as a proactive leader and preparing a more resilient, equitable, prosperous, and climate-ready future.

The planning process for Resilient Fairfax included a series of analytical steps, summarized below. To see the full versions of each report, please click the links below.

TECHNICAL REPORT	DESCRIPTION and QUESTIONS ANSWERED
<u>Climate Projections Report</u>	Fairfax County's current and future climate <ul style="list-style-type: none"> ■ What temperature trends will we see? ■ How severe will the storms be? ■ How much precipitation will the county receive?
<u>Climate Vulnerability and Risk Assessment</u>	Fairfax County's top climate-related vulnerabilities and risks <ul style="list-style-type: none"> ■ Which of our infrastructure, populations, natural environments, and services are exposed to climate hazards? ■ Which are sensitive (e.g. shut down) when exposed to climate hazards? ■ Which lack the adaptive capacity to easily change to cope with changing conditions? ■ Which of these vulnerabilities are most likely and severe?
<u>Audit of Existing Policies, Plans, and Programs</u>	How Fairfax County is currently doing in terms of climate resilience and adaptation <ul style="list-style-type: none"> ■ How do our policies, plans, and programs compare to best practices? Are they meeting the needs revealed in the Vulnerability & Risk Assessment? ■ Which programs are working well and should be potentially expanded? ■ Where are the gaps or opportunities to update policies and programs?
Resilient Fairfax: Climate Adaptation and Resilience Plan (Current Document)	What we can do to enhance our climate resilience <ul style="list-style-type: none"> ■ Which strategies would help the county address our climate vulnerabilities and risks? ■ Which of these strategies are top priority? How we will implement the priority strategies <ul style="list-style-type: none"> ■ Who is responsible for implementation of each strategy? ■ What action steps should be taken? ■ What are the estimated time frames and costs?

The Resilient Fairfax plan provides a framework to guide the county’s resilience action. The plan is organized under four pillars: **Integrated Action Planning**, **Climate Ready Communities**, **Resilient Infrastructure and Buildings**, and **Adaptive Environments**.

IAP		Integrated Action Planning	Integration of climate considerations in planning and coordination ensures resiliency is at the forefront across county initiatives.
CRC		Climate Ready Communities	A well-connected and prepared community is better able to respond to and recover from climate hazards.
RIB		Resilient Infrastructure and Buildings	Infrastructure and buildings that can withstand climate impacts, keep residents safe, and reduce service disruptions enhance countywide resilience.
AE		Adaptive Environments	Natural environments that are protected and restored improve the county's overall resilience to climate change impacts.

These four pillars build the vision of a resilient Fairfax County. Each pillar contains a set of goals, strategies, and implementation actions. The prioritized strategies included in the Resilient Fairfax plan aim to address the top climate change risks to the county and build a more resilient future. Please see [Section K: Resilient Fairfax Strategies and Implementation](#) for more details on how the strategies were identified and prioritized.

The adaptation and resilience strategies detailed in this plan include proactive and collaborative planning and funding efforts; infrastructure investments that account for changing climate conditions; connected and resilient communities that have access to the resources they need; and natural environments that provide a range of nature-based resilience benefits for the county and its residents. The strategies are not listed in order of priority.

As a county within a Dillon’s Rule state, Fairfax County has limited authority to update certain policies and codes. The Resilient Fairfax strategies reflect ambitious goals within the county’s legal authority. For more information on Dillon’s Rule states, please see page 38. In all, this plan provides a guide to build and maintain a continuously thriving, adaptable, and resilient Fairfax County.



RESILIENT FAIRFAX PLAN AT-A-GLANCE: HOW IS THIS PLAN ORGANIZED?

PAGES	OVERVIEW	
11-22	<p>Resilient Fairfax: Climate Adaptation and Resilience Plan Development: Sections A-G summarize the Resilient Fairfax plan development process, including an overview of major steps and analyses. This section also provides an overview of the stakeholder and community engagement that occurred throughout the process to inform and shape the Resilient Fairfax plan.</p>	1. BACKGROUND INFORMATION ON THE PLAN AND PROCESS
23-31	<p>Climate Projections: Section H provides an overview of the main findings of the Climate Projections Report, including the primary climate hazards for Fairfax County and how climate conditions are projected to change in the future.</p>	
32-35	<p>Climate Risks and Vulnerabilities: Section I provides an overview of the key takeaways from the Climate Vulnerability and Risk Assessment, including the top vulnerabilities of our infrastructure, populations, and systems to climate hazards.</p>	2. SUMMARIES OF TECHNICAL ANALYSES
36-38	<p>Audit of Existing Policies, Plans, and Programs: Section J provides an overview of the key takeaways from the Audit, including identifying the steps Fairfax County has already taken to build resilience; opportunities to expand, extend or accelerate initiatives and policies; and gaps where new strategies could further support county resilience.</p>	
39-43	<p>Strategies Overview: Section K introduces the four climate resilience strategy pillars: Integrated Action Planning, Climate Ready Communities, Resilient Infrastructure and Buildings, and Adaptive Environments. The section also highlights how these categories build the vision of Resilient Fairfax and provides a summarized list of the strategies for each category.</p>	3. HOW WE WILL ENHANCE OUR RESILIENCE
44-86	<p>Implementation Roadmap: Section K includes detailed information on each of the prioritized adaptation and resilience strategies, including implementation action steps, lead and partner departments, estimated implementation time frame and cost, strategy co-benefits, funding opportunities, key performance indicators, and considerations for equitable implementation.</p>	

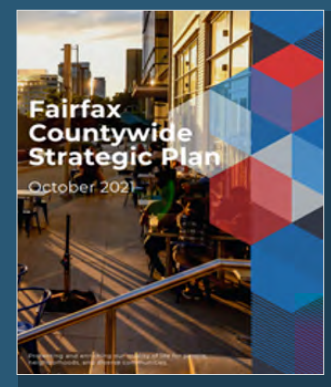
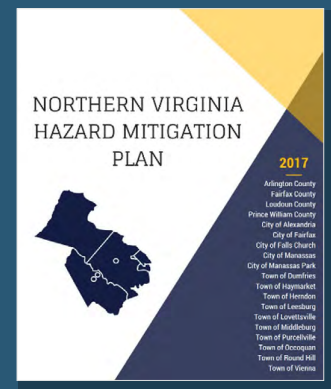
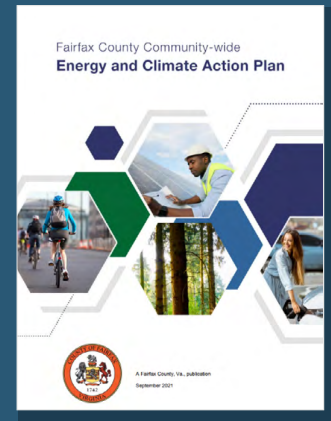
HOW DOES RESILIENT FAIRFAX RELATE TO OTHER COUNTY PLANS?

There are dozens of plans related to climate resilience, because resilience involves many sectors and topic areas. The interagency Resilient Fairfax team is working to align related plans and policies. A few examples of plans that are closely related to or commonly confused with Resilient Fairfax are listed here. For additional plans, please see the Resilient Fairfax [Audit of Existing Policies, Plans, and Programs](#).

Fairfax County Community-wide Energy and Climate Action Plan (CECAP) (2021): [CECAP](#) is the county's first greenhouse gas reduction plan. **CECAP is focused on the cause of climate change, while Resilient Fairfax is focused on building resilience to the effects of climate change.** CECAP was developed by a working group of dozens of representatives from the Fairfax County community, environmental nonprofits and advocacy organizations, businesses, and other key stakeholder groups. The plan sets ambitious goals for Fairfax County to reduce its greenhouse gas emissions by 50% by 2030 and to achieve carbon-neutrality by 2050. CECAP has 12 areas of focus, some of which support the goals of Resilient Fairfax. For example, CECAP's strategy to "Support Natural Systems and Green Spaces" can also improve resilience to extreme heat and flooding, and is aligned with Resilient Fairfax plan's goal, "Adaptive Environments."

Northern Virginia Hazard Mitigation Plan (HMP) (2017, 2022): The [Northern Virginia Hazard Mitigation Plan](#) (HMP) is a regional plan to address both man-made and natural disasters, facilitated by emergency management staff. **Resilient Fairfax differs from the HMP because Resilient Fairfax focuses specifically on climatic conditions and long-term future changes in conditions.** County staff have collaborated to align the 2022 HMP with Resilient Fairfax. The HMP addresses several climate-related hazards, including flooding, drought, and extreme temperatures. The HMP acknowledges climate change, the amplification it has on existing hazards, and that hazards are expected to increase over the next 40 to 50 years. Similarly, Resilient Fairfax leveraged data and strategies from the HMP. Future HMP and Resilient Fairfax updates may be even more closely aligned or consolidated.

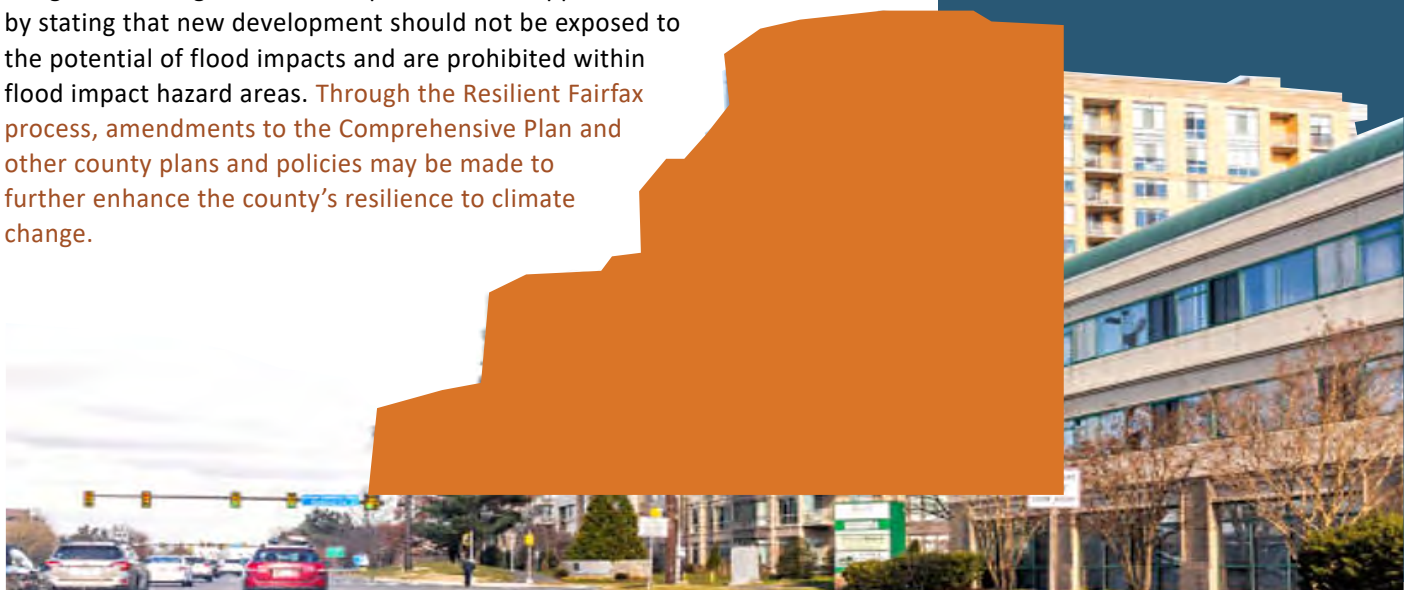
Fairfax County Strategic Plan (2021): The first ever [Countywide Strategic Plan](#) was adopted by the BOS (Board of Supervisors) in October 2021. The plan aims to set a clear, unified, community-driven vision for the next 10-20 years; align and integrate existing departmental and issue-specific plans; provide a tool for focusing and prioritizing initiatives over the next three-to-five years; and communicate progress on achieving measurable outcomes. **Many of the Strategic Plan's priorities and strategies align with Resilient Fairfax.** For example, the Strategic Plan's strategy E9 ("Develop a Climate Action Plan and Improve Community Resilience") directly focuses on climate resilience. Many other strategies indirectly enhance climate resilience by supporting resilient natural resources, health systems, and communities, including support for residents facing disproportionate vulnerability.



One Fairfax: [One Fairfax](#) is a joint racial and social equity policy of the Fairfax County Board of Supervisors and School Board. It commits the county and schools to intentionally consider equity when making policies or delivering programs and services. One Fairfax provides an accountability framework, specifies considerations to achieve equity, and aims to ensure that all persons can fully participate in the opportunities of Fairfax County regardless of age, race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, disability, socio-economic status, or neighborhood. The policy establishes 17 focus areas to promote equity including community and economic development, housing, education, environment, and transportation. The One Fairfax data includes a tool to show levels of vulnerability across the county based on population-level indicators such as poverty, health vulnerabilities, and age. [One Fairfax provided the foundation for Resilient Fairfax's vulnerability data, equity considerations, and engagement approach.](#)



Comprehensive Plan (2017): The [Fairfax County Comprehensive Plan](#) is required by state law to be used as a guide for decision-making on the natural and built environment by the county's BOS, the Planning Commission, the Board of Zoning Appeals, and others. It is also a guide for county staff and the public to use in the planning process. The Comprehensive Plan consists of the Policy Plan, four Area Plan volumes, and a Plan Map. The Policy Plan volume includes general countywide policy on land use, transportation, housing, the environment, heritage resources, economic development, and public facilities, including public parks, recreation, and trails. The Area Plans contain detailed long-range planning recommendations organized by geographic areas of the county. Although the Comprehensive Plan does not explicitly address climate, its plan and policies have indirectly helped to reduce the county's vulnerability and build resilience to climate change. For example, the Environmental Policy Element of the Comprehensive Plan establishes the goals and policies for environmental protection and open space that are integrated throughout the area plans; it also supports flood resilience by stating that new development should not be exposed to the potential of flood impacts and are prohibited within flood impact hazard areas. [Through the Resilient Fairfax process, amendments to the Comprehensive Plan and other county plans and policies may be made to further enhance the county's resilience to climate change.](#)



F. Engagement and Plan Development Process








STAKEHOLDER ENGAGEMENT

The Resilient Fairfax planning process involved hundreds of government stakeholders, partners, and members of the public. The process was led by the Office of Environmental and Energy Coordination (OEEC) and a team of consultants, the **Project Management Team**.

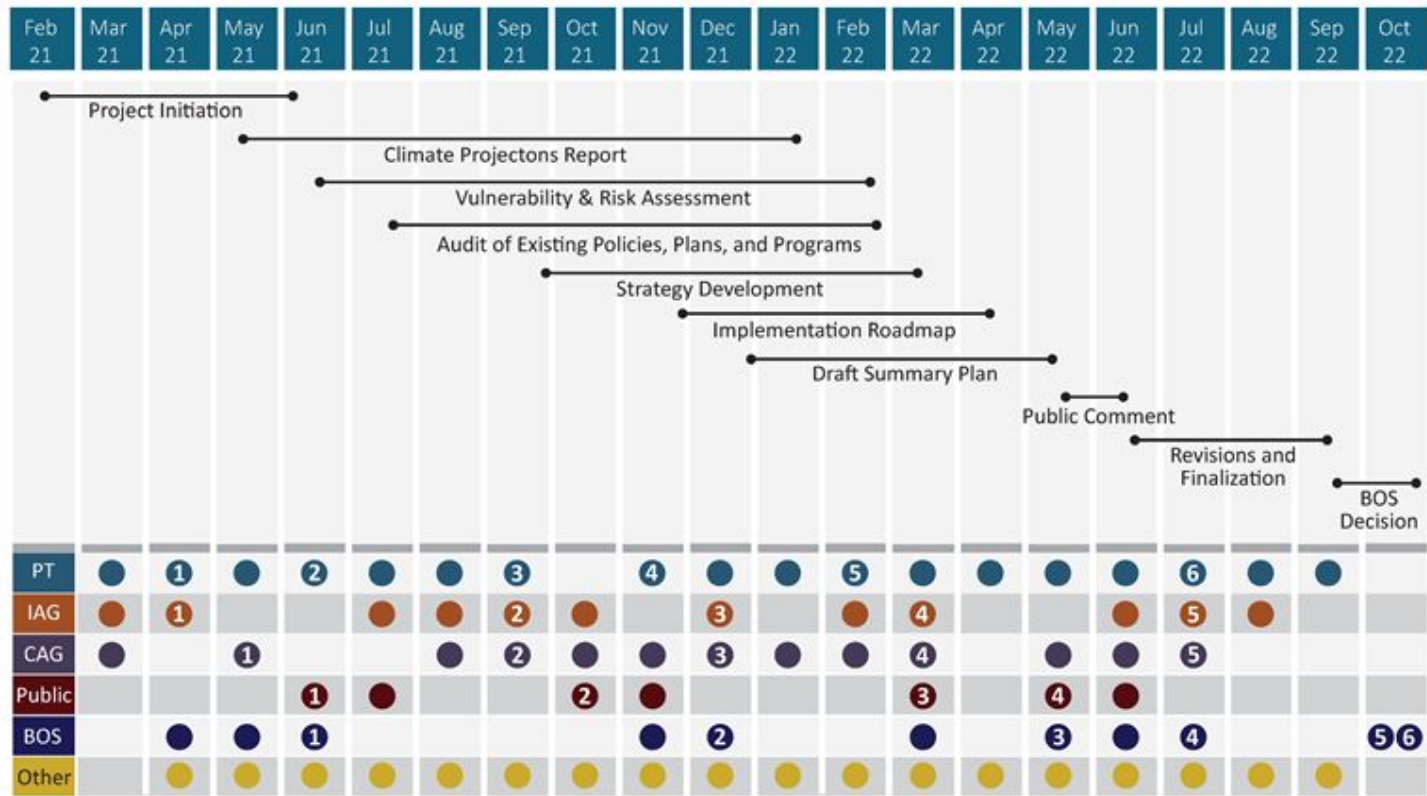
Planning was supported by over 100 advisors, who reviewed deliverables and provided feedback at each milestone. These advisory groups included a **Planning Team (PT)**, which was composed of over 20 county departments; an **Infrastructure Advisory Group (IAG)**, which included utilities, authorities, and infrastructure managers at all levels of government; and a **Community Advisory Group (CAG)**, composed of non-profit and advocacy organizations and residents of each magisterial district. For a full list of advisory group participants, please see the “Acknowledgments” on page 3.

Additionally, the team regularly engaged the **general public**, the **Board of Supervisors (BOS)**, numerous **Boards, Authorities, and Commissions (BACs)**, neighboring jurisdictions, and other relevant groups. In total, the team conducted over 200 engagement meetings during the Resilient Fairfax planning process.

Resilient Fairfax: Participants

Official Participants in the Planning Process		Project Management	Office of Environmental and Energy Coordination (OEEC) and Consultants		
		Planning Team (PT)	County departments and agencies	20 entities 40 representatives	79 meetings 6 full group 73 sub-group
		Infrastructure Advisory Group (IAG)	Utilities, authorities, regional bodies, infrastructure managers at all levels of government	27 entities 44 representatives	23 meetings 5 full group 18 sub-group
		Community Advisory Group (CAG)	Residents of each district, advocacy organizations, community groups	26 entities 33 representatives	17 meetings 5 full group 12 sub-group
		General Public	General public	700+ people, including survey respondents	10 meetings 4 formal 6 additional
Additional		BOS and BACs	Boards, Authorities, Commissions	6 entities 50+ people	19 meetings & presentations
		Other	Neighboring jurisdictions, regional groups, and other	23 entities 800+ people	65 meetings & presentations
Total				100+ entities, including 73 in Resilient Fairfax advisory groups	200+ engagement meetings

Resilient Fairfax: Plan Development Timeline

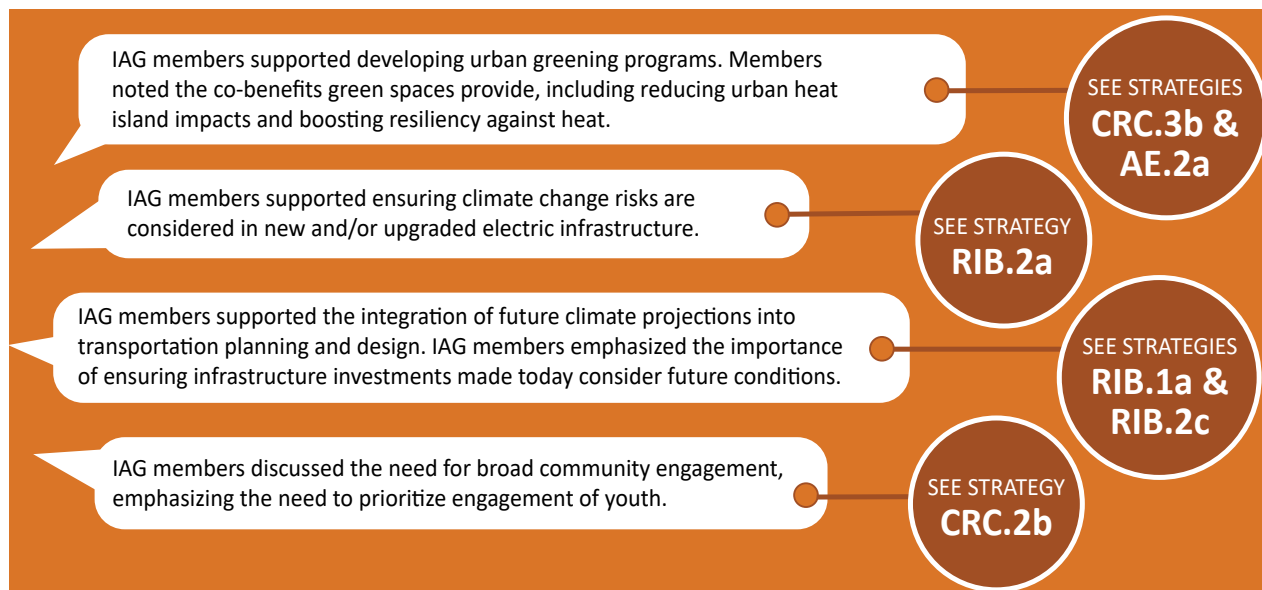


The Resilient Fairfax planning process involved robust engagement of the **Planning Team**, **Infrastructure Advisory Group**, **Community Advisory Group**, the **general public**, the **Board of Supervisors**, **Boards, Authorities, and Commissions**, and **other** entities such as regional working groups, neighboring jurisdictions, and related initiatives. The graphic above illustrates how these groups were engaged throughout the planning process.

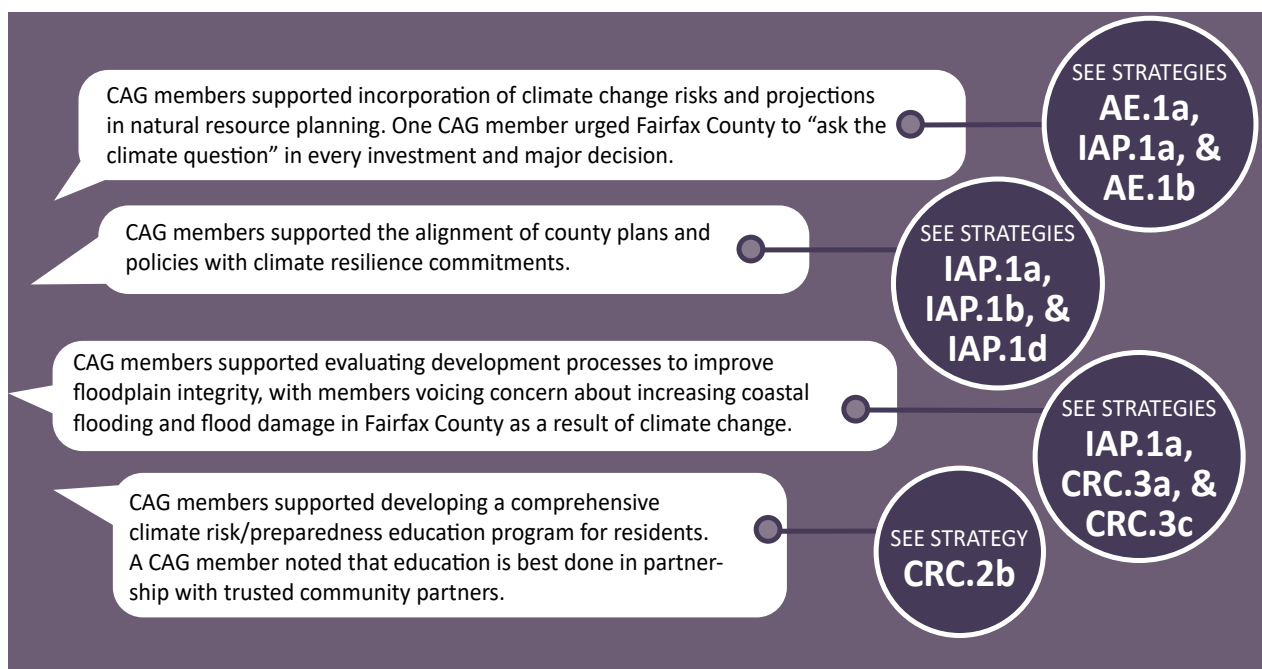
- The top half of the graphic shows the timeline of the major deliverables of the planning process.
- The bottom half of the graphic illustrates engagement.
- Numbered dots represent formal, full-group meetings; blank dots represent months where sub-group meetings were held.
- In total, over 200 engagement meetings were held during the Resilient Fairfax planning process.

FEEDBACK FROM OUR ADVISORY GROUPS

WHAT WE HEARD FROM THE INFRASTRUCTURE ADVISORY GROUP



WHAT WE HEARD FROM THE COMMUNITY ADVISORY GROUP



PUBLIC ENGAGEMENT

The public was regularly engaged throughout the Resilient Fairfax planning process. The Project Management Team held regular public meetings and hosted a month-long public comment period for members of the Fairfax County community to provide input on the plan. Residents were able to provide verbal and written feedback throughout project progress.

In addition to the public meetings and public comment period, OEEC administered a public survey to county residents over the summer of 2021 to better understand the community's current climate concerns and vulnerabilities. This survey was one part of the larger climate vulnerability and risk assessment that included extensive data analyses, mapping, policy reviews, and additional stakeholder engagement.

Highlights from the survey responses are below. To see the full results of the public survey, please click this [link](#).

Survey Highlights:

- 600+ responses across the county.
- 70% of survey takers expressed high levels of concern about climate change (8 or higher on a scale of 1-10).
- 45% of Resilient Fairfax Survey Takers are "extremely concerned" about climate change.
 - 81% are concerned about severe storms.
 - 79% are concerned about temperature changes.
 - 60% are concerned about flooding.
- 46% said they or a household member have a health condition that makes them more sensitive to cold, heat, or air pollution.
- 25% of Fairfax resident survey takers have experienced flooding in their neighborhoods in the last 5 years.
 - Nearly 80% of survey takers stated they do not have flood insurance.

WHAT WE HEARD FROM THE COMMUNITY



G. Equity in Climate Resilience

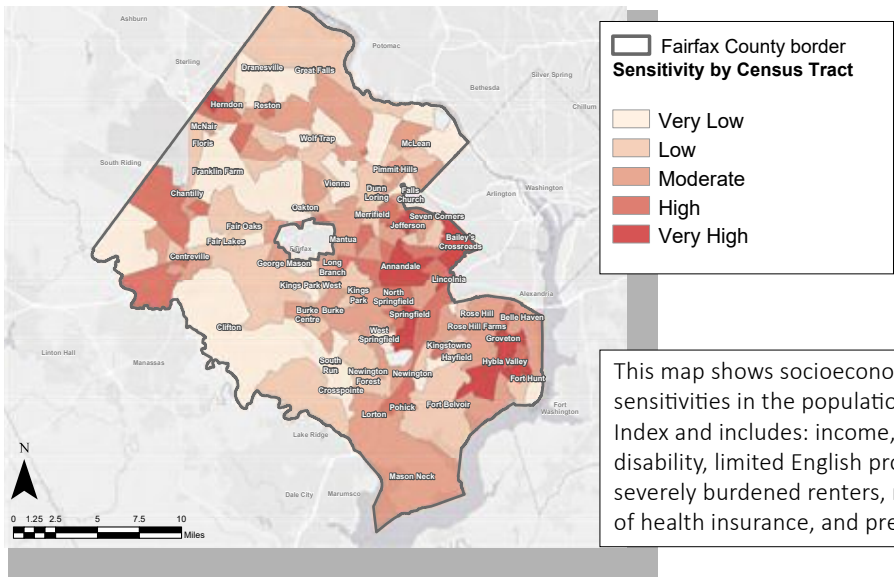
Equity and inclusion are central considerations when planning for climate change impacts. Building climate resilience requires addressing the needs of marginalized or underserved populations, considering community conditions, assets, and resources, and ensuring the voices of the most vulnerable populations are heard throughout planning and implementation. Addressing equity in resilience planning includes identifying existing disparities, promoting inclusive involvement, and advancing equitable outcomes that reduce climate hazard risk and build community capacity.

EXISTING INEQUITIES

Some populations are disproportionately impacted by climate change as a result of historic under-investment, insufficient resources, systemic inequities and discrimination, health issues, and challenges with accessibility. These populations can often experience increased sensitivity to climate hazards and may have less capacity and fewer resources to adapt. Additionally, sensitive populations, such as those listed on the right, may have a harder time stabilizing during and after extreme weather events and recovering from personal property damage. For example, low-income populations may be unable to afford to purchase or operate an air conditioning unit during periods of extreme heat. Climate impacts can also exacerbate existing vulnerabilities. For instance, a resident with a physical disability may have more difficulty evacuating during a flooding or severe storm event.

Addressing inequities and the needs of our disproportionately burdened populations is a top priority for the county. These populations are not a “problem” to be fixed, but rather assets and integral members of the Fairfax community. Our objective is to ensure traditionally underserved communities have access to the resources and systems to be resilient and thrive.

Figure 1. Fairfax Vulnerability and Risk Assessment (Source: [VRA](#))



Populations identified by survey takers as being vulnerable to climate hazards

- Children
- Older adults
- People of color
- People with disabilities
- People with chronic illnesses
- Individuals/families with low to moderate income
- Individuals/families without access to a vehicle
- Individuals/families with limited English proficiency
- Populations experiencing homelessness, including veterans
- Pregnant women, parents of small children
- Frontline/outdoor workers
- New residents without social networks
- College students
- People without internet/mobile access
- Undocumented immigrants, climate refugees
- People experiencing food and/or housing insecurity
- People in low-lying areas
- Renters relying on goodwill of landlords
- Incarcerated people
- Pet owners/pets
- Individuals reliant upon electrically dependent medical equipment

HOW RESILIENT FAIRFAX IS DRIVEN BY AND ADDRESSES EQUITY

Equity is at the core of Resilient Fairfax planning and implementation. This approach is consistent with the county's One Fairfax racial and social equity policy. One Fairfax commits the county to intentionally consider equity when making policies and delivering programs and services.

Equity in the Planning Phase

The Resilient Fairfax planning process incorporated equity by:

- **Assessing inequitable impacts:** Analyzing the disproportionate impacts of climate hazards on vulnerable populations in the [Vulnerability and Risk Assessment](#).
- **Strategizing for equity:** Developing climate adaptation strategies and resilience measures intended to prioritize underserved populations, and support inclusive engagement in plan implementation.
- **Conducting inclusive engagement:** Engaging community representatives throughout the planning process to advocate for and give voice to marginalized populations.
- **Building trust:** Leveraging partnerships with county departments and partner organizations who already do great work in our community.

Equity in the Implementation Phase

Through proactive action, Fairfax County can reduce climate-related vulnerabilities and inequities. The following core approaches will be taken to advance equity during implementation of Resilient Fairfax:

- **Expanding community engagement:** Implementing climate resilience strategies through meaningful partnership with the communities most affected, equitable distribution of resources and education, and ensuring the ideas of the most vulnerable populations are reflected.
- **Building partnerships:** Identifying community leaders, working groups, and partner organizations that can inform and strengthen equity considerations throughout decision-making processes.
- **Data-informed implementation:** Identifying and utilizing available data, such as the [One Fairfax Vulnerability Index](#), the [NASA DEVELOP Urban Heat Island](#) data, flooding database, and qualitative data from communities to support informed, equitable implementation.
- **Justice-driven action:** Prioritizing communities with the greatest need for resilience projects, using policy tools such as 'Adaptation Action Areas' (see Strategy CRC.1a).
- **Facilitating access:** Promoting accessibility and access to climate resilience resources through equitable resource distribution, translation services, physical accessibility, use of trusted and convenient spaces, use of multiple media and material types, and other accommodations.
- **Sharing accountability:** Continued coordination with community leaders and advisory groups during plan implementation and transparency through tracking and reporting.

EQUITY IN ENGAGEMENT

During the planning process, a wide range of local organizations and stakeholders represented and advocated for Fairfax's underserved populations, including the Chief Equity Officer, NAACP, Cornerstones, NCS, DFS, and residents from each Supervisor District (for the full list of participants, see the 'Acknowledgments' Section, page 6). Over 200 engagement meetings were held throughout the process and the public was regularly engaged through public meetings, a survey, and during the public comment period. However, there is always more work to be done to achieve equitable engagement. The county looks forward to additional direct engagement of underserved populations during implementation and future plan updates.

2. SUMMARIES OF TECHNICAL ANALYSES

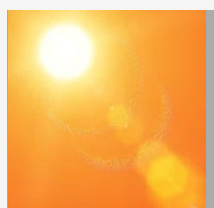
H. Climate Projections: Warmer, Wetter, Weirder

As a first step in the Resilient Fairfax process, the county completed the [Climate Projections Report](#), which provides projected future climate conditions and hazards in Fairfax County. The report answers the question, “**what climate conditions and hazards are we likely to face in Fairfax County?**”

WHAT THE CLIMATE PROJECTIONS REPORT ASSESSED

An expert team analyzed the trends of six climate hazards in Fairfax County: extreme heat, heavy precipitation, severe wind and storms, extreme cold, drought, and coastal flooding of the Potomac River. These trends were evaluated for four different time periods, centered in 1990, 2005, 2050, and 2085. Time periods were used instead of individual years because “climate” by definition means 20 years or more. Each hazard and time period was analyzed under both a low and high emissions scenario.

Six Hazards Analyzed



Extreme Heat



Heavy Precipitation



Severe Wind & Storm



Extreme Cold

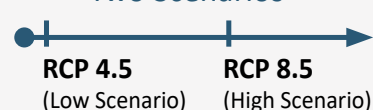


Drought

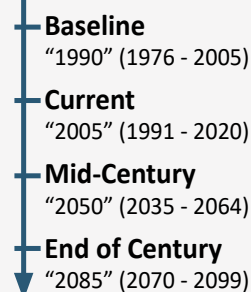


Coastal Flooding

Two Scenarios¹



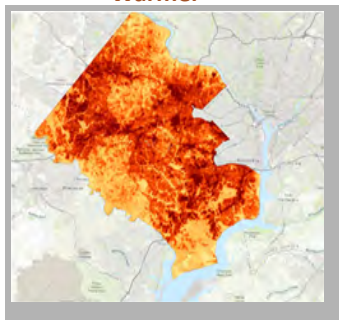
Four Time Periods



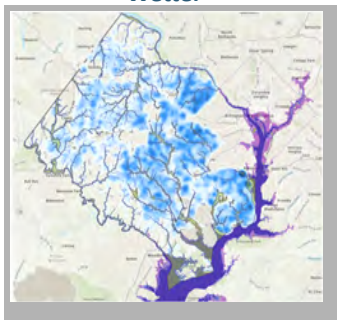
WHAT THE CLIMATE PROJECTIONS REPORT FOUND

The analysis found that Fairfax County’s climate is expected to become generally warmer, wetter, and weirder compared to historical trends. Key takeaways for each of these trends are included in the pages below. For more detail, please see the full [Climate Projections Report](#).

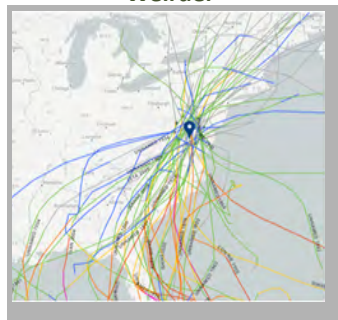
Warmer



Wetter



Weirder



¹Representative Concentration Pathways (RCP) are used to describe and model different climate futures based on the amount of greenhouse gases emitted. RCP 8.5 represents a “no climate policy” future with continued high reliance on fossil fuels and increasing GHG emissions. RCP 4.5 represents a more moderate scenario where GHG emissions peak around mid-century and then decline.

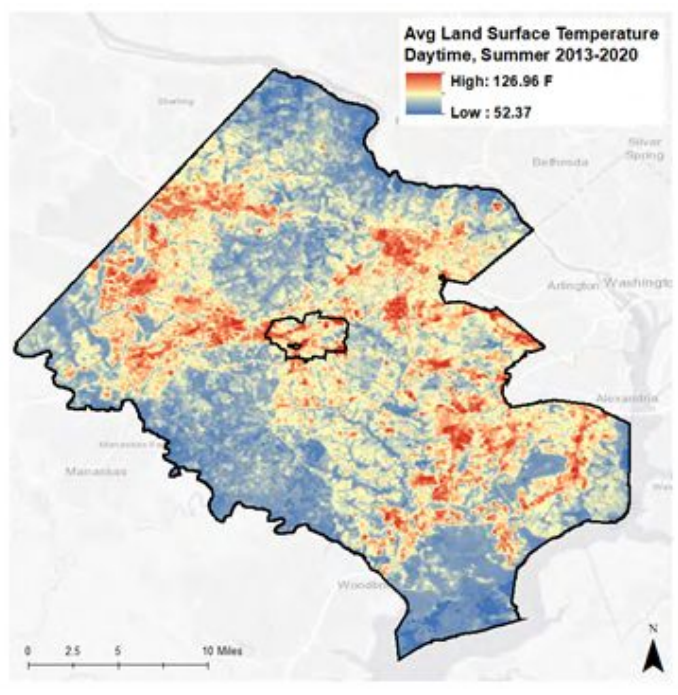
URBAN HEAT ISLAND EFFECT IN FAIRFAX COUNTY

Projected increases in annual average temperatures and extreme heat conditions will be even further exacerbated in areas suffering from the Urban Heat Island (UHI) effect. The UHI effect is the phenomenon of heavily developed urban areas retaining more heat than their surroundings due to greater concentration of paved surfaces, fewer trees and green spaces, and more waste heat (e.g., car exhaust). For example, areas such as Annandale and Tysons Corner currently have land surface temperatures² over 120 degrees during the hottest months, whereas our green spaces have land surface temperatures below 80 degrees.

As temperatures rise, Urban Heat Islands in Fairfax County will face even hotter temperatures than other areas of the county.

Fairfax County partnered with NASA DEVELOP for detailed high-resolution Urban Heat Island data for the county. These data are based on several years of detailed land surface temperature satellite measurements. To see a map of Urban Heat Islands in the county, please click [here](#). For more information, please see [NASA DEVELOP's full report here](#).

Figure 3. Average Surface Temperature in Fairfax County
(Source: [VRA](#))



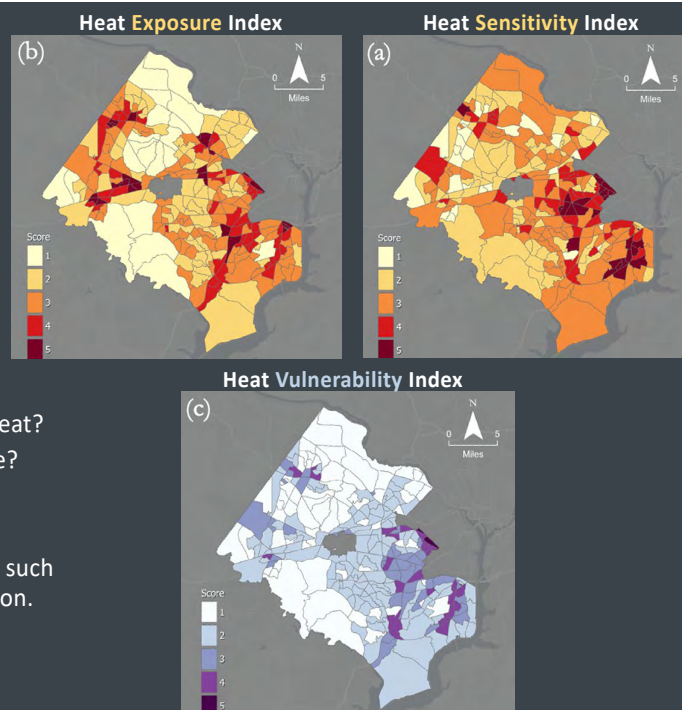
Heat Vulnerability & Fairfax's Hottest Neighborhoods: Findings from NASA DEVELOP Project

In 2021, NASA DEVELOP conducted an Urban Heat Island assessment of the county. The results include a Heat Exposure Index, a Heat Sensitivity Index, and a Heat Vulnerability Index, among others including daily and nightly average surface temperatures in the summer, evapotranspiration, heat mitigation capacity (ability of an area to cool down), and distance to places to stay cool, among others.

- Heat Exposure: What parts of the county are most exposed to heat?
- Heat Sensitivity: Where do the most heat-sensitive residents live?
- Heat Vulnerability: What parts of the county are the most heat exposed and heat sensitive?

Urban heat islands in the county are particularly prevalent in areas such as Tysons, Annandale, Chantilly, Centreville, Springfield, and Herndon.

For more information, access the full NASA Develop report [here](#).



² It is important to note that these data refer to land surface temperature, and not air temperature.

EXTREME HEAT IN URBAN HEAT ISLANDS

Existing Urban Heat Islands, like Merrifield, West Falls Church, and Annandale, remain hotter than other areas of the county due to the Urban Heat Island effect. As temperatures rise for all of us, these existing Urban Heat Islands will become even hotter than they are currently, worsening health risks for these communities. Impacts of extreme heat are often more dangerous for heat-sensitive populations such as those with health conditions, disability, advanced age, inability to afford air conditioning, lack of housing, or outdoor occupations. Places to stay cool such as libraries and community centers must be nearby and easily accessible during periods of high heat.

WARMING WINTERS

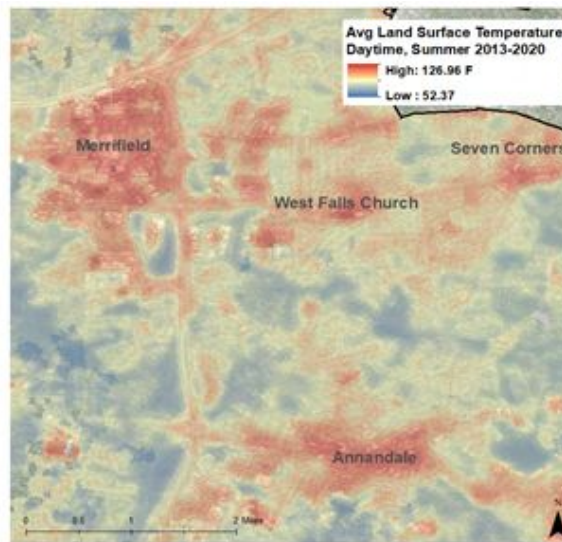
Consistent with the projected trend of warmer climate conditions in Fairfax County, winters will likely become warmer. The number of days below freezing on average per year in Fairfax County is projected to decrease from 86 days (1991-2020 average) to 62-67 days by 2050. The number of freeze-thaw days per year is also projected to decrease.

DROUGHT

Drought refers to a prolonged period with drier than normal conditions and lack of precipitation. Fairfax County has historically experienced more significant drought events than other parts of the state.³ From 1950 to 2016, the county recorded over 47 drought events and the Virginia Department of Emergency Management identified Fairfax County at medium risk of drought.

As the climate changes, small-to-moderate decreases in drought conditions are forecasted for Fairfax County, because average precipitation is expected to increase by mid-century. However, when intermittent droughts do occur, they may be more severe than what the region has historically experienced. Given the considerable uncertainty in climate models regarding future drought conditions, the findings of the [Climate Projection Report](#) indicate that drought is considered a minor, but ongoing, risk for the county, and additional research is needed.

Figure 4. Daytime Summer Average Surface Temperatures in Merrifield, West Falls Church, and Annandale. (Source: [Climate Resilience Interactive Map](#)).



Freeze-thaw days are days when the temperature crosses the freezing point (0°C/32°F).

³ Drought events here refers to federal disaster declarations for drought.

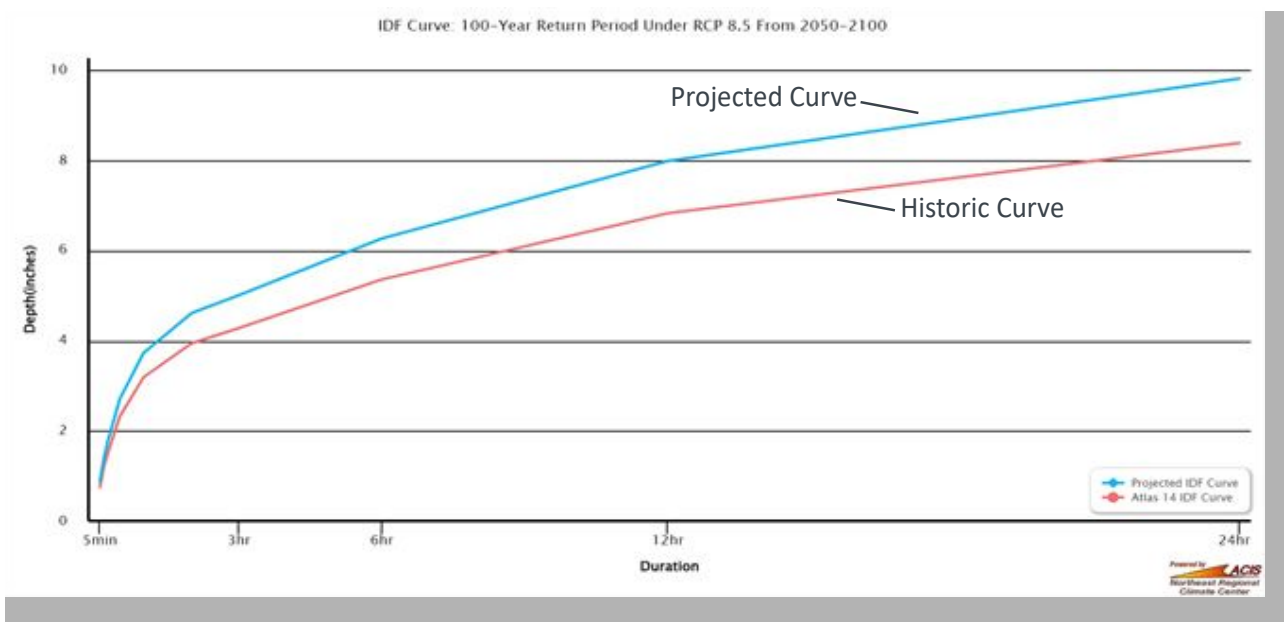
WETTER

PRECIPITATION

Precipitation in Fairfax County is projected to continue increasing in both amount and intensity. Additionally, given warmer conditions, more precipitation events over the year are predicted to shift from snow to rain. The annual total quantity of precipitation for the county is projected to continue increasing slightly. More significantly though, individual precipitation events are becoming more intense. That is, the county is receiving our total amount of annual precipitation from fewer events. This means that intense, heavy rainfall is occurring more frequently, compared to more gentle rains spread over a longer period of time. When too much rain falls too quickly, our stormwater management systems can become overwhelmed, causing flooding.

Precipitation is measured by intensity, duration, and frequency, or “IDF” curves. IDF curves are used by our engineers to design our stormwater systems. The chart below from Mid-Atlantic Regional Integrated Sciences and Assessments (MARISA) shows how these IDF curves are changing. (Please see <https://midatlantic-idf.rcc-acis.org/>). The red line at the bottom of the chart is the IDF curve engineers have historically used for stormwater design. The blue line is the new IDF curve for the “100-year” storm for Fairfax County. The blue line’s location above the red line means that more rain (depth) is expected within the same timeframe (duration). Fairfax County departments, including Land Development Services (LDS), Department of Public Works and Environmental Services (DPWES), and the Office of Environmental and Energy Coordination (OEEC) are seeking to update the county’s development design standards to account for these changes. For more, please see the [Climate Projections Report](#).

Figure 5. IDF Curve for 100-Year Return Period, Vienna Station. (Source: [MARISA](#)).



INLAND FLOODING

Given the projected increase in heavy precipitation days, inland flooding is also expected to increase. There are two major types of inland flooding:

Riverine flooding occurs when heavy or prolonged rains cause rivers and streams to overflow into floodplains. Figure 6 shows FEMA — and county — recorded floodplains in Fairfax County.

Urban flooding which is more common in Fairfax County, occurs when rainwater overwhelms the county's stormwater drainage systems, particularly in areas that are low-lying, lack sufficient stormwater infrastructure, or have too much impervious cover. Figure 7 is a map of a property-by-property analysis to find areas that may be flood prone. The properties were scored for 10 factors. These factors include urban flooding considerations such as whether the development lacks stormwater infrastructure, was built before modern stormwater regulations, is located in a sump, or has a history of flooding-related service requests, among others. For property anonymity, this data was then summarized into equal-sized hexagons. **This map is for general informational purposes only and is subject to change.** To interact with this map, please see Climate Map Viewer [here](#).

Figure 6. Fairfax County's Recorded Floodplains. (Source: DPWES/FEMA).

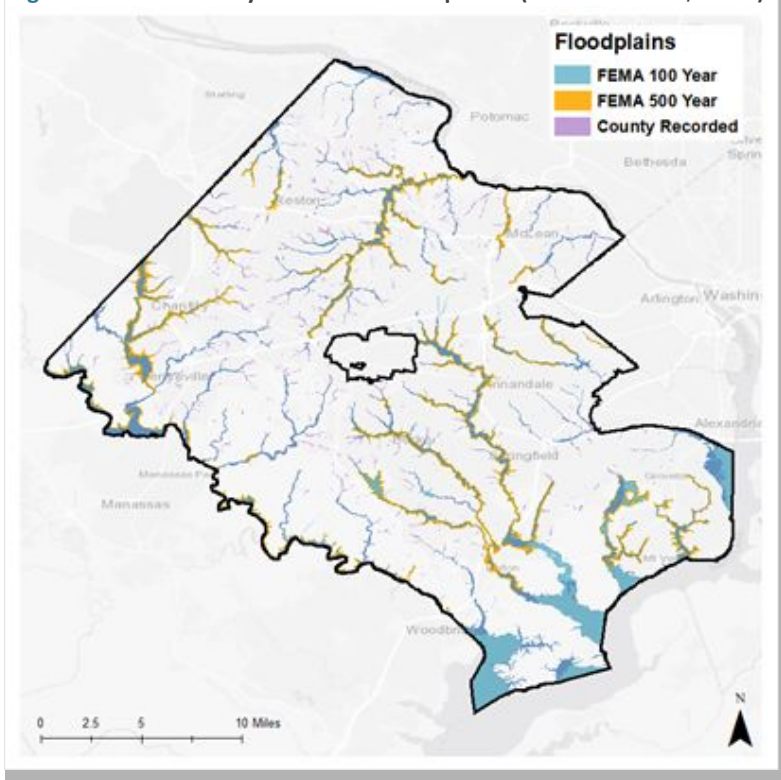
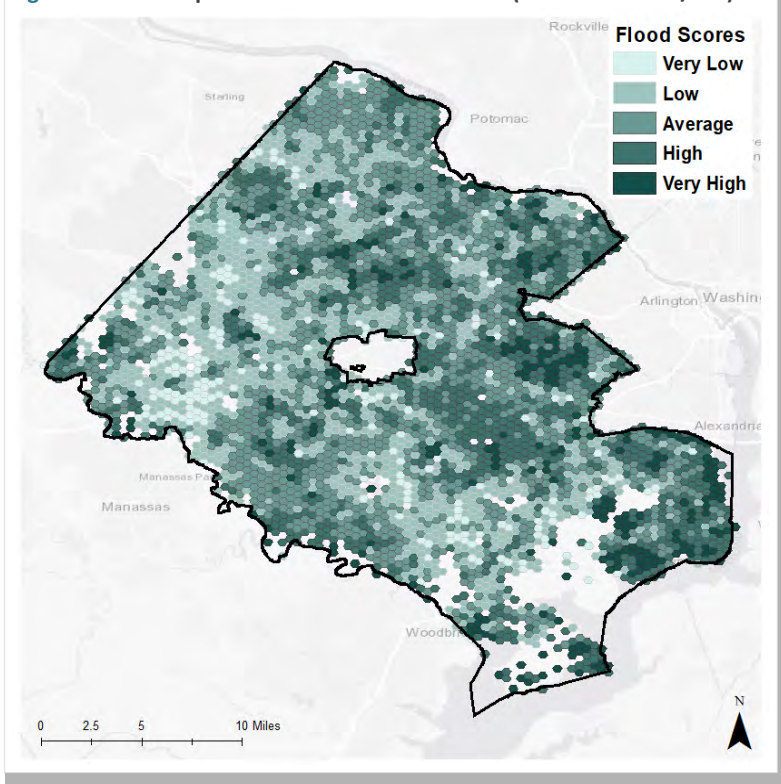


Figure 7. Flood Exposure: 10-factor flood score. (Source: DPWES/GIS).



COASTAL FLOODING

The county is also susceptible to “coastal flooding” impacts. In Fairfax County this means flooding of the Potomac River and associated water bodies due to tidal flooding, sea level rise, coastal storm surge, or a combination of these events. The southeastern portion of Fairfax County is most exposed to coastal flooding hazards.

Historically, sea level rise for the Fairfax County area has occurred at a rate of about 0.135 inches per year. The rate of sea level rise is projected to accelerate; by 2050, the county is projected to experience sea level rise of between 1.1 and 3.6 feet, depending on the GHG emissions [scenario](#).

Figure 9 illustrates potential flooded areas in the county under sea level rise projections of [1 to 3 feet](#). The flooding occurs along the southeastern portion of the county and is largely an expansion of tidally influenced areas. The image also includes Category 1 and 2 coastal storm surge, which refers to water that is pushed ashore during severe weather events.

Figure 8. Projections of relative sea level rise for Washington DC tide gauge. (Source: NOAA, USACE)

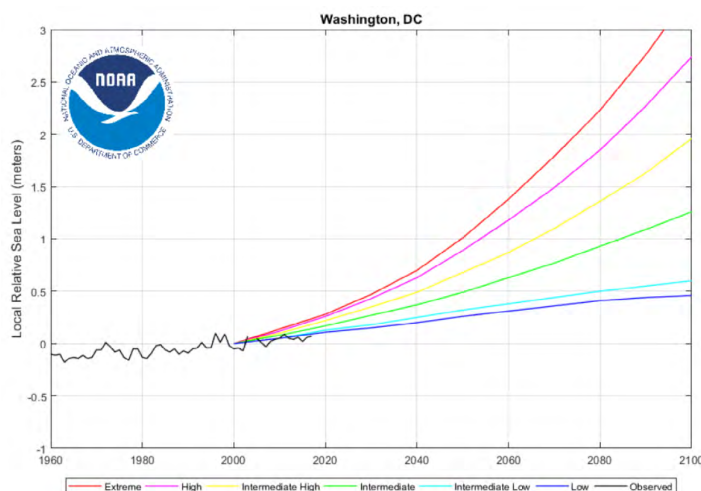
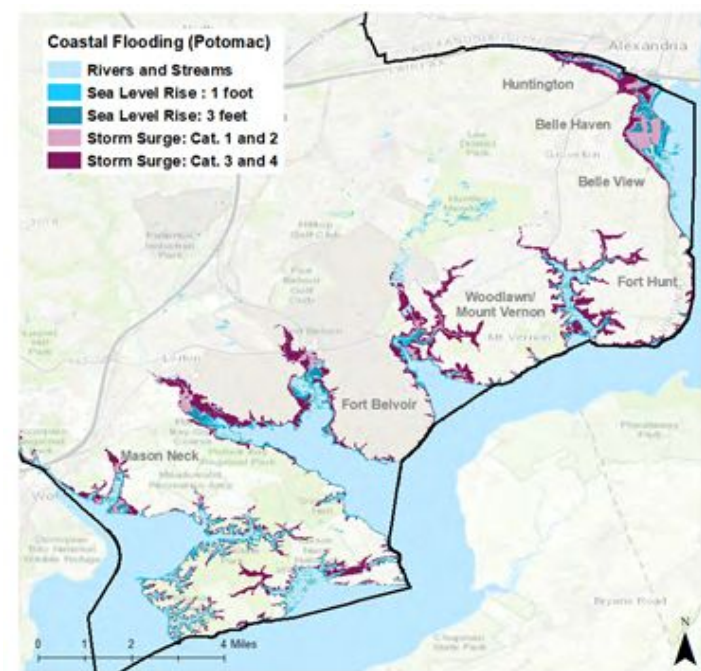


Figure 9. Coastal Flooding Exposure: Sea Level Rise (SLR) and CAT 2 Storm Surge. (Source: NOAA, USACE)



WEIRDER

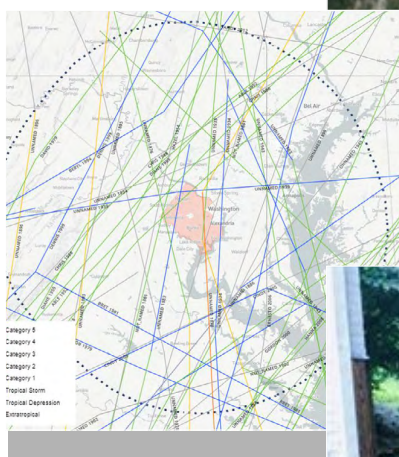
SEVERE STORM AND WIND EVENTS

Each year, Fairfax County experiences a range of severe storm and wind events, including severe thunderstorms, tropical cyclones, and winter storms, among other storm types. Extreme weather events are becoming more frequent, fueled by warming temperatures. As temperatures warm, the air has an increased capacity to hold water vapor, leading to amplified conditions for storm events. There is varying confidence in how storm events may change under a warming climate, but a general consensus that intensity and frequency of extreme storms will continue increasing due to climate change.

TROPICAL CYCLONES

Tropical cyclones include tropical depressions, tropical storms, and hurricanes. Fairfax County tends to experience the remnants of these storms or downgraded storms which can still cause significant rain, high winds, and flooding. While few tropical cyclones have historically crossed the county directly, they can still have significant impact if their path tracks in the vicinity. Tropical cyclones intensities are [projected to increase](#), including stronger wind conditions and heavier rains.

From **1996 to 2021**, there were a total of **10 countywide FEMA Major Disaster Declarations** including blizzards and winter storms (**6**), tropical cyclones (**3**), and severe storm with tornadoes, flooding and/or straight-line winds (**1**). The severity and frequency of “weirder,” extreme weather is only expected to increase. (Source: [FEMA](#)).



SEVERE THUNDERSTORMS

Severe thunderstorms can occur at any time of year in the county, causing hail, lightning, tornadoes, and strong winds. Derechos are widespread, long-lived, straight-line windstorms that are associated with severe thunderstorms that are particularly damaging. Severe thunderstorms can be associated with flash flooding, lightning, strong winds, hail, tornadoes, and wildfires. Climate change will increase the frequency of environmental conditions in which severe thunderstorms occur, increasing the likelihood of their occurrence.



WINTER STORMS

Winter storms in Fairfax County may range from moderate snow over a relatively short duration of a few hours to blizzard conditions lasting for several days. Significant damage in the form of downed power lines, fallen trees, power disruption, and hazardous travel conditions can occur. Warming conditions are projected to decrease the number of days per year below freezing in Fairfax County and reduce the total snow days per year, with more precipitation falling as rain.



This section has provided a brief summary of the Climate Projections Report. For more information, access the full technical report [here](#).

Recent Fairfax County Hazard Events

- In May 2019, a severe line of thunderstorms produced high winds and damage in the county, leading to downed trees and siding and roofing shingles being pulled off of buildings.
- In July 2019, thunderstorms produced intense rainfall that exceeded stormwater infrastructure capacity and caused severe flooding, requiring swift water rescues.
- In April 2021, cold fronts sparked severe weather that knocked down trees, caused damage to buildings, and blocked roads.

I. Vulnerabilities and Risks

Fairfax County has already experienced rising temperatures, more frequent heat waves, stronger storms, heavier rainfall events, and rising sea levels, as described in the Climate Projections section above. These climatic conditions impact our populations, buildings, natural environments, infrastructure, and vital community services. When we understand these impacts, we are better able to build in resilience to future conditions. Therefore, the second step of the Resilient Fairfax planning process was developing a Climate Vulnerability and Risk Assessment. This section provides a brief summary of that assessment. For more information please see the full Vulnerability and Risk Assessment at this [link](#).

The purpose of the [Vulnerability and Risk Assessment](#) (VRA) was to identify the county's top vulnerabilities and risks associated with climate change. The VRA answers the question, "Given these climate projections, where are we vulnerable?"

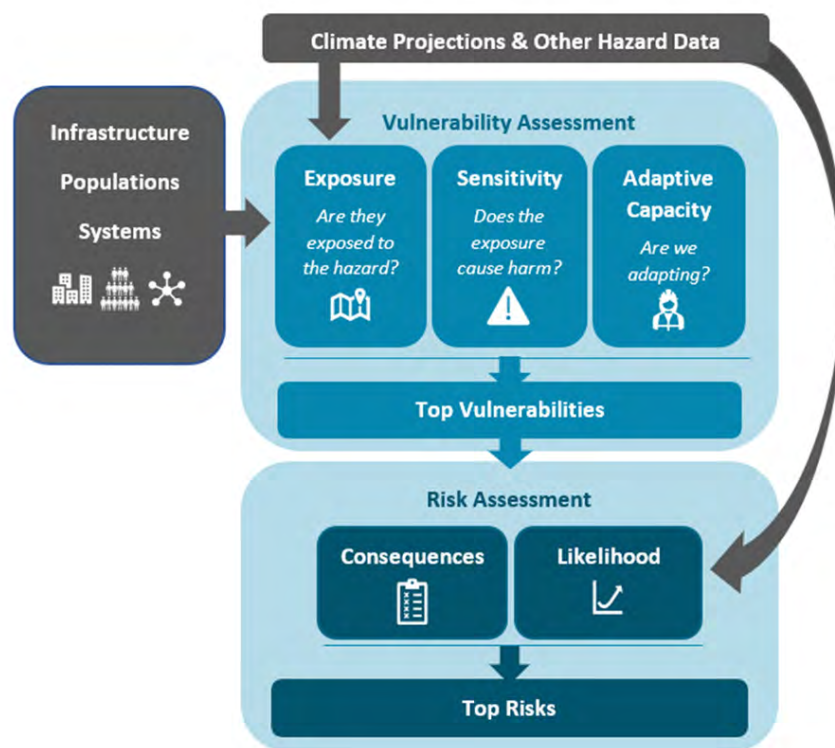
VULNERABILITY AND RISK ASSESSMENT METHODOLOGY

The VRA is composed of two major parts: a Vulnerability Assessment, and a Risk Assessment.

The **Vulnerability Assessment** identifies which Fairfax County infrastructure types, natural resources, public services, and populations are *most exposed*, *most sensitive*, and *least adaptive* to the projected climate hazards. This assessment was used to help identify the county's "top vulnerabilities."

The **Risk Assessment** analyzes the top vulnerabilities to determine which of these is *most likely* and *most severe in consequence*.

Figure 10. Vulnerability and Risk Assessment Process. (Source: [VRA](#)).










The scoring approach used in the Vulnerability Assessment was adapted from methodology developed by the Association of Climate Change Officers (ACCO). The results of the VRA are briefly summarized in the following pages. For more information, please see the full Vulnerability and Risk Assessment at this [link](#).

Vulnerability and Risk Assessment Sectors

Based on best available science, these sectors and subsectors were evaluated for their vulnerability to six climate hazards of concern: extreme heat, heavy precipitation and inland flooding, severe storms, extreme cold, coastal flooding, and drought (see Table 1).

Table 1. Vulnerability and Risk Assessment Sectors

Sector	Subsectors
 Populations	General Population and Vulnerable Populations
 Public Services	Health and Community Services, Emergency Response and Management Services, Parks and Recreational Services, Waste Management Services
 Buildings	Residential, Commercial, Industrial, Mixed-Use, Parking Garages, Public Buildings, Other Buildings
 Water Infrastructure	Drinking Water, Stormwater, Wastewater Infrastructure
 Energy and Telecommunications Infrastructure	Electricity, Natural Gas, Telecommunications
 Transportation Infrastructure	Roadways and Bridges, Rail and Public Transit, Bicycle and Pedestrian Infrastructure
 Natural and Cultural Resources	Water Bodies, Wetlands and Environmentally Sensitive Areas, Trees and Forests, Agricultural and Farm Areas, Cultural and Historic Resources

VULNERABILITY AND RISK ASSESSMENT SCORING

The **Vulnerability Assessment** evaluates the exposure, sensitivity, and adaptive capacity of Fairfax County assets, systems, and populations. The purpose is to identify which are most vulnerable to the projected climate hazards.

Vulnerability = Exposure x Sensitivity x Adaptive Capacity

The results of the Vulnerability Assessment highlight which sectors and subsectors are most vulnerable to a changing climate and provide a generalized understanding of current and future threats to the county.

The **Risk Assessment** evaluates the top vulnerabilities, to identify which vulnerabilities are most likely and which could present the most severe consequences.

Exposure measures whether an asset, system, or population may be exposed to a climate hazard.






Sensitivity measures how sensitive an asset, system, or population is to the climate hazard.

Adaptive Capacity measures capacity to enhance resilience and adapt to these hazards.

Risk = Likelihood of Occurrence x Consequence

VULNERABILITY AND RISK ASSESSMENT KEY FINDINGS AND OUTCOMES

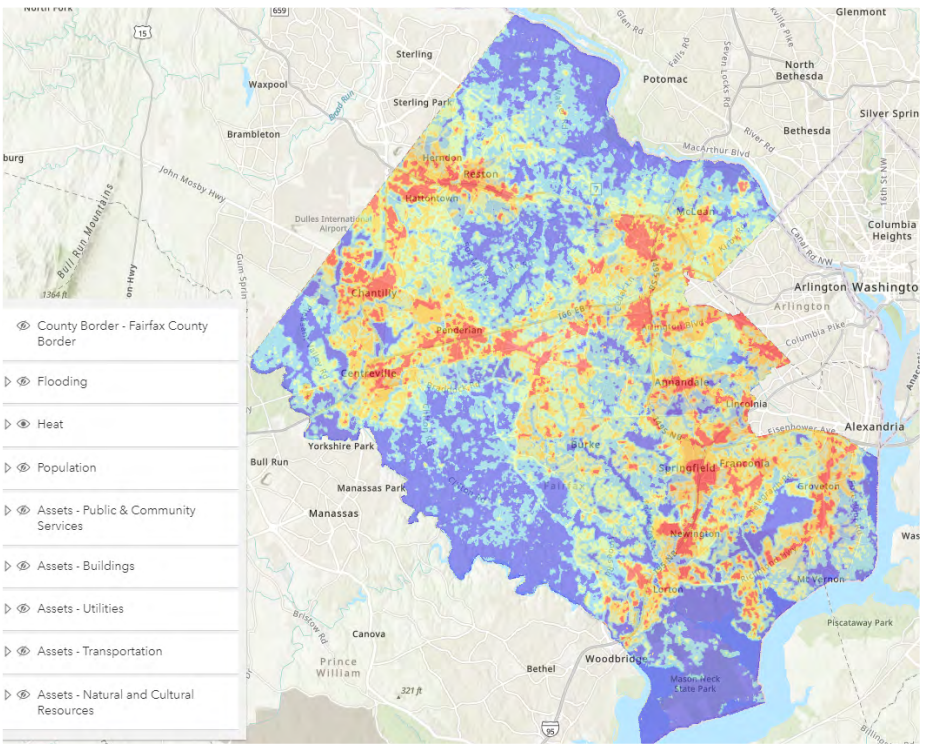
The VRA helped the county identify our top vulnerabilities to climate change. These top vulnerabilities are summarized in the table below. This section has provided a brief summary of the Vulnerability and Risk Assessment. For more information, please see the full [VRA](#).

	Heavy Precipitation Causing Inland Flooding of Communities Sectors Most Impacted: Vulnerable populations, general population, buildings, cultural and historic, roadways, agriculture, electricity, emergency response, health and community services, parks and recreation, public transit, stormwater management infrastructure, tree canopy, wastewater infrastructure, and water bodies
	Combined Stress on Natural Systems Systems Most Impacted: Water bodies, wetlands and environmentally sensitive areas, trees and forested areas, parks and recreation areas, and agricultural districts and farms
	Severe Storms and Wind Causing Vulnerabilities Due to Debris, Damage, and Unsafe Storm Conditions Sectors Most Impacted: Emergency response and management services, buildings, health and community services, roadways, tree canopy, vulnerable populations, bicycle and pedestrian, cultural and historic, general population, parks and recreation, public transit, and telecommunications
	Severe Storms and Wind Causing Vulnerabilities due to Power Outages Sectors Most Impacted: Electrical infrastructure, general population, vulnerable populations, drinking water, emergency response and management services, buildings, public transit, telecommunications, and health and community services
	Extreme Heat Causing Health Related Impacts Sectors Most Impacted: Vulnerable populations, general population, emergency response and management services, public transit, bike and pedestrian, parks and recreation areas, waste management (health-related hazards), and health and community services
	Coastal Flooding (Potomac River) Impacts Sectors Most Impacted: Buildings, vulnerable populations, general population, water bodies, and wetlands and environmentally sensitive areas

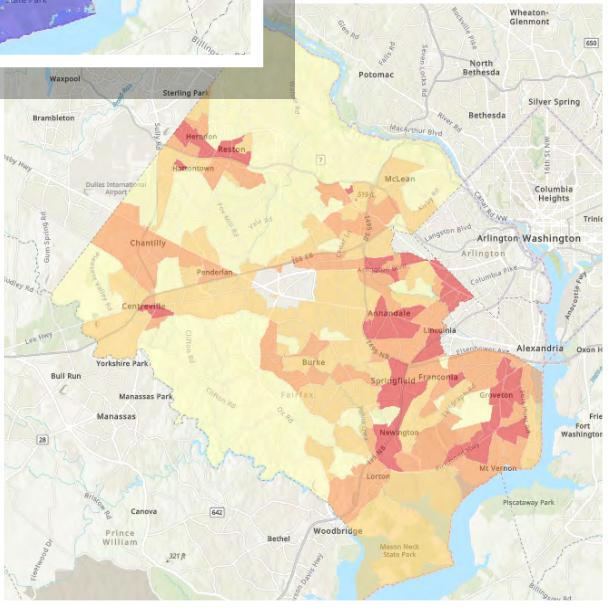
CLIMATE HAZARDS IN YOUR COMMUNITY

The [Climate Resilience Interactive Map tool](#) was developed to help Fairfax County community members visualize locations in the county that may be more vulnerable to climate change-related hazards. The map includes both hazard data (for hazards where mapping is feasible), and assets that could be vulnerable to climate hazards.

Residents can zoom into their communities and explore the impact of various hazards like extreme heat and flooding on local assets such as buildings, transportation infrastructure, public and community services, and natural and cultural resources.



For example, this layer shows Census Tracts where populations have a higher total vulnerability to extreme heat (darker colors indicate greater vulnerability). High vulnerability means that these Census tracts are both highly exposed to the Urban Heat Island effect and highly sensitive to extreme heat due to population characteristics such as health conditions or lower income households. The sensitivity layer was based on the [One Fairfax Vulnerability Index](#). The exposure layer was based on real land surface temperature measurements from NASA satellites.



J. Audit of Existing Policies, Plans and Programs

AUDIT PURPOSE AND OVERVIEW

To support and inform the Resilient Fairfax plan, the county team completed an [Audit of Existing Policies, Plans, and Programs](#) (“Audit”). The Audit sought to understand the extent to which Fairfax County has already incorporated climate change resilience into planning, programming, and policy, and where updates are needed. The good news is that Fairfax County has numerous initiatives and policies already in place to address the impacts of climate change. However, there are opportunities for improvement. The Audit helped the county identify those opportunities including:

- Where Fairfax has already begun to implement best practices for increasing resilience.
- Opportunities to expand, extend, or accelerate existing initiatives.
- Gaps where new strategies or policy updates may be needed to address climate resilience needs.

When taken in partnership with the [VRA](#), the Audit provides a strong foundation for the strategy identification phase of the planning process. The Audit process helped the county select and develop strategies that build upon Fairfax County’s existing initiatives and address key policy gaps.

AUDIT STRUCTURE

The Audit is composed of a series of adaptation and resilience-focused questions. These questions are organized into the following sectors, which align with the sectors in the VRA.

- Population
- Governance
- Interdisciplinary/Other
- Buildings and Sites
- Water Infrastructure
- Energy
- Transportation
- Natural and Cultural Resources
- Buildings

For each question, the report provides the following: the relevance of the question to climate resilience, a qualitative score to summarize how the county is doing on that item, a description of findings, opportunities for improvement, and a list of key supporting resources that were used to answer the question.

AUDIT METHODOLOGY

The Audit was completed by a consultant team, with significant coordination and feedback from 20 county departments and dozens of external advisors on the Infrastructure Advisory Group and Community Advisory Group. A thorough literature review of over 150 county policies, plans, and programs was completed. This literature review was supplemented and refined based on primary information from county departments and other agencies with extensive firsthand experience. The consultant team then provided independent qualitative “scores” and opportunities for improvement to help the county identify areas of focus in the strategy development stage.

AUDIT KEY FINDINGS

What is working well? Where are there opportunities for new programs, policies, or actions?

The Audit found that Fairfax County is active and engaged across all sectors relevant to climate resilience, but there are opportunities to further strengthen the county's policies, plans, and programs. Fairfax County has numerous areas of strength and important fundamental policies and programs upon which to build. The Audit identifies more than 100 potential opportunities for the county to consider as it builds out the Resilient Fairfax program. Findings for each sector are summarized in Table 2. When partnered with the other technical reports, these opportunities and gaps helped inform the development of the county's climate adaptation and resilience strategies, which are summarized in [Section I](#).

Table 2. Summary of Audit Key Findings

Key Strengths	Resilience Opportunities	Strategies
Population		
Fairfax County is strong in its provision of resources to vulnerable populations before, during, after, and unrelated to extreme weather. There is significant work underway to implement the One Fairfax Policy to consider equity in decision-making.	The work to identify, invest in, and engage vulnerable communities is done in a fragmented and not yet systematic approach across different departments. There is the opportunity to build on the One Fairfax Policy and integrate with Resilient Fairfax to ensure more inclusive processes and more equitable outcomes for vulnerable communities.	IAP.2a CRC.1b CRC.2a CRC.2b
Governance		
The county has commitments in support of climate action, dedicated funding and staff for climate planning, collaboration with regional partners, and the ability to conduct cross-sector, interdepartmental collaboration through the Office of Environmental and Energy Coordination.	There is opportunity for the county to strengthen its coordination with local non-profit and other partners on climate action initiatives. There is the opportunity for the county to develop standards for including climate change impacts in the Capital Improvement Program process.	IAP.4a RIB.1a
Interdisciplinary / Other		
Interdisciplinary efforts identified as areas of strength for the county include the robust GIS and Mapping Service Program that provide the community access to a plethora of GIS maps and data as well as the inclusion of climate hazards in the hazard mitigation and emergency response plans.	Interdisciplinary efforts require extensive collaboration and coordination to integrate climate action across departments including emergency management, public health and human services, GIS/data services, and economic development. Areas of opportunity identified include further integration of climate projections into county process and planning, integration of climate resilience workforce needs into economic development and job training, and completion of a climate and health plan.	IAP.1c IAP.2a IAP.4a IAP.4b RIB.1e

Table 2. Summary of Audit Key Findings, Continued

Key Strengths	Resilience Opportunities	Strategy
Buildings		
Fairfax County has strong site development guidelines, with thorough requirements for floodplain and stormwater management. The county's government buildings are required to meet Green Building Standards and private development are encouraged to do the same.	While the county does not control the Virginia Building Code, there is an opportunity for the county to advocate for stronger codes and standards at the state level. There is an opportunity for expanded education to building owners, developers, and designers and for the county to lead by example through implementation of resilience measures for county-owned buildings and critical facilities.	CRC.2b
		CRC.3a
		CRC.3c
		RIB.1b
		RIB.2b
Water Infrastructure		
Fairfax Water oversees drinking water infrastructure and has taken steps to increase resilience of these assets. Wastewater and stormwater infrastructure are areas of strength for Fairfax County, with robust efforts underway to improve resilience, such as consideration of climate impacts for the Wastewater Management Program and a comprehensive flood mitigation program.	There is the opportunity to more systematically integrate climate projections into stormwater and floodplain modeling and watershed management plans. Considering current and future climate conditions in development of a long-term neighborhood stormwater improvement program to address flooding and infrastructure reinvestment would build resilience.	RIB.1a
		RIB.1b
		CRC.3a
Energy		
Fairfax County has limited ability to directly address energy infrastructure; however, the county has completed significant work to assess back-up power to critical facilities and complete infrastructure upgrades for vulnerable components.	There are opportunities to advance energy resilience through advocacy for undergrounding and other energy grid enhancements, energy efficiency and energy diversity improvements, deployment of energy storage, and feasibility assessments for potential solar-plus-storage and microgrid projects where appropriate.	RIB.1a
		RIB.1c
		RIB.1d
		RIB.2a
		RIB.2b
		CRC.1b
Transportation		
Transportation partners at the state level have made notable strides in considering climate projections and vulnerabilities in infrastructure planning and design.	There are opportunities to further integrate climate projections into transportation design and for Fairfax to improve collaboration with other agencies who plan and maintain transportation infrastructure.	IAP.4a
		RIB.1a
		RIB.2c
Natural and Cultural Resources		
Fairfax County has a strong history of natural resource conservation, particularly related to water quality. There are numerous policies and programs in place that support protection of the natural environment, including comprehensive regulations for Resource Protection Areas and for floodplains. The county also has numerous initiatives, pilots, and policies related to green infrastructure and nature-based solutions, such as living shorelines.	There is an opportunity for Fairfax County to develop a consolidated natural resource management plan in which natural resources are more systematically considered to be a managed asset for climate resilience. There are opportunities to further support green infrastructure implementation in the county, through guidance documents, technical support, educational programs, and updated monitoring and maintenance standards.	AE.1a
		AE.1b
		AE.1c
		AE.1d
		AE.2a
		AE.2b
		AE.2c
		AE.2d
		AE.2e
AE.2f		





This section provides a brief summary of the Audit. For more information, please see the full [Resilient Fairfax Audit of Existing Policies, Plans, and Programs](#).

3. HOW WE WILL ENHANCE OUR RESILIENCE

K. Resilient Fairfax Strategies and Implementation

WHAT CAN FAIRFAX COUNTY DO TO BECOME MORE RESILIENT TO CLIMATE HAZARDS AND VULNERABILITIES?

This section of the plan summarizes our strategies and plans for implementation. Resilient Fairfax strategies are organized into four key pillars that, together, build the vision of a resilient Fairfax County. The pillars are:

IAP		Integrated Action Planning	Integration of climate considerations in planning and coordination ensures resiliency is at the forefront across county initiatives.
CRC		Climate Ready Communities	A well-connected and prepared community is better able to respond to and recover from climate hazards.
RIB		Resilient Infrastructure and Buildings	Infrastructure and buildings that can withstand climate impacts, keep residents safe, and reduce service disruptions enhance countywide resilience.
AE		Adaptive Environments	Natural environments that are protected and restored improve the county's overall resilience to climate change impacts.

Each pillar of Resilient Fairfax contains a set of goals, strategies, and implementation actions. Because resiliency requires coordination at all levels, the strategies include a diverse range of action types, time frames, scales, and costs.

The strategies include near-term, long-term, and ongoing programs. Some strategies address countywide policies or plans, while others focus specifically on prioritizing the needs of vulnerable communities, physical infrastructure upgrades, and protection of natural resources.

Climate change is impacting a range of sectors and geographies; therefore, our response must be similar. Resiliency requires interdisciplinary coordination between county departments; neighboring jurisdictions; regional, state, and federal partners; utilities and infrastructure managers; community organizations; businesses; and community members.

The strategies were identified and prioritized through a rigorous process of analysis and stakeholder and community engagement (See [Section F](#) for more detail). Results from the [Climate Projections Report](#), [Vulnerability and Risk Assessment](#), and [Audit of Existing Policies, Plans and Programs](#) were used to develop to create an initial list of potential strategies. A database of national emerging best practices was also consulted in development of this list.

Collaborative workshops were held with stakeholders throughout plan development process to help refine the final Resilient Fairfax strategies. The final strategies were scored against the criteria below and prioritized with input from the Planning Team, Infrastructure Advisory Group, Community Advisory Group, and the general public.

Implementation Criteria:

- Capacity (i.e., staff/financial capacity)
- Robustness (i.e., addresses multiple hazards)
- Technical feasibility
- Alignment with other county plans

Co-Benefits Criteria:

- Quality of life/public health
- Environmental quality
- Avoided losses/economic benefit
- Social equity

Strategies are easier to act on when there is a plan for implementation. **Therefore, each of the prioritized strategies contains a detailed Implementation Roadmap.** The Implementation Roadmaps contain information needed to bring each prioritized strategy to fruition, including lead departments and partners, planning-level cost estimates, action steps, key performance indicators, equity considerations, co-benefits, and more.

To keep track of the other strong strategy suggestions identified throughout Resilient Fairfax plan development process, a list of “Additional Strategies” is also included for each goal. These additional strategies are included to ensure the intent and value of these strategies are carried forward and can be built upon in the future. Many of these Additional Strategies are already being pursued.

Advocacy and Partnerships

In “Dillon’s Rule” states, like Virginia, local governments like Fairfax County have limited authority to make updates to policies and codes unless action is authorized at the state level. For example, the county does not have direct control over the Building Code, which is set at the state level. County staff also do not have direct jurisdiction over many aspects of its energy, transportation, and drinking water infrastructure. However, the county can advocate for resilience initiatives in these sectors. The Legislative Committee of the BOS and county staff closely monitor state and federal legislation that may affect the county. The county’s Government Relations team formally advocates for state-level legislative changes and other county priorities at the General Assembly.



SNAPSHOT OF RESILIENT FAIRFAX STRATEGIES

Pillars	Integrated Action Planning				Climate Ready Communities			Resilient Infrastructure and Buildings		Adaptive Environments	
Goals	IAP.1. Integrate Resilience into General Planning	IAP.2. Coordinate and Enhance Data Collection	IAP.3. Obtain and Track Funding	IAP.4. Enable Interagency Collaboration	CRC.1. Create Safe and Resilient Spaces	CRC.2. Build Community Capacity	CRC.3. Pursue Climate Ready Development	RIB.1. Incorporate Climate Resilience into County Infrastructure Decisions	RIB.2. Advocate for Infrastructure Resilience Outside of County Control	AE.1. Protect Natural Resources that Enhance Resilience	AE.2. Restore Damaged Areas Through Nature-Based and Natural Solutions
Strategies	IAP.1a. Inventory and Update the Comprehensive Plan to Enhance Resilience	IAP.2a. Develop Resilience Metrics and a Tracking System for Ongoing Assessment of Community Resilience and Improvements	IAP.3a. Develop a County Climate Fund	IAP.4a. Establish a Long-Term Interagency Collaboration System	CRC.1a. Develop Adaptation Action Areas Where Resilience Action is Prioritized	CRC.2a. Provide Community Aid and Services to Alleviate Resilience Needs	CRC.3a. Pursue and Implement a Flood-Risk Reduction Plan for the Fairfax County Community	RIB.1a. Update the Capital Improvement Program Process to Include Climate Resilience Considerations	RIB.2a. Advocate and Partner for Energy Resilience	AE.1a. Develop a Consolidated Natural Resources Management Plan	AE.2a. Pursue Green Infrastructure Projects that Provide Climate Resilience Benefits
	IAP.1b. Update the Strategic Plan to Enhance Climate Resilience	IAP.2b. Support Climate Research and Data Collection	IAP.3b. Pursue Federal and State Funding Opportunities	IAP.4b. Build County Staff Capacity to Lead on Climate Resilience Planning and Implementation	CRC.1b. Pursue Development of a Network of Resilience Hubs in Climate-Vulnerable Areas of the County	CRC.2b. Launch a Climate Resilience Education and Guidance Program	CRC.3b. Encourage Heat-Resilient Design, Development, Upgrades, and Practices	RIB.1b. Enhance Flood Resilience of County Government Buildings and Other Facilities	RIB.2b. Advocate for Resilience Updates to the Building Code	AE.1b. Survey and Protect Areas that Provide Natural Resilience Benefits	AE.2b. Support Continued Stream Corridor Restoration
	IAP.1c. Complete the Climate Health Plan	IAP.2c. Create Consolidated Database of Flood-Prone Areas	IAP.3c. Identify Funding for Long-Term Data Collection		CRC.1c. Expand Targeted Tree Plantings	CRC.2c. Support Resilience Related Workforce Development	CRC.3c. Pursue Amendments to the Zoning Ordinance and other County Codes	RIB.1c. Enhance Energy Resilience for County Buildings and Facilities	RIB.2c. Advocate and Partner with Transportation Agencies to Support Transportation Resilience	AE.1c. Update Provisions for Conservation Easements	AE.2c. Support Continued Urban Reforestation
	IAP.1d. Coordinate Hazard Mitigation and Emergency Management Planning with Climate Resilience Planning	IAP.2d. Continue to Collect Rainfall Data	IAP.3d. Identify Additional Funding Opportunities		CRC.1d. Enhance C-PACE Program Outreach and Technical Assistance	CRC.2d. Expand Heat Warning System	CRC.3d. Update the Public Facilities Manual	RIB.1d. Enhance Heat Resilience for County Buildings and Facilities		AE.1d. Integrate Climate Change Considerations into Urban Forestry Program	AE.2d. Explore Living Shoreline Opportunities
		IAP.2e. Create Database to Track Hazard Mitigation Actions						RIB.1e. Update Procurement Practices for Resilience			AE.2e. Restore Wetlands and Floodplains
		IAP.2f. Continue to Collect Tree Canopy Data									AE.2f. Explore Regenerative Agriculture Opportunities
		IAP.2g. Support Updates to LiDAR Data									
		IAP.2h. Collect Climate Change and Vector-Borne Disease Data									

4 PILLARS.

11 GOALS.

18 PRIORITY STRATEGIES.

30 ADDITIONAL STRATEGIES.

The strategies in bold font are prioritized strategies. Each prioritized strategy is detailed in a full Implementation Roadmap in the following pages. The strategies in normal font are additional strategies that are critical to climate resilience.

How to Read an Implementation Roadmap

STRATEGY DESCRIPTION:

Description of the strategy, including context for how it connects to existing county plans, policies, or programs, how the strategy addresses climate risk, and/or how the strategy improves Fairfax's resilience.

CLIMATE HAZARDS ADDRESSED:

Identifies which climate hazards are relevant to the strategy.

LEAD:

County department(s) that will lead and coordinate the completion of the Implementation Actions.

PARTNERS:

Other county departments or key coordinating public agencies that will have a supportive role in completion of the Implementation Actions.

TIMELINE:

Estimated timeline needed to **complete** the specific Implementation Actions listed for a particular strategy. The timeline does not refer to time before the strategy will start. Estimated scale of time (0-8 years).

COST:

Estimated level of funding needed to complete the specific Implementation Actions listed. Costs do not refer to recurring annual costs, existing staff salaries, or construction costs. Costs may reflect anticipated additional staff or consultant/contractor needs to complete the Implementation Actions listed. More formal cost estimates will be developed for each strategy as appropriate during the county budgeting processes. Estimated scale of investment (\$-\$\$\$).

EXISTING STAFF:

Yes = This strategy can be accomplished with existing staff.
Partial = There are staff who can devote some time to this strategy, but additional staff and/or consultant services may be needed to bring the strategy to full fruition.
No = There are no existing staff to work on this strategy.

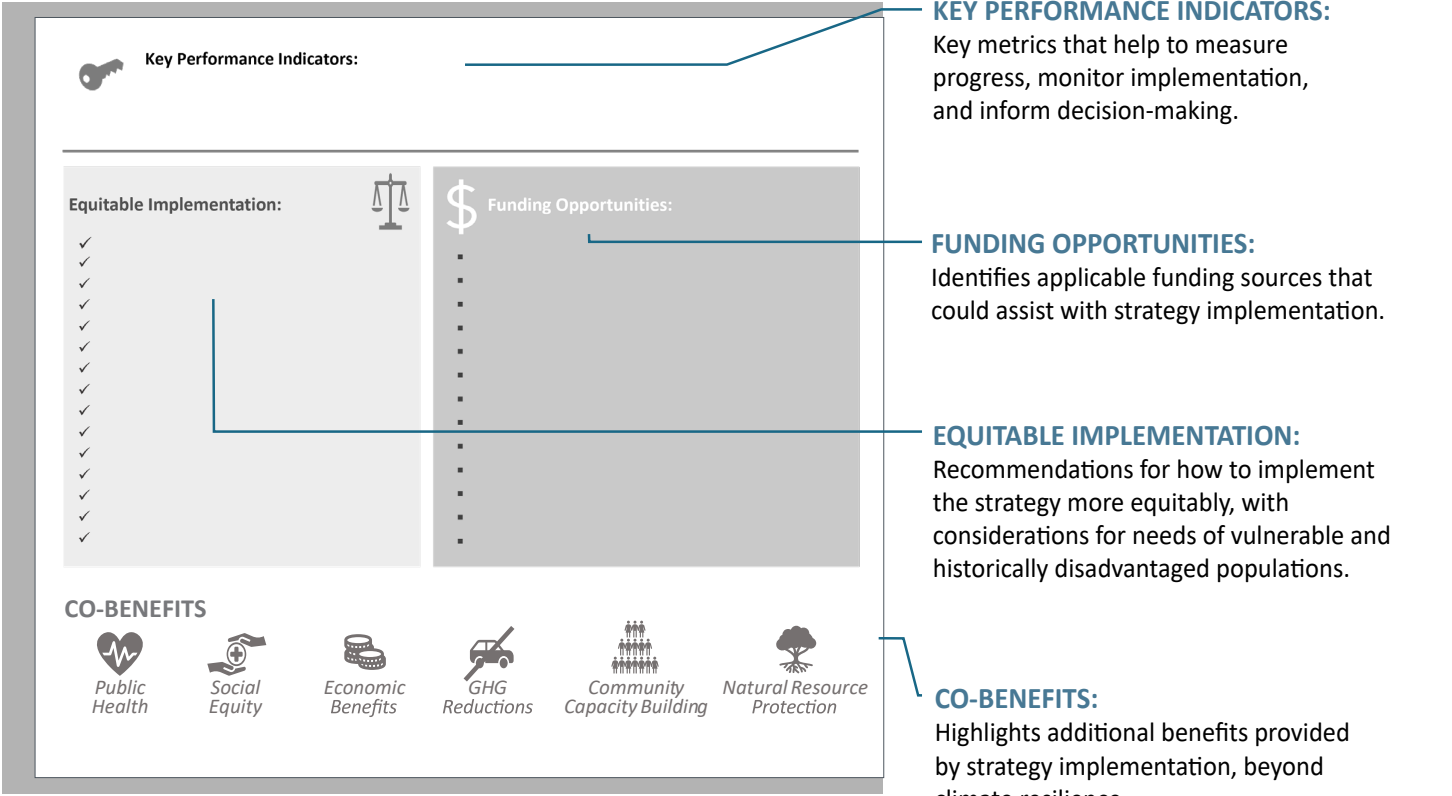
Goal	Goal Title
STRATEGY	Strategy Title
Strategy Description:	
Climate Hazards Addressed:	
Lead:	
Partners:	
Timeline:	
Cost:	
Existing Staff:	
Implementation Actions:	

IMPLEMENTATION ACTIONS:

Clear, measurable steps to achieve the strategy objective. Implementation Actions can be, but are not necessarily, sequential.

CLIMATE HAZARDS KEY





ADDITIONAL STRATEGIES:

Other key adaptation and resilience strategies identified throughout the strategy development phase. Because strategy prioritization was necessary, the “Additional Strategies” are not fleshed out with detailed Implementation Roadmaps. However, these Additional Strategies are also critical to resilience, top of mind for staff, and important to include in the plan. Therefore, the “Additional Strategies” are incorporated in the plan in a simplified form. In some instances, the Additional Strategies were not selected for Implementation Roadmaps because work is already well underway through another initiative, or they are already regularly addressed through county work programs.

ADDITIONAL STRATEGIES FOR GOAL	

Integrated Action Planning Implementation Roadmaps

PILLAR 1: INTEGRATED ACTION PLANNING (IAP):

The Integrated Action Planning pillar builds climate change considerations into planning, data collection, funding, and interagency collaboration to establish a system for continuous resiliency success. This pillar provides a strong foundation for the other pillars. It supports resilience collaboration that is multidisciplinary, well-coordinated, data-based, iterative, inclusive, and transparent. Strategies in the “Integrated Action Planning” pillar support the county in aligning plans and policies, making informed decisions, conducting metric-based monitoring and evaluation, obtaining needed funding, and working collaboratively across county departments and agencies for the long-term.

Integrated Action Planning includes:

- Amending county-wide plans such as the [Comprehensive Plan](#), [Strategic Plan](#), and the [Hazard Mitigation Plan](#) to enhance resilience
- Monitoring and evaluating progress, supporting transparency, and informing implementation
- Positioning the county to be competitive for state and federal funding opportunities
- Building new funding streams and providing dedicated funding source to support county’s climate goals
- Establishing long-term continued interdepartmental resiliency collaboration and capacity

<div>IAP</div> <div>Integrated Action Planning Strategies:</div>			
Goal IAP.1: Integrate Resilience into General Planning	Goal IAP.2: Coordinate and Enhance Data Collection	Goal IAP.3: Obtain and Track Funding	Goal IAP.4: Enable Interagency Collaboration
<i>Priority Strategies:</i> IAP.1a: Inventory and Update the Comprehensive Plan to Enhance Resilience	<i>Priority Strategies:</i> IAP.2a: Develop Resilience Metrics and a Tracking System for Ongoing Assessment of Community Resilience and Improvements	<i>Priority Strategies:</i> IAP.3a: Develop a County Climate Fund IAP.3b: Pursue Federal and State Funding Opportunities	<i>Priority Strategies:</i> IAP.4a: Establish a Long Term Interagency Collaboration System
<i>Additional Strategies:</i> <ul style="list-style-type: none"> ▪ IAP.1b: Update the Strategic Plan to Enhance Climate Resilience ▪ IAP.1c: Complete the Climate Health Plan ▪ IAP.1d: Coordinate Hazard Mitigation and Emergency Management Planning with Climate Resilience Planning 	<i>Additional Strategies:</i> <ul style="list-style-type: none"> ▪ IAP.2b: Support Climate Research and Data Collection ▪ IAP.2c: Create Consolidated Database of Flood-Prone Areas ▪ IAP.2d: Continue to Collect Rainfall Data ▪ IAP.2e: Create Database to Track Hazard Mitigation Action ▪ IAP.2f: Continue to Collect Tree Canopy Data ▪ IAP.2g: Support Updates to LiDAR Data ▪ IAP.2h: Collect Climate Change and Vector-Borne Disease Data 	<i>Additional Strategies:</i> <ul style="list-style-type: none"> ▪ IAP.3c: Identify Funding for Long-Term Data Collection ▪ IAP.3d: Identify Additional Funding Opportunities 	<i>Additional Strategies:</i> <ul style="list-style-type: none"> ▪ IAP.4b: Build County Staff Capacity to Lead on Climate Resilience Planning and Implementation through Staff Trainings, Capacity Building, and Continuity of Operations Guidance

Goal IAP.1

General Planning: Integrate Climate Resilience into Countywide General Planning

STRATEGY IAP.1a

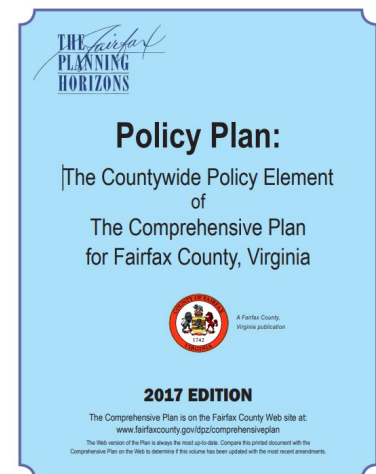
Inventory and Update the Comprehensive Plan to Enhance Resilience

Strategy Description: The [Fairfax County Comprehensive Plan](#), as required by state law, serves as a guide for decision-making about the natural and built environment. The Policy Plan includes general countywide policy on land use, transportation, housing, the environment, heritage resources, economic development, and public facilities, including public parks, recreation, and trails. The Area Plans identify key elements for implementing the Policy Plan's goals and objectives at more detailed levels. The Comprehensive Plan is relevant to climate resilience because it provides a long-term vision for the county and includes numerous sectors that serve as pieces of the resilience puzzle. The Comprehensive Plan can guide resilience for both private development and public facilities in addition to natural areas. This strategy includes analysis, recommendation formation, and potential updates to Comprehensive Plan elements pertaining to climate resilience. This strategy will build upon work completed through the Resilient Fairfax Audit process. Potential updates could pertain to critical public service facilities, land use patterns, floodplains, wetlands and shorelines, Urban Heat Islands, and stronger protection for Resource Protection Areas, among others. All amendment processes require Board of Supervisors authorization. Comprehensive Plan amendments relating to resilience should be coordinated with other Comprehensive Plan amendments, such as those associated with CECAP. Completion of this strategy will align long-term planning with Resilient Fairfax and the county's climate resilience goals.

Climate Hazards Addressed:



Lead:	OEEC, DPD
Partners:	DEMS, DOT, DPWES, EDA, FCHD, FCPA, LDS, NCS
Timeline:	Long-term (5-8 years)
Cost:	\$ (\$0k - \$100k)
Existing Staff:	Yes



Implementation Actions:

i.	OEEC, in coordination with DPD and other partner agencies, will develop specific draft recommendations for amended or added text in the Policy Plan Elements or Area Plans to enhance the county's climate resiliency, beginning with Policy Plan Elements. In drafting these recommendations, OEEC will seek input from advisory groups, Boards, Authorities, and Commissions (BACs), the Planning Commission, the public, and other key stakeholders.
ii.	As authorized by the Board, staff will develop amendments to the Comprehensive Plan. OEEC will lead outreach efforts associated with any Comprehensive Plan amendments and will assist with technical climate resilience-related details. DPD will lead the Comprehensive Plan amendment processes.
iii.	OEEC, in coordination with DPD, will identify specific sections that may have subsequent amendments to enhance the county's climate resilience. The future phased identification will expand upon the work completed through the Resilient Fairfax Audit process. Sections "relevant to climate resilience" may include but are not limited to: those related to public facilities, human service facilities, transportation, or other critical facilities, land use that may mitigate Urban Heat Island effect and/or flooding, floodplains, wetlands, shorelines, Environmental Quality Corridors, Resource Protection Areas, trees, green infrastructure, and impervious cover. The process will also identify specific county departments and/or other partner agencies responsible for each of the Comprehensive Plan sections.

**Key Performance Indicators:**

- Number, type, and location of engagement opportunities offered during the amendment process.
- Number of plan amendments proposed that align with Resilient Fairfax.

Equitable Implementation:

- ✓ Well-meaning policies can have negative unintended consequences on certain populations. Staff should consider if any Comprehensive Plan updates could adversely impact vulnerable populations.
- ✓ Comprehensive Plan amendment updates should include a robust public engagement process that seeks to collect input from those that are often underrepresented. Stakeholders should be engaged through a variety of platforms, at times convenient to those most affected, and through materials translated into multiple languages.
- ✓ Staff should leverage the Inclusive Community Engagement Framework (ICEF).
- ✓ Staff should analyze compatibility of land uses with any change in land use designation that is adjacent to, or otherwise affects identified vulnerable communities.
- ✓ Staff should use One Fairfax to identify regions that are seeing an increase in vulnerable groups to prepare for increased need of services in that area.

**Funding and Resource Opportunities:**

- Community Development Block Grant Mitigation (CDBG-MIT) Program
- General Fund (salaries)

Co-Benefits:**ADDITIONAL STRATEGIES FOR GOAL IAP.1**

Strategy IAP.1b	Update the Strategic Plan to Enhance Climate Resilience Pursue potential additions to the countywide Strategic Plan to enhance climate resilience during the anticipated regular update cycle. (The county's first-ever countywide Strategic Plan (2021) did include climate resilience strategies. However, with the completion of the Resilient Fairfax plan, additions could be made for greater specificity).
Strategy IAP.1c	Complete the Climate Health Plan Complete the Climate Health Plan, including considerations for resident and worker safety in extreme climate conditions such as extreme heat. (The Climate Health Plan process was started prior to the Covid-19 pandemic and has been paused while Health Department resources are focused on pandemic response).
Strategy IAP.1d	Coordinate Hazard Mitigation & Emergency Management Planning with Climate Resilience Planning Continue coordination between OEEC and DEMS to ensure alignment between hazard mitigation/emergency management plan updates and climate resilience plan updates. (OEEC and DEMS have coordinated for alignment between their respective plans, both scheduled for completion in 2022. In future iterations, there may be opportunities for further streamlining or even combining hazard mitigation and climate resilience planning processes).

Goal IAP.2

Data Collection: Coordinate and Enhance Data Collection to Inform Resilient Fairfax Implementation

STRATEGY IAP.2a

Develop Resilience Metrics and a Tracking System for Ongoing Assessment of Community Resilience and Improvements

Strategy Description: Monitoring and evaluation is key to the success of the adaptation process. An ongoing assessment of community resilience and improvements helps to increase accountability, transparency, and long-term success while advancing community understanding of resilience measures. Resilience metrics are quantifiable variables that can be measured or tracked over time. They outline a set of indicators that help to track progress, measure improvement, identify priority needs, or monitor changes. While there is currently no national standard for resilience metrics, the Key Performance Indicators outlined in the Resilient Fairfax plan for each prioritized strategy offer an initial opportunity to benchmark resilience implementation and evaluate progress. Data monitored over time will be used to support ongoing quality improvement. Community representatives from Fairfax County will be invited to participate in monitoring, quality improvement, and evaluation processes. Future development of a climate resilience index could provide greater insight to the outcomes of Resilient Fairfax implementation and measurable progress in community resilience.

Climate Hazards Addressed:



Lead:	OEEC
Partners:	DCC, DEI, DEMS, DFS, DIT, FCDOT, DMB, DPD, DPSC, DPWES, FCPA, FCPS, FMD, HCD, FCHD, LDS, NVSWCD, One Fairfax, UFMD
Timeline:	Medium-Term (2-5 years), Ongoing
Cost:	\$ (\$0 to \$100k)
Existing Staff:	Partial



Implementation Actions:

i.	Building from the Key Performance Indicators and tracking tool developed through the Resilient Fairfax plan, design a monitoring and evaluation process, schedule, and tracking system to track implementation progress over time.
ii.	Develop an annual progress report that documents progress made, key successes, and future needs. Collect data and information from implementation leads on the status of each strategy using the Key Performance Indicators established in the Resilient Fairfax plan. Data requests will be streamlined with other OEEC data requests for efficient use of partners' time and to reduce duplication of requests.
iii.	Explore development of a climate resilience index that includes resilience-related metrics, such as vulnerable populations, climate hazard exposure, environment, proximity to critical services/facilities, social factors, and built infrastructure.



Key Performance Indicators:

- Number of strategies initiated by type, population served, and location (where applicable).
- Number (and percentage) of Implementation Actions completed by type, population served, and location (where applicable).

Equitable Implementation:

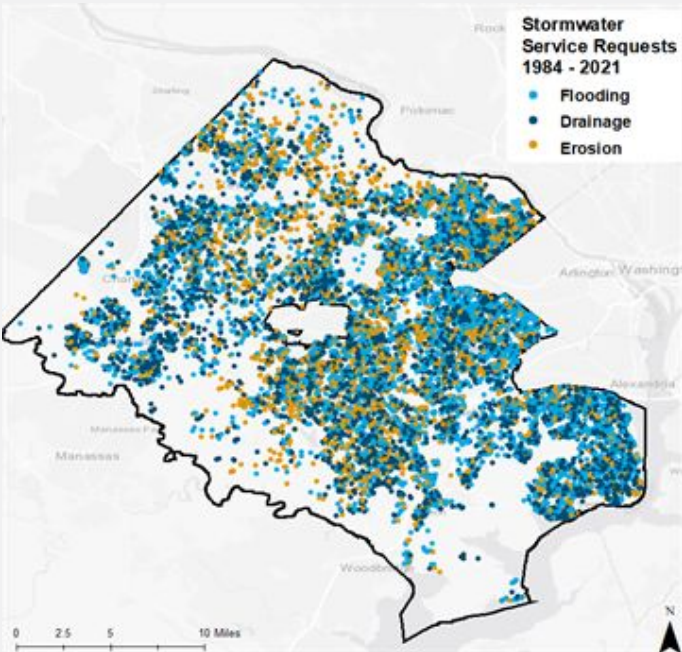
- ✓ Consider transparency and accountability.
- ✓ Consider how vulnerable populations contribute to overall metrics, and how social factors impact metrics.
- ✓ Establish regular reporting against the goals and targets of community resilience improvements.
- ✓ Break down the beneficiaries of funding spent on resilience by social factors and demographics.
- ✓ Build in the opportunity to reevaluate the success metrics based on whether positive change is observed.



Funding and Resource Opportunities:

- General Fund (salaries)

Co-Benefits:

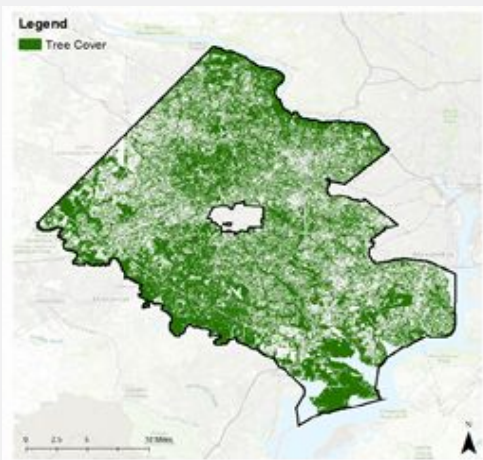


Flooding-related Service Requests

Flooding and drainage service requests are one tool Fairfax County uses to track and monitor flooding. When residents experience flooding in their yards or neighborhoods, they can submit a service request through DPWES. In addition to providing service, the service requests are plotted on a map over time to track which areas of the county may experience the greatest or most repetitive flooding. While this approach helps county staff identify key problem areas, it likely underreports the true extent of flooding, because many residents are not aware of this service. Visit the [DPWES webpage](#) to file a service request.

ADDITIONAL STRATEGIES FOR GOAL IAP.2

Strategy IAP.2b	Support Climate Research and Data Collection Support climate-related research and data collection through partnerships with schools and universities, internship opportunities, and citizen science projects.
Strategy IAP.2c	Create Consolidated Database of Flood-Prone Areas Consolidate currently separate databases of flood-prone and storm-affected areas to provide comprehensive documentation of vulnerable areas. Pursue potential expansion of internal databases such as the Emergency Data Gathering Repository (EDGR) to enable long-term tracking.
Strategy IAP.2d	Continue to Collect Rainfall Data Collect localized rainfall data and consolidate regional rain gauge networks. Rainfall data collection and analysis should consider effects of impervious surfaces.
Strategy IAP.2e	Create Database to Track Hazard Mitigation Action Create a tracking database to record hazard mitigation retrofits and future cost savings and expenditures. Build upon and align with the Hazard Mitigation Plan documentation.
Strategy IAP.2f	Continue to Collect Tree Canopy Data Regularly update the tree canopy data layer to support strategic and equitable tree planting.
Strategy IAP.2g	Support Updates to LiDAR Data Support regular updates of Fairfax County GIS LiDAR data to facilitate resilience-related GIS analyses.
Strategy IAP.2h	Collect Climate Change and Vector-Borne Disease Data Collect data on and map current disease-carrying insect vector populations, and monitoring of vector-borne diseases throughout Fairfax County, considering future conditions impacts on vector populations.



Tree Canopy Data

The county regularly collects tree canopy data through a range of sources including LiDAR, satellite imagery technology, field measurements, and vector data. This data helps the county assess changes in land cover, identify gaps in the urban forest, and inform strategic and equitable tree plantings. A strong and healthy tree canopy helps our county retain excess stormwater, provide shading and cooling relief from the heat, support biodiversity, and maintain healthy air quality.

Goal IAP.3

Funding: Obtain and Track Funding for Successful Resilient Fairfax Implementation

STRATEGY IAP.3a

Develop a County Climate Fund

Strategy Description: This strategy seeks to develop a county-level Climate Fund to mobilize financial resources and provide a dedicated funding source for county-led climate adaptation and resilience projects. The proposed Climate Fund would support implementation of Resilient Fairfax strategies and provide an identified funding source to be leveraged as a local match for federal, state, and other resilience related grants. The fund would not be county department specific, but rather available to all county departments who are implementing resilience related projects. The fund would promote implementation of projects that lessen the impact of climate change on Fairfax County's communities, with prioritization of more vulnerable communities. Development of a Climate Fund would need to consider startup capital, funding sources, and fund structure. The Climate Fund could leverage public funding to support Resilient Fairfax goals, fostering a more resilient community, economy, and environment.

Climate Hazards Addressed:



Lead:	DMB, OEEC
Partners:	DEI, DEMS, DPWES, FCPA, NVSWCD, OCA, One Fairfax, UFMD
Timeline:	Medium-Term (2-5 years)
Cost:	\$\$ (\$100k - \$500k)
Existing Staff:	Partial



Implementation Actions:

i.	Receive authorization to pursue development of a Climate Fund.
ii.	Conduct research on Climate Fund practices, structures, mechanisms, legal considerations, and other factors, for applicability to Fairfax County. Explore options for development of a county Climate Fund for county investment in climate adaptation and mitigation projects, with priority consideration for more vulnerable communities.
iii.	Identify and compile list of potential grant funding opportunities for which the Climate Fund could provide a local match. This action item should be coordinated with Strategy IAP.3b.
iv.	In coordination with the development of AAAs (Strategy CRC.1b) updates to the county CIP process (RIB.1a), and flood risk reduction planning (CRC.3a), identify project needs and level of funding required for project implementation. Projects nominated for Climate Fund investment may be larger in scope than those funded through the Environmental Improvement Program (EIP).
v.	Establish ranking criteria that will guide prioritization and selection of resilience projects to be funded through the Climate Fund. Criteria should consider factors including but not limited to: vulnerable populations, risk of climate hazard, scale of funding needed, and available grant funds.



Key Performance Indicators:

- Percentage of funding directed, by project type and location (e.g., grant matching, enhancing County projects with resilience focus, projects or initiatives in AAAs for vulnerable neighborhoods).
- Annual total funds in Climate Fund and percentage used, organized by type of project.

Equitable Implementation:

- ✓ In the creation of a County Climate Fund, transparency is important to understand where funds are being directed. Consider the fairness and equity of how the Climate Fund will be used.
- ✓ Define how the fund will prioritize vulnerable communities.
- ✓ Allocate a portion of the fund to reach vulnerable communities via community programming.



Funding and Resource Opportunities:

- General Fund (salaries)
- State Clean Water Revolving Loan Funds
- Bonds

Co-Benefits:



Tree Preservation and Planting Fund

The county’s Tree Preservation and Planting Fund (TPPF) supports efforts by the county and the community at large to protect, manage, and enhance its urban forest resources. The TPPF helps to collect, manage, and allocate funding that supports the preservation and management of existing forest as well as the planting of new trees. The TPPF can be applied towards a range of programs and policies, including tree planting to support watershed management plans, conservation of trees to align with the county’s Tree Action Plan, and tree-related projects that are identified in the annual Environmental Improvement Plan.



Goal IAP.3

Funding: Obtain and Track Funding for Successful Resilient Fairfax Implementation

STRATEGY IAP.3b

Pursue Federal and State Funding Opportunities

Strategy Description: Federal and state grant opportunities could provide significant funding to support implementation of Resilient Fairfax strategies and the county's broader climate goals. This strategy will best position the county to be both competitive and successful in securing funding as it becomes available. To organize around funding and grant opportunities, the county should create an updated, centralized database to track and apply for grant opportunities, and an interagency, streamlined process for the pursuit of funding opportunities. This strategy should be part of the interagency collaboration system (IAP.4a).

Climate Hazards Addressed:



Lead:	DMB, OEEC (Facilitator)
Partners:	DEMS, DFS, DOT, DPWES, FCDOT, FCHD, FCPS, Fort Belvoir, HCD, One Fairfax, NCS, NVRC, NVSWCD, UFMD
Timeline:	Short-Term (2 years or less)
Cost:	\$\$ (\$100k - \$500k)
Existing Staff:	Partial

What is BRIC?

Building Resilient Infrastructure and Communities (BRIC) is a FEMA grant funding opportunity that supports states, local communities, Tribes, and territories in undertaking projects to promote resilience and reduce risks posed by natural hazards, including those due to climate change. A wide range of project are eligible for BRIC funding, including capability and capacity building activities, project scoping, and planning related activities, and hazard mitigation projects, including projects designed to increase resilience, protect public safety, and mitigate risk to critical services and infrastructure.



FEMA

Implementation Actions:

i.	Create an updated and consolidated database of all climate resilience-related federal and state funding opportunities, shared with all relevant departments. Example funding opportunities may include but are not limited to: Community Development Block Grant Programs (CDBG), Community Flood Preparedness Fund Grant Program (CFPP), the Flood Mitigation Assistance (FMA) Grant Program, Building Resilient Infrastructure and Communities (BRIC), Hazard Mitigation Assistance (HMA), Infrastructure Investment and Jobs Act, American Rescue Plan, National Coastal Resilience Fund (NCRF), National Coastal Wetlands Conservation Grant, Safeguarding Tomorrow Through Ongoing Risk Mitigation (STORM) grants, and Virginia Coastal Zone Management Program, among others.
ii.	Establish a process for coordinated tracking and prioritization of resilience-related grant opportunities, proposals submitted, funding awarded, and projects conducted. The process should include clear identification of lead and support agencies for each grant and/or funding opportunity. The lead department for each grant will be determined based on topic. For example, DPWES will lead stormwater-related grants, and FCHD will lead health-related grants. The process should identify "best fit" grant opportunities that both align with county priorities and likelihood of success.
iii.	Assess and identify need for dedicated staff to support grant tracking, proposals, and active grant management.
iv.	Apply for available and appropriate federal and state funding opportunities for resilience.



Key Performance Indicators:

- Number and type of Fairfax departments involved in the development and use of the grant tracking system.
- Number of grant opportunities pursued, by type and percent of opportunities targeting projects in AAAs.
- Amount of funding secured for resilience projects, organized by categories such as granting agency, county department/agency, new or existing project/initiative, communities served, grant focus, period of performance, and cost share.

Equitable Implementation:

- ✓ Consider how grant funding can be prioritized for vulnerable populations and which grants may designate funding for vulnerable populations.
- ✓ Apply for funding opportunities that are specifically for the advancement of equitable initiatives and vulnerable communities.
- ✓ Identify community organizations led by vulnerable and under-served populations and collaborate on securing funding.
- ✓ Track funding allocated to vulnerable communities.



Funding and Resource Opportunities
(to apply for the additional funding):

- General Fund (salaries)

Co-Benefits:



ADDITIONAL STRATEGIES FOR GOAL IAP.3

Strategy IAP.3c

Identify Funding for Long-Term Data Collection
Identify funding to support long-term data collection, analysis, and management.

Strategy IAP.3d

Identify Additional Funding Opportunities
Identify additional funding opportunities including regional coordination, public-private partnerships, and cost-share programs to support resilience.

Goal IAP.4

Interagency Coordination: Enable Continued Interagency and Intergovernmental Collaboration on Climate Resilience

STRATEGY IAP.4a Establish a Long-Term Interagency Collaboration System

Strategy Description: Interagency collaboration is foundational to climate resilience planning and implementation and is promoted within Fairfax County by OEEC. OEEC was created to lead interagency environmental coordination, including climate resilience. OEEC also leads the county's climate-related coordination with regional, state, and federal entities. Throughout development of this Resilient Fairfax plan, the Resilient Fairfax Planning Team, comprised of 20 county departments, coordinated closely with OEEC to inform project deliverables, including the technical analyses, strategies, and the compiled Resilient Fairfax plan. Continued interagency collaboration during the implementation phase is critical to the success of Resilient Fairfax, because climate resilience efforts are interdisciplinary and cross-cutting across many departments. This strategy involves the establishment of a system for long-term climate resilience coordination, capacity building, and project alignment across all relevant county departments. The collaboration system should be structured in a way that is helpful, convenient, and streamlined for participating departments.

Climate Hazards Addressed:



Lead:	OEEC
Partners:	DCC, DEI, DEMS, DFS, DIT, DMB, DPD, DPSC, DPWES, FCDOT, FCPA, FCPS, FMD, HCD, FCHD, LDS, NVRC, NVSWCD, One Fairfax, UFMD
Timeline:	Shovel Ready
Cost:	\$ (\$0 - \$100k)
Existing Staff:	Yes

Office of Environmental and Energy Coordination:

OEEC was created in 2019 and is responsible for interagency coordination and implementation of countywide environmental and energy policies, goals, programs, and projects. OEEC reports to the Office of the County Executive and is given the ability to coordinate across all county departments.



Implementation Actions:

i.	Identify county departments who should be involved in climate resilience collaboration long-term, led by OEEC. Beginning with the departments involved in the Resilient Fairfax planning process, these departments may include but are not limited to: DEMS, DFS, DPD, DPSC, DPWES, DVS, FCDOT, FCPA, FCPS, FMD, GIS, HCD, FCHD, HHS, LDS, NCS, NVSWCD, OCA, OEEC, One Fairfax, and UFMD. Designate a climate champion within each department.
ii.	Identify non-county infrastructure management and resilience-related entities who should continue to be involved in the county's climate resilience implementation collaboration and data sharing long term.
iii.	Create a clear and user-friendly system for long-term collaboration. This system could include periodic Resilience Work Group meetings, information sharing protocols, a schedule for updates, or other options.
iv.	Establish a process for clear coordination of interagency resilience projects, policy and plan updates, resilience-related grant opportunities (IAP.3b), and capacity building. This process should include different "levels" of engagement, including more regular collaboration between agencies that are particularly imperative to the community's climate resilience and have expressed interest in closer collaboration, including but not limited to FCHD, NCS, LDS, FCPA and DPWES.
v.	Conduct yearly evaluations of the collaboration system and adjust as needed to improve coordination efforts.



Key Performance Indicators:

- Number of county departments engaged per year to implement, track and monitor the progress of implementation.
- Number of non-county entities engaged per year to implement, track and monitor the progress of implementation.
- Number of engagement opportunities and level of public interaction (e.g., frequency of feedback, public input, number, and type of comments).

Equitable Implementation:

- ✓ Use inclusive community engagement across departments to inform collaboration on resilience issues.
- ✓ Consider setting up a dashboard for quick access to important information and a designated place for representatives to share best practices in promoting equitable outcomes.
- ✓ Create a system to “tag” when a topic is related to equity and inclusion.
- ✓ During annual evaluation of the collaboration efforts, assess if/how efforts have improved equity.



Funding and Resource Opportunities:

- General fund (salaries)

Co-Benefits:



ADDITIONAL STRATEGIES FOR GOAL IAP.4

Strategy IAP.4b

Build County Staff Capacity to Lead on Climate Resilience Planning and Implementation through Staff Trainings, Capacity Building, and Continuity of Operations Guidance

Provide climate resilience and climate equity trainings as well as climate-oriented continuity of operations assistance to county staff, customized for relevance to their work. Consider staffing needs for implementation of resilience projects.



Building on Existing Regional Coordination:

Fairfax County regularly engages and collaborates with regional entities such as the Metropolitan Washington Council of Governments (MWCOG) and the Northern Virginia Regional Commission (NVRC) to address climate change. County staff are active participants in numerous other regional and statewide initiatives and groups relating to climate resilience, including but not limited to: the Virginia Municipal Stormwater Association, the Virginia Forestry Association, the Virginia Association of Forest Health Professionals, Southeast Sustainability Directors Network, American Planning Association local and state chapters, Resilient Virginia, and the Virginia Energy and Sustainability Peer Network, among others.

Climate Ready Communities Implementation Roadmaps

PILLAR 2: CLIMATE READY COMMUNITIES (CRC):

The Climate Ready Communities pillar aims to ensure that Fairfax County communities are resilient, adaptable, and prepared for a changing climate. Climate-ready communities are well-connected with a strong social fabric, have access to the resources they need, are prepared for climate hazards, and live in physically resilient neighborhoods. To support climate-ready communities, we are working to address existing inequities, improve access to county resources and aid, strengthen neighbor-to-neighbor connections, build greater social cohesion, reduce the climate vulnerabilities of our neighborhoods and development, and improve awareness of and readiness for climate change impacts.

Climate Ready Communities have:

- Strong social cohesion to support community response to climate hazards, including both long-term stressors and short-term shocks
- Homes and neighborhoods that are resilient to flooding, extreme heat, storms, and power outages
- Education, training, and resources that are easily accessible to all members before, during, and after climate events

In the event of an emergency or natural disaster, 77% of Resilient Fairfax survey takers said they could count on their neighbors for help and 75% have their neighbor's contact information.

<div>CRC</div> <div>Climate Ready Communities Strategies:</div>			
Goal CRC.1: Create Safe and Resilient Spaces		Goal CRC.2: Build Community Capacity	Goal CRC.3: Pursue Climate Ready Development
<i>Priority Strategies:</i> CRC.1a: Develop Adaptation Action Areas Where Resilience Action is Prioritized CRC.1b: Pursue Development of a Network of Resilience Hubs in Climate Vulnerable Areas of the County		<i>Priority Strategies:</i> CRC.2a: Provide Community Aid and Services to Alleviate Resilience Needs CRC.2b: Launch a Climate Resilience Education and Guidance Program	<i>Priority Strategies:</i> CRC.3a: Pursue and Implement a Flood-Risk Reduction Plan for the Fairfax County Community CRC.3b: Encourage Heat-Resilient Design, Development, Upgrades, and Practices CRC.3c: Pursue Amendments to the Zoning Ordinance and other County Code Chapters to Enhance Community Resilience
<i>Additional Strategies:</i> <ul style="list-style-type: none"> ▪ CRC.1c: Expand Targeted Tree Plantings ▪ CRC.1d: Enhance C-PACE Program Outreach and Technical Assistance 		<i>Additional Strategies:</i> <ul style="list-style-type: none"> ▪ CRC.2c: Support Resilience Related Workforce Development ▪ CRC.2d: Expand Heat Warning System 	<i>Additional Strategies:</i> <ul style="list-style-type: none"> ▪ CRC.3d: Update the Public Facilities Manual

Goal CRC.1

Create Safe and Resilient Spaces for the Community

STRATEGY CRC.1a

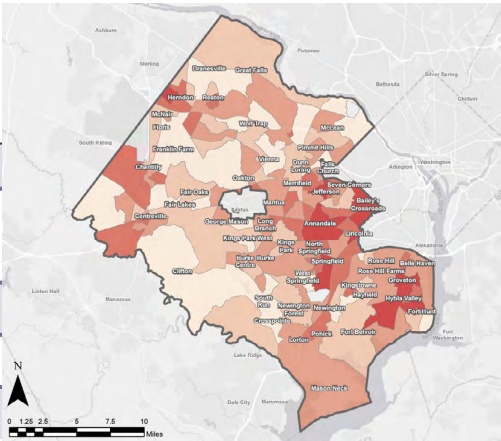
Develop Adaptation Action Areas Where Resilience Action is Prioritized

Strategy Description: Adaptation Action Areas (AAAs) are a land-use planning and policy tool that can be used to guide and prioritize climate adaptation implementation. AAAs may be used to identify, map, and establish locations of greatest need within Fairfax County where the county will take resilience action first. Development of the AAAs will be informed by complete analysis and technical reports, including the [Resilient Fairfax Vulnerability and Risk Assessment](#), the [Climate Projections Report](#), the [Audit of Existing Policies, Plans, and Programs](#), the county’s flood risk reduction efforts, and the [NASA Develop Urban Heat Island Effect Study](#). These reports, along with the best available science, will inform the mapping of AAAs and include consideration for: flood-prone areas, Urban Heat Islands, population vulnerability (such as [the One Fairfax Vulnerability Index](#), as pictured below), and low adaptive capacity, among other factors. Development of AAAs provides a comprehensive and cohesive approach for the county to effectively implement resilience related policies, programs, and projects.

Climate Hazards Addressed:



Lead:	OEEC
Partners:	DCC, DEI, DEMS, DFS, DPD, DPWES, FCDOT, FCHD, FCPA, HCD, LDS, NCS, NVSWCD, OCA, One Fairfax, UFMD
Timeline:	Medium-Term (2-5 years)
Cost:	\$\$ (\$100k - \$500k)
Existing Staff:	Partial



Implementation Actions:

i.	Identify and map potential AAAs based on climate risk and the One Fairfax Vulnerability Index. AAA considerations could include but are not limited to: flood-prone areas, Urban Heat Islands, population vulnerability, and low adaptive capacity.
ii.	Draft options for the incorporation of AAAs. Options could include but are not limited to: using AAAs during the Capital Improvement Program process to prioritize implementation of resilience projects, using AAAs to prioritize funding of Resilient Fairfax implementation, and to prioritize resilience aid and/or incentives, among others.
iii.	Present options for incorporation of AAAs for BOS approval and receive authorization to incorporate AAAs.
iv.	Prioritize implementation and engagement in AAAs. Consider piloting resilience approaches in AAAs that can be scaled up community-wide.



Key Performance Indicators:

- Number and type of stakeholders involved in the development and operationalization of AAAs.
- Number and type of climate resilience programs, projects, and initiatives in AAAs.
- Demographics of communities in designated AAAs.
- Reduction of vulnerability to specific climate hazards in AAAs (e.g., reduction in localized flooding service requests, number of heat-related illness reports).

Equitable Implementation:

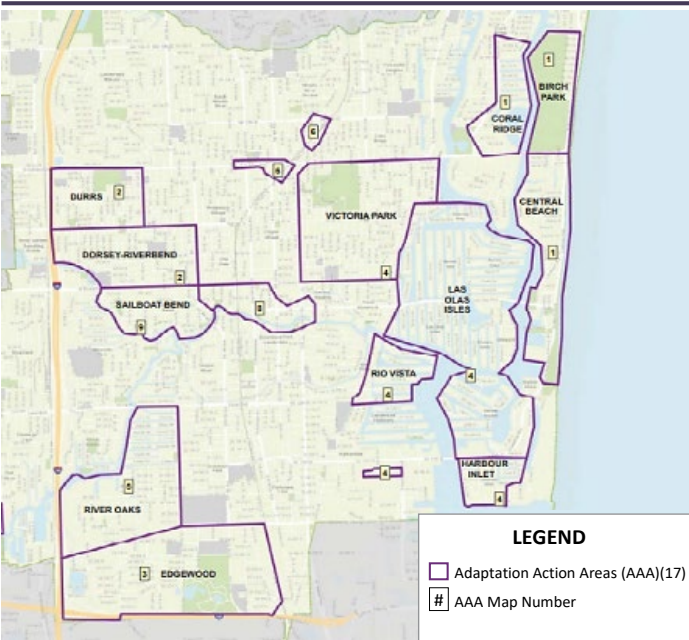
- ✓ Neighborhoods may reflect similar demographics but have different needs or desires. Consider how AAAs will incorporate community input for these decisions.
- ✓ Involve community members and organizations in the decision-making process.
- ✓ Conduct surveys or other means of collecting feedback to understand how a pilot AAA program could affect certain populations.
- ✓ Include equity factors in determining locations for AAAs.
- ✓ Leverage the Inclusive Community Engagement Framework (ICEF).



Funding and Resource Opportunities:

- BRIC
- Community Development Block Grant Mitigation (CDBG-MIT)

Co-Benefits:



Case Study: Adaptation Action Areas

Fort Lauderdale, Florida updated their comprehensive plan to designate Adaptation Action Areas (AAAs) to provide the foundation for the development and implementation of adaptation measures to reduce risk to climate change impacts, such as sea level rise. AAAs are designated areas that are prioritized for infrastructure and other resilience improvements to reduce climate risk. The mapped AAAs and identified capital improvement projects within the AAAs are reviewed and updated annually by staff to inform funding needs and project prioritization.

Goal CRC.1 Create Safe and Resilient Spaces for the Community

STRATEGY CRC.1b Pursue Development of a Network of Resilience Hubs in Climate-Vulnerable Areas of the County

Strategy Description: Resilience hubs are community-serving facilities (often existing facilities) that distribute and centralize information and resources, connect residents to county assistance, support residents' resilience to climate events, and build community capacity and connection. These facilities are sometimes upgraded to enhance their physical resilience to climatic effects, to ensure continuity of service during climate hazards. Resilience hubs are typically located in existing facilities that are trusted by community members, such as recreation centers, community centers, libraries, non-profit facilities, or faith centers. On a day-to-day basis, hubs function as a space for community gathering or events, location for trainings, and as a centralized place for community members to seek resources. Resilience hubs are most effective when there is strong partnership between the local government (the county) and community organizations and/or networks; resilience hubs should be community-led and community-serving. This strategy will explore options for development of a network of resilience hubs in the areas of Fairfax County, with a prioritization for areas with the greatest need and that are most vulnerable to climate change impacts. Resilience hubs should not be confused with "shelter" facilities, which follow specific emergency management protocols and plans. Resilience hubs help to build greater community connection and enhanced capacity to adapt and respond to climate related events.

Climate Hazards Addressed:



What Are Resilience Hubs?

Resilience Hubs are community-serving facilities augmented to support residents, coordinate communication, distribute resources, and enhance communities' capacity to adapt to climate change. Existing community centers, libraries, and non-profit entities are among potential sites for resilience hubs.

Lead:	OEEC
Partners:	DEMS, DFS, DPD, DPSC, DPWES, FCHD, FCPA, FCPS, FMD, GIS, HCD, LDS, NCS, OCA, One Fairfax
Timeline:	Medium-Term (2-5 years)
Cost:	\$\$\$ (\$500k - \$1 million)
Existing Staff:	Partial

Implementation Actions:

i.	Identify areas of the county where there is the greatest need and greatest benefit for resilience hubs. Utilize data sources such as Resilient Fairfax, One Fairfax data, Adaptation Action Areas, and others to determine these locations.
ii.	Inventory existing network of centers that could serve as "resilience hubs." Prioritize trusted locations within community, such as community centers (NCS), recreation centers (FCPA), places of worship, and non-profit facilities that provide essential services to the community. Coordinate with DEMs' identification of places to stay cool and OEEC's ESCO (Energy Service Company) work.
iii.	Compile site information to support evaluation of location for resilience hub. Consider building condition, location, transportation and access, site capacity, key climate hazards impacting that community, planned and/or required retrofits, typical operations and staffing, and other needs as identified by the community.
iv.	Conduct outreach to community organizations, nonprofits, faith groups, or other community serving groups in identified areas (CRC.2a) to begin county-community collaboration on the visioning of a resilience hub network in the community.
v.	Identify a pilot resilience hub location and work with facility managers and community partners to build out community resilience offerings.
vi.	Evaluate potential network of resilience hubs, with priority consideration to identified areas in CRC.2a and in collaboration with community partners. Consider staffing and funding needs for resilience hub implementation. As appropriate, explore establishing working groups for each resilience hub location.



Key Performance Indicators:

- Number of potential and actual Resilience Hub locations identified, pursued, and implemented by the county.
- Accessibility of Resilience Hubs within AAAs (e.g. travel distance, closest metro/transit, density per district).
- Number and demographics of community members served by Resilience Hubs.
- Number and type of community members aware of Resilience Hub locations and resources, measured through surveys.

Equitable Implementation:

- ✓ Work with communities to identify needs of vulnerable populations to ensure accessibility to resilience hubs.
- ✓ Work with communities to identify which areas of the county would benefit the most from or have greatest need for resilience hubs.
- ✓ Meet with community organizations and partners to foster collaboration and identify areas that will best serve as resilience hubs.
- ✓ Identify transportation/evacuation routes that would assist access to the hubs.
- ✓ Engage community members on what they want to see in a resilience hub.



Funding and Resource Opportunities:

- BRIC
- Community Development Block Grant

Co-Benefits:



ADDITIONAL STRATEGIES FOR GOAL CRC.1

Strategy CRC.1c	Expand Targeted Tree Plantings Build upon existing Urban Forest Management Division tree planting efforts to expand targeted tree plantings. Prioritize neighborhoods with high vulnerability as determined by One Fairfax, the Vulnerability and Risk Assessment, and Adaptation Action Area mapping (CRC.1a).
Strategy CRC.1d	Enhance Commercial Property Assessed Clean Energy (C-PACE) Program Outreach and Technical Assistance Support utilization of the existing C-PACE program through enhanced outreach and technical assistance.

Goal CRC.2

Build Community Capacity to Understand, Be Ready For, Respond To, And Bounce Back from Climate Change Impacts

STRATEGY CRC.2a

Provide Community Aid and Services to Alleviate Resilience Needs

Strategy Description: Vulnerable populations will be disproportionately impacted by climate change. There are many existing county resources that can help. However, many residents are unaware of these resources, do not know how to request services, or are hesitant to access aid. Populations experiencing homelessness may be especially exposed and in need of aid. This strategy focuses on community engagement to better connect residents to existing resilience-related support and resources, and to continue the identification of unmet needs. Meaningful engagement should center on traditionally under-served populations, expanding the work of Equity Impact Plans and One Fairfax. This strategy includes identification of community-based partners and community-specific needs, identification of pressing needs, and enhancing and streamlining access to aid from multiple county departments. This strategy will support improved preparedness and resilience of the county's more vulnerable populations. (For education and guidance, please see strategy CRC.2b).

Climate Hazards Addressed:



Lead:	OEEC (Facilitator)
Partners:	CSB, DEMS, DFS, DHCD, DPWES, FCHD, FCPA, FCPS, NCS, NVSWCD, One Fairfax
Timeline:	Short-Term (2 years or less); Ongoing
Cost:	\$\$ (\$100k - \$500k)
Existing Staff:	Partial



Implementation Actions:

i.	Launch an implementation group responsible for this program. The group should leverage partners from the Resilient Fairfax planning process, and should include county agencies, community-based organizations, and community leaders who hold existing trust with vulnerable populations in Fairfax County. Work collaboratively to develop a climate resilience community engagement program, using the county's Inclusive Community Engagement Framework (ICEF).
ii.	Building upon the results of the Vulnerability and Risk Assessment and concurrent county initiatives such as the Flood Risk Reduction Plan (Strategy CRC.3a), identify specific, pressing climate-related needs of the county's vulnerable neighborhoods, such as areas of extreme heat exposure and recurrent flooding.
iii.	Identify how best to connect neighborhoods, residents, outdoor workers, and other vulnerable groups with existing county aid and resources. Work with community leaders, CSB, NCS, DFS, DEMS, FCHD, OPEH, NCS, and others to help ensure that awareness of available county aid is equitably reaching communities of color and low-income, older adult, unhoused, disabled, outdoor workers, and other under-served residents.
iv.	Streamline and facilitate access to existing climate hazard-related resources and assistance from numerous departments such as: flood mitigation assistance (DPWES), energy resilience for frequent power outages, air conditioning assistance during extreme temperatures (DFS), energy efficiency and other building improvements for enhanced resiliency (HCD, OEEC), sites that serve as places to stay cool (DEMS), relocation for repetitive loss properties (DPWES), and/or health and human services that can also enhance resilience to climate hazard effects (CSB, DFS, FCHD, NCS). Produce easy-to-understand, multi-lingual guides to help residents understand what aid is available and how to access it. Provide centralized physical and virtual locations for climate hazard related resources. Resilience hubs (Strategy CRC.1b) could potentially serve this purpose.



Key Performance Indicators:

- Type and quantity of aid applied for and distributed to community members to address resilience needs.
- Number and type of organizations involved in the provision of resilience-related support and resources.
- Number and type of touchpoints between service-aid provider and individuals in need.
- Awareness of county aid programs in the community, measured by surveys and/or application rates.

Equitable Implementation:

- ✓ Consider how to engage with underserved communities on a regular ongoing basis.
- ✓ Ensure a balanced understanding of community interests and concerns.
- ✓ Leverage the Inclusive Community Engagement Framework (ICEF).
- ✓ Choose times and locations that work best for a variety of different schedules.
- ✓ Use various engagement approaches based on what will include representative demographics of community members and voices of the more vulnerable populations.
- ✓ Ensure residents are given clear help (in their language of choice) for aid applications that may be confusing or difficult to navigate.



Funding and Resource Opportunities:

- Robert Wood Johnson Foundation grant opportunities
- Climate and Clean Energy Equity Fund

Co-Benefits:



Community Partners

Throughout the Resilient Fairfax plan development process, staff gathered recommendations for community partners, faith-based institutions, and other community organizations who may wish to participate in the implementation of this pillar's strategies. These organizations include but are not limited to: Cornerstones, George Mason Center for Climate Change Communication, Medical Society Consortium for Climate and Health, Virginia Clinicians for Climate Action, Faith Alliance for Climate Solutions, and American Lung Association.



Goal CRC.2

Build Community Capacity to Understand, be Ready for, Respond to, and Bounce Back from Climate Change Impacts

STRATEGY CRC.2b Launch a Climate Resilience Education and Guidance Program

Strategy Description: To be successful, climate adaptation and resilience strategies require local community awareness, understanding, buy-in, and participation. Climate resilience education for the community should include guidance documents and resources for various climate-related topics such as emergency preparedness, flood mitigation, natural resource resilience, and energy resilience, among others. Education may include resources on introductory concepts of climate change, such as background on climate science and impacts on public health and safety. All educational materials will be customized for the intended audience, and their needs, to ensure materials are translated, relatable, relevant, understandable, and accessible.

Climate Hazards Addressed:



Fairfax County Public Schools: Get2Green Program:

The Fairfax County Public Schools Get2Green is an environmental stewardship program that provides guidance and resources to bring hands-on environmental action into classrooms and the community. The Get2Green program supports student eco-teams that engage in student-driven sustainability activities such as reducing waste, conserving energy, planting, and maintaining habitat, and tending to edible gardens.

Lead:	OEEC
Partners:	DCC, DEMS, DFS, DPWES, FCPA, FCPS, FCHD, HCD, LDS, NCS, NVRC, NVSWCD, One Fairfax
Timeline:	Medium-Term (2-5 years)
Cost:	\$\$ (\$100k - \$500k)
Existing Staff:	Partial

Implementation Actions:

i.	Identify and engage key partners for a climate resilience education campaign, including local schools (Get2Green), community-based and environmental organizations, county departments, libraries, homeowners' associations, and other partners with existing community education programs such as OPA, FCPA, NCS, DEMS, DPWES, and NVSWCD. Engage with community leaders and residents to increase understanding and tailor educational materials to specific community needs.
ii.	Develop and deliver Climate Change 101 educational materials to Fairfax County staff and residents to provide background on climate science, climate hazards, climate mitigation, climate adaptation and resilience, and climate impacts on public health and safety.
iii.	Host a series of interagency, informational meetings in accessible neighborhood locations throughout the county. Leveraging existing programs and resources from DEMS, DPWES, and other agencies.
iv.	Flood resilience guidance: Develop and promote existing guidance for flood safety and resilience measures, such as elevating structures or equipment, wetproofing, dry proofing, flood insurance, and small-scale green infrastructure for property owners and operators/landlords. Any assistance will be in alignment with applicable laws and policy.
v.	Heat resilience guidance: Develop and promote guidance on heat safety, such as safe thresholds for outdoor workers, outdoor activities, and youth sports, guidance for those experiencing homelessness during extreme heat, and heat resilience retrofits, such as cool roofs, cool pavements, trees, building orientation and design, and energy efficiency.
vi.	Wind, storm, and energy resilience guidance: Develop and promote existing guidance for severe storm, wind, and energy resilience (power outage prevention) retrofits, such as solar plus storage, back-up power, infrastructure hardening, tree trimming to prevent tree falls on power lines, and pre-storm actions.
vii.	Agricultural resilience guidance: Connect local farmers and landowners to education and funding opportunities for regenerative and resilient agricultural practices.



Key Performance Indicators:

- Amount of funding allocated to community education and guidelines on resilience.
- Number and type of organizations involved in community education and outreach for Resilience Fairfax activities and programs.
- Number of views of guidance documents and/or outreach materials.
- Number and type of educational and guidance materials, events, and learning opportunities available.
- Number of residents using practices recommended through this strategy (i.e. number of flood insurance holders over time).
- Community understanding of resilience practices, evaluated through community outreach and/or surveys.

Equitable Implementation:

- ✓ Consider how this information will be made available to all residents.
- ✓ Consider how the county can strategically identify partners that will reach a diverse audience.
- ✓ Partner with community-based organizations and entities that are on the ground and connected to underrepresented communities.
- ✓ Develop education materials that are easily understood, available online and in a designated location, and available in multiple languages.



Funding and Resource Opportunities:

- EPA Environmental Education Grants
- NOAA Environmental Literacy Grants

Co-Benefits:



ADDITIONAL STRATEGIES FOR GOAL CRC.2

Strategy
CRC.2c

Support Resilience-Related Workforce Development

Pursue workforce development initiatives to develop resilience-related construction and contracting skillsets, such as pervious paver installation, solar-plus-storage installation, green infrastructure installation, and other skillsets.

Strategy
CRC.2d

Expand Heat Warning System

Promote early warning system to warn community members of upcoming heat events. Explore tiered warning system approach for heat. Promote and leverage existing Fairfax Alerts, National Weather Service, and other warning systems.

Goal CRC.3

Integrate Climate Hazard and Resilience Considerations into Development Regulations, Processes, and Retrofits

STRATEGY CRC.3a

Pursue and Implement a Flood-Risk Reduction Plan for the Fairfax County Community

Strategy Description: This strategy aligns with and advances the “Flood Risk Reduction Plan” recently initiated by DPWES. This strategy is focused on reducing flooding risk that threatens the health, safety, and welfare of county residents in their neighborhoods. (For flooding of county government facilities, please see Strategy RIB.1b). The Fairfax County community experiences multiple types of flooding, including urban, inland, riverine, and coastal flooding, each of which requires a customized approach. Additionally, flood risk reduction requires action for both new and existing development. Any changes made to county policies and standards apply only to new development or re-development (see Strategy RIB.1.a). For existing neighborhoods with flooding issues, retroactive physical capital improvement projects may be needed. Across all approaches, projected climate conditions and impacts should be factored into flood risk reduction efforts.

Climate Hazards Addressed:



Lead:	DPWES, LDS
Partners:	DCC, DEMS, DPD, FCPA, OECC, One Fairfax
Timeline:	Medium-Term (2-5 years)
Cost:	\$\$\$ (\$500k - \$1 million)
Existing Staff:	Partial



Implementation Actions:

i.	(In progress): Initiate plan. Complete project initiation tasks, including establishment of: an interagency workgroup, flood risk reduction approach, community engagement and equity approach, benchmarking against other jurisdictions, and draft levels of service.
ii.	(In progress): Complete detailed analysis on existing and future flooding issues. Quantify and categorize existing and future flooding issues in the county. For future flooding, utilize the latest accepted climate projections.
iii.	(In progress): Complete detailed analysis on existing flood-related policies, standards, and processes, building upon work completed through the Resilient Fairfax Audit and update regularly. Consider a lens of future climate projections.
iv.	Draft flood risk reduction recommendations, including potential updates to county policies, design standards and guidelines, ordinances, processes, and capital projects (see Strategy CRC.3c).
v.	Identify and prioritize capital projects for flood alleviation. The identification of areas in need of flood alleviation capital projects may be facilitated through the Adaptation Action Area process (see Strategy CRC.1a). The prioritization of capital projects may be facilitated through a revised Capital Improvement Program (CIP) process (see Strategy RIB.1a).
vi.	If applicable and approved by the BOS, implement approved updates.

Note: For flood-related upgrades to county government facilities, please see Strategy RIB.1b. For small-scale property owner flood-proofing guidance, please see Strategy CRC.2b. For Adaptation Action Areas, please see Strategy CRC.1a. For Capital Improvement Program (CIP) process updates please see Strategy RIB.1a. For updates to County Codes, see CRC.3c.



Key Performance Indicators:

- Quantity and type of flooding issues in the county, organized by demographics of communities most affected.
- Number, type, and geographic distribution of public engagement activities during plan development, project identification, and project implementation.
- Number, type, and location of flood risk reduction capital improvement projects planned, budgeted for, and implemented.
- Percent of flood-vulnerable residences with flood insurance over time.
- Number of county flood risk reduction projects completed.
- Percent of structural flood-related service requests out of total number of structures in the county.

Equitable Implementation:

- ✓ Consider that well-meaning development regulations can sometimes have negative unintended consequences on certain populations.
- ✓ Provide a robust public engagement process for changes to development regulations, that seeks to collect input from those that are often underrepresented.
- ✓ Assess development regulations/restrictions in residential areas to ensure that regulations do not result in displacement of existing community members.



Funding and Resource Opportunities:

- BRIC
- Virginia Community Flood Preparedness Fund
- Flood Mitigation Assistance

Co-Benefits:



Huntington Levee

The Huntington Levee project was a \$41.2 million dollar project completed in June 2019. A levee and pumping station were constructed to protect homes and property in the Huntington neighborhood from flooding. The project mitigates flooding due to tidal surges from to Potomac River and flash flooding from the Cameron Run Watershed. The project included the development of approximately 4,800 linear feet of recreational trails along the top of the levee and around the ponding area for public recreation and enjoyment.

Goal CRC.3

Integrate Climate Projections and Resilience Considerations into Development Regulations, Processes, and Retrofits

STRATEGY CRC.3b

Encourage Heat-Resilient Design, Development, Upgrades, and Practices

Strategy Description: Extreme heat is a pressing issue with increasing impacts on both public health and infrastructure. This strategy is focused on encouraging new and existing development to consider heat-mitigation measures, including nature-based solutions, in their design, construction or redevelopment, and operations and maintenance. Guidance materials, potential incentive programs, and integration of heat-related climate risk into development review processes can mitigate the impact of extreme heat to residents, particularly more vulnerable populations. A comprehensive approach can better prepare neighborhoods for more extreme and frequent heat conditions.

Climate Hazards Addressed:



Lead:	EDA, LDS, OEEC
Partners:	DCC, DEMS, DPD, FCDOT, FCHD, FCPA, NCS, OCA, UFMD
Timeline:	Medium-Term (2-5 years)
Cost:	\$\$ (\$100k - \$500k)
Existing Staff:	Partial



Implementation Actions:

i.	Complete detailed analysis to identify a suite of applicable cooling measures for priority heat islands as identified by the Resilient Fairfax planning process and NASA Develop's Urban Heat Island assessment. Example cooling measures could include but are not limited to cool roofs and cool pavements, targeted tree canopy, green infrastructure, and green space for evapotranspiration, building and site orientation for heat mitigation, heat-mitigating building materials and efficiency, among others.
ii.	Complete detailed analysis of existing standards and processes. Identify opportunities to update existing standards and processes to consider heat mitigation. Examples include heat-specific updates to urban design guidelines, Sustainable Development Policy for Capital Projects, and guidelines relating to trees and impervious coverage limitations.
iii.	Develop design guidelines that are a practical reference for planners, building developers, and other stakeholders with influence in design/construction of projects in Fairfax County. The guidelines will serve as a resource for public and private development (both new construction and retrofits). The design guidelines will provide guidance on how to evaluate the building or site/landscape for heat vulnerabilities and offer guidance/considerations on cooling measures and opportunities to enhance resilience. Guidelines should support the use of native plantings when feasible and effective. These guidelines can build on the use of Urban Design Guidelines for Commercial Revitalization Districts and Areas and certain Mixed-use Centers as designated on the Fairfax County Comprehensive Plan including the Tysons Urban Center and the Reston Transit Station Areas.
iv.	Identify additional financing or incentive options. Highlight and align with existing financing and incentive programs that can be used for heat mitigation retrofits or cooling measures, such as C-PACE (see Strategy CRC.1d) or potential green infrastructure incentive programs (see Strategy AE.2a).



Key Performance Indicators:

- Community sentiment towards usability and use of guidelines.
- Number of developments and building retrofits with heat mitigation measures by location and demographics of communities affected.
- Number of heat-related health stresses and illnesses in AAAs relative to average county incidents.
- Developer and community awareness of heat risk reduction design guidelines and considerations (e.g., surveys).

Equitable Implementation:

- ✓ Identify which types of assistance and guidelines will best support retrofits in heat-vulnerable neighborhoods.
- ✓ Minimize impacts of additional review and requirements to help ensure continued affordability.
- ✓ Use best practices for inclusion of retrofits that can be applied to low-income housing projects to include best practices (e.g., increase in tree cover/street trees, pervious surface requirements).
- ✓ Consider offering density incentives for added heat-mitigating features, to offset affordability of units with these features.



Funding Opportunities:

- General Fund (salaries)

Co-Benefits:



Urban Design Guidelines

Urban Design Guidelines provide detailed urban design and streetscape guidance intended to be used by citizens, developers, designers, Fairfax County staff, and the Fairfax County Planning Commission and Board of Supervisors when proposing, designing, or reviewing development. Fairfax County has developed and published several Urban Design Guidelines, including guidelines from Commercial Revitalization Districts and Areas, as well as district areas guidelines such as Richmond Highway and Annandale. Design guidelines include many elements that support a resilience county, such as inclusion green infrastructure, urban park design, and stormwater management.



Goal CRC.3

Integrate Climate Projections and Resilience Considerations into Development Regulations, Processes, and Retrofits

STRATEGY CRC.3c

Pursue Amendments to the Zoning Ordinance and Other County Code Chapters to Enhance Community Resilience

Strategy Description: There are several County Codes that guide development and land use in Fairfax County, including the Zoning Ordinance, Stormwater Management Ordinance, Chesapeake Bay Preservation Ordinance, Tree Conservation Ordinance, and the Subdivision Ordinance, among others. Incorporating resilience into these County Codes helps ensure that new development can withstand a changing climate. This strategy pursues potential amendments to the Zoning Ordinance and other County Code chapters to enhance climate resilience. The strategy will build upon opportunities identified by the [Resilient Fairfax Audit](#). This strategy connects to other strategies in the Implementation Roadmap, such as potential updates to the Comprehensive Plan (IAP.1a), the Countywide Strategic Plan (IAP.1b), the Flood Risk Reduction Plan (CRC.3a), Heat Resilient Design Guidelines (CRC.3b), the Public Facilities Manual (CRC.3d), the Capital Improvement Program (RIB.1a), and the potential Consolidated Natural Resources Management Plan (AE.1a). Amendments to County Code associated with Resilient Fairfax will be aligned with other ongoing, scheduled, considered, and planned amendments.

Climate Hazards Addressed:



Lead:	DPD, DPWES, LDS, OEEC
Partners:	DCC, DEMS, FCHD, FCPA, NCS, OCA, UFMD
Timeline:	Long-Term (5-8 years)
Cost:	\$\$ (\$100k - \$500k)
Existing Staff:	Partial



Implementation Actions:

i.	OEEC will identify regulatory document sections that are relevant to climate hazard resilience and identify opportunities to address resiliency. Topics may include but are not limited to limitations on impervious coverage and pavement, parking requirements ("Parking Reimagined"), density and open space, tidal flooding setbacks, stormwater and floodplain regulations, environmental site assessments, landscaping requirements (including trees), land use definitions for resilience-related uses, and energy production and storage. Amendments will be aligned with amendments from related initiatives such as the Flood Risk Reduction Plan (CRC.3a), CECAP, and Fairfax Green Initiatives.
ii.	Lead and partner agencies, in coordination with OEEC, will aid in the analysis of identified regulatory changes. Specifically, LDS will aid any amendments related to site plans, parking, floodplain requirements, and landscaping and screening provisions. DPWES will aid in any amendments relating to floodplains and flood mitigation. The Urban Forestry Management Division will aid in any amendments relating to trees.
iii.	Lead and partner agencies, in coordination with OEEC, will bring any proposed amendment topics to the Board for consideration. If supported, the amendments will be added to the agency's work program.
iv.	As authorized by the Board, develop amendments to the relevant documents. All proposed amendments will be drafted and revised in coordination with applicable stakeholder groups, Boards, Authorities, and Commissions (BACs), and the public.
v.	Agencies will proceed through the amendment process, to include outreach, draft amendments, and public hearings.



Key Performance Indicators:

- Number and description of county code amendments authorized and adopted.
- Number and description of stakeholder and community engagement opportunities during the amendment process.

Equitable Implementation:

- ✓ Well-meaning regulations can have negative unintended consequences on certain populations. Consider whether any amendments negatively impact climate conditions in other areas.
- ✓ Conduct a robust public engagement process beyond the public hearings for the County Code amendment processes, seeking to collect input from those that are often underrepresented. Engage stakeholders during times and with platforms that are convenient to those most affected. Use best practices for collecting input from all stakeholders including various platforms translated into multiple languages.
- ✓ Leverage the Inclusive Community Engagement Framework (ICEF).
- ✓ Assess regulations to ensure that regulations do not result in displacement of existing community members.
- ✓ Ensure county codes do not exclude multi-generational families, single-earner families, etc. on the premise of implementing a climate resilience measure.
- ✓ Ensure zoning does not exclude certain populations from accessing critical facilities, including public service facilities, parks, recreation, and natural resource areas. Ensure existing amenities are maintained in vulnerable areas.



Funding and Resource Opportunities:

- BRIC
- Community Development Block Grant Mitigation (CDBG-MIT)

Co-Benefits:



ADDITIONAL STRATEGIES FOR GOAL CRC.3

Strategy
CRC.3d

Update the Public Facilities Manual

Pursue updates to the Public Facilities Manual to consider climate projections and enhance resilience. This strategy may occur concurrently with County Code and plan amendments depending on breadth and scope. Please see Strategy CRC.3c.

Resilient Infrastructure and Buildings Implementation Roadmaps

PILLAR 3: RESILIENT INFRASTRUCTURE AND BUILDINGS (RIB):

The Resilient Infrastructure and Buildings pillar aims to ensure that the infrastructure and buildings in Fairfax County can withstand climate impacts, keep residents safe, reduce service disruptions, and improve countywide resilience. This pillar includes embedding resilience considerations into infrastructure decisions, so that new and upgraded infrastructure are ready for a changing climate. It advocates for the safety of our buildings, accessibility of the transportation network, and reliability of our critical infrastructure. These actions help us maintain key services and keep residents safe.

Resilient infrastructure and buildings:

- Can withstand extreme temperatures, flooding, and severe storms
- Are built and prepared for future conditions
- Are energy-resilient, energy efficient, and leverage diverse and clean energy sources with backup power
- Support safe movement to jobs, homes, critical services, and other points of interest

In addition to **buildings**, this pillar includes enhancing resiliency of critical infrastructure and facilities in the **transportation, water, energy, communications, and public services** sectors.

RIB		Resilient Infrastructure and Buildings Strategies:	
Goal RIB.1: Incorporate Climate into County Infrastructure Decisions		Goal RIB.2: Advocate for Infrastructure Resilience Outside of County Control	
<i>Priority Strategies:</i> RIB.1a Update the Capital Improvement Program Process to Include Climate Resilience Considerations		<i>Priority Strategies:</i> RIB.2a: Advocate and Partner for Energy Resilience	
RIB.1b: Enhance Flood Resilience of County Government Buildings and Other Facilities			
<i>Additional Strategies:</i> <ul style="list-style-type: none">▪ RIB.1c: Enhance Energy Resilience for County Buildings and Facilities▪ RIB.1d: Enhance Heat Resilience for County Buildings and Facilities▪ RIB.1e: Update Procurement Practices for Resilience		<i>Additional Strategies:</i> <ul style="list-style-type: none">▪ RIB.2b: Advocate for Resilience Updates to the Building Code▪ RIB.2c: Advocate and Partner with Transportation Agencies to Support Transportation Resilience	

Goal RIB.1

Resilient County Government Buildings and Infrastructure

STRATEGY RIB.1a

Update Capital Improvement Program Process to Include Climate Resilience Considerations

Strategy Description: The Capital Improvement Program (CIP) is Fairfax County's five-year roadmap for creating, maintaining, and funding present and future capital infrastructure requirements. The CIP guides the investment in and planning of capital projects. Climate hazards such as increasingly severe flooding, extreme heat, and severe storms can impact the lifespan, function, and maintenance costs of capital facilities. Additionally, capital projects that address climate vulnerabilities may be increasingly needed. This strategy promotes revisions to the CIP evaluation and project prioritization process to better integrate climate resilience into infrastructure planning and development. The intended results of this strategy are to A. ensure that capital facilities planned now can withstand future climatic conditions, and B. prioritize resilience-related capital projects, (such as stormwater infrastructure upgrades) that address top vulnerabilities. Prioritization of these considerations will help the county ensure the long-term safety and resiliency of the Fairfax County community.

Climate Hazards Addressed:



Lead:	DMB, DPWES, OEEC
Partners:	DEMS, DPD, DPWES, FCDOT, FCPA, OCA, One Fairfax, UFMD
Timeline:	Medium-Term (2-5 years)
Cost:	\$\$ (\$100k - \$500k)
Existing Staff:	Partial



Implementation Actions:

i.	Review the existing CIP process to identify revisions needed to embed consideration of: climate change projections, potential risks from climate hazards, and resilience enhancements for the county's infrastructure and facilities. Resilience enhancements should consider ways a project could enhance overall community resilience. Explore screening criteria and identify selection criteria for projects that support the county's resilience goals. Identify pathways to prioritize implementation and funding for climate resilience projects.
ii.	Build a project list of identified resilience projects, including those identified in the Flood Risk Reduction plan and the Hazard Mitigation Plan. Integrate One Fairfax and build upon the completed analysis of the Vulnerability and Risk Assessment to prioritize projects that support the needs of vulnerable populations and/or address top climate risks to the county.
iii.	Partner with staff responsible for capital improvement evaluation, project management, and implementation to draft proposed revisions.
iv.	Proceed through revision and approval processes to encourage capital projects that mitigate risk and build resilience to future projected extreme heat, heavy precipitation, coastal flooding, and severe storms. Coordinate with the department responsible for asset management or use in advance of project approval to ensure there are no adverse impacts.
v.	Monitor and evaluate CIP implementation results and project outcomes. Adjust process and/or prioritization criteria if needed.



Key Performance Indicators:

- Number of CIP projects that address a climate vulnerability (e.g., flood risk reduction projects).
- Percent of CIP projects that consider long-term resilience of the project to projected climate conditions.
- Percentage of resilience-related CIP projects located in AAAs or vulnerable areas.
- Amount of funding dedicated to resilience-focused or resilience-related CIP projects.

Equitable Implementation:

- ✓ Consider how to factor needs of underserved communities into the CIP process.
- ✓ Identify how the county can monitor the effects of proposed projects on marginalized populations.
- ✓ Consider how to maintain the integrity and fabric of communities that are seeing significant impacts from flooding due to their location, while protecting them from potential risk and loss during storm events.
- ✓ Prioritize and distribute projects to communities most vulnerable to climate change.



Funding and Resource Opportunities:

- BRIC
- Hazard Mitigation Grant Program (HMGP)

Co-Benefits:



Case Study: VDOT Design Standards Consider Climate Change and Coastal Storms

The Virginia Department of Transportation (VDOT) issued new design standards for bridge structures that aim to make them more resilient to climate change impacts. The standards account for sea level rise, water salinity, temperature changes, and rainfall intensity when constructing and maintaining bridges. The guidelines identify adaptive measures, such as building certain bridges higher and longer to account for rising seas and more intense rains. The department is also developing new standards to make roadways more resilient to climate change.

Goal RIB.1

Resilient County Government Buildings and Infrastructure

STRATEGY RIB.1b

Enhance Flood Resilience of County Government Buildings and Other Facilities

Strategy Description: Fairfax County's local government buildings should be flood-resilient to ensure continuity of public services and long-term durability during more frequent flooding events. The county has implemented best practice flood resilience measures for certain county facilities. Other existing facilities may be in need of flood resilience enhancements and protection. This strategy would include prioritization of local government facilities that are flood-vulnerable, interagency collaboration to address those vulnerabilities, and improvements to county processes for reporting and tracking such issues long-term. Flood resilience actions could include but are not limited to: elevating or relocating critical infrastructure, flood proofing measures, stormwater management improvements, and improving accessibility.

Climate Hazards Addressed:



Lead:	OEEC (Facilitator)
Partners:	DEMS, DPWES, FCPA, FCPS, FMD, HCD, and other departments as relevant to specific facilities.
Timeline:	Medium-term (2-5 years)
Cost:	\$\$ (\$100K - \$500k)
Existing Staff:	Partial

Executive Orders: Complementing this local government strategy, Virginia Governor Ralph Northam issued two executive orders that support resilience at the state level. Executive Order 24 (2018) directed the state to take a range of actions to plan for flooding and sea level rise, including developing a Virginia Coastal Resilience Master Plan and adopting an updated freeboard standard for state-owned properties. Executive Order 45 (2019) created the Virginia Flood Risk Management Standard which increased freeboard requirements for state-owned buildings in floodplains.

Implementation Actions:

i.	Building upon preliminary work conducted during the Resilient Fairfax process, complete an inventory of county buildings and facilities with current and potential future flooding vulnerabilities.
ii.	Categorize building vulnerabilities for appropriate resolution. Example categories could include: those requiring routine maintenance only (FMD, FCPA, FCPS, HCD), those requiring significant capital improvements (agencies' Capital Facilities entities), and those requiring stormwater management improvements on site (DPWES - Stormwater).
iii.	Prioritize buildings and facilities for flood resilience upgrades for implementation through appropriate avenues, such as maintenance work orders or the CIP. CIP upgrades should be coordinated with Strategy RIB.1a.
iv.	Review current processes for internal county reporting of flooding issues and/or damage to county buildings. Reporting should include both repetitive small-scale flooding and larger-scale flooding events. This process review should include DEMS, FMD, DPWES, FCPA, FCPS, HCD, and designated facilities managers. Clarify roles, responsibilities, and standard procedures. Identify opportunities for streamlining, consolidated reporting, and improved data collection consistency.
v.	Incorporate findings into facility reporting and improvement processes. Educate staff to provide improved understanding and use of proper reporting systems for each flooding type. These reporting systems may include the Emergency Data Gathering Repository (EDGR), DPWES service requests, and facility maintenance requests.



Key Performance Indicators:

- Number of county government facilities and buildings inventoried for flood vulnerabilities.
- Percentage of facilities identified with flooding-related vulnerabilities, and percentage with improvements completed.
- Locations of and demographics served by buildings in need of flood vulnerability improvements.
- Number of staff trained on building vulnerability reporting systems.

Equitable Implementation:

- ✓ Consider buildings that provide critical services to vulnerable groups.
- ✓ Insert a prioritization factor that uses demographics of the community. Low-income neighborhoods may be more reliant on community centers and improving the accessibility for critical infrastructure will be instrumental.



Funding and Resource Opportunities:

- Hazard Mitigation Grant Program (HMGP)
- Flood Mitigation Assistance Grant

Co-Benefits:



ADDITIONAL STRATEGIES FOR GOAL RIB.1

Strategy RIB.1c

Enhance Energy Resilience for County Buildings and Facilities
Enhance the energy resilience of county-owned facilities, particularly new facilities, through strategies such as increasing the availability of on-site back-up power (prioritizing clean power when feasible), elevating equipment, hardening infrastructure, creating energy redundancy, and establishing back-up communications. Coordinate with OEEC’s ESCO work.

Strategy RIB.1d

Enhance Heat Resilience for County Buildings and Facilities
Include consideration of heat mitigation techniques for new and renovated county facilities, such as heat-resilient trees and shading, energy efficiency and ventilation, cool roofs, passive cooling, and heat-resilient building orientation and materials. Pursue these updates through the CIP process (Strategy RIB.1a) or through resilience-related updates to the Sustainable Development Policy for Capital Projects, as appropriate.

Strategy RIB.1e

Update Procurement Practices for Resilience
Project scope descriptions for county procurement and Architecture/Engineering contracts should maximize the inclusion of construction methods and design elements that maximize resilience, such as porous material installation, green infrastructure implementation, wetland restoration, and solar plus storage design and construction.

Goal RIB.2

Advocate for Infrastructure Resilience
Outside of County Control

STRATEGY RIB.2a

Advocate and Partner for Energy Resilience

Strategy Description: Energy infrastructure (i.e., the electricity grid and natural gas infrastructure systems) can be affected by climate change impacts, including extreme storms, flooding, and heat. These impacts can cause service disruptions and cascading effects across many sectors. Power outage impacts were identified as a top risk in the [Resilient Fairfax Vulnerability and Risk Assessment](#). While Fairfax County has limited ability to directly address energy infrastructure, opportunities have been identified for Fairfax County to continue and expand engagement and coordination with energy utilities, including Dominion Energy and NOVEC (Northern Virginia Electric Cooperative). Fairfax County can also promote energy resilience enhancements by developing an Energy Assurance Plan, which would consider a community’s energy profile, providers, and critical facilities. Through advocacy and partnership, Fairfax County can support greater energy resilience for the community, helping to limit energy disruption and improve energy reliability.

Climate Hazards Addressed:



Lead:	OEEC
Partners:	DEI, DEMS, DPD, DPSC, OCA
Timeline:	Ongoing
Cost:	\$\$ (\$100k - \$500K)
Existing Staff:	Yes

Implementation Actions:

i.	Continue coordination with the State Corporation Commission to support statewide and regional efforts to improve energy resilience through distributed energy resources, undergrounding, improved grid reliability, and islanding capabilities while maintaining energy affordability.
ii.	Continue coordination with energy utilities, including Dominion Energy, NOVEC, Washington Gas, and Columbia Gas, to support consideration of climate hazards in new and/or upgraded energy infrastructure, and to advocate for continued energy resilience enhancements. Where applicable, advocate for strategies such as undergrounding and energy infrastructure hardening.
iii.	Identify opportunities for implementation of distributed energy resources, such as renewables (i.e. solar), back-up power, and energy storage. Identify priority locations for siting distributed energy resources, with consideration for vulnerable populations, community-serving facilities, emergency operation centers, and other critical facilities. As use of distributed energy matures, monitor the community for opportunities for microgrid applications for greater redundancy.
iv.	Evaluate options for development of an Energy Assurance Plan, either at the county or state level, to enhance preparedness for climate hazard events and improve energy resilience.



Key Performance Indicators:

- Number, length, and geographic distribution of power outages in the county.
- Number of DER sites identified and implemented, tracked over time, including the percentage of DER programs supporting vulnerable communities and/or within AAAs.
- Number of coordination meetings with utilities and/or state regulators.

Equitable Implementation:

- ✓ Consider which programs and policies would best support needs of vulnerable communities and ensure access to energy during climate change related impacts.
- ✓ Consider how to best advocate for all residents, especially vulnerable communities.
- ✓ Ensure that the Energy Assurance Plan considers energy needs of the most vulnerable populations.
- ✓ Prioritize implementation of renewables, and storage in low-income communities.
- ✓ Identify funding options to support upfront costs to vulnerable communities in the future.



Funding and Resource Opportunities (for future energy resilience projects):

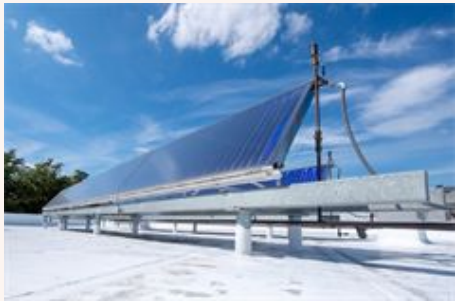
- BRIC
- Community Development Block Grant State Program

Co-Benefits:



What are distributed energy resources?

Distributed energy resources (DER) are small scale electricity generation and storage technologies that provide energy capacity where needed. DER systems are typically less than 10 megawatts of power and can be either connected to the local power grid or stand alone from the power grid. DER includes a range of technologies such as wind turbines, solar photovoltaics, natural gas generators, battery energy storage, and fuel cells.



ADDITIONAL STRATEGIES FOR GOAL RIB.2

Strategy RIB.2b	Advocate for Resilience Updates to the Building Code Continue advocating for updates to the Virginia Statewide Building Code to enhance resilience to climate hazards for new buildings.
Strategy RIB.2c	Advocate and Partner with Transportation Agencies to Support Transportation Resilience Support transportation infrastructure managers such as WMATA, VDOT, FCDOT and others to advocate for climate adaptive measures for transportation infrastructure, including roadways and public transit. Resilience measures may include flood mitigation upgrades, energy resilience retrofits, shaded transit stops, green bus stops, seating, cool pavements, or alternate paving materials.

Adaptive Environments Implementation Roadmaps

PILLAR 4: ADAPTIVE ENVIRONMENTS (AE):

The Adaptive Environments pillar focuses on protection and restoration of the county's natural environments to enhance resilience and protect biodiversity. Adaptive Environments improve the county’s overall resilience to climate impacts by supporting ecosystems’ ability to naturally mitigate risks and provide ecosystem services. When ecosystems are healthy and protected, they are better able to provide critical services that support county-wide resilience. For example, wetlands, thriving stream valley parks, and green infrastructure are able to naturally absorb excess flood waters. Living shorelines are able to naturally absorb coastal storm surge energy along the Potomac, providing protection to the communities behind the shores. Tree canopies and green spaces provide a localized cooling effect from heat through shade and evapotranspiration.

Adaptive Environments in Fairfax include:

- Green infrastructure that enhances neighborhood resilience to flooding and heat
- Natural resources and environments that are thriving, biodiverse, accessible to the public, and able to provide ecosystem services and natural resilience
- Environmentally sensitive areas that are protected and conserved
- Natural resources planning that considers future climate conditions

AE	Adaptive Environments Strategies:	
	Goal AE1: Protect Natural Resources that Enhance Resilience	Goal AE2: Restore Damaged Areas Through Nature-Based and Natural Solutions
	<i>Priority Strategies:</i> AE.1a: Develop a Consolidated Natural Resources Management Plan AE.1b: Survey and Protect Areas that Provide Natural Resilience Benefits	<i>Priority Strategies:</i> AE.2a: Pursue Green Infrastructure Projects that Provide Climate Resilience Benefits
	<i>Additional Strategies:</i> <ul style="list-style-type: none">▪ AE.1c: Update Provisions for Conservation Easements▪ AE.1d: Integrate Climate Change Considerations into Urban Forestry Program	<i>Additional Strategies:</i> <ul style="list-style-type: none">▪ AE.2b: Support Continued Stream Corridor Restoration▪ AE.2c: Support Continued Urban Reforestation▪ AE.2d: Explore Living Shoreline Opportunities▪ AE.2e: Restore Wetlands and Floodplains▪ AE.2f: Explore Regenerative Agriculture Opportunities

Goal AE.1

Protection: Protect Natural Resources That Enhance Resilience

STRATEGY AE.1a

Develop a Consolidated Natural Resources Management Plan

Strategy Description: A consolidated natural resources management plan will allow the county to more comprehensively plan for and manage its numerous natural resources, including tree canopies and forests, parkland and conserved land, stream corridors and valleys, water bodies, shorelines, wetlands, green infrastructure, critical habitats, and other natural resources. Currently, these natural resources are managed and planned in numerous separate processes, policies, and programs, which renders it difficult for the county to manage our natural resources as an interconnected, integrated, and overarching system. Climate change impacts, such as changing precipitation patterns and increasing temperatures, will affect ecological systems' integrity and ability to provide ecosystem services. A comprehensive natural resources management plan will enable the county to plan with a systems-level approach, include climate change projections into planning and management decisions, and identify needed measures to improve ecosystem resilience. This strategy will fold together the county's existing natural resource management related plans, including those managed by DPD, FCPA, NVSWCD, DPWES Urban Forestry Division, and other applicable departments. The natural resources management plan should cover all of Fairfax's natural assets,

Climate Hazards Addressed:



consider climate change impacts to the resources and biodiversity, include invasive species management and consideration of climate-resilient species, identify measures to mitigate risk, and develop management actions to increase resource resilience. The natural resources management plan will provide clear guidance to county staff that manage natural resource assets. Guidance from the natural resources management plan should be integrated into applicable county plans and ordinances to facilitate implementation.

Lead:	FCPA, NVSWCD
Partners:	DPD, DPWES, OEEC, One Fairfax, UFMD
Timeline:	Long-Term (5-8 years)
Cost:	\$\$\$ (\$500k - \$1 million)
Existing Staff:	Partial

Implementation Actions:

i.	Following authorization by applicable Boards (Board of Supervisors, Park Authority Board, and NVSWCD Board), create a working group inclusive of all county departments and entities that oversee and manage the existing natural resource plans and/or enforce related natural resource policies and ordinances.
ii.	Building upon the Resilient Fairfax Audit and VRA, identify A. applicable existing natural resource-related plans that should be consolidated into and updated through a consolidated Natural Resources Management Plan, B. related natural resource policies and ordinances that need to be aligned with such plans, such as the Chesapeake Bay Preservation Ordinance, the Tree Conservation Ordinance, Wetlands Zoning Ordinance, and others, and C. new plan sections that should potentially be added, such as a Shoreline Management Plan.
iii.	Create a work plan for creation of the Natural Resource Management Plan, including schedule, tasks, responsibilities (including leads for each section), coordination system, and budget.
iv.	Develop a draft consolidated Natural Resource Management Plan that folds together existing county natural resource management plans, incorporates climate change projections and consideration for climate change impacts, and identifies measures needed to protect and enhance ecosystem resilience. Align this plan with related County Code updates (CRC.3c), plan updates (IAP.1a, IAP.1b, IAP.1c), Adaptation Action Areas (CRC.1a), the Flood Risk Reduction Plan (CRC.3a), and other natural resource strategies (AE.1b-d, AE.2a-f).
v.	Lead and partner agencies will bring the draft plan forward through the public hearing process, including outreach and public hearings prior to Board consideration of adoption. Relevant entities such as the Wetlands Board, the Chesapeake Bay Exception Review Committee, the Tree Commission, EQAC, and others will be consulted.



Key Performance Indicators:

- Number and type of previously separate plans incorporated into the Consolidated Natural Resource Management Plan.
- Progress towards completing plan consolidation (measured against work plan).
- Number and type of departments and organizations involved in plan development.

Equitable Implementation:

- ✓ Well-meaning regulations can have negative unintended consequences on certain populations. Consider if measures identified in the natural resource management plan could negatively impact vulnerable communities and identify ways to ensure vulnerable populations are able to enjoy benefits provided by natural areas.
- ✓ Consider access to natural areas for low-income neighborhoods so the ecosystems benefits that come from these areas are equitably distributed.
- ✓ Leverage the Inclusive Community Engagement Framework for community outreach during plan development.



Funding and Resource Opportunities:

- BRIC
- National Fish and Wildlife Foundation
- Small Watershed Grants Planning and Technical Assistance

Co-Benefits:



Tree Planting:

Fairfax County’s tree canopy covers more than 50% of the county. To protect and maintain this tree canopy, the county supports numerous tree preservation, management, and planting programs. For example, the Fairfax County Urban Forest Management Division works to protect the vitality of the urban forest through development plan review to maximize opportunities to preserve trees, pest management to detect threats to the County’s urban forests, and through public outreach to foster awareness and support for tree planting and preservation. UFMD also has a pilot program with Casey Trees to plant trees on residential properties in vulnerable neighborhoods, as identified by the [One Fairfax Vulnerability Index](#). Additional tree planting initiatives, seedling sales, and assistance are provided by Fairfax County Park Authority (FCPA) and Northern Virginia Soil and Water Conservation District (NVSWCD), among others.

Goal AE.1

Protection: Protect Natural Resources That Enhance Resilience

STRATEGY AE.1b

Survey and Protect Areas that Provide Natural Resilience Benefits

Strategy Description: Healthy natural lands and environmentally sensitive areas are critical to the long-term resilience of Fairfax County. These areas, such as wetlands, critical habitats, biodiverse land, natural shorelines, and healthy stream corridors, can reduce our climate vulnerabilities and enhance resilience in several ways. They can serve as natural barriers against severe storms, absorb excess flood waters and storm surge energy, protect downstream communities, reduce erosion, mitigate against extreme heat, and support the biodiversity of ecosystems threatened by climate change, among other benefits. These areas and natural resources provide many additional co-benefits, such as water quality protection and protection of areas with historical, archaeological, or recreational significance. This strategy involves the surveying, mapping, prioritization, and conservation of natural areas that currently lack sufficient protection.

Climate Hazards Addressed:



Lead:	FCPA, NVSWCD
Partners:	DPD, DPWES, FCDOT, OCA, OEEC, UFMD
Timeline:	Long-Term (5-8 years)
Cost:	\$\$\$ (\$500k - \$1 million)
Existing Staff:	Partial



Implementation Actions:

i.	Identify and secure additional staff capacity and/or consultant support needed to implement this strategy.
ii.	Leverage the Consolidated Natural Resources Management Plan (Strategy AE1.a) and other applicable plans as a starting point for identification of environmentally sensitive areas that could be candidates for more stringent protection. To thoroughly analyze these candidate areas, complete field surveys of public land to verify and document lands that naturally enhance climate resilience, contain sensitive and/or rare habitats, and areas with extensive invasive species in need of management. Consider leveraging existing GIS data, such as tree canopy cover and land use type, to inform field survey work. Partner with state and federal agencies, as applicable, to coordinate survey work and data collection. Build off of existing and ongoing surveys and documentation from FCPA and NVRC.
iii.	Informed by data collection under this strategy as well as available county data, create an updated GIS database of natural areas in need of stronger protections for climate resilience, including lands with sensitive and/or rare habitat and species and high-quality natural resources areas.
iv.	Based upon the field surveys, GIS database, and Resilient Fairfax Vulnerability and Risk Assessment , identify land prioritized for conservation easements, Natural Area Preserve designation, or other protective status to enhance or preserve natural climate resilience.
v.	Explore strategic partnerships, grant opportunities and/or financing opportunities for conservation and protection of identified environmentally sensitive areas, including but not limited to: tidal and freshwater wetlands, intermittent streams, shorelines, and habitat for key species. Partners in this effort may include, but are not limited to: Department of Defense, National Park Service, Northern Virginia Regional Parks, Northern Virginia Conservation Trust, and Virginia Department of Conservation and Recreation.



Key Performance Indicators:

- Total amount of land area surveyed, and number of field surveys completed.
- Amount secured in grant and/or other funding sources for conservation.
- Percent of eligible acres of environmentally sensitive land conserved and/or protected within the county.

Equitable Implementation:



- ✓ Consider how the protection of environmentally sensitive areas could affect development and/or change land values.
- ✓ Consider whether the benefits of protecting environmentally sensitive areas will be distributed equitably.
- ✓ Along with protecting environmentally sensitive areas, include aspects of environmental restoration in low-income neighborhoods so the benefits that come from these ecosystems are equitably distributed.



Funding and Resource Opportunities:

- BRIC
- Coastal and Estuarine Land Conservation Program
- Conservation Reserve Enhancement Program
- Emergency Coastal Resilience Fund
- Land and Water Conservation Fund
- National Coastal Resilience Fund
- National Coastal Wetlands Conservation Grant Program
- Virginia Environmental Endowment
- Wildlife Conservation Society Climate Adaptation Fund
- Virginia Land Conservation Fund
- Virginia Open Space Lands Preservation Trust Fund
- Virginia Recreational Trails Fund

Co-Benefits:



ADDITIONAL STRATEGIES FOR GOAL AE.1

Strategy AE.1c	Update Provisions for Conservation Easements Update the provisions for conservation easements to include potential canopy credit as well as resources needed to maintain or improve the condition of the resource in perpetuity.
Strategy AE.1d	Integrate Climate Change Considerations into Urban Forestry Program Consider future climate conditions to support long term tree health, including consideration for tree selection, required maintenance, and planting processes.



Dyke Marsh Wildlife Preserve Restoration

Dyke Marsh is the Washington metropolitan region’s largest freshwater wetland and one of the best studied wetlands in the nation. Located in Fairfax County, the marsh is home to 300 different plant species including six species of concern. The marsh began growing 2,500 years ago. During the 20th century, over 100 acres of the marsh was dredged away for mining of sand and gravel. Erosion and sea level rise pose additional threats. The USACE and NPS have been working on Dyke Marsh stabilization. Phase I is complete, and Phase II was scheduled to start summer 2022. Restoration and stabilization of marshes like Dyke Marsh not only provide critical habitat for a variety of wildlife, but also provide storm buffers, helping to reduce wave energy and prevent erosion. Additionally, our marshes act as natural filters to clean the waters of the Potomac River.

Goal AE.2

Restoration: Restore Damaged Areas Through Nature-Based and Natural Solutions

STRATEGY AE.2a

Pursue Green Infrastructure Projects that Provide Climate Resilience Benefits

Strategy Description: “Green infrastructure” refers to systems that use a combination of ecologically-based and engineered solutions to support heat mitigation, water quality, stormwater management, and numerous other co-benefits. Green infrastructure can range from structural projects, such as bioretention ponds, bioswales, permeable pavements, and green roofs, to non-structural green infrastructure, such as tree conservation, floodable parks, and green spaces. Strategic implementation of green infrastructure projects can support the county’s broader flood mitigation efforts through localized retention of stormwater, as well as providing localized cooling and other community benefits. The county has numerous initiatives, pilots, and policies that relate to the goals of green infrastructure. This strategy would expand upon existing efforts to support implementation of green infrastructure for resilience benefits. Departmental leads for specific green infrastructure (GI) projects may depend on the project type, as follows: DPWES: for GI within stormwater management projects, capital facilities, tree planting, invasive species management, and maintenance. FCDOT: for GI within transportation projects and plans. NVSWCD: Small-scale GI for residents and other private properties. DPD: For GI in plan review, code, and compliance.

Climate Hazards Addressed:



Lead:	FCDOT, DPWES, NVSWCD
Partners:	DPD, FCPA, FCPS, LDS, OEEC, UFMD
Timeline:	Medium-Term (2-5 years)
Cost:	\$\$\$ (\$500k - \$1 million)
Existing Staff:	Partial



Implementation Actions:

i.	Identify areas that are: heat vulnerable, flood-prone, and/or areas where green infrastructure would provide additional community and resilience benefits. Model green infrastructure in identified areas to determine if the project will provide the assumed benefit(s).
ii.	(In progress) Integrate structural green infrastructure projects into county CIP process and support prioritization of green infrastructure projects in identified areas. Prioritize native and/or climate-resilient plants when feasible and effective.
iii.	Explore policies to support green infrastructure implementation, including but not limited to: incentive programs, de-paving programs, and limits on impervious surfaces.
iv.	Develop and promote guidance for small-scale green infrastructure projects, such as tree plantings or rain gardens, that can be implemented on-site by local businesses, commercial and industrial properties, and homeowners to support heat mitigation, local retention of stormwater, and other resilience benefits. Promote and expand awareness of existing green infrastructure programs, workshops, and assistance provided by entities such as NVSWCD.
v.	Support community greening programs to encourage reduction of impervious spaces and expansion of green spaces in communities, prioritizing native and/or climate-resilient plants when feasible and effective. Develop maintenance programs for green spaces. Engage with community groups, volunteers, and students.



Key Performance Indicators:

- Number of CIP projects with green infrastructure component (public projects, by type).
- Number of tree plantings and their survivorship.
- Total acreage of green space and green infrastructure in the county, sorted by type so as not to count the replacement of forested land with developments that have green infrastructure as a net positive.

Equitable Implementation:

- ✓ Consider how these green infrastructure projects affect surrounding neighborhoods and how residents, particularly low-income, can benefit and meaningfully participate in community greening projects.
- ✓ Include a maintenance program for green infrastructure installations to ensure proper drainage and that the amenity does not attract/collect litter or dumping, which can affect the values of surrounding properties.
- ✓ Assess interest in and engage those interested in green infrastructure and provide tools necessary to participate at an individual level.
- ✓ Include a community education component to involve stewards that can address continued use of green infrastructure installations.
- ✓ Set up programs that subsidize or provide incentives for residents to adopt rain capture practices to reduce localized flooding. Incorporate an educational component to promote neighborhood-wide adoption.



Funding and Resource Opportunities:

- BRIC
- HMGP
- Flood Mitigation Assistance Grant
- Virginia Community Flood Preparedness Fund
- Healthy Streets Program

Co-Benefits:



Case Study: Green Infrastructure

A study of social and economic benefits of green infrastructure (GI) in 12 cities across the United States as well as international cities, including Copenhagen, Adelaide, Toronto, and Tokyo, confirmed many of the co-benefits provided by GI beyond stormwater mitigation. The study found that GI helped to lower heat stress, heat stroke, and heat-related deaths. Through implementation of GI, the creation of new green spaces in communities improved community livability, providing recreation opportunities, encouraging walkability, and other outdoor activities. GI also supported air quality improvement through improved filtering of the air by vegetation and lower energy consumption in buildings with GI implementation. Many Fairfax County government buildings incorporate green infrastructure, such as the Public Safety Headquarters, which has a suite of green infrastructure including a vegetated roof, rain garden, and pervious pavement, among others.

ADDITIONAL STRATEGIES FOR GOAL AE.2

Strategy AE.2b	Support Continued Stream Corridor Restoration Continue and expand the county's stream corridor restoration opportunities, leveraging best available science and best practices in habitat restoration. Include inventories of existing habitat quality and design for ecological lift as part of the project selection and design process.
Strategy AE.2c	Support Continued Urban Reforestation Aid with Urban Heat Island effect and flooding impacts through urban reforestation projects, expanding upon existing initiatives by the Urban Forestry Management Division. Explore tree planting programs that plant, maintain, and replace loss of mature trees in residential neighborhoods, using the One Fairfax lens.
Strategy AE.2d	Explore Living Shoreline Opportunities Aid in coastal flooding risks through living shorelines projects. Pursue potential development of a Shoreline Management Plan, as a component of the Consolidated Natural Resources Management Plan (see Strategy AE.1a). Leverage existing living shorelines pilot projects for educational purposes.
Strategy AE.2e	Restore Wetlands and Floodplains Aid in reduction of flooding risk through wetland and floodplain restoration.
Strategy AE.2f	Explore Regenerative Agriculture Opportunities Engage local farmers, community gardeners, and food advocates, and aid in agricultural resilience to climate hazards.



Case Study: Living Shoreline

The Leesylvania State Park Living Shoreline Project was a collaborative effort between Prince William County, NVRC, the Virginia Department of Conservation and Recreation, Leesylvania State Park, Dominion Power, and the Virginia Institute of Marine Science. Completed in 2016, the project includes 800 linear feet of stabilized shorelines and 25,000 square feet of restored inter-tidal marsh and beach habitat. The project utilizes various living shoreline practices such as marsh restoration, beach enhancement, and rocky ledges to promote shoreline and habitat protection while maintaining recreational access. Living shorelines are a nature-based approach to address climate risk due to sea level rise.

What are nature-based solutions?

Nature based solutions are “actions to protect, sustainably manage, and restore natural or modified ecosystems, that address societal challenges effectively and adaptively, simultaneously providing human well-being and biodiversity benefits” (IUCN). Nature-based solutions can include ecosystem restoration (wetlands restoration), infrastructure related approaches (green infrastructure), ecosystem management approaches (water resources management), or ecosystem protection approaches (land conservation).



L. Moving Forward

The climate crisis poses real, costly, and serious threats to the county's residents, infrastructure, and services. Preparing for and adapting to climate change takes hard work, dedicated leadership, and meaningful engagement from community members and infrastructure partners. However, these conditions also create a valuable and exciting opportunity. When we enhance our climate resilience, we can also enhance our quality of life, financial sustainability, natural resource health, infrastructure durability, equitable access to services, and emergency preparedness. Despite the significant challenges ahead, Fairfax County is prepared to answer the call. By taking action now, the county reduces risk and minimizes costs in the long run. The adaptation and resilience goals outlined in this plan guide the county to become a stronger, more resilient, and climate-ready place to live for all its residents.

Broad-based dissemination of the plan throughout the community will bring awareness of the plan and a call for action. It is the intention of the county that Resilient Fairfax will continue as an ongoing program, with periodic updates, learning, engagement, and monitoring and evaluation of implementation. As the state of science advances, technologies mature, and successes and shortcomings are identified through Resilient Fairfax, the strategies may evolve to fit the emerging needs and best practices. The county looks forward to working alongside local, state and federal partners, community organizations and leaders, and residents, among other stakeholders to realize a Resilient Fairfax.

It takes a village!

The county will continue engaging and collaborating across its departments and agencies, community and infrastructure partners, and state and regional entities to ensure the goals are implemented successfully.



References

For a full list of the sources consulted in development of this plan, please see the accompanying technical reports:

- [Climate Projections Report](#)
- [Vulnerability and Risk Assessment](#)
- [Audit of Existing Policies, Plans and Programs](#)

Appendix A: Glossary

(Based on U.S. Climate Resilience Toolkit)

Adaptation: The process of adjusting to new (climate) conditions in order to reduce risks to valued assets.

Adaptive capacity: The ability of a person, asset, or system to adjust to a hazard, take advantage of new opportunities, or cope with change.

Assets: People, resources, ecosystems, infrastructure, and the services they provide. Assets are the tangible and intangible things people or communities value.

Climate Change: Changes in average weather conditions that persist over multiple decades or longer.

Climate Projections: Simulated response of the climate system to a scenario of future emissions derived from climate models.

Climate shock: A sudden condition or event that is high impact with a limited duration and that can increase vulnerability of a system.

Climate stressor: A condition, event, or trend related to climate variability and change that can exacerbate hazards.

Co-benefits: Positive secondary benefits in addition to climate risk mitigation provided by strategy implementation that improve overall resilience of Fairfax.

Consequence: A subsequent result (usually negative) that follows from damage to or loss of an asset. Quantifying potential consequences is an important part of determining risk.

Drought: Based on the meteorological drought, “drought” is the degree of dryness or rainfall deficit and the length of the dry period. Hydrologic drought is based on the impact of rainfall deficits on the water supply such as stream flow, reservoirs and lake levels, and ground water table.

Ecosystem services: Benefits that humans receive from natural systems, such as climate regulation, water purification, nutrient cycling, among others.

Equity: The commitment to promote fairness and justice in the formation of public policy that results in all residents – regardless of age, race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, disability, socio-economic status or neighborhood of residence or other characteristics – having opportunity to fully participate in the region’s economic vitality, contribute to its readiness for the future, and connect to its assets and resources.

Exposure: The presence of people, assets, and ecosystems in places where they could be adversely affected by hazards.

Flood Mitigation: Implementation of actions to reduce or eliminate long-term risk of flood-damage to buildings, other structures and infrastructure.

Greenhouse gases (GHGs): Gases that trap heat in the atmosphere, contributing to global warming and climate change. Common GHGs include carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated gases.

Greenhouse gas reductions: Decreases in the emissions of heat-trapping greenhouse gases into the atmosphere.

Hazard: An event or condition that may cause injury, illness, harm, or death to people, unsafe conditions, damage to assets and systems, and/or impact on services.

Hazard Mitigation: Sustained action(s) taken to reduce or eliminate long-term risk to life and/or property from hazard event, and can occur before, during, or after a hazard event.

Impacts: Effects on natural and human systems that result from hazards. Evaluating potential impacts is a critical step in assessing vulnerability.

Implementation Partners: Implementation partners include other county departments as well as key public, private, and/or nonprofit organization that will support implementation and strategy success.

Implementation Actions: Specified set of activities developed to carry out a climate adaptation and resilience strategy.

Key Performance Indicators: Quantitative metrics that can help measure progress and success of strategy implementation.

Lead: County department that will oversee strategy implementation.

Mitigation: Processes that can reduce the amount and speed of future climate change by reducing emissions of heat-trapping gases or removing them from the atmosphere. See also Flood Mitigation and Hazard Mitigation.

Probability: The likelihood of hazard events occurring. Probabilities have traditionally been determined from the historic frequency of events. With changing climate and the introduction of non-climate stressors, the probability of hazard events also changes.

Projections: Potential future climate conditions calculated by computer-based models of the Earth system. Projections are based on sets of assumptions about the future (scenarios) that may or may not be realized.

Renewable energy: Energy generated from renewable, non-fossil fuel sources such as solar and wind.

Representative Concentration Pathways (RCPs): Scenarios that include time series of emissions and concentrations of the full suite of greenhouse gases, aerosols, and other chemical active gases, as well as land use/land cover. The word "representative" signifies that each RCP provides only one of many possible scenarios that would lead to the specific radiative forcing characteristics. The term "pathway" emphasizes that not only the long-term concentration levels are of interest, but also the trajectory taken over time to reach that outcome. Emissions scenarios are labeled as "RCP" followed by a number, such as RCP 2.5, RCP 4.5, RCP 6.0, and RCP 8.5. The numbers refer to the warming (in watts) per square meter across the planet by the end of century. For example, "RCP 8.5" means the emissions scenario where the concentration of carbon results in warming at an average of 8.5 watts per square meter over the planet in 2100.

Resilience: The capacity of a community, business, or natural environment to prevent, withstand, respond to, and recover from a disruption.

Risk: The potential for negative consequences where something of value is at stake. In the context of the assessment of climate impacts, the term risk is often used to refer to the potential for adverse consequences of a climate-related hazard. Risk can be assessed by multiplying the probability of a hazard by the magnitude of the negative consequence or loss.

Sea Level Rise: Increase in the average long-term global rise of the world's sea level due to global warming.

Sensitivity: The degree to which a system, population, or resource is or might be affected by hazards.

Strategy: A broader set of actions or set of subsector work that can be modeled to understand GHG emissions reductions.

Strategy Description: Description of the strategy, including context for how it connects to existing county plans, policies, or programs, how the strategy addresses climate risk, and/or how the strategy improves Fairfax's resilience.

Storm Surge: The sea height during storms such as hurricanes and tropical storms that is above the normal level expected at that time and place based on the tides alone.

Tropical Cyclones: Low pressure system (not associated with a front) that develops over tropical and sometimes sub-tropical waters and has organized deep convection with a closed wind circulation about a well-defined center. Tropical depression, tropical storms, and hurricanes are all examples of tropical cyclones.

Uncertainty: A state of incomplete knowledge. Uncertainty about future climate arises from the complexity of the climate system and the ability of models to represent it, as well as the inability to predict the decisions that society will make.

Urban Heat Island Effect (UHI): The tendency for higher air temperatures to persist in urban areas because of heat absorbed and emitted by buildings and asphalt, tending to make urbanized areas warmer than the areas with ample green space.

Vulnerability: The propensity or predisposition of assets to be adversely affected by hazards. Vulnerability encompasses exposure, sensitivity, potential impacts, and adaptive capacity.

Appendix B: Summary Table of How Strategies Address Top Risks

RESILIENT FAIRFAX STRATEGIES X TOP RISKS (AS IDENTIFIED BY THE VULNERABILITY RISK ASSESSMENT)

		Heavy Precipitation Causing Inland Flooding of Communities	Combined Stress on Natural Systems	Severe Storms and Wind Causing Vulnerabilities Due to Debris, Damage, and Unsafe Conditions	Severe Storms and Wind Causing Vulnerabilities due to Power Outages	Extreme Heat Causing Health Related Impacts	Coastal Flooding Impacts
Goal IAP.1 General Planning: Integrate Climate Resilience into Countywide General Planning	Strategy IAP.1a Inventory and Update the Comprehensive Plan to Enhance Resilience	X	X	X	X	X	X
Goal IAP.2 Data Collection: Coordinate and Enhance Data Collection to Inform Resilient Fairfax Implementation	Strategy IAP.2a Develop Resilience Metrics and a Tracking System for Ongoing Assessment of Community Resilience and Improvements	X	X	X	X	X	X
Goal IAP.3 Funding: Obtain and Track Funding for Successful Resilient Fairfax Implementation	Strategy IAP.3a Develop a County Climate Fund	X	X	X	X	X	X
	Strategy IAP.3b Pursue Federal and State Funding Opportunities	X	X	X	X	X	X
Goal IAP.4 Interagency Coordination: Enable Continued Interagency and Intergovernmental Collaboration on Climate Resilience	Strategy IAP.4a Establish a Long-Term Interagency Collaboration System	X	X	X	X	X	X
Goal CRC.1 Create Safe and Resilient Spaces for the Community	Strategy CRC.1a Develop Adaptation Action Areas Where Resilience Action Is Prioritized	X	X	X	X	X	X
	Strategy CRC.1b Pursue Development of a Network Of Resilience Hubs In Climate-Vulnerable Areas of the County	X		X	X	X	X
Goal CRC.2 Build Community Capacity to Understand, be Ready for, Respond to, and Bounce Back from Climate Change Impacts	Strategy CRC.2a Provide Community Aid and Engagement to Identify and Alleviate Resilience Needs	X		X	X	X	X
	Strategy CRC.2b Launch a Climate Resilience Education and Guidance Program	X	X	X	X	X	X
Goal CRC.3 Integrate Climate Projections and Resilience Considerations into Development Regulations, Processes, and Retrofits	Strategy CRC.3a Pursue and Implement a Flood-Risk Reduction Plan for the Fairfax County Community	X	X	X			X
	Strategy CRC.3b Encourage Heat-Resilient Design, Development, Upgrades, and Practices					X	
	Strategy CRC.3c Pursue Amendments to the Zoning Ordinance and other County Code Chapters to Enhance Community Resilience	X	X	X	X	X	X
Goal RIB.1 County Infrastructure Decisions: Incorporate Climate Projections and Resilience into County Infrastructure Decisions	Strategy RIB.1a Update Capital Improvement Program Process to Include Climate Resilience Considerations	X	X	X	X	X	X
	Strategy RIB.1b Enhance Flood Resilience of County Government Buildings and Other Facilities	X					
Goal RIB.2 Advocate for Infrastructure Resilience Outside of County Control	Strategy RIB.2a Advocate and Partner for Energy Resilience				X	X	
Goal AE.1 Protection: Protect Natural Resources That Enhance Resilience	Strategy AE1.a Develop a Consolidated Natural Resources Management Plan	X	X			X	X
	Strategy AE1.b Survey and Protect Areas that Provide Natural Resilience Benefits		X			X	X
Goal AE.2 Restoration: Restore Damaged Areas Through Nature-Based and Natural Solutions	Strategy AE.2a Pursue Green Infrastructure Projects that Provide Climate Resilience Benefits	X	X			X	X

ACTION - 2

Approval of Supplemental Appropriation Resolution AS 23091 to Accept Grant Funding and Authorization to Execute Project Administration Agreement with the Virginia Department of Transportation for the Implementation of Transportation Alternatives Funded Bush Hill Elementary School Safe Routes to School (SRTS) Project (Lee District)

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 23091 for the Fairfax County Department of Transportation (FCDOT) to accept \$800,000 in funding from the Virginia Department of Transportation (VDOT) through the Transportation Alternatives Program (TAP). Authorization is requested for the Director of the Fairfax County Department of Transportation to enter into Standard Project Administration Agreement with VDOT for the Bush Hill Elementary Safe Routes to School (SRTS) project. The project requires a Local Cash Match of \$200,000, which has been identified in Fund 30050, Transportation Improvements. No new General Fund resources are required.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 23091 for FCDOT to accept grant funding from VDOT, associated with the Transportation Alternatives Program in the amount of \$800,000 for the Bush Hill Elementary Safe Routes to School project and authorize the Director of FCDOT to enter into Standard Project Administration Agreement with the VDOT.

TIMING:

Board approval is requested on November 1, 2022, to enable staff to continue progress on this project.

BACKGROUND:

On July 27, 2021, the Board of Supervisors endorsed applications for Transportation Alternatives Projects, including one for the Bush Hill Elementary SRTS project. The Commonwealth Transportation Board subsequently awarded \$800,000 for the project.

The Bush Hill Elementary SRTS project will complete a missing link of the sidewalk along the west side of Bush Hill Drive between Ninian Avenue and Larno Drive, which is

Board Agenda Item
November 1, 2022

approximately 850 feet long and located approximately 800 feet walking distance from the main entrance to the Bush Hill Elementary School building. Bush Hill Drive is an unmarked two-lane residential road with a posted speed limit of 25 miles per hour (mph) and ditches located on both sides adjacent to the edge of the pavement. The project is currently in scoping phase. The design work will begin after the project agreement is executed with VDOT.

The project is a new Transportation Alternative project. The County must allocate part of the funding for VDOT review and completion of National Environmental Policy Act (NEPA) documentation that will be performed by VDOT. The amounts for VDOT review and NEPA completion are \$83,000 and \$5,000 respectively. The remaining \$712,000 will be reimbursable to the County.

The total estimate for this project is \$3,646,280. Staff will continue to explore opportunities to leverage non-county resources for this project. At the September 13, 2022, Board Meeting, the Board authorized staff to apply for Safe Streets for All (SS4A) funding to advance various Active Transportation projects throughout the County, including this project, which would address the costs beyond what is supported through this grant. No additional General Fund dollars will be required for this project.

FISCAL IMPACT:

Total grant funding of \$800,000 is available from VDOT, with a Local Cash Match requirement of \$200,000. The required Local Cash Match has been identified in Fund 30050, Transportation Improvements, from the funding which the Board has directed to new Active Transportation Projects. Appropriation to the Federal-State Grant Fund totals \$712,000, as VDOT expenses are not accounted for in the County's financial system. This action does not increase the expenditure level of the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards. This grant does not allow for the recovery of indirect costs.

CREATION OF POSITIONS:

No positions will be created through this grant award.

ENCLOSED DOCUMENTS:

Attachment 1 – Supplemental Appropriation Resolution AS 23091

Attachment 2 – Resolution to Authorize Staff to Execute Standard Project Agreements

Attachment 3 – Standard Project Agreement for the Bush Hill Elementary School SRTS Project

Board Agenda Item
November 1, 2022

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Noelle Dominguez, Chief, Coordination and Funding Division, FCDOT
Todd Minnix, Chief, Transportation Design Division, FCDOT
Ray Johnson, Chief, Funding Section, FCDOT
Michael Guarino, Chief, Capital Projects Section, FCDOT
Smitha Chellappa, Transportation Planner IV, Funding Section, FCDOT
Lauren Delmare, Transportation Planner III, Capital Projects Section, FCDOT
Lisa Witt, Chief, Administrative Services, FCDOT

ASSIGNED COUNSEL:

John Dorsey, Assistant County Attorney

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 23091

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, on November 1, 2022, at which meeting a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2023, the following supplemental appropriation is authorized, and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund: 500-C50000, Federal-State Grant Fund

Agency: G4040, Department of Transportation

Grants: 1400163-2023, Bush Hill Elementary Safe Routes to School \$712,000

Reduce Appropriation to:

Agency: G8787, Unclassified Administrative Expenses \$712,000

Fund: 500-C50000, Federal-State Grant Fund

Source of Funds: Virginia Department of Transportation, \$712,000

A Copy - Teste:

Jill G. Cooper
Clerk to the Board of Supervisors

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, on November 1, 2022, at which meeting a quorum was present and voting, the following resolution was adopted:

AGREEMENT EXECUTION RESOLUTION

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of the Fairfax County Department of Transportation to execute a Project Administration Agreement with the Virginia Department of Transportation, for the Implementation of the Bush Hill Elementary School Safe Routes to School Transportation Alternatives funded project by the County of Fairfax.

BE IT FURTHER RESOLVED that the County of Fairfax hereby agrees to provide its share of the local contribution, in accordance with the Project Administration Agreement (“PAA”, attached) and associated financial documents (Appendix A, B and C), executed pursuant to this Resolution.

Adopted this 1st day of November 2022, Fairfax, Virginia

A Copy – Teste

ATTEST _____
Jill G. Cooper
Clerk to the Board of Supervisors

STANDARD PROJECT ADMINISTRATION AGREEMENT
Federal-aid Projects

Project Number	UPC	Local Government
EN22-029-589	121567	Fairfax County

THIS AGREEMENT, is hereby made and executed in triplicate effective the date of the last (latest) signature set forth below, by and between the COUNTY OF FAIRFAX, VIRGINIA, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT. The DEPARTMENT and the LOCALITY are collectively referred to as the “Parties.”

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown in Appendix A is hereinafter referred to as the “Project;” and

WHEREAS, the funds shown in Appendix A have been allocated to finance the Project; and

WHEREAS, the LOCALITY is committed to the development and delivery of the Project in an expeditious manner; and

WHEREAS, the LOCALITY is responsible for administering the Project in accordance with DEPARTMENT guidelines, including the most current *Locally Administered Projects Manual* (“LAP Manual”), and with the program specific requirements shown in Appendix B, based on the nature of the allocated funding for the Project as shown in the Appendix A; and

WHEREAS, the Parties have concurred in the DEPARTMENT’s administration of the specific Project services shown in Appendix C; and

WHEREAS, the Parties have concurred in the LOCALITY's administration of all phases of work for the Project in accordance with applicable federal, state and local laws and regulations; and

WHEREAS, the LOCALITY's governing body has by resolution, demonstrated the LOCALITY’S commitment to provide local funding for the Project to the extent contemplated by this Agreement and further, by resolution or otherwise, authorized its designee to execute this Agreement, and said authorizations are attached hereto.

NOW THEREFORE, in consideration of the mutual premises contained herein, the Parties hereto agree as follows:

1. The representations, covenants and recitations set forth in the foregoing recitals are material to this Agreement and are hereby incorporated into and made a part of this Agreement as though they were fully set forth in this Section 1.
2. The LOCALITY shall:
 - a. Be responsible for all activities necessary to complete the noted phase(s) of the Project as shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as expressly required by federal or state laws and regulations, or as otherwise agreed to, in writing, between the Parties. Every phase of the Project will be designed and constructed to meet or exceed current American Association of State Highway and Transportation Officials standards when the facilities are locally maintained and shall further comply with all supplementary standards established by the DEPARTMENT when the facilities are maintained by the DEPARTMENT.
 - b. Meet all funding obligation and expenditure timeline requirements in accordance with all applicable federal and state laws and regulations, all applicable Commonwealth Transportation Board and DEPARTMENT policies, and those additional requirements as identified in Appendices A and B to this Agreement. Noncompliance with this requirement may result in deallocation of the funding from the Project, rescission of state funding match, termination of this Agreement, or the DEPARTMENT's denial of future requests to administer projects by the LOCALITY, all of which actions are at the discretion of the DEPARTMENT or as can be taken pursuant to applicable laws, regulations, or policies.
 - c. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, advertisement and award for the Project, as required in the most current LAP Manual and other applicable DEPARTMENT guidelines.
 - d. Administer the Project in accordance with the DEPARTMENT's most current LAP Manual and other guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
 - e. Maintain accurate and complete records of the Project's development as required in the LAP Manual and any supplemental guidance and directives of the DEPARTMENT and retain documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT upon request. Records and documentation for the Project shall be maintained for no less than three (3) years following the DEPARTMENT'S acceptance of the final voucher on the Project.
 - f. At least quarterly, but no more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of vendor and contractor invoices paid by the LOCALITY, an up-to-date Project summary and

schedule, and a summary of all payment requests, payments and adjustments. A request for reimbursement shall be made within 90 days after any eligible Project expenses are incurred by the LOCALITY. Reimbursement for eligible expenditures shall not exceed funds allocated each year for the Project by the Commonwealth Transportation Board in the Six Year Improvement Program.

- g. Acknowledges that for federally-funded projects and pursuant to 2 CFR § 200.339, Remedies for Noncompliance, failure to comply with federal laws and regulations, or the terms and conditions of federal awards, may result in the imposition of sanctions including but not limited to possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.
- h. Reimburse the DEPARTMENT for all Project expenses incurred by the DEPARTMENT if, due to action or inaction of the LOCALITY, federally-funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement is required by the provisions of § 33.2-214 or § 33.2-331 of the Code of Virginia (1950), as amended, or other applicable provisions of federal, state, or local law or regulations.
- i. On projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
- j. Administer the Project in accordance with all applicable federal, state, and local laws and regulations. Failure to fulfill legal obligations associated with the Project may result in forfeiture of federal or state-aid reimbursements.
- k. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the Project.
- l. Provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT. Where the Project results in physical construction, the LOCALITY will continue to operate and maintain the Project in accordance with the final constructed design as approved by the DEPARTMENT. The LOCALITY agrees that any modification of the approved design features, without the approval of the DEPARTMENT, may, at the discretion of the DEPARTMENT, result in restitution either physically or monetarily as determined by the DEPARTMENT.

3. The DEPARTMENT shall:
 - a. Perform any actions and provide any decisions and approvals, within a reasonable time, which are the responsibility of the DEPARTMENT, required by federal and state laws and regulations, or as otherwise agreed to, in writing, between the parties, and provide necessary coordination with the FHWA as determined to be necessary by the DEPARTMENT.
 - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 2.f., reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
 - c. Where applicable, submit invoices to the LOCALITY for the LOCALITY's share of eligible Project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraphs 2. a. and 3.a.
 - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with federal and state laws and regulations.
 - e. Upon LOCALITY'S request, make available to the LOCALITY guidelines to assist the Parties in carrying out responsibilities under this Agreement.
4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to § 33.2-1011 of the Code of Virginia (1950), as amended.
5. Nothing in this Agreement shall obligate the Parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. State and federal Project funding is limited to those identified in the Appendix A of this Agreement and is allocable only upon LOCALITY's compliance with all requirements of this Agreement. In the event the cost of all or part of the Project is anticipated to exceed the allocation shown on Appendix A, the Parties agree to cooperate in seeking additional funding for the Project or to terminate the Project before Project costs exceed the allocated amount. Any requested increase in federal or state funding is subject to DEPARTMENT policy and procedures applicable to the funding source and is not guaranteed.
6. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and capacity and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either Party, in their individual or

personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.

8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, received a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.
9. This Agreement may be terminated by either Party upon 30 days advance written notice to the other Party. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 2.f, 2.h., and 3.b, subject to the limitations established in this Agreement and Appendix A. Upon termination and unless otherwise agreed to, the DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way.
10. Prior to any action pursuant to paragraphs 2.b, 2.g. or 2.h. of this Agreement, the DEPARTMENT shall provide notice to the LOCALITY with a specific description of the LOCALITY's breach of this Agreement. Upon receipt of a notice of breach, the LOCALITY will be provided the opportunity to cure such breach or to provide a plan to cure to the satisfaction to the DEPARTMENT. If, within sixty (60) days after receipt of the written notice of breach, the LOCALITY has neither cured the breach, nor is diligently pursuing a cure of the breach to the satisfaction of the DEPARTMENT, then upon receipt by the LOCALITY of a written notice from the DEPARTMENT stating that the breach has neither been cured, nor is the LOCALITY diligently pursuing a cure, the DEPARTMENT may exercise any remedies it may have under this Agreement or at law or in equity.
11. THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the Parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any Party.
12. THIS AGREEMENT, when properly executed, shall be binding upon both Parties, their successors, and assigns.
13. THIS AGREEMENT may be modified only in writing by mutual agreement of the Parties.

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

COUNTY OF FAIRFAX, VIRGINIA:

Signature

Tom Biesiadny

Typed or printed name of signatory

Director, Fairfax County Department of Transportation

Title

Date

Signature of Witness

Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this agreement.

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

Chief of Policy

Commonwealth of Virginia

Department of Transportation

Date

Signature of Witness

Date

Attachments

Appendix A

Appendix B

Appendix C

Appendix A - Locally Administered

Revision: Original

Prepared Date: 8/12/2022

Project Details

UPC: 121567 State Project #: EN22-029-589 CFDA #: 20.205 Locality UEI #: W2ZUFMBDM378

Locality: Fairfax County Address: 4050 Legato Road Suite 400 Fairfax VA 22033-2867

Work Description: BUSH HILL ES SRTS - complete a missing link of sidewalk along the west side of Bush Hill Drive between Ninian Avenue and Larno Drive. Project Location (Zip +4) 22310-1104

Project Points of Contact

Locality Project Manager
Name: Todd Minnix
Phone: 703-877-5749
Email: Wesley.minnix@fairfaxcounty.gov

VDOT Project Coordinator
Name: Saif Qhargha
Phone: 703-259-3223
Email: Saif.Qargha@vdot.virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total
Estimated Locality Project Expenses	\$513,667	\$947,626	\$2,096,987	\$3,558,280
Estimated VDOT Project Oversight	\$55,000	\$3,000	\$25,000	\$83,000
Estimated VDOT Project Services (Appendix C)	\$5,000	\$0	\$0	\$5,000
Estimated Total Project Costs	\$573,667	\$950,626	\$2,121,987	\$3,646,280

Project Financing

Allocated Funds Type	Allocated Funds Amount	Local % Participation	Local Share Total	Max Reimbursement to Locality	Total Estimated Reimbursement to Locality
TAP	\$1,000,000	20%	\$200,000	\$800,000	
Local Funds	\$2,646,280	100%	\$2,646,280	\$0	
			\$0	\$0	
Funding Totals	\$3,646,280		\$2,846,280	\$800,000	\$712,000

Note - The funds order is not indicative of the actual spend order of funds on the project.

Authorized Locality Official Date

Tom Biesiadny
Printed Name of Locality Official

Director, Fairfax County Department of Transportation

Title of Locality Official

Authorized VDOT Official Date

Ray Burkhardt
Printed Name of VDOT Official

Local Agreements Manager
Title of VDOT Official

This attachment is certified and made an official attachment to this document by the Parties to this Agreement.

Updated June 2022

Federal-Aid Agreement

Appendix B – Special Funding Program Conditions and Requirements

Project Number	UPC	Local Government
EN22-029-589	121567	Fairfax County

SMART SCALE

Administration of this Project, including but not limited to the Project estimate, schedule and commitment to funding, is subject to the requirements established in the Commonwealth Transportation Board's (CTB's) most current *Policy for Implementation of the SMART SCALE Project Prioritization Process*, the applicable requirements of the Code of Virginia, and VDOT's applicable *Instructional and Informational Memoranda*.

Without limiting the foregoing, this Project has been selected through the Smart Scale (HB2) application and selection process and will remain in the Six-Year Improvement Plan (SYIP) as a funding priority unless certain conditions set forth in the CTB's most current *Policy for Implementation of a Project Prioritization Process* arise. Pursuant to the CTB's *Policy for Implementation of a Project Prioritization Process*, this Project will be re-scored and/or the funding decision re-evaluated if any of the following conditions apply: a change in the scope, an estimate increase, or a reduction in the locally/regionally leveraged funds. Applications may not be submitted in a subsequent SMART SCALE prioritization cycle to account for a cost increase on a previously selected Project.

This Project shall be initiated and at least a portion of the Project's programmed funds expended within one year of the budgeted year of allocation or funding may be subject to reprogramming to other projects selected through the prioritization process. In the event the Project is not advanced to the next phase of construction when requested by the CTB, the LOCALITY or the localities within the metropolitan planning organization may be required, pursuant to § 33.2-214 of the Code of Virginia, to reimburse the DEPARTMENT for all state and federal funds expended on the Project.

Transportation Alternatives Program

This Project shall be administered in accordance with VDOT's most current *Transportation Alternatives Program Guide*.

Without limiting the foregoing, CTB policy for allocations from the Transportation Alternatives Programs requires that the Project must be advertised or otherwise under construction within four years of the initial Project allocation or otherwise be subject to deallocation, unless prior Department approval has been provided.

The DEPARTMENT shall conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act, unless otherwise agreed to in writing and attached to this Agreement. The LOCALITY is responsible

for implementing any environmental commitments resulting from the environmental studies. In addition, the LOCALITY is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental studies and submissions will be provided to the LOCALITY and deducted from the Project funds.

Regional Surface Transportation Program (RSTP)

Allocated Regional Surface Transportation Program funds must be obligated within 12 months of allocation and expended within 36 months of the obligation.

Congestion Mitigation Air Quality (CMAQ)

Allocated Congestion Mitigation and Air Quality Program funds must be obligated within 12 months of allocation and expended within 36 months of the obligation.

Revenue Sharing

This Project shall be administered in accordance with VDOT's most current *Revenue Sharing Program Guidelines*.

Without limiting the foregoing, the Project shall be initiated such that at least a portion of the Revenue Sharing Funds are expended within one year of allocation. For any project that has not been initiated within one year, the CTB has the discretion to defer consideration of future allocations until the Project moves forward. Further, if the Project has not been initiated within two fiscal years subsequent to the allocation of Revenue Sharing Funds, the Revenue Sharing Funds for the Project may be subject to deallocation from the Project at the discretion of the CTB.

State of Good Repair (SGR) Bridge

Project estimate, schedule, and commitment to funding are subject to the requirements established in the CTB's *State of Good Repair Program Prioritization Process Methodology*, the Code of Virginia, and VDOT's *Instructional and Informational Memoranda*.

Projects receiving funding under this program must initiate the Preliminary Engineering or the Construction Phase within 24 months of award of funding or become subject to deallocation. In the event the Project is not advanced to the next phase of construction, the LOCALITY may be required, pursuant to § 33.2-214 of the Code of Virginia, to reimburse the Department for all state and federal funds expended on the Project.

This Project has been selected through the State of Good Repair application and selection process and will remain in the SYIP as a funding priority. Pursuant to the CTB's *State of Good Repair Program Prioritization Process Methodology*, this Project will be re-scored and/or the funding decision re-evaluated if any of the following conditions apply: a change in the scope, an estimate increase, or a reduction in the locally/regionally leveraged funds. Applications may not be submitted in a subsequent annual State of Good Repair prioritization cycle for the same bridge structure to account for a cost increase on a previously selected Project.

State of Good Repair (SGR) Paving

Project estimate, schedule, and commitment to funding are subject to the requirements established in the CTB's *State of Good Repair Program Prioritization Process Methodology*, the Code of Virginia, and VDOT's *Instructional and Informational Memoranda*.

Projects receiving funding under this program must be advertised within twelve months of award funding or be subject to deallocation. In the event the Project is not advanced to the next phase of construction, the LOCALITY may be required, pursuant to § 33.2-214 of the Code of Virginia, to reimburse the Department for all state and federal funds expended on the Project.

This Project has been selected through the State of Good Repair application and selection process and will remain in the SYIP as a funding priority. Pursuant to the CTB's State of Good Repair Program Prioritization Process Methodology, this Project will be re-scored and/or the funding decision re-evaluated if any of the following conditions apply: a change in the scope, an estimate increase, or a reduction in the locally/regionally leveraged funds. Applications may not be submitted in a subsequent annual State of Good Repair prioritization cycle for the same roadway segment to account for a cost increase on a previously selected Project.

Economic Access

This Project shall be administered in accordance with VDOT's most current *Economic Development Access Program Guide*.

Airport Access

This Project shall be administered in accordance with VDOT's most current *Airport Access Program Guide*.

Recreational Access

This Project shall be administered in accordance with VDOT's most current *Recreational Access Program Guide*.

Authorized Locality Official Signature and Date

Tom Biesiadny

Printed Name of Locality Official

Appendix C – Department Project Specific Services

Project Number	UPC	Local Government
EN22-029-589	121567	Fairfax County

Service Description	Detailed Scope	Estimate (\$)
NEPA Document	VDOT will complete required NEPA document for Fairfax County.	\$5,000
Total Estimated Costs of Services		\$5,000

Authorized Locality Official Signature and Date

Authorized VDOT Official Signature and Date

Tom Biesiadny

Ray Burkhardt

Printed Name of Locality Official

Printed Name of VDOT Official

Director, Fairfax County Department of Transportation

Local Agreements Manager

Title of Locality Official

Title of VDOT Official

ACTION – 3

Authorization for the Fairfax County Redevelopment and Housing Authority to Make a Supplemental Loan to the Autumn Willow Project in the Amount of \$4,300,000, to Finance the Development of The Lodge at Autumn Willow, Fairfax, Virginia (Springfield District)

ISSUE:

Board of Supervisors (Board) authorization for the Fairfax County Redevelopment and Housing Authority (FCRHA) to provide supplemental gap financing in the amount of \$4,300,000 for The Lodge at Autumn Willow (the Project), in the Springfield District. Autumn Willow is currently going through underwriting and the supplemental loan is necessary due to cost escalations in the construction budget and associated financing costs. Board approval is also requested to allow the FCRHA the flexibility to use either local Housing Blueprint or federal American Rescue Plan Act (ARPA) funds for both the supplemental loan and the originally approved \$4,450,000 loan, in total not to exceed an aggregate amount of \$8,750,000.

RECOMMENDATION:

The County Executive recommends the Board authorize the FCRHA to make the proposed supplemental loan to fill the Development's funding gap in an amount not to exceed \$4,300,000.

TIMING:

Board action is requested on November 1, 2022. Michaels Development Company I, LP (Michaels Development) requires approval of the supplemental Loan for the Project so that Michaels Development can have sufficient funds to cover cost escalations in the construction budget. There is already a Housing Blueprint Loan of \$4,450,000 currently budgeted for Autumn Willow 4, (the 4% condo). Michaels Development is requesting an additional \$1,300,000 for the 4% condo and \$3,000,000 for Autumn Willow 9 (the 9% condo), with the aggregate amount of the gap financing of \$8,750,000.

BACKGROUND:

Previous Actions:

In July 2020, the Department of Housing and Community Development (HCD) issued a Notice of Funding Availability (NOFA) for Housing Blueprint Funds of \$7,570,249. Based on this NOFA, the Selection Advisory Committee (SAC) recommended an award of \$4,450,000 to Michaels Development for the Project. The FCRHA approved the

Board Agenda Item
November 1, 2022

Interim Agreement with Michaels Development on July 31, 2020, through the Virginia Public-Private Educational Facilities Infrastructure Act (PPEA) for the development of the Project located at 13090 Autumn Willow Drive. The Board approved the original Housing Blueprint loan of \$4,450,000 at its meeting on February 23, 2021.

Developer:

Michaels Development is a privately held real estate development firm located in Camden, New Jersey focused on creating quality affordable and workforce rental residences. Their portfolio of over 400 properties across the country includes extensive work in Washington D.C., Maryland, and Virginia. Examples of completed projects include: Pleasant View Gardens Senior, a 110-unit senior resident community in Downtown Baltimore, MD; South Cap, a 196-unit multifamily community in Washington, DC; and Rosemont Tower, a 201-unit senior high-rise community in Baltimore, MD.

Project Description:

The Lodge at Autumn Willow includes 150 independent-living senior housing units in a two-story building with surface parking located in a wooded setting surrounded by a public park, pedestrian trails, and the Little Rocky Run streambed. The construction will take place over a period of 18 months after closing and is expected to commence in Winter 2022.

Michaels Development was already awarded a \$4,450,000 Housing Blueprint loan for Autumn Willow in 2021 and is requesting an additional \$4,300,000 loan because of significant cost escalations in the budget (see Attachment 2). The biggest driver of these cost escalations was construction costs, but financing and site work costs increased as well. In addition, construction loan interest rates have increased significantly, as reflected in the construction costs. As shown in Attachment 2, construction costs in the 4% condo went up by nearly \$3.4 million, and construction costs in the 9% condo went up by over \$4.2 million. Trade items that have seen the biggest increases include structural steel, lumber, and carpentry, roofing, drywall, ceramic tile and flooring, electrical, and public improvements such as site work and utilities.

Michaels' switch to Virginia Housing financing has helped to boost their permanent financing proceeds, and they have received additional subordinate financing such as Virginia Housing Trust Fund and National Housing Trust Fund loans, but they are still not sufficient to completely cover the gap.

Expected Benefits:

- a) 150 units of affordable senior housing in the highly cost-burdened Springfield District of Fairfax County, VA.

Board Agenda Item
November 1, 2022

- b) Serving 11% of senior residents at or below 30 percent of Area Median Income (AMI), 14% of senior residents at or below 50 percent of AMI, and 75% of senior residents at or below 60 percent of AMI.
- c) Outdoor amenity space including a serenity studio, reading cove, firepit, and recreation zone, all looking out into a natural forested park area.
- d) On-site walkways that will connect to Fairfax County Parks Authority trails.
- e) High-visibility crosswalk between Stringfellow Park and the Project's entrance, subject to VDOT approval.
- f) Storm Water Management consisting of on-site naturalistic bio-retention facilities, tree planters, and approximately 5 acres of undisturbed area to be placed in a land cover conservation easement.
- g) Affordability for 99 years.
- h) Earthcraft Certification and Universal Design in all units.
- i) 15 Americans with Disabilities Act (ADA) compliant units.
- j) 8 Project-Based Vouchers (PBVs) for the 9% LIHTC component of the project.

Appraised Value:

The independent appraiser, RPJ, Inc., confirmed that the appraised value of the property fully collateralizes the FCRHA Housing Blueprint Loan. The Department of Tax Administration (DTA) has reviewed the appraisal for approved values as well as the methodology used to determine those values and has found the methodology to be appropriate and the values to be reasonable.

Financing Plan; Ground Lease; Terms of Supplemental Loan

Please see Attachment 2.

Closing:

The anticipated date to close on all of financing is Winter 2022, following approvals by the FCRHA and the Board of Supervisors. Requirements for the closing include, but are not limited to, completion of the following:

1. First mortgage loan, Housing Blueprint and/or ARPA Loan and tax-exempt bond financing closing and disbursement of funds
2. Commitment and disbursement from tax credit investor
3. Final underwriting by HCD Staff
4. Satisfactory appraisal of the property that collateralizes the loan
5. Receipt and approval of all third-party reports by HCD staff
6. Other factors as deemed necessary to protect the interest of the FCRHA and Fairfax County

Board Agenda Item
November 1, 2022

FISCAL IMPACT:

Funding of \$4,300,000 will be allocated from the Fiscal Year 2023 Housing Blueprint Project in Fund 30300, Affordable Housing Development and Investment Fund, Project 2H38-180-000 with a project balance of \$8,720,505 as of September 27, 2022. Alternatively, the \$4,300,000 supplemental loan and the \$4,450,000 original loan may be funded from ARPA funds, if available.

The FCRHA will receive an ongoing monitoring fee of \$5,000, escalating at three percent annually for a period of at least thirty years for its loan. At closing, a capitalized Ground Lease payment of \$500,000 from the 4 percent condominium deal and a \$50,000 lease preparation fee will be paid to the FCRHA. The fees and ground lease payment will go into Fund 81000, FCRHA General Operating Fund.

ENCLOSED DOCUMENTS:

Attachment 1 – Vicinity Map

Attachment 2 – Ground Lease Summary, Financing Plan, and Terms of Housing Blueprint Loan

Attachment 3 – Housing Blueprint Loan Term Sheet

STAFF:

Christopher Leonard, Deputy County Executive

Thomas Fleetwood, Director, Department of Housing and Community Development (HCD)

Anna Shapiro, Deputy Director, Real Estate, Finance and Development, HCD

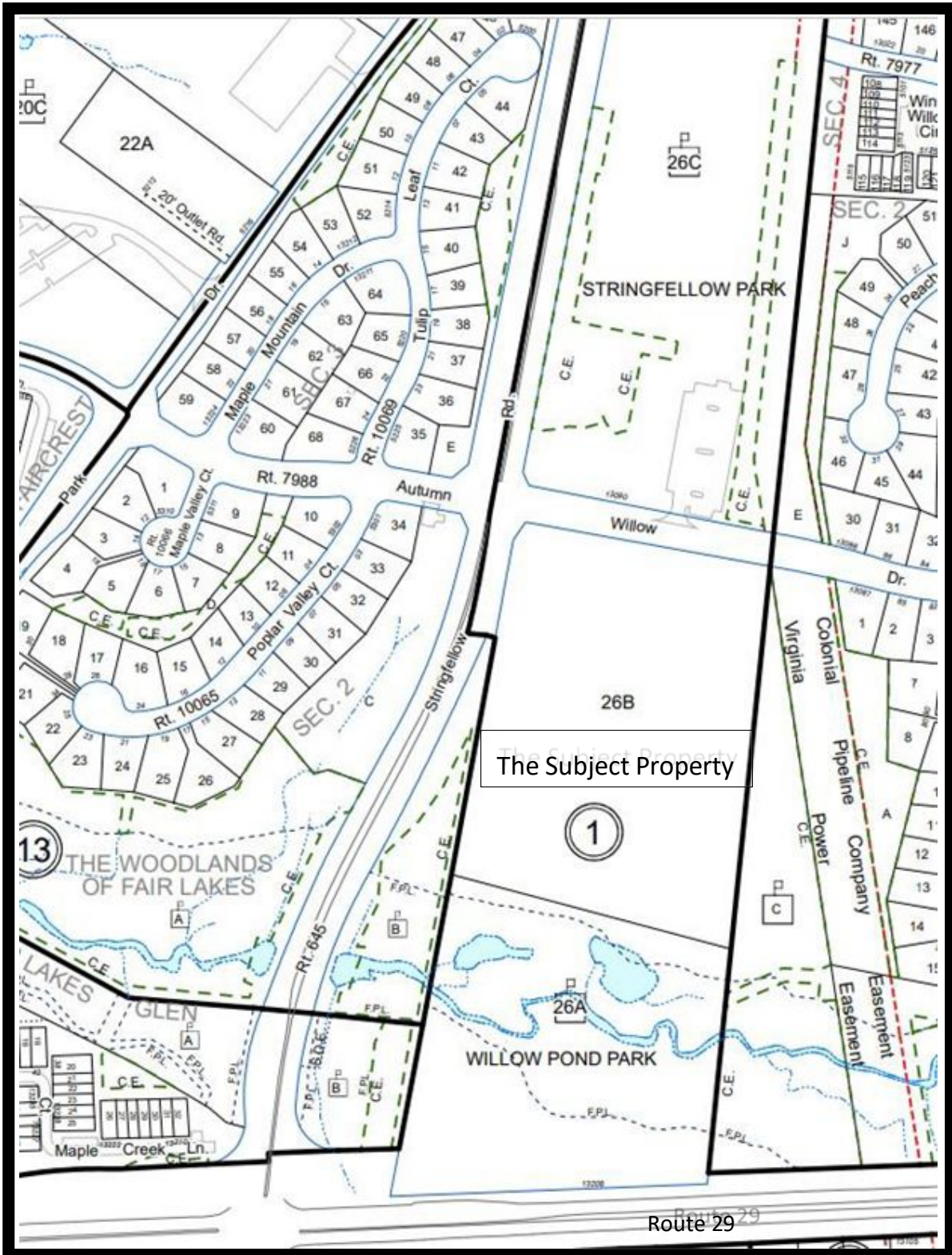
Debashish Chakravarty, Associate Director, Real Estate Finance and Grants Management (REFGM), HCD

ASSIGNED COUNSEL:

Cynthia Bailey, Deputy County Attorney

Alan Weiss, Assistant County Attorney

Location Map – Autumn Willow Senior Housing Property



Ground Lease, Financing Plan, and Terms of Housing Blueprint Loan:Ground Lease

Michaels Development will enter into the Ground Lease with the FCRHA for a term of 99 years. In consideration of the Ground Lease, Michaels Development will pay to the FCRHA, at closing, a capitalized Ground Lease payment of \$500,000 from the 4 percent condominium deal and a \$50,000 lease preparation fee. Under the terms of the Ground Lease, Michael Development (or its affiliates) will also pay annual rent in the amount of 50% of net cash flow from the Project beginning immediately after the payoff of the Housing Blueprint Loan. In addition, the Ground Lease requires de minimis additional rent payments of \$1/year by each of the 4 percent and 9 percent condos, or \$2/year total.

Financing Plan:

Michaels Development is proposing to finance the development using both nine percent and four percent LIHTC using the two separate condominium regimes: Autumn Willow 9, LLC (nine percent) and Autumn Willow 4, LLC (four percent), both of which will be financed using first mortgage financing, subordinate financing from the FCRHA, tax exempt bond financing and Deferred Developer Fee. The aggregate amount of Blueprint Financing will not exceed \$8,750,000, however, the financing structure and breakdown between the two transactions may be revised before closing subject to market conditions to reach an optimal financing structure.

Sources and Uses Comparison:**Autumn Willow Four, LLC (Four Percent LIHTC)**

	November 2021 for Bond Issuance	October 2022 Blueprint request	Delta
Construction Phase Sources	Sources	Sources	Sources
Tax-Exempt Construction Loan*	\$15,000,000	\$13,500,000	(\$1,500,000)
Housing Blueprint Loan	\$4,450,000	\$5,750,000	\$1,300,000
Construction Bridge Loan	\$0	\$4,500,000	\$4,500,000
Tax Credit Equity*	\$2,052,509	\$2,483,439	\$430,930
Deferred Developer Fee	\$752,237	\$421,304	(\$330,933)
Total Construction Phase Sources	\$22,254,746	\$26,654,743	\$4,399,997
Permanent Phase Sources	Sources	Sources	Sources
Permanent Tax-Exempt Loan	\$9,700,000	\$11,260,000	\$1,560,000
Housing Blueprint Funds Loan	\$4,450,000	\$5,750,000	\$1,300,000
Tax Credit Equity	\$7,352,509	\$8,323,439	\$970,930
VHTF		\$900,000	\$900,000
Deferred Developer Fee	\$752,237	\$421,304	(\$330,933)

Total Permanent Phase Sources	\$22,254,746	\$26,654,743	\$4,399,997
Summarized Uses	Uses	Uses	Uses
Acquisition Costs	\$0	0	\$0
Construction Costs	\$12,164,911	\$15,626,745	\$3,461,834
Construction Costs Contingency	\$704,658	\$880,112	\$175,454
Sitework	\$1,928,250	\$2,084,911	\$156,661
Soft Costs	\$3,254,783	\$3,191,520	(\$63,263)
Financing Costs	\$1,515,288	\$1,731,799	\$216,511
Operating Reserve	\$277,000	\$634,000	\$357,000
Escrow 1 st yr. RE Tax & Insurance	\$157,200	\$237,675	\$80,475
Developer's Fee	\$1,959,656	\$2,267,981	\$308,325
Debt Service Reserve	\$293,000	\$0	(\$293,000)
Total Uses	\$22,254,746	\$26,654,743	\$4,399,997

Autumn Willow Nine, LLC (Nine Percent LIHTC)

	November 2021 Budget for FCRHA Bond Issuance	October 2022 Blueprint request	Delta
Construction Phase Sources	Sources	Sources	Sources
Taxable Construction/Bridge Loan	\$17,000,000	\$23,000,000	\$6,000,000
Tax Credit Equity	\$9,888,456	\$5,670,716	(\$4,217,740)
Housing Blueprint Loan	\$0	\$3,000,000	\$3,000,000
Deferred Developer Fee	\$314,494	\$849,222	\$534,728
Total Construction Phase Sources	\$27,202,950	\$32,519,938	\$5,316,988
Permanent Sources		Sources	Sources
Permanent Taxable Loan	\$7,904,000	\$7,990,000	\$86,000
Tax Credit Equity	\$18,984,456	\$18,880,716	(\$103,740)
Housing Blueprint Loan	\$0	\$3,000,000	\$3,000,000
VHTF		\$900,000	\$900,000
NHTF		\$900,000	\$900,000
Deferred Developer Fee	\$314,494	\$849,222	\$534,728
Total Permanent Phase Sources	\$27,202,950	\$32,519,838	\$5,316,888
Summarized Uses	Uses	Uses	Uses
Acquisition Costs	\$500,000	\$500,000	\$0
Construction Costs	\$14,868,226	\$19,099,355	\$4,231,129
Hard Cost Contingency	\$861,249	\$1,075,693	\$214,444
Sitework	2,356,750	\$2,548,222	\$191,472

Soft Costs	\$4,077,418	\$3,889,801	(\$187,617)
Financing Costs	\$1,563,432	\$1,945,357	\$381,925
Operating Reserve	\$306,000	\$595,000	\$289,000
Escrow 1 st yr. RE Tax & Insurance	\$157,200	\$207,375	\$50,175
Debt Service Reserve	\$237,000	\$0	(\$237,000)
Developer Fee	\$2,275,675	\$2,659,135	\$383,460
Total Uses	\$27,202,950	\$32,519,938	\$5,316,988

Terms of Housing Blueprint Loan:

The Housing Blueprint Loan, the subordinate loan, will be closed simultaneously with all other permanent funding sources for both transactions. The term will be for 30 years or such other term that is co-terminus with the permanent senior loans. It will be an interest only loan, payable from 50% of the borrower's net cash flow, with all unpaid interest deferred until maturity. 50% of the Housing Blueprint Loan proceeds will be disbursed when construction of the Project reaches 50% completion, with the remaining balance disbursed upon 100% construction completion. Interest will start accruing at the time the first mortgage begins to amortize. Attachment 3 provides detailed terms for the Housing Blueprint Loan.

Housing Blueprint Loan Term Sheet:

Borrower: Autumn Willow 4, LLC and Autumn Willow 9, LLC

Address: 13090 Autumn Willow Drive, Fairfax, Virginia 22030

Amount: \$8,750,000, subject to terms and conditions

Interest Rate: A minimum rate of 2% simple interest per annum. Interest rate during construction will be 0% per annum.

Amortization: N/A - will be deferred for repayment as provided below

Term: 30 years or such other term as is co-terminus with the primary loan

Security: Second Lien Deed of Trust on the property, or such other lower priority lien position necessary to avoid reallocation of the tax credits under IRC Section 42 of the Internal Revenue Code, with assurance that the value of the property exceeds the aggregate debt of the higher priority loans and the Housing Blueprint loan.

Conditions:

- 1) This Housing Blueprint loan is for the specific purpose of providing a loan associated with the Borrower's property consisting of 150 senior rental units located in Fairfax County (Tax Map Number: 0553 01 0026B).
- 2) The Housing Blueprint loan will close simultaneously with the permanent mortgage lender(s) and the low-income housing tax credit equity provider.
- 3) There will be no further senior or subordinate debt permitted to be placed on the property, other than the loans represented in the application for this loan, without the permission of the FCRHA.
- 4) Borrower will pay an annual monitoring fee of \$5,000 escalating at 3% annually, for monitoring the property, after payment of the must-pay debt service and before payment of the deferred developer's fee.
- 5) Borrower will execute a Purchase Option and Right of First Refusal Agreement, subject only to the developer's and investors' option rights under its limited partnership agreement, as must be approved by the FCRHA. If the developer or investors exercise their right to purchase the property, the purchaser will be required to maintain the minimum affordability requirements pursuant to an unsubordinated land use restriction agreement (LURA).
- 6) In case of any material default under the senior lien Deed(s) of Trust, terms acceptable to the FCRHA will be required to protect the Housing Blueprint loan value

including, without limitation, the right to cure defaults, to acquire the senior debt, and to acquire ownership of the property.

- 7) Borrower will maintain the property as affordable housing for households where the initial household income for 100% of the units does not exceed 60% of the area median income (AMI), and the property will be occupied by such households where the household income limits do not exceed the above limits. These restrictions will be established in the deed of trust for the Housing Blueprint loan and by a recorded LURA which will run with the land for at least 30 years.
- 8) The following additional conditions are required for loan closing and release of funds:

Loan Terms:

- (1) Loan will not exceed \$8,750,000.
- (2) the loan will have an interest rate of no less than 2% per annum.
- (3) The payment of all principal and interest (in the event of default and as provided in the Housing Blueprint Loan documents) will be deferred and simple interest will accrue for 30 years or such other term as is coterminous with the primary loan from a third-party lender, but the entire indebtedness will become due and payable upon transfer of the property without the prior approval of the FCRHA, refinancing, or failure to comply with the Housing Blueprint or other loan document requirements.
- (4) Although the principal and interest are deferred, the loan from the FCRHA will be a cash-flow loan, which means that when there is net cash flow, 50% will be applied to the accrued interest and then to the principal after payment of the deferred developer's fee in full.
- (5) At the end of the 30-year term, or such other term as is co-terminus with the primary loan, the outstanding principal balance along with any accrued but unpaid interest will become due and payable.
- (6) The annual loan payments shall be payable only from 50% of the cash flow remaining after payment of the deferred developer's fee in full.
- (7) During the 30-year term or such other term as is co-terminus with the primary loan, refinancing may occur at the discretion of the FCRHA, but must be in compliance with applicable FCRHA policies.
- (8) If the Housing Blueprint Loan is paid off before maturity of the loan, the developer will be required to maintain the affordability period according to the Housing Blueprint goals, pursuant to LURA for a minimum term of 30 years or for a term coterminous with the first mortgage, whichever is greater.
- (9) Borrower will provide satisfactory construction commitments prior to closing.

Loan Disbursement:

50% of the loan will be disbursed at 50% construction completion and the remaining 50% will be disbursed at 100% construction completion. Items needed for disbursement at 50% completion include:

1. A letter by the developer certifying 50% construction contract price expended, including any approved change orders;
2. Payment and Performance Bond provided that specifies "with FCRHA as named insured;"
3. No outstanding or pending defaults on the project; and
4. Compliance with all lenders (construction and disbursement requirements)

Construction Completion:

Documents needed to confirm construction completion before the balance can be disbursed at construction completion include the following: The Architect's Completion Certificate, final lien releases, and Occupancy Certificate (if applicable).

Lien Position:

The Housing Blueprint Loan will be secured by a deed of trust subordinate only to the FCRHA approved senior lien(s).

Title:

Borrower will provide:

1. Satisfactory title and judgment search of property and
2. Satisfactory lender's title insurance commitment(s) for the benefit of the FCHRA including, among other things, affirmative mechanics lien coverage, as prepared by a title company selected by the FCRHA.

Loan Documentation:

The senior loan(s) and all Housing Blueprint loan terms and any lease agreement terms, conditions, and documentation must be acceptable to the FCRHA, including its counsel.

Conditions to Disburse Funds:

The Housing Blueprint loan closing and disbursement of funds will take place only with the approval of an Assistant Secretary of the FCRHA.

Other Conditions to Close: Initial closing will not take place until the following have been accomplished in form and substance acceptable to HCD on behalf of the FCRHA:

1. Appraisal (updated no more than 6 months prior to closing)
2. Environmental reviews
3. Market Study
4. Reservation of all needed low-income housing tax credits
5. Primary loan commitment(s) from a third-party lender(s) for both construction and permanent financing
6. Unqualified commitment from tax credit investor
7. Final underwriting by HCD staff
8. Zoning letter issued by the Fairfax County Department of Planning and Zoning with respect to the property and the Autumn Willow Project
9. Other factors as deemed necessary to protect the interest of the FCRHA and Fairfax County

Note:

- (1) The lien position is subject to the satisfaction of the senior lender(s) and tax credit investors.
- (2) Any savings in the development budget, at the discretion of the FCRHA and provided it does not impact the tax credit basis, will be used to reduce the Housing Blueprint loan.

ACTION - 4

Endorsement of Design Plans for the Compton Road Shared-Use Path Project (Sully District)

ISSUE:

Board endorsement of the Virginia Department of Transportation (VDOT) Design Public Hearing plans for the Compton Road Shared-Use Path Project.

RECOMMENDATION:

The County Executive recommends that the Board endorse the design plans for the Compton Road Shared-Use Path Project administered by VDOT as generally presented at the VDOT June 27, 2022, virtual Design Public Hearing, and authorize the Director of the Fairfax County Department of Transportation (FCDOT) to transmit the Board's endorsement to VDOT (Attachment 1).

TIMING:

The Board should take action on this matter on November 1, 2022, to allow VDOT to proceed with final design plans to keep the project on schedule.

BACKGROUND:

The purpose of this project is to add a ten-foot-wide Shared-Use Path (SUP) along northbound Compton Road to connect the Bull Run Special Events Center Access Road just south of the I-66 bridge to the existing Cub Run Stream Valley Trail just north of the I-66 bridge. The project excludes the portion of the trail under I-66. The project also includes widening the Compton Road bridge over Cub Run to accommodate the new SUP. The portion of the SUP under the I-66 bridge itself is being constructed separately as part of the Transform 66 Outside the Beltway Project. This project is a part of the I-66 Parallel Trail which will run from Gallows Road to Centreville. The Compton Road SUP project will complete an off-corridor segment of the I-66 Parallel Trail, connecting bicyclists and pedestrians to the Bull Run Special Events Center. It will improve pedestrian and bicycle safety, accessibility, and connectivity along I-66.

As proposed and presented at the public hearing, the following option for the segment of SUP over Cub Run is being investigated by the VDOT design team:

Board Agenda Item
November 1, 2022

“To improve constructability and reduce impacts to traffic, the VDOT design team is evaluating a separate bridge structure for the Shared-Use Path that would be constructed adjacent to the existing bridge.”

PUBLIC HEARING COMMENTS

In accordance with the Code of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board, a virtual Design Public Hearing was held on Monday, June 27, 2022. Ten residents attended the Design Public Hearing. VDOT received 15 combined written and oral comments. The comments were generally in favor of the project, and none opposed the project. A copy of the Design Public Hearing advertisement is attached (Attachment 2).

Summary of public hearing comments received:

- Seven comments involved general questions or provided support for the project.
- Two comments were related to project funding.
- One comment was related to safety, particularly the need for signage alerting motorists of the West County Trail crossing.
- Two comments were concerning path users crossing Compton Road and whether they would be visible to northbound traffic.
- One comment was related to additional bridge supports.
- One comment was related to maintaining access to the Cub Run Stream Valley Trail during construction.
- One comment was related to planning and advocating for completing the Shared-Use Path between Mount Olive Road and I-66 as the first phase of the project, with the segment between I-66 and the Cub Run Stream Valley Trail being the second phase.

After reviewing the project design plans, County staff recommends that the Board of Supervisors endorse the plans.

PROJECT SCHEDULE

Virtual Public Hearing Meeting:	June 27, 2022
Design Approval:	Winter 2022/2023
Begin ROW Acquisition and Utility relocation:	Summer 2023
Construction Begins:	Summer 2024
Construction Ends:	Summer 2026

Board Agenda Item
November 1, 2022

FISCAL IMPACT:

The total project estimate is approximately \$7.9 Million and will be funded partly by Congestion Mitigation and Air Quality (CMAQ) funding totaling \$1,870,000. The County has identified the additional funding required to fully fund the project in the amount of \$6.04 million in Fund 40010, County and Regional Transportation Projects, in Project 2G40-088-021. No impact to the general fund is expected.

ENCLOSED DOCUMENTS:

Attachment 1: Letter transmitting Board of Supervisors' Endorsement of the Design Plans for Compton Road Shared-Use Path Project to VDOT

Attachment 2: June 27, 2022, VDOT Design Public Hearing Advertisement

STAFF:

Rachel Flynn, Deputy County Executive

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

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

Michael Guarino, Chief, Capital Projects Section (CPS), FCDOT

Tad Borkowski, Transportation Planner IV, CPS, FCDOT

Dan Stevens, Transportation Planner III, CPS, FCDOT



County of Fairfax, Virginia

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

Mr. John D. Lynch, P.E.
District Administrator
Northern Virginia District
Virginia Department of Transportation
4975 Alliance Drive
Fairfax, Virginia 22030

Subject: Board of Supervisors Endorsement of Design Plans for the Compton Road
Shared-Use Path Project, UPC 115604

Dear Mr. Lynch:

On November 1, 2022, the Fairfax County Board of Supervisors endorsed the design plans for the Compton Road Shared-Use Path (SUP), as generally presented at the VDOT June 27, 2022, virtual design public hearing. This project will add a ten-foot-wide SUP along northbound Compton Road to connect the Bull Run Special Events Center Access Road just south of the I-66 bridge to the existing Cub Run Stream Valley Trail just north of the I-66 bridge. The project excludes the portion of the trail under I-66. The project is a part of the I-66 Parallel Trail which will run from Gallows Road to Centreville. The project will complete an off-corridor segment of the I-66 Parallel Trail, connecting bicyclists and pedestrians to the Bull Run Special Events Center. It will improve pedestrian and bicycle safety, accessibility, and connectivity along I-66 and connect to the local pedestrian network.

Please call Dan Stevens at (703) 877-5670 or me at (703) 877-5663, if you have any questions or need additional information. Thank you for your assistance with this important project.

Sincerely,

Tom Biesiadny
Director

cc: Members, Board of Supervisors
Bryan J. Hill, County Executive
Rachel Flynn, Deputy County Executive
Andrew Beacher, Manager, Preliminary Engineering, VDOT
Eric M. Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 22033-2895
Phone: (703) 877-5600 TTY: 711
Fax: (703) 877-5723
www.fairfaxcounty.gov/fcdot





Compton Road Shared-Use Path Fairfax County

***Virtual* Design Public Hearing**

Monday, June 27, 2022, 7 p.m.

<https://www.virginiadot.org/ComptonRoad>

Find out about plans to construct a ten-foot-wide shared-use path along northbound Compton Road (Route 658) from the Bull Run Special Events Center Access Road to just south of the I-66 bridge, and from just north of the I-66 bridge to a connection with the existing Cub Run Trail. The project also includes widening the Compton Road bridge over Cub Run to accommodate the new shared-use path. The portion of the shared-use path under the I-66 bridge is being constructed separately as part of the Transform 66 Outside the Beltway Project.

The public hearing will be held as a **virtual/online meeting**. Information for accessing and participating in the virtual meeting is available at **<https://www.virginiadot.org/ComptonRoad>**. The project team will make a short presentation beginning at 7 p.m. and answer questions for about an hour after the presentation.

Review project information and meeting details on the webpage above or during business hours at VDOT's Northern Virginia District Office, 4975 Alliance Drive, Fairfax, VA 22030. Please call ahead at 703-259-2907 or TTY/TDD 711 to make an appointment with appropriate personnel.

In compliance with the National Environmental Policy Act (NEPA) and 23 CFR 771, a Programmatic Categorical Exclusion (PCE) is being prepared under an agreement with the Federal Highway Administration. Pursuant to the National Historic Preservation Act, Section 106 and 36 CFR 800, information concerning the potential effects of the proposed improvements on properties listed in or eligible for listing in the National Register of Historic Places will be included in the PCE.

Give your comments during the meeting, or by **July 11, 2022** via the comment form on the project website, by mail to Ms. Hong Ha, P.E., Virginia Department of Transportation, 4975 Alliance Drive, Fairfax, VA 22030 or by email to meetingcomments@VDOT.virginia.gov. Please reference "Compton Road Shared-Use Path" in the subject line.

VDOT ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you need more information or special assistance for persons with disabilities or limited English proficiency, contact VDOT Civil Rights at 703-259-1775.

State Project: 0658-029-461, B652, C501, P101, R201

UPC: 115604

Federal: CMAQ-5B01 (106)

*In case an alternate date is needed, the meeting will be held
Thursday, July 14, 2022 at the same time.*

ACTION – 5

Approval of Funding Allocations for Pedestrian and Bicycle Improvement Projects and Maintenance

ISSUE:

Board approval of funding allocations for pedestrian and bicycle improvement projects and maintenance.

RECOMMENDATION:

The County Executive recommends that the Board approve \$5,000,000 in funding for active transportation capital and maintenance projects to improve the County's pedestrian and bicycle infrastructure and to purchase additional speed display signs as follows:

- \$2,700,000 for crosswalk improvement projects (see Attachment 1)
- \$1,000,000 for the Department of Public Works and Environmental Services (DPWES) trail maintenance (see Attachment 2)
- \$1,000,000 for Fairfax County Park Authority (FPCA) trail and sidewalk maintenance (see Attachment 3)
- \$200,000 for local cash match required to accept \$800,000 from the Transportation Alternatives Program (TAP) for the Bush Hill Elementary School Safe Routes to School (SRTS) Project (Lee District)
- \$100,000 for speed display signs for the Fairfax County Police Department (FCPD)

TIMING:

The Board should act on this item on November 1, 2022, so that staff can implement these capital and maintenance projects as expeditiously as possible and purchase additional speed display signs.

BACKGROUND:

On October 5, 2021, the Board directed staff to identify funding and projects to improve pedestrian and bicycle access and safety. The Board set a goal to identify \$100 million over a six-year period and directed staff to compile a list of potential projects and develop a prioritization process. The Board also asked staff to consider maintenance needs in addition to new projects.

Board Agenda Item
November 1, 2022

As part of the FY 2022 Mid-Year Review, \$5 million in General Fund money was approved by the Board.

\$2,700,000 for Crosswalk Improvement Projects

Fairfax County Department of Transportation staff developed a list of lower cost crosswalk improvement projects to help ensure that they will be implemented as quickly as possible with this first installment of funding. The projects were selected by screening documented crosswalk improvement needs for projects that are likely feasible within the right-of-way or with minimal land acquisition, without significant design challenges, and without known utility impacts. Priorities were coordinated with each Board office.

Attachment 1 includes the top two priority crosswalk projects in each district. The total cost of all the projects is approximately \$5.0 million. It is recommended that \$2.7 million be allocated, so work can proceed on all the projects listed in Attachment 1. It is further recommended that the remaining \$2.3 million required to fully implement all the projects be funded from the next installment of pedestrian and bicycle funds (the Board approved \$25,208,830 on October 11, 2022).

\$1,000,000 for DPWES Trail Maintenance

Attachment 2 includes a list of potential maintenance projects for trails maintained by the County that can be implemented as a result of this funding allocation. The Maintenance and Stormwater Management Division will evaluate sites and prioritize projects based on highest need.

\$1,000,000 for FCPA Trail and Sidewalk Maintenance

Attachment 3 includes a list of maintenance projects for trails and sidewalks maintained by FCPA that can be implemented as a result of this funding allocation.

\$200,000 Local Cash Match for the Bush Hill Elementary SRTS Project (Lee District)

\$200,000 is required to accept funding from the Virginia Department of Transportation for the Transportation Alternatives Program (TAP) in the amount of \$800,000 for this project.

\$100,000 for Speed Display Signs for FCPD

Money for FCPD to purchase additional speed display signs to aid in enforcement of speed limits on roads in the county.

Board Agenda Item
November 1, 2022

FISCAL IMPACT:

Budget appropriation in the amount of \$5,000,000 for these projects is available in Fund 30050 – Transportation Improvements, project number ST-000051. An additional \$25,208,830 was approved by the Board as part of the FY 2022 Carryover Review. There is no additional impact to the General Fund at this time.

ATTACHMENTS:

Attachment 1 – List of Crosswalk Projects
Attachment 2 – List of MSMD Maintenance Projects
Attachment 3 – List of FCPA Maintenance Projects

STAFF:

Rachael Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Noelle Dominguez, Chief, Coordination and Funding Division, FCDOT
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division (CPTED), DOT
Michael Guarino, Chief, Capital Projects Section (CPS), CPTED, FCDOT
Lauren Delmare, Transportation Planner III, Active Transportation Program, CPS, CPTED, FCDOT
Nicole Wynands, Transportation Planner III, Active Transportation Program, CPS, CPTED, FCDOT

List of Crosswalk Projects

Crossing Street	At/Between (Intersecting Street)	District	Proposed Tentative Scope
Guinea Road	Rutherford Park	Braddock	Install curb ramps, curb extension, and Rectangular Rapid-Flashing Beacon (RRFB)
Guinea Road	Bronte Drive	Braddock	Install refuge with lane narrowing, marked crosswalks on east and west sides, and relocate SB bus stop
Westmoreland Street	Rosemont Drive	Dranesville	Install refuge and RRFB and relocate bus stop
Georgetown Pike	Great Falls Library	Dranesville	Install refuge and ramps near Bucks Lane on west side of Tex Mex driveway
Kingstowne Village Parkway	Park Village Drive	Franconia	Install refuge and relocate bus stop
Kingstowne Village Parkway	Cross Gate Lane	Franconia	Install refuge and relocate bus stop
Bluemont Way	Explorer Street	Hunter Mill	Install refuge, ramps, and possible RRFB
Green Range Drive	Pyrenees Court/Dogwood Pool	Hunter Mill	Install ramps and marked crosswalk
Braddock Road	Witch Hazel Road	Mason	Install refuge with truncated domes
Murray Lane	Early Street	Mason	Install marked crosswalk and ramps
Hooes Road	South Run Stream Valley Trail	Mount Vernon/Springfield	Install RRFB
Hooes Road	Dudley Drive/Laurel Cress Drive	Mount Vernon	Install new crosswalk and ramps
Blake Lane	Bushman Drive	Providence	Install refuge, RRFB, channelized right, and crosswalks
Woodburn Road	Pine Ridge Park Entrance	Providence	Install refuge
Silverbrook Road	Crosspointe Drive	Springfield	Install refuge, ramps, and RRFB
Hooes Road	South Run Stream Valley Trail	Springfield/Mount Vernon	Install RRFB
Stringfellow Road	Foxfield Pool	Sully	Install refuge with truncated domes
Stone Heather Drive	Franklin Farm Shopping Center at Launch Trampoline Park	Sully	Install marked crosswalk and ramps

List of Maintenance and Stormwater Management Division (MSMD) Projects

Project Name	District	Estimated Cost
Sideburn Rd (Sideburn Ct to 5225 Sideburn Rd)	BR	\$11,600
Little River Turnpike at Wakefield Dr	BR	\$14,400
Zion Dr (Sideburn Rd to Esabella Ct)	BR	\$20,800
King Richard Dr	BR	\$3,500
10404 Stallworth Ct	BR	\$11,600
Spring Hill Rd	DR	\$29,000
Davidson Rd	DR	\$6,000
Vale Rd (Flint Hill Rd to Oak Vale Ct)	HM	\$11,300
Sunrise Valley Dr	HM	\$59,000
West Ox Rd and New Parkland Dr	HM	\$14,800
West Ox Rd and McLearn Rd	HM	\$6,500
Browns Mill Rd and Pennycress Ln	HM	\$16,000
Beaulah Rd and Sideling Ct	HM	\$29,700
Fox Mill Rd and Sycamore Lakes Cove	HM	\$10,000
William Short Cir	HM	\$14,000
Clarks Crossing Rd and Ballycor Dr	HM	\$10,000
Colts Brook Dr and Fox Mill Rd	HM	\$13,000
Old Keene Mill Rd from Byron Ave	LE	\$7,000
Osprey Point Ln (Thomas Grant Dr to Bartley Way)	LE	\$8,800
Osprey Point Ln (Bartley Way to Beulan St)	LE	\$6,000
Franconia Rd (Pine Brook Rd to 4011 Franconia Rd)	LE	\$5,500
Telegraph Rd (Old Telegraph Rd to 5966 Telegraph Rd)	LE	\$25,000
Castlewella Dr (Jowett Ct to Bally Castle Cir)	LE	\$5,500
Lake Village Dr (Walterfield Rd to South Van Dorn St)	LE	\$5,600
Lake Village Dr (Wendron Way to Thurlton Dr)	LE	\$30,000
Lake Village Dr (Dunwich Way to Grange Ln)	LE	\$22,000
Franconia Rd	LE	\$3,500
Kingstowne Commons Dr	LE	\$20,300
Loisdale Rd	LE	\$11,500
Franconia Rd and Clermont Dr	LE	\$30,000
Annandale High School Trail	MA	\$7,800
Krysia Ct (Annandale Rd to Krysia Ct)	MA	\$2,800
Brook Dr (Holly St to 6122 Heather Ln)	MA	\$4,000
Paul Spring Rd (Stafford Rd to Fort Hunt Rd)	MV	\$31,000
Thorpe Dr (Hollindale Dr to Mason Hill Dr)	MV	\$10,000
Fort Hunt Rd (Grassymeade Ln to Noral Pl)	MV	\$3,700
Fort Hunt Rd at Belle View Shopping Center	MV	\$9,000
Fort Hunt Rd (Mason Hill Dr to Sherwood Hall Ln)	MV	\$40,000
Hooes Rd from Rolling Oak Ln	MV	\$9,000
Oak Dr (Beacon Hill Rd to Fleming St)	MV	\$38,000
Gunston Rd (Old Colchester Rd to Gunston Elementary School Entrance)	MV	\$10,000
Riverside Rd (Pennsylvania Blvd to 8534 Riverside Rd)	MV	\$15,000
Rolling Rd (Tanner Robert Ct to Bristol Square Ct)	MV	\$4,500

Wolftrap Rd at Wooded Way	PR	\$7,000
Graham Rd at Terry Ln	PR	\$10,000
Chain Bridge Rd from White Granite Dr	PR	\$11,200
Prosperity Ave (Crestview Dr to "A Child's Place" entrance)	PR	\$29,000
Porter Rd (Stillwood Ct to walkway behind 8101 Lee Highway)	PR	\$5,000
Glade Vale Way and Glencroft Rd	PR	\$30,000
Bayberry Ridge Rd (Copperleaf Ln to Sycamore Ridge Rd)	SP	\$14,500
Union Mill Rd (Laurel Rock Dr to Stonefield Dr)	SP	\$189,500
Compton Rd and Centreville Rd	SU	\$30,000
Thomson Rd (Lamplight Dr to Misty Creek Ln)	SU	\$68,400
Vale Rd (Valestra Cir to Berryland Dr)	SU	\$46,300
Vale Rd (Fox Valley Ct to Vale Station Rd)	SU	\$8,500
Valestra Cir and Vale Rd	SU	\$11,000
		\$1,107,100

ATTACHMENT 3

List of FCPA Maintenance Projects

Location	District	Notes	Total Cost
Gerry Connolly Cross County Trail to Audrey Moore Recenter	Braddock	Requested by citizen, POD and PSD staff. Connect Cross County Trail to Audrey Moore ReCenter	\$ 90,000
Kent Gardens	Dranesville	Pave connection between Beverly Ave and Kent Gardens Elementary School	\$ 25,000
Dead Run Stream Valley	Dranesville	Repave section of trail in Dead Run Stream Valley	\$ 20,000
Springfield Forest	Franconia	Pave access from Hackberry Street and Inwood Drive	\$ 80,000
Wolf Trap Stream Valley	Hunter Mill	Connects to Waverly and Foxstone	\$ 20,000
Providence Rec Center	Mason	Repave pedestrian connection to Providence Rec Center	\$ 40,000
Grist Mill Trail	Mount Vernon	Repave Trail along Mount Vernon Memorial Highway from Grist Mill Park to Peartree Landing	\$ 260,000
John Mastenbrook	Providence	Pave connections to Custis Parkway	\$ 95,000
Rocky Run Stream Valley - Pointe Pleasant to FFX Co Pkwy	Springfield	Pave from Pointe Pleasant Drive to Fairfax County Parkway	\$ 200,000
Cub Run 1-66 UOSA Road Pave	Sully	Pave UOSA Access Road from Lanes Mill FWC to Compton Road Trail	\$ 230,000

Number of Projects	Total Cost
10	\$ 1,060,000

ACTION - 6

Approval of a Public Transportation Agency Safety Plan (PTASP) for the Fairfax Connector

ISSUE:

Board approval of the Public Transportation Agency Safety Plan (PTASP) for the Fairfax Connector and authorization for the director of Fairfax County Department of Transportation to sign the plan.

RECOMMENDATION:

The County Executive recommends the Board approve the attached PTASP and authorize the director of the Fairfax County Department of Transportation to sign the plan.

TIMING:

Board approval is requested on November 1, 2022, to ensure that the Connector is compliant with these federal requirements before 2023.

BACKGROUND:

The Federal Transit Administration (FTA), under section 49 CFR 673 requires recipients of federal formula grants to have an established Public Transportation Agency Safety Plan (PTASP) and that the plan be approved annually by the highest entity with responsibility for the agency's public transportation operations.

The PTASP implements Safety Management Systems (SMS) which includes key components of modern, systemic risk management theory and analysis as follows:

- Safety Management Policy: A transit agency's documented commitment to safety, which defines the transit agency's safety objectives and the accountabilities and responsibilities of its employees regarding safety.
 - The Safety Management Policy has been distributed to employees and posted on safety bulletin boards as a statement of management's commitment to safety as a priority.
- Safety Risk Management (SRM): A process within a transit agency's Public Transportation Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risk.

Board Agenda Item
November 1, 2022

- An example would be reviewing the safety of bus stops when new routes are created.
- Safety Assurance: Processes within a transit agency's Safety Management System that functions to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the transit agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information.
 - For example, monitoring safety events, such as accidents and other safety performance targets.
- Safety Promotion: A combination of training and communication of safety information to support SMS as applied to the transit agency's public transportation system.
 - An example of Safety Promotion are safety reports and posters which are shared with the Safety Committees and posted on employee safety bulletin boards.

The PTASP also requires annually establishing safety performance targets for mechanical reliability, injuries, fatalities, and serious safety events.

The Fairfax Connector anticipates application for future federal grants, particularly, the Richmond Highway Bus Rapid Transit project, and is working to comply with various federal requirements, including development of a PTASP.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I: Fairfax Connector Public Transportation Agency Safety Plan

STAFF:
Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Dwayne Pelfrey, Chief, Transit Services Division, FCDOT
John Zarbo, Chief, Operations Section, FCDOT
Peter Bromley, Transportation Planner IV, Operations Section, FCDOT

ASSIGNED COUNSEL:
Joanna Faust, Assistant County Attorney

2023



Fairfax Connector

PUBLIC TRANSPORTATION AGENCY SAFETY PLAN

Date: November 1, 2022

Version: 1.0





Document Control

Revision Number	Affected Section(s)	Reason for Change	Date Issued
0	All	Draft Document	08/18/2021
0.1	All	Draft Revisions	11/30/2021
0.2	All	Draft Revisions	04/01/2022
0.3	All	Draft Revisions	04/22/2022
0.4	All	Draft Revisions	05/06/2022
0.5	All	Draft Revisions	05/31/2022
0.6	All	Draft Revisions	09/26/2022
1.0	All	2023 Final Revision	11/1/2022



Approvals

Fairfax Connector's Public Transportation Agency Safety Plan has been reviewed and approved by the following individuals:

Chad Hockman

Transdev General Manager

Keir McDonald

Transdev Director of Safety and Training

John Zarbo

Transit Operations Section Chief

Thomas Reynolds

Transit Facilities / Maintenance Section
Chief

Peter Bromley

Transportation Planner IV / Chief Safety
Officer

Dwayne Pelfrey

Transit Division Chief / Accountable
Executive

Tom Biesiadny

Director, Department of Transportation

Date of Approval



Fairfax Connector Information

Owner	Contracted Service Provider
Fairfax County Government 12000 Government Center Parkway Fairfax, Virginia 22035	Transdev Services, Inc. 720 Butterfield Road, Suite 300 Lombard, Illinois 60148

Accountable Executive	Dwayne Pelfrey	Transit Division Chief
SMS Executive	Peter Bromley	Transportation Planner IV / Chief Safety Officer
Mode of Transportation Provided	Fixed-Route Bus	-
FTA Funding Types	None	-



Certificate of Acceptance

This Public Transportation Agency Safety Plan (PTASP) was drafted by staff from the Transit Services Division of Fairfax County Department of Transportation (FCDOT) in collaboration with K&J Safety and Security Consulting Services, Inc.

The Fairfax Connector is not currently a recipient of Chapter 53 funds and is voluntarily participating in the PTASP program.

1. Signature by the Accountable Executive	<div></div> <div>Dwayne Pelfrey Transit Division Chief / Accountable Executive</div> <div>Date of Signature</div>
2. Approved By	<div></div> <div>Peter Bromley Transportation Planner IV / Chief Safety Officer / SMS Executive</div> <div>Date of Signature</div>
3. Approval by the Board of Supervisors	Refer to Fairfax County Board of Supervisors November 1, 2022 Meeting Minutes



County of Fairfax, Virginia

MEMORANDUM

DATE: April 28, 2022

TO: Fairfax Connector and Transit Division Employees

FROM: Dwayne Pelfrey, Transit Division Chief / Accountable Executive

SUBJECT: Safety Management Policy Statement

The mission of the Fairfax Connector is to provide a safe, reliable, clean, and effective transportation service that compliments other elements of the multi-modal transportation system in Fairfax County. Additionally, Fairfax Connector is fully committed to the Safety Management System (SMS) and to maintaining a strong safety culture while providing customers with safe transportation service and employees with a working environment that ensures the safety and health of employees and contractors while complying with all applicable Federal, State, and local laws and regulations. Further, the Fairfax Connector is committed to developing, implementing, maintaining, and continuously improving its processes to ensure that all transit service delivery activities occur under a balanced allocation of organizational resources aimed at achieving the highest level of safety performance. As such, the Fairfax Connector has placed the management of safety as one of its core business functions.

Therefore, beginning with the Accountable Executive/Transit Services Division Chief and the General Manager, it shall be the responsibility of management at all levels of the organization, as well as employees, contractors, and subcontractors in each operating division to be accountable for the delivery of the highest level of safety performance. In support thereof, the Fairfax Connector is committed to achieving the following objectives:

1. **Supporting** the SMS and the management of safety by providing appropriate resources to support an organizational culture that fosters safe operational practices, encourages effective safety reporting and communication, and actively manages safety with the same attention to results as with other management systems.
2. **Integrating** the management of safety is part of the primary responsibilities of all Fairfax Connector employees, managers, supervisors, and subcontractors.
3. **Clearly Defining** the accountabilities and responsibilities of all employees, contractors, and subcontractors to uphold the organization's safety performance goals and performance of the SMS.
4. **Establishing and Operating** a Safety Risk Management process allowing for hazard identification, analysis, and risk evaluation utilizing an employee reporting program as a principal source for information gathering.
5. **Prioritizing** the elimination or mitigation of calculated, identified safety risks created by operating conditions or activities to a level consistent with the Agency's acceptable level of safety performance.

Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 22033-2895
Phone: (703) 877-5600 TTY: 711
Fax: (703) 877-5723
www.fairfaxcounty.gov/fcdot



6. **The Fairfax Connector contractor will ensure** that no action will be taken against an employee or subcontractor who discloses a safety concern through an employee safety reporting program unless disclosure indicates through the investigative process, an illegal act, gross negligence, or a deliberate or willful disregard of regulations or procedures was committed.
7. **Complying** with, or exceeding, when possible, legislative and regulatory requirements and standards.
8. **Ensuring** sufficiently trained and knowledgeable human capital is available to implement the SMS processes.
9. **Ensuring** all employees, contractors, and subcontractors are provided with appropriate safety-related information and training while maintaining competency in safety management processes performing only tasks commensurate with their skills.
10. **Establishing and Measuring** safety performance against data-driven safety performance indicators and targets.
11. **Continuous Improvement** of safety performance and the SMS through management processes, including safety risk management, safety assurance, and safety promotion activities.
12. **Ensuring** externally supplied systems and services to support Fairfax Connector operations are delivered in a manner consistent with safety performance standards.

To implement this Public Transportation Agency Safety Plan (PTASP), the Transit Services Division and Fairfax Connector employees, contractors, and subcontractors must focus on the following Safety Management System components:

1. **Safety Management Policies** to guide the development, implementation, and maintenance of the SMS processes.
2. **Safety Risk Management** process for identifying hazards, analyzing, assessing, and mitigating safety risk to the lowest reasonable level.
3. **Safety Assurance** to ensure the effectiveness of safety risk mitigation and to ensure that the agency meets or exceeds its safety objectives through the collection, analysis, and trending of information.
4. **Safety Promotion** to support SMS, including safety communications and training.

This policy statement will be reviewed at least annually and updated to align SMS processes with ongoing and evolving safety performance goals and objectives.

Dwayne Pelfrey
Transit Division Chief / Accountable Executive



Table of Contents

Document Control	2
Approvals.....	3
Fairfax Connector Information	4
Certificate of Acceptance	5
Table of Contents	8
List Figures	10
List of Tables	10
Abbreviations	11
Definitions.....	13
Part A: Program Overview.....	19
1.0 Introduction.....	19
1.1 <i>Safety Management System (SMS)</i>	19
2.0 Applicability	19
3.0 System Description	20
3.1 <i>Fairfax County</i>	22
3.2 <i>Contracted Services</i>	22
3.3 <i>Fleet</i>	23
3.4 <i>Ridership Accessibility</i>	24
4.0 Purpose and Scope	24
5.0 Program Administration	25
5.1 <i>Revision Scheduled</i>	25
5.2 <i>Document Control and Updates</i>	25
Part B: Safety Performance.....	26
6.0 Safety Performance Targets	27
7.0 Metropolitan Washington Council of Governments	28
Part C: Safety Management Policy	29
8.0 Safety Management Policy Statement	29
9.0 Committee Structure	29
9.1 <i>Executive Safety Committee</i>	30
9.2 <i>Division Safety Committees</i>	32
10.0 Employee Safety Reporting Program.....	33
11.0 Communication.....	34
12.0 Accountabilities and Responsibilities	34
12.1 <i>Accountable Executive</i>	35
12.2 <i>Chief Safety Officer (CSO)</i>	35
12.3 <i>SMS Key Staff</i>	36
12.4 <i>Fairfax Connector Leadership</i>	36
12.5 <i>Contracted Service Provider Leadership</i>	37
12.6 <i>Bus Operations Control Center</i>	39
13.0 Integration with Public Safety and Emergency Management	39
13.1 <i>Evaluation of Emergency Management</i>	39
13.2 <i>Meeting with External Agencies</i>	40
13.4 <i>Emergency Procedures</i>	40
Part D: Safety Risk Management	41
14.0 Roles and Responsibilities	42
14.1 <i>Chief Safety Officer (CSO)</i>	42
14.2 <i>Management and Key Personnel</i>	43



Public Transportation Agency Safety Plan

Version 1.0

15.0 Hazard Identification	43
15.1 <i>Methods for Hazard Identification</i>	43
16.0 Hazard Analysis and Evaluation	44
16.1 <i>Hazard Categorization</i>	44
17.0 Safety Risk Mitigation	47
17.1 <i>Elimination or Substitution</i>	48
17.2 <i>Engineering Controls</i>	48
17.3 <i>Administrative Controls and PPE</i>	48
18.0 Safety Risk Management Tracking	48
18.1 <i>Hazard Prioritization</i>	49
18.2 <i>Hazard Acceptance</i>	49
Part E: Safety Assurance	49
19.0 Safety Performance Monitoring	49
19.1 <i>Safety Data Acquisition and Analysis</i>	49
19.2 <i>Safety Investigations</i>	51
19.3 <i>Safety Rules Compliance</i>	51
19.4 <i>Inspection and Maintenance Program</i>	53
19.5 <i>Drug and Alcohol Program</i>	55
20.0 Management of Change	55
20.1 <i>Change Management Process</i>	56
20.2 <i>Safety and Security Certification</i>	57
21.0 Continuous Improvement	57
21.1 <i>Internal Safety and Security Review Program (Continuous Improvement)</i>	57
21.2 <i>Corrective Action Plans</i>	58
Part F: Safety Promotion	59
22.0 Competencies and Training	59
22.1 <i>Designated Personnel</i>	59
22.2 <i>New Operator Training</i>	60
22.3 <i>Operator Refresher Training</i>	61
22.4 <i>Maintenance Training</i>	61
22.5 <i>Bus Operations Control Center (BOCC) Training</i>	61
22.6 <i>Documentation</i>	62
23.0 Safety Communication	62
Appendix A: Organization Chart	64
Appendix B: Employee Safety Reporting Program Form	68
Appendix C: Hazard and Corrective Action Plan (CAP) Tracking Log	71
Appendix D: Configuration Change Tracking Matrix	73



List Figures

Figure 1: Fairfax County Transit Network Map	21
Figure 2: National Capital Region (NCR).....	22
Figure 3: Document Control and Update Timeline.....	26
Figure 4: Fatalities, Injuries, and Safety Event Rate Equation	27
Figure 5: Employee Injury Rate Equation	27
Figure 6: System Reliability Rate Equation	27
Figure 7: Fairfax Connector Committee Structure	30
Figure 8: Division Safety Committee Organization Chart.....	32
Figure 9: Safety Risk Management (SRM) Process	42
Figure 10: Safety Risk Matrix	46
Figure 11: Public Transportation Safety Certification Training Program (PTSCTP) Curriculum	60
Figure 12: Higher Level Fairfax Connector Safety Organization Chart	65
Figure 13: Transit Services Division Organization Chart	65
Figure 14: Transdev North America Organization Chart.....	67
Figure 15: Hazard Tracking Log	72
Figure 16: Corrective Action Plan Tracking Log	72
Figure 17: Configuration Change Tracking Matrix	74

List of Tables

Table 1: 2022 Bus Fleet Summary	24
Table 2: PTASP Management Schedule	25
Table 3: 2023 Safety Performance Metrics	28
Table 4: Executive Safety Committee Members.....	30
Table 5: Division Safety Committee Members.....	32
Table 6: Key Staff Assignments	36
Table 7: Hazard Severity Ratings.....	45
Table 8: Hazard Probability Rating.....	46

Abbreviations

AAR	After-Action Reports
ASSE	American Society of Safety Engineers
ADA	Americans with Disabilities Act
ANSI	American National Standards Institute
APTA	American Public Transportation Association
ASE	Automotive Service Excellence
ASTM	American Society for Testing and Materials
BOCC	Bus Operations Control Center
BTW	Behind-the-Wheel
CAD	Computer Aided Dispatch
CAP	Corrective Action Plan
CCR	Configuration Change Request
CDL	Commercial Driver's License
CFR	Code of Federal Regulations
COOP	Continuity of Operations Plan
D.C.	District of Columbia
DHS	Department of Homeland Security
DoD	United States Department of Defense
DRPT	[Virginia] Department of Rail and Public Transportation
DSC	Division Safety Committee
EA	Emergency Alerts
EAP	Emergency Action Plans
EAP	Employee Assistance Program
EOP	Emergency Operations Plan
EPA	Environmental Protection Agency
ERP	Emergency Response Plan
ESC	Executive Safety Committee
ESRP	Employee Safety Reporting Program
EVR	Event Video Recorders
FCDOT	Fairfax County Department of Transportation
FMP	Fleet Management Plan
FTA	Federal Transit Administration
GM	General Manager
HTL	Hazard Tracking Log
IT	Information Technology
ITP	Individual Training Program
KPI	Key Performance Indicators
LOA	Letter of Agreement
MAP-21	Moving Ahead for Progress in the 21 st Century
MIL-STD	Military Standard
MOA	Memorandum of Agreement
MPO	Metropolitan Planning Organization
MWCOG	Metropolitan Washington Council of Governments
NCR	National Capital Region
NFPA	National Fire Protection Association
NIMS	National Incident Management System
NIOSH	National Institute for Occupational Safety and Health
NPTSP	National Public Transportation Safety Plan



Public Transportation Agency Safety Plan

Version 1.0

NTD	National Transit Database
NTI	National Transportation Institute
NTSB	National Transportation Safety Board
NVTC	Northern Virginia Transportation Commission
O&M	Operation and Maintenance
OEM	Original Equipment Manufacturer
PM	Preventative Maintenance
PMI	Preventative Maintenance Inspection
PPE	Personal Protective Equipment
PTASP	Public Transportation Agency Safety Plan
PTSCTP	Public Transportation Safety Certification Training Program
QA	Quality Assurance
QC	Quality Control
RTA	Rail Transit Agency
SA	Safety Assurance
SDS	Safety Data Sheet
SGR	State of Good Repair
SIT	System Integration Testing
SME	Subject Matter Expert
SMP	Safety Management Policy
SMS	Safety Management System
SOP	Standard Operating Procedures
SPC	Safety Performance Criteria
SPI	Safety Performance Indicators
SPT	Safety Performance Targets
SRA	Safety Risk Analysis
SRCP	Safety Rules Compliance Program
SRM	Safety Risk Management
SSC	Safety and Security Certification
SSCP	Safety and Security Certification Plan
SSEPP	System Security and Emergency Preparedness Plan
SSPP	System Safety Program Plan
TAM	Transit Asset Management
TP	Transportation Planner
TPB	Transportation Planning Board
TSA	Transportation Security Administration
TSD	Transit Services Division
TSI	Transportation Safety Institute
TVA	Threat and Vulnerability Analysis
U.S.	United States
U.S.C.	United State Code
UC	Unified Command
ULB	Useful Life Benchmark
VDOT	Virginia Department of Transportation
VMS	Vehicle Maintenance System
VRM	Vehicle Revenue Miles
WMATA	Washington Metropolitan Area Transit Authority

Definitions¹

Accident: An event that involves any of the following:

1. A loss of life
2. Report of a serious injury to a person
3. A collision of public transportation vehicles
4. A runaway train
5. An evacuation for life safety reasons; or
6. Any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.

Accountable Executive: A single, identifiable person who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a public transportation agency; responsibility for carrying out the agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the Agency's Public Transportation Safety Plan, per 49 U.S.C. 5329(d), and the Agency's Transit Asset Management (TAM) Plan per 49 U.S.C. 5326.

Administrator: The Federal Transit Administrator or the Administrator's designee.

Advisory: A notice from the FTA to recipients regarding an existing or potential hazard or risk in public transportation that recommends recipients take a particular action to mitigate the hazard or risk.

Audit: An examination of records and related materials, including, but not limited to, those related to financial accounts.

Capital Asset: A depreciable physical asset required to support transit service either directly or indirectly, including vehicles, stations, facilities, and systems assets, whether mobile or fixed.

Chief Safety Officer: An appropriately trained individual responsible for safety, reporting directly to the Accountable Executive. The Chief Safety Officer does not serve in other operational or maintenance capacities unless the Chief Safety Officer is employed by a transit agency that is a small public transportation provider or a public transportation provider that does not operate a rail fixed guideway public transportation system.

Close Call: A safety event where conditions with the potential to generate an event existed but where an event did not occur because the conditions were contained by chance or by existing safety risk mitigations. *This term is synonymous with the term "Near Miss."*

Collision: A vehicle accident in which there is an impact of a transit vehicle with:

- Another transit vehicle
- A non-transit vehicle
- A fixed object
- A person(s) (suicide/attempted suicide included)
- An animal
- A rail vehicle

¹ Definitions are referenced from 49 CFR Part 673 and the National Transit Database (NTD) with minor agency modifications



Public Transportation Agency Safety Plan

Version 1.0

Configuration Management: A process to assure that all documentation that describes a system and its various components is current and reflects the system's actual functional and physical characteristics throughout its life cycle.

Contracted Service Provider: An entity that performs tasks on behalf of the Fairfax Connector or the FTA through contract or other agreement.

Consequence: The potential outcome(s) of a hazard.

Corrective Action Plan (CAP): A plan that describes the actions the Fairfax Connector will take to minimize, control, correct, or eliminate risks, including the schedule for taking those actions and identifying responsibilities.

Designated Personnel: Employees and contractors identified by the Fairfax Connector whose job function is directly responsible for safety oversight of the system.

Directive: A formal written communication from FTA to one or more recipients that orders a recipient to take specific actions to ensure the safety of a public transportation system.

Directly Responsible for Safety Oversight: Personnel whose primary job function includes developing, implementing, and reviewing this agency's safety plan.

Emergency: A situation that is life-threatening to passengers, employees, or other citizens, or which causes significant damage to any transit vehicle or facility that requires assessment and repair, or which reduces the ability of the system to fulfill its mission within its service area.

Equivalent Authority: An entity that carries out duties like a Board of Directors for a recipient or sub-recipient of FTA funds under 49 U.S.C. Chapter 53 including sufficient authority to review and approve a recipient's or sub-recipient's Public Transportation Agency Safety Plan.

Evacuation: A condition that occurs when persons depart from transit vehicles or facilities for life-safety reasons. Evacuations include both transit-directed evacuations and self-evacuations. Self-evacuations occur when people vacate transit property without direction from transit personnel or another authority. *Self-evacuation is not an NTD reporting threshold. Determination of a self-evacuation is based on whether the reportable evacuation was self-directed.*

Event: Any accident, incident, or occurrence.

Examination: A process for gathering facts or information or analyzing facts or information previously collected.

Facility: A building or structure that is used in the provision of public transportation.

Fatality: A death or suicide occurring at the scene or within 30 days following the accident; excludes deaths resulting from illness or other natural causes and criminal homicides unrelated to collisions with the transit vehicle.

Findings of Non-Compliance: Any instance where the Fairfax Connector's processes, programs, or documents do not meet federal requirements or in cases where internal practices do not follow its own plans or procedures.

Fleet: Any revenue vehicle used in a public transportation system.

Hazard: Any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.



Public Transportation Agency Safety Plan

Version 1.0

Hazard Analysis: The formal activities used to analyze potential consequences of hazards during operations related to the provision of services.

Hazard Identification: Formal activities to identify hazards during operations.

Hazardous Material: Any commodity or product identified or regulated by the United States Department of Transportation in title 49 CFR Parts 171-179 that may be transported under restricted conditions.

Human Factors: Applied technology comprises principles that apply to equipment design, certification, training, operations, and maintenance, which seek a safe interface between the human and other system components by proper consideration of human performance.

Incident: An event that involves any of the following:

- A personal injury that is not a serious injury
- One or more injuries requiring medical transport, or
- Damage to facilities, equipment, rolling stock, or infrastructure that disrupts the Connector's operations.

Inspection: Process for gathering facts or information or analyzing facts or information previously collected. After an inspection, the Fairfax Connector or the FTA may issue findings and recommendations.

Investigation: The process of determining the causal and contributing factors of an accident, incident, or hazard to prevent recurrence and mitigating risk.

Lagging Indicators: Data related to events that have already occurred. Fairfax Connector will define lagging indicators using historical data of adverse outcomes, such as accidents, incidents, and occurrences.

Leading Indicators: Measured conditions that can become or contribute to an adverse event before the outcome occurs. Leading indicators can be very valuable as they will allow the Fairfax Connector to monitor precursors to events and offer the opportunity to act before something bad happens.

Near Miss: A safety event where conditions with the potential to generate an event existed but where an event did not occur because the conditions were contained by chance or by existing safety risk mitigations. This term is synonymous with the term "Close Call."

Management of Change: A process for identifying and assessing changes that may introduce new hazards or impact the Connector's safety performance. If the Fairfax Connector determines that a change may affect its safety performance, the Transit Division must evaluate the proposed change through its Safety Risk Management process.

Major Mechanical Failures: Failures caused by vehicle malfunctions or subpar vehicle condition which requires that it be pulled from service.

National Public Transportation Safety Plan: The plan to improve the safety of all public transportation systems that receive federal financial assistance under 49 U.S.C. Chapter 53.

National Transportation Safety Board (NTSB): An independent government agency charged with investigating certain types of accidents (such as those involving aircraft or trains) and conducting safety studies to identify areas needing improvement in the transportation industry.



Public Transportation Agency Safety Plan

Version 1.0

Occurrence: An event without any personal injury in which any damage to facilities, equipment, fleet, or infrastructure does not disrupt the operations of the Connector.

Office of Transit Safety and Oversight (TSO): The FTA office that administers a national transit safety program and program compliance oversight process through adherence to legislative, policy, and regulatory requirements as established by Congress and the FTA.

Operator of a Public Transportation System: A provider of public transportation as defined under 49 U.S.C. 5302(15).

Passenger: A person on board, boarding, or alighting from a Fairfax Connector transit vehicle for travel.

Pattern or Practice: Two or more findings of noncompliance with this Plan and the requirements of 49 U.S.C. 5329 and the regulations thereunder.

Performance Criteria: Categories of measures indicating the level of safety performance within Fairfax Connector

Performance Measure: An expression based on a quantifiable indicator of performance or condition used to establish targets and assess progress toward meeting the established targets.

Performance Target: A quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time required by the Federal Transit Administration (FTA).

Public Transportation Safety Certification Training Program:² Either the certification training program for federal and state employees, or other designated personnel, who conduct safety audits and examinations of public transportation systems, and employees of public transportation agencies directly responsible for safety oversight, established through interim provisions per 49 U.S.C. 5329(c), or the program authorized by 49 U.S.C. 5329(c).

Practical Drift: The slow, inconspicuous, yet steady uncoupling between written procedures and actual practices during the provision of service.

Probability: The likelihood that the consequence might occur, considering the worst foreseeable but credible condition.

Public Transportation Agency Safety Plan: The documented comprehensive transit safety plan for a transit agency that is required by 49 U.S.C. 5329 and this part.

Rail Transit Agency: Any entity that provides services on a rail fixed guideway public transportation system.

Record: Any writing, drawing, map, recording, tape, film, photograph, or other documentary material by which information is preserved. The term “record” also includes any such documentary material stored electronically.

Recipient: An entity that receives federal financial assistance under 49 USC Chapter 53 and includes sub-recipients.

Risk: The composite of predicted severity and likelihood of the potential effect of a hazard.

Risk Mitigation: A method or methods to eliminate or reduce the effects of hazards.

² Not mandatory for the Fairfax Connector, as it does not currently receive Chapter 53 funding.



Safety: Freedom from harm resulting from unintentional acts or circumstances.

Safety Assurance: Processes within Connector's Safety Management System that assures the implementation and effectiveness of safety risk mitigation and that the Connector meets or exceeds its safety objectives through the collection, analysis, and assessment of information.

Safety Audit: A review or analysis of safety records and related materials, including, but not limited to, those related to financial accounts.

Safety Deficiency: A condition that is a source of hazards and/or allows the perpetuation of hazards in time.

Safety and Security Certification: The process applied to project development to ensure that all practical steps have been taken to optimize the operational safety and security of the project during engineering, design, and construction before the start of passenger operation.

Safety and Security Manager: *Refer to Chief Safety Officer.*

Safety Management Policy: An agency's documented commitment to safety that defines the Transit Division's safety objectives and the accountabilities and responsibilities of its employees regarding safety.

Safety Management System (SMS): The formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of an agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards.

Safety Management System (SMS) Executive: The Chief Safety Officer or an equivalent.

Safety Performance: An organization's safety effectiveness and efficiency, as defined by safety performance indicators and safety performance targets, measured against the organization's safety objectives.

Safety Performance Indicator: A data-driven, quantifiable parameter used for monitoring and assessing safety performance.

Safety Performance Monitoring: The activities aimed at quantifying an organization's safety effectiveness and efficiency during service delivery operations through a combination of safety performance indicators and safety performance targets.

Safety Promotion: A combination of training and communication of safety information to support SMS as applied to the Fairfax Connector.

Safety Performance Target: A specific level of performance for a given performance measure over a specified timeframe related to safety management activities.

Safety Review: A formal, comprehensive, on-site review of Fairfax Connector's safety practices to determine whether it complies with the policies and procedures required under the Safety Plan.

Safety Risk Assessment: The formal activity whereby an agency determines Safety Risk Management priorities by establishing the significance or value of its safety risks.

Safety Risk Management: A process within a Fairfax Connector's Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risks.

Security: Freedom from harm resulting from intentional acts or circumstances.



Public Transportation Agency Safety Plan

Version 1.0

Serious Injury: any injury which:

1. Requires hospitalization for more than 48 hours, commencing within seven (7) days from the date the injury was received
2. Results in a fracture of any bone (except simple fractures of fingers, toes, or noses)
3. Causes severe hemorrhages, nerve, muscle, or tendon damage
4. Involves any internal organ; or
5. Involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface

Severity: The anticipated effects of a consequence, should it materialize, taking as reference the worst foreseeable but credible condition

Small Public Transportation Provider: A recipient or sub-recipient of federal financial assistance under 49 U.S.C. 5307 that has one hundred (100) or fewer vehicles in peak revenue service and does not operate a rail fixed guideway public transportation system.

State: A state of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

State of Good Repair: The condition in which a capital asset can operate at a full level of performance.

Substantial Damage: Damage to any involved vehicles, facilities, equipment, fleet, or infrastructure that disrupts the operations of the agency and adversely affects the structural strength, performance, or operating characteristics of the vehicle, facility, equipment, vehicles, or infrastructure, requiring towing, rescue, on-site maintenance, or immediate removal before safe operation.

Transit Services Division: A Fairfax County Department of Transportation division that oversees Fairfax Connector operations.

Transit Asset Management Plan: The strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, to provide safe, cost-effective, and reliable public transportation, as required by 49 U.S.C. 5326 and 49 CFR Part 625.

Vehicle: The Fairfax Connector's fleet used as part of the public transportation system, including but not limited to passenger and maintenance vehicles.



Part A: Program Overview

1.0 Introduction

In 2016, the Federal Transit Administration (FTA) issued the final rule 49 in the Code of Federal Regulations (CFR) Part 670, introducing Public Transportation Safety Program criteria. The final rule also established a basis for enhancing public transportation safety in the United States. Under this rule, the FTA is granted authority to issue industry General Directives, Special Directives, and Advisories. It also permits the FTA to withhold Chapter 53 funds if a transit authority does not comply with an FTA directive to abate a safety violation.

Most impactful to the broader industry was Subpart D of the rule, which introduces the National Public Transportation Safety Plan (NPTSP) and identifies the standards for public transportation agencies to adopt the principles and methods of the Safety Management System (SMS). The NPTSP now serves as the basis for establishing a safety program, including safety performance standards, SMS guidance, best practices, and technical assistance.

1.1 Safety Management System (SMS)

SMS is based upon the principle that safety is not an absolute condition. It specifies that hazards will always exist in the transit environment, but a hazard's calculated risk can be controlled to the greatest extent practicable. SMS thus modifies the traditional approach of primarily reacting to accidents by prescribing measures to proactively identify, manage and monitor key indicators of an event's potential recurrence. Incorporating SMS and subsequent preventative risk control strategies into the Fairfax Connector's culture will bolster the agency's ability to provide a positive safety culture, resulting in improved operating performance.

SMS is a formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of the Connector's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards. The process offers a means to reduce the potential for public transportation accidents and incidents by integrating safety into all aspects of the system's activities, including planning, design, construction, operations, and maintenance.

The program builds on lessons learned from System Safety, bringing management processes, integrated data analysis, and organizational culture more squarely into Fairfax Connector's overall risk management framework. The framework provides a management approach that ensures that the Fairfax Connector has the necessary organizational structures, accountabilities, policies, and procedures to direct and control resources optimally managing safety. When systematically applied, SMS provides decision-making tools that will allow the Fairfax Connector to prioritize safety when making informed operating and capital investment decisions.

2.0 Applicability

The Fairfax Connector is not currently a recipient of Chapter 53 funds and is voluntarily participating in the PTASP program. The system is owned by Fairfax County and is overseen and managed by the Fairfax County Department of Transportation (FCDOT). Despite this, Fairfax Connector continues to build a safety program designed around the system's needs to ensure the safe operations of its system.

The Fairfax Connector is preparing for future FTA funding opportunities to support planned capital programs, system expansions, and fleet replacements as a large bus operator. Doing so will require Fairfax County to comply with current regulatory requirements and expand existing safety programs to conform to the SMS framework.



3.0 System Description

Fairfax County provides transit services under the brand “Fairfax Connector.” Fairfax Connector service is managed by the Transit Services Division (TSD) within FCDOT. The Fairfax Connector is a locally owned and controlled fixed-route bus transit system currently operated under contract by Transdev Services, Inc. (Transdev), which operates and maintains all revenue service vehicles.

Fairfax County covers 391 square miles in Northern Virginia, with a population of 1.15 million people, according to the 2020 US Census. The population-level has remained generally stable, with slight growth since 2010. In addition to serving Fairfax County, the Fairfax Connector also provides links to the Washington, D.C. metropolitan region through service to 12 Washington Metropolitan Area Transit Authority (WMATA) Metrorail stations. The Connector also serves employment centers in Arlington County and the City of Alexandria in Virginia, and the Foggy Bottom and L'Enfant Plaza areas of Washington, D.C.

Fairfax Connector serves a 407-square-mile area covering most of the Northern Virginia region. The Connector is made up of a fleet of 344 buses providing service to approximately 30,000 passengers daily, as reported in FY2019. It is funded by County General Funds that are partially reimbursed through grants from the Virginia Department of Rail and Public Transportation (DRPT), Northern Virginia Transportation Commission's (NVTC) Commuter Choice Program and supplemented by farebox revenue.

The system runs its operations from three Transit Divisions/garages:

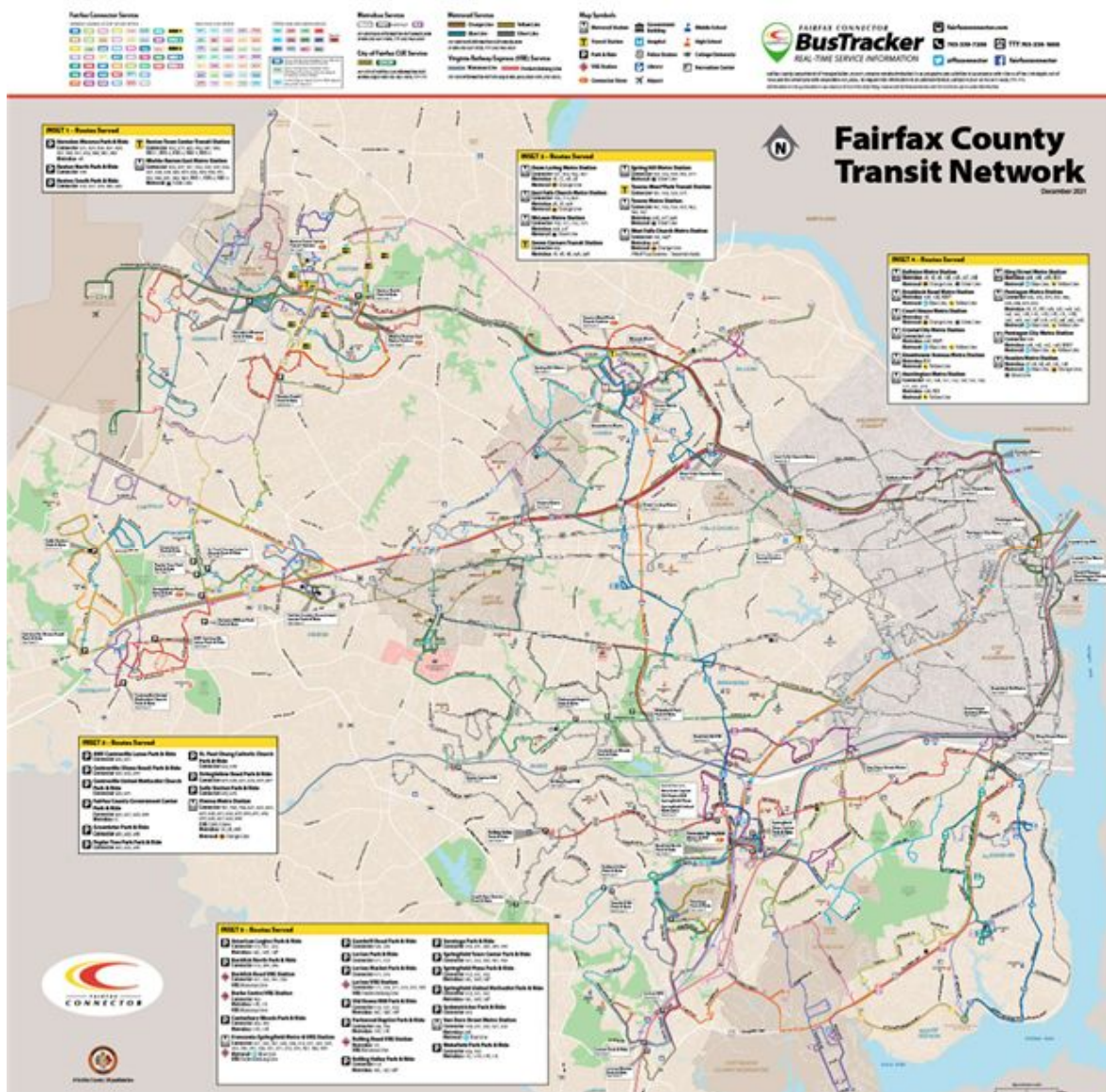
Huntington (South County): Huntington service encompasses mostly the southern portion of the County and consists of 28 routes and 120 assigned vehicles.

Herndon (North County): The Herndon Division service area encompasses the County's northern portion and consists of 40 routes and 95 assigned vehicles. The number of buses may change as service requirements are modified.

West Ox: West Ox's service area encompasses mostly the central portions of the County and consists of 40 routes and 129 assigned vehicles.

The newest facility, West Ox, has the largest portion of Fairfax Connector's bus fleet. Opening in 2009, it was initially built as a shared facility with Metrobus. Fairfax County owns the facility and leases a portion to WMATA.

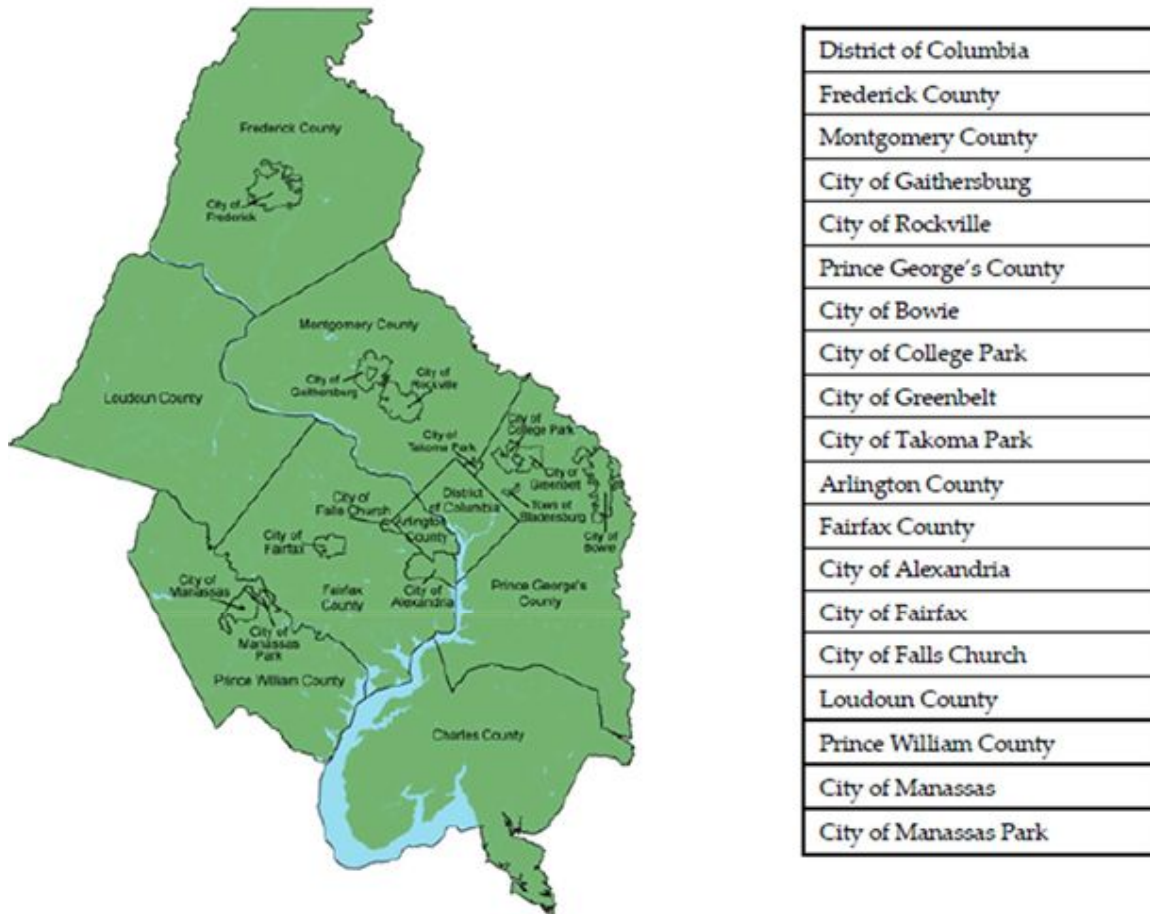
Figure 1: Fairfax County Transit Network Map



3.1 Fairfax County

Fairfax County is among the most densely populated counties in the nation and is located just outside of Washington, D.C. It is one of 19 jurisdictions referred to as the National Capital Region (NCR) as defined by the Metropolitan Washington Council of Governments (MWCOC). The MWCOC is not an operational entity but provides a regional basis for collaboration, coordination, training, and exercises among the independent jurisdictions.

Figure 2: National Capital Region (NCR)



3.2 Contracted Services

Fairfax Connector operations and maintenance activities are conducted by a contracted service provider, Transdev North America, herein referred to as Transdev. Transdev is responsible for safety, maintenance, and operation of the fleet of revenue buses. FCDOT's TSD and Transdev coordinate service and planning functions for the buses owned by Fairfax County, operating under the brand "Fairfax Connector."

The contract defines the specific objectives, goals, terms, details, and responsibilities required of the contracted service provider and FCDOT. The contracted service provider is required to meet contractual obligations by providing a staff of qualified and trained mechanics, drivers,



supervisors, and management to meet the daily requirements for operation, maintenance, training, servicing, etc. FCDOT provides the buses, facilities, fuel, fluids, asset management, and other maintenance-related software. Additional contract provisions include administering programs such as drug and alcohol testing, revenue collection, quality assurance (QA), and other mission requirements.

Fairfax County provides facilities for cleaning, servicing, inventory management, support, and maintenance of vehicles. The three locations for bus operations hold all necessary infrastructure to support a fleet operation, including the use and maintenance of software and hardware essential for tracking materials, parts, and vehicles. The contracted service provider provides Bus Operations Control Center (BOCC) staff around the clock, seven days a week, to track operations, manage incidents, and conduct general oversight of daily service requirements. Each bus division has sufficient capacity for storage of fuel, parking for staff, dispatch facilities, break rooms and maintenance.

3.3 Fleet

The current fleet of buses used in the Connector service is shown in Table 1. FCDOT currently has a contract with New Flyer Industries to supply up to 500 new buses between the Fiscal Years 2017 and 2027. All buses have a Useful Life Benchmark (ULB) of 15 to 16 years, at which time they may be retired from service and disposed of as new buses are purchased and placed into service.

As of July 1, 2022, the fleet makeup of revenue vehicles needed to meet service, training, and maintenance requirements was 344 buses. As part of the agreement between FCDOT and the contracted service provider, FCDOT conducts the procurement of new buses on behalf of Fairfax County, maintains ownership of the buses, establishes the maintenance performance standards for operation by the service provider, and conducts quality control audits to ensure compliance with the contract provisions.

*Table 1: 2022 Bus Fleet Summary*

Year	Manufacturer	Model	Total	Vehicle Numbers
2007	New Flyer	D40LFR	26	9700-9751
2007	New Flyer	D35LFR	13	9754-9769
2008	Orion	VII	26	9770-9795
2009	New Flyer	D40LFR	14	9600-9613
2009	New Flyer	D40LFR	30	9614-9644
2010	New Flyer	DE40LFA	5	6568, 6577, 6584, 6585, 6591
2010	New Flyer	DE40LFA	1	6609
2011	New Flyer	XD40	68	7701-7737, 9645-9675
2012	Orion	VII Hybrid	6	3082-3087
2012	New Flyer	XD40	20	7738-7758
2012	New Flyer	XD35	15	9676-9690
2013	New Flyer	XD40	19	7759-7777
2014	New Flyer	XD35	17	7778-7794
2015	New Flyer	XD40	5	7795-7799
2015	New Flyer	XD35	12	7800-7811
2017	New Flyer	XD40	10	1730-1739
2018	New Flyer	XD40	4	7812-7815
2018	New Flyer	XD35	10	7816-7825
2019	New Flyer	XD40	4	7826-7829
2020	New Flyer	XD40	11	7830-7840
2021	New Flyer	XD40	28	7841-7868

3.4 Ridership Accessibility

According to an analysis conducted in the 2020 Fairfax County Title VI Program update, 54 percent of the population has access to Connector service, exceeding the performance benchmarks identified. About 59 percent of the county's minority population and 49 percent of the non-minority population are within a quarter mile of the service.

4.0 Purpose and Scope

This PTASP aims to provide the necessary foundation for the Fairfax Connector to build and mature an SMS program that is scaled to the size and complexity of the organization. Fairfax Connector has therefore established an SMS program that meets or exceeds the general requirements of both 49 CFR Part 673 and the NPTSP requirements and guidelines, including the following required elements:

1. Safety Management Policy
2. Safety Risk Management
3. Safety Assurance
4. Safety Promotion

This PTASP is built around three primary objectives:



1. Identify a corporate-level safety strategy to systematically manage safety that the Fairfax Connector can use to manage and monitor its safety performance
2. Provide a foundation the Fairfax Connector can use to oversee the safety performance of its contracted service provider
3. Prepare for future FTA funding that will require compliance with 49 CFR Part 673

This PTASP applies to the Fairfax Connector's fixed-route bus system and incorporates the principles and methods of an SMS tailored to the system's size and complexity. The Fairfax Connector does not operate any other modes of transportation that would apply to this rule.

5.0 Program Administration

The following section describes how the Fairfax Connector will maintain its SMS documentation and ensure it is retained for no less than three years after this PTASP has been approved. When applicable, the Fairfax Connector will ensure the FTA and other regulatory entities have access to review any SMS documentation upon request. Other critical processes supporting the SMS but not specific to the PTASP are included within those process-specific documents.

5.1 Revision Scheduled

The following schedule will be used to ensure this PTASP is implemented, reviewed, and maintained per federal requirements.

Table 2: PTASP Management Schedule

Milestone	Schedule
General Revisions	Annually
Ongoing Revisions	30 days before the effective date

The Fairfax County Board of Supervisors will approve of changes to this plan.

5.2 Document Control and Updates

The Transit Services Division will submit an initial PTASP to the Board of Supervisors for review and approval. Upon request, all operating rules, procedures, and materials referenced in the PTASP will also be available to the Board of Supervisors and the FTA for review.

The Chief Safety Officer (CSO) will develop and manage the review processes of the PTASP in coordination with other TSD sections and the contractor. The CSO's responsibility will be to ensure proposed changes are approved and incorporated as needed.

Figure 3: Document Control and Update Timeline



5.2.1 Annual Revisions

Fairfax Connector will review this PTASP at least annually. Revisions to this PTASP and its relevant SMS documents and those referenced in this Plan will be maintained for a minimum of three years after they are created. The cycle commences on or before June 1 of each year and concludes by December 31.

The CSO is responsible for coordinating the annual review and revision of this PTASP. Each section within TSD will be notified by June 1 to compare all applicable parts of this PTASP to their functions to ensure it aligns with their processes. Sections will then have 30 calendar days from the original date of notification, or up to July 1, whichever is greater, to submit comments to the CSO. Once all comments are received, the CSO will incorporate comments in the PTASP, then conduct a final review and update with the Accountable Executive by mid-August of each year.

The Accountable Executive will then sign and approve any changes and forward the revised PTASP to the Board of Supervisors for approval by December 31.

5.2.2 Ongoing Revisions

The PTASP is a living document, where any changes to the operating system or following an external audit, internal reviews, investigation, or changing data may require changes to this Plan. The CSO will present the modified plan to the Accountable Executive for review and signature, who will then forward the revised plan to the Board of Supervisors for approval.

Part B: Safety Performance

Crucial to the Fairfax Connector's safety program is its ability to measure and monitor safety performance quantitatively in coordination with the contracted service provider. The Fairfax Connector will establish goals, measures, targets, and plans that will help enhance decision-making capabilities through performance-based planning. By defining attainable Safety Performance Targets (SPT), the Fairfax Connector will increase its capacity to monitor and



evaluate its safety performance, facilitating more effective resource investments and contributing to TSD'S operating performance.

6.0 Safety Performance Targets

The Fairfax Connector will establish SPTs for January 1 through December 31 of each year, using a three year rolling average of performance data, vehicle revenue miles (VRM), and major mechanical system failures reported to the National Transit Database (NTD). SPTs will be defined for:

1. Fatalities
2. Injuries
3. Safety Events
4. System Reliability

Fairfax Connector's SPTs are based on the Safety Performance Criteria (SPC) defined by the NPTSP as required in 49 CFR Part 670, Subpart D. In addition to the requirements of Part 670, the safety performance targets for System Reliability correlate to the requisites identified in 49 CFR Part 625 for the Transit Division Transit Asset Management (TAM) Plan.

Figure 4: Fatalities, Injuries, and Safety Event Rate Equation

$$\text{Event Rate} = (\text{Event Count} \div \text{VRM}) \times 100,000$$

Figure 5: Employee Injury Rate Equation

$$\text{Employee Injury Rate} = (\text{Event Count} \times 200,000) \div \text{Employee Hours Worked}$$

Figure 6: System Reliability Rate Equation

$$\text{System Reliability} = \text{Vehicle Revenue Miles (VRM)} \div \text{Count of Major Mechanical Failures}$$

SPTs will be made available to County agencies upon request to assist planning processes. Upon receiving Chapter 53 funds, these results will need to be reported to the Metropolitan Washington Council of Governments (MWCOC). To the greatest extent possible, the Accountable Executive and CSO will coordinate with the County, State, and MWCOC staff to review SPTs in support of transit improvement efforts.



Table 3: 2023 Safety Performance Metrics

	Count (2018-2021)	Vehicle Revenue Miles (2018-2021)	2018-2021 Rate	2023 Target Rate	Reduction
Fatalities	2	29,752,526	0.007	0	0.007
Injuries	191	29,752,526			
Customer Injuries	53	29,752,526	0.178	0.170	0.008
Employee Injuries (hrs. work)	138	3,698,604	7.46	5.90	1.56
Safety Events	79	29,752,526	0.266	0.260	0.006
System Reliability*	6,462	29,752,526	5,912	8,000	
* – This metric is currently measured on a fiscal year basis.					

Fatality: A reportable fatality is a death due to a collision, fire, hazardous materials spill, or other safety events.³

Injuries: Harm to a person, requiring that person to be transported from the scene of an incident to a hospital or medical facility for treatment. This includes any damage or harm to persons that requires immediate medical attention away from the scene because a reportable event must be reported as an injury.

Safety Event: Any accident, incident, or occurrence.⁴

System Reliability: The relationship between safety and the asset condition. The data collected for system reliability supports and provides input into the Fairfax Connector's TAM Plan.

7.0 Metropolitan Washington Council of Governments

Upon establishing its status as a recipient of Chapter 53 funding, FCDOT will coordinate with the Metropolitan Washington Council of Governments (MWCOC) Transportation Planning Board (TPB) by making the Connector's safety performance targets available to aid in the planning process. The National Capital Region TPB is the federally designated metropolitan planning organization (MPO) for metropolitan Washington staffed by the Metropolitan Washington COG. Working with local, state, regional, and federal partners, the TPB coordinates future plans, provides data and analysis to decision-makers, and coordinates regional programs to advance safety, land-use coordination, and more.

³ Fatalities that occur because of illnesses or other natural causes, including individuals who are found deceased, are not reportable and are thus not required to be measured as part of the Safety Performance Criteria.

⁴ Refer to *Definitions* for Accident, Incident, or Occurrence meanings.

Part C: Safety Management Policy

Safety Management Policy (SMP) is SMS Component 1 and is the keystone of Fairfax Connector's SMS program. This component provides direction for effective Safety Risk Management, Safety Assurance, and Safety Promotion. Safety Management Policies will be developed according to the three primary goals:

1. Provide a safe and reliable transportation service for the residents of and visitors to Fairfax County,
2. Provide a safe and healthful working environment for FCDOT employees and the employees of the contracted service provider, and
3. Comply with applicable laws, regulations, and standards.

All activities necessary to accomplish these goals, including operational and safety training requirements, accident investigation procedures, Standard Operating Procedures (SOP), and audit/inspection programs, are documented and referenced in this plan. The purpose of this plan, among others, is to:

- Recognize and correct unsafe activities and conditions.
- Promote safety awareness, and
- Assist in the prevention of injuries and illnesses.

The SMP thus assists in ensuring management's involvement and commitment to the SMS and Connector-wide safety improvement by laying out the policies and procedures required to carry out the SMS. This is only accomplished through a clearly articulated statement that defines the organizational structures, effectively identifies accountabilities, and Fairfax Connector's SMS planning efforts.

To help accomplish its goals and objectives, the Fairfax Connector has adopted the principles and methods of SMS as the basis for enhancing its safety program. All Fairfax Connector rules, regulations, policies, guidance, best practices, and technical assistance administered will follow the principles of SMS.

8.0 Safety Management Policy Statement

The Fairfax Connector has a written statement of its safety management policy that includes the Connector's safety objectives and safety performance targets. The Safety Management Policy statement for the Fairfax Connector may be found at the beginning of this ASP. The policy statement will be reviewed and updated to align SMS processes with ongoing and evolving safety performance goals and objectives.

9.0 Committee Structure

Fairfax Connector is committed to proactively identifying and resolving safety hazards and security vulnerabilities by providing a collaborative process that allows for robust, inter-disciplinary coordination. The Connector has established a foundational committee structure to facilitate safety and security coordination among the Connector's disciplines.

The committee structure provides an open forum for safety concerns to be communicated or reported, from the frontline staff to managers and up to the Accountable Executive. Similarly, this structure allows management to communicate safety and security topics more uniformly throughout the organization.

Figure 7: Fairfax Connector Committee Structure



Additional sub-committees may be formed from members of the committee structure plus other personnel to support detailed incident investigations or hazard analyses.

9.1 Executive Safety Committee

Fairfax Connector will establish an Executive Safety Committee (ESC) to coordinate and oversee the Connector's SMS program. It will be chaired by the CSO, coordinating with the Fairfax Connector's various disciplines and its contracted service provider's management team.

Once established, the ESC will discuss cross-discipline SMS implementation progress, issues, and goals with the primary mission of promoting SMS to all levels of the organization.

The ESC will also be charged with assisting in maintaining a high level of system safety and security. This committee will bring together common knowledge, technical expertise, and unique perspectives of various staff to focus on safety and security issues. It functions as an interdepartmental unit empowered to lead the Fairfax Connector in Safety Risk Management (SRM) and Safety Assurance efforts.

The Committee will comprise of Fairfax County TSD and contracted service provider management staff, demonstrating management's commitment to SMS compliance. Contractor Division Special guests may be periodically invited to brief the ESC on certain topics.

Table 4: Executive Safety Committee Members

Employer	Position
Fairfax County	Transit Division Chief/Accountable Executive
Fairfax County	Chief Safety Officer
Fairfax County	Operations Section Chief
Fairfax County	Contract Manager/QA
Fairfax County	Facilities/Maintenance Section Chief
Transdev	Contracted service provider Area General Manager
Transdev	Contracted service provider Director of Safety & Training
Transdev	Contracted service provider Director of Maintenance
Transdev	Contracted service provider Division Manager



The ESC will meet monthly in support of the following activities:

- Determining safety and security compliance with management policies, rules, procedures, and assigned security responsibilities
- Reviewing and discussing identified unacceptable and undesirable hazards and status of activities to resolve, including review of supporting documentation (i.e., hazard tracking log, hazard investigation reports, and inspection reports)
- Reviewing safety and security data, information, and trends
- Identifying organizational issues that may contribute to events or less effective responses to events
- Identifying and monitoring safety deficiencies at the divisions for purposes of continuous improvement
- Actively promoting safety and security campaigns
- Reviewing drills, exercise scenarios, and After-Action Reports (AAR)
- Proposing improvements in safety and security procedures, equipment, and training
- Assessing safety and security impacts of facility and/or operational changes
- Annually reviewing and revising this PTASP and ensuring its implementation
- Monitoring compliance of each location according to Connector-wide safety responsibilities and procedures
- Participating in the investigation process as appropriate and per Fairfax Connector's established procedures
- Overseeing system safety review functions as required
- Coordinating and following up with any external safety audits and participating as required
- Reviewing maintenance and failure rate data to identify safety problems
- Reviewing results of safety inspections, emergency drills, simulations, and tests and developing action plans as appropriate
- Preparing written documentation of all meetings, tasks, activities, investigations, analyses, and recommendations
- Identifying mitigations or strategies related to exposure to infectious diseases through the SRM process and in accordance with guidelines provided by federal, state, county, and local organizations
- Establishing and managing a risk reduction program for vehicular and pedestrian accidents, to include measures to reduce visibility impairments for bus operators that contribute to accidents, including retrofits to buses in revenue service and specifications for future procurements that reduce visibility impairments
- Identifying and managing mitigations to reduce the prevalence of worker assaults, including the deployment of assault mitigation infrastructure and technology on buses, including barriers to restrict the unwanted entry of individuals and objects into the workstations of bus operators
- Performing risk analysis to determine that assault prevention infrastructure and technology reduce assaults and injuries to transit workers
- Ensuring a program is developed, implemented, and maintained for safety training of operations and maintenance personnel

The CSO, in coordination with the Accountable Executive, will develop agendas, and take responsibility for creating meeting minutes. Meeting minutes and attendance sheets for each meeting will be distributed following each session. Records will be kept for a minimum of three years and made available upon request to the FTA, Board of Supervisors, Agency Director, and contracted service provider personnel.

9.2 Division Safety Committees

A Division Safety Committee (DSC) will be established at each operating location. Each DSC will comprise the following members, containing an equal representation of frontline employees and management personnel. Labor organizations will select Frontline employee representatives and represent the plurality of the frontline workforce employed by the contracted service provider. Additional frontline staff, including supervisors and operators, may be invited to attend meetings as necessary.

Figure 8: Division Safety Committee Organization Chart

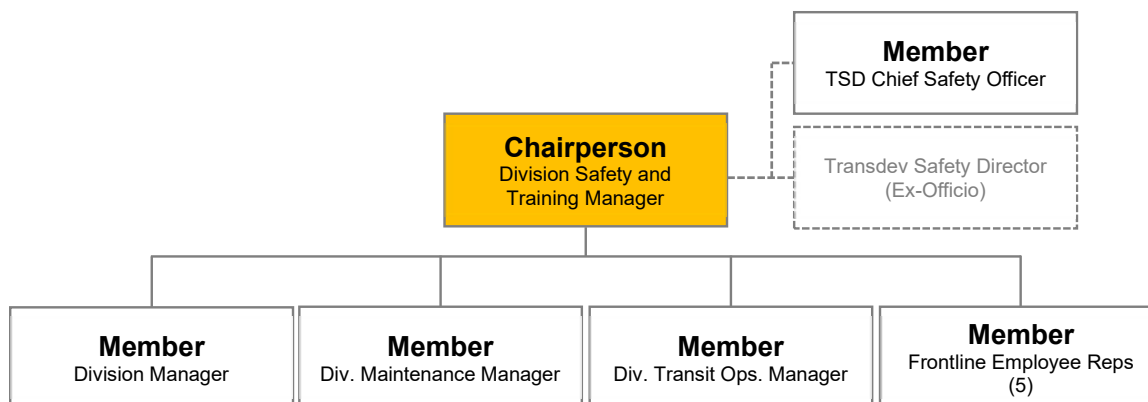


Table 5: Division Safety Committee Members

Employer	Position
Transdev	Division Safety and Training Manager (Chair)
Transdev	Division Manager
Transdev	Division Maintenance Manager
Transdev	Division Transit Operations Manager
Transdev	Frontline Employee Representatives (5) ¹
Fairfax County	Chief Safety Officer
Transdev	Safety Director (Ex-Officio)

¹ Additional frontline staff, including supervisors and operators, may be invited to attend meetings as necessary.

The primary function of the DSC will be to collaborate in creating and maintaining a safe work environment for fellow employees and helping with system safety and security at the Connector.

Each DSC will be responsible for:

- Division-specific hazard reduction and hazard resolution
- Coordinating safety activities of the division to ensure compliance with safety and security management policies, rules, procedures, and assigned security responsibilities
- Actively promoting safety and security campaigns
- Compiling pertinent location safety data to identify and assess safety risk
- Proposing improvements in safety and security procedures, equipment, and training
- Collecting, analyzing, and reporting safety data to identify potential trends to help determine appropriate countermeasures to improve driving behaviors
- Reviewing maintenance and failure rate data to identify safety problems



- Reviewing results of safety inspections, emergency drills, simulations, and tests and developing action as appropriate
- Resolving field-related operating issues that may require a change or modification to fix assets and procedures
- Conducting special meetings as necessary at the request of management
- Reviewing DriveCam trends and pertinent events/clips
- Performing analyses to identify safety problems related to maintenance activities
- Using Committee consensus to develop hazard resolutions
- Reviewing and updating facility action plans
- Identifying and recommending risk-based mitigations or strategies necessary to effectively reduce the identified risk to the lowest practical level at the Division
- Identifying other mitigations or strategies that may be ineffective, inappropriate, or were not implemented as intended at the Division
- Identifying safety deficiencies at the Division for purposes of continuous improvement

The division Safety and Training Manager will chair their DSC. The Safety and Training Manager establishes the appropriate time and frequency for DSC meetings to fit the schedules and needs of the Division. It is recommended that each DSC meet, at a minimum, once per month. At locations where vehicle incidents or workplace injuries are high, the committee may consider meeting more often than the minimum requirement at the discretion of the CSO or contracted service provider General Manager.

Agenda topics include, but are not limited to:

- Reviewing unsafe acts or conditions found at the facility
- Reviewing DriveCam trends and most frequent violations,
- Reviewing incidents or “near misses” involving vehicle operations, equipment, or employee injuries
- Reviewing old and new business
- Reviewing new, open, and closed hazards for the location, including a discussion on the decision-making process for each closed hazard
- Open discussions to identify new hazards

The contracted service provider’s Safety Manager will be responsible for developing agendas, meeting minutes, and attendance sheets for each meeting and distributing them following each session. Under the oversight of TSD, the contracted service provider will be responsible for retaining records for a minimum of three years to be made available upon request to the FTA, the Board of Supervisors, or TSD personnel.

10.0 Employee Safety Reporting Program

Fairfax Connector has established a comprehensive Employee Safety Reporting Program (ESRP) that will allow all employees, including contract employees, to report safety conditions to senior management. This program will help the Accountable Executive, CSO, Connector service provider leadership, and key staff to obtain essential safety information. The defined ESRP will be designed to improve the Fairfax Connector’s ability to learn about safety conditions and make meaningful changes in collaboration with frontline staff.

Examples of items that can be reported include:



- Hazards/potential hazards
- Safety issues and concerns
- Accidents/incidents
- Possible solutions and safety improvements
- Close calls/near misses

The Fairfax Connector's contracted service provider is committed to ensuring that no action is taken against an employee who discloses a safety concern through the ESRP unless disclosure indicates through the investigative process and beyond a reasonable doubt that an illegal act, gross negligence, or a deliberate or willful disregard of regulations or procedures was committed. Therefore, the ESRP protects employees from any disciplinary actions under the following conditions:

- Reporting safety hazards or potential hazards
- Making suggestions for safety improvements
- Reporting other employees' unsafe behavior
- Fatigue that presents an unacceptable, hazardous condition
- Self-report of a close call or near miss

However, there may be circumstances where disciplinary action is necessary after an employee makes a report. These conditions include:

- Willful safety violations
- Reckless and neglectful acts
- Actions resulting in an accident/incident
- Criminal activities
- Alcohol or drug use
- Failure to properly report a safety event
- Being observed violating Fairfax Connector safety rules by a supervisor or manager

11.0 Communication

The Fairfax Connector's Safety Management Policy will be communicated throughout the organization through:

- Communications to all personnel from the Accountable Executive and Transdev GM
- Various training programs
- New Hire Orientation
- Safety Meetings
- General bulletin board postings

This PTASP will always be available to all employees. Key personnel will maintain it in an accessible electronic file and hard copy(s) in locations accessible to employees under their supervision and management.

12.0 Accountabilities and Responsibilities

Fairfax Connector has established the necessary authorities, accountabilities, and responsibilities for the management of safety. Levels of accountability are included for both the Fairfax Connector and its contracted service provider. An organization chart for both TSD and the contracted service provider is documented in Appendix A.



12.1 Accountable Executive

The Accountable Executive for the Fairfax Connector is the FCDOT Transit Services Division Chief. This individual is the single identifiable person who:

- Has ultimate responsibility for carrying out this PTASP
- Communicates the SMP to all employees and contracted service provider
- Has responsibility for carrying out the Transit Services Division's Transit Asset Management Plan
- Controls or directs the human and capital resources needed to develop and maintain both the Transit Services Division's PTASP and TAM Plan
- Ensures adequate resources are available to support the SMS Program
- Continuously monitors the SMS program
- Supports the Employee Safety Reporting Program

In addition to these responsibilities, the Accountable Executive ensures that the Connector's SMS is effectively implemented. Furthermore, the Accountable Executive must ensure action is taken, when necessary, to address the substandard safety performance of the Connector. The Accountable Executive may delegate specific safety responsibilities; however, this individual is ultimately accountable for the Connector's safety performance.

12.2 Chief Safety Officer (CSO)

Fairfax Connector's CSO serves as the SMS Executive for the Fairfax Connector. This individual is responsible for developing Fairfax Connector's safety and security strategic direction and providing the day-to-day leadership, management, and administration of the Connector's safety and security administrative activities and emergency management programs.

The CSO holds the following authorities, accountabilities, and responsibilities:

- Communicating SMS implementation progress and challenges to the Accountable Executive
- Leading the development and update of Fairfax Connector's PTASP
- Overseeing the development of SMS policies and procedures
- Monitoring day-to-day implementation and operation of the SMS program
- Establishing and maintaining safety data information management and reporting systems
- Identifying deficiencies and substandard performance in the SMS program
- Advising the Accountable Executive on SMS progress and status
- Supporting all sections in managing safety risk
- Overseeing hazard management practices
- With support from the contract provider, overseeing Connector accident investigations
- Managing the internal safety program
- Overseeing the development, implementation, and continuous improvement of SMS processes and activities

As part of the SMS implementation process, Fairfax Connector's CSO, in coordination with all Key Staff, will act in the capacity of the SMS Project Manager to oversee the implementation process. In this role, the CSO will provide leadership of cross-functional groups and support the Accountable Executive's goals and objectives.

Responsibilities include the daily management of the Connector's SMS function during SMS implementation, including, but not limited to:



- Serving as the Connector's SMS Subject Matter Expert (SME)
- Coordinating with Key Staff to support SMS implementation
- Procuring technical resources for SMS implementation
- Socializing SMS activities with Connector executives and staff as necessary
- Communicating SMS implementation progress and challenges to the management team
- Facilitating the development, performance, and continuous improvement of SMS processes and activities

The CSO directly reports to the Accountable Executive for all matters involving this PTASP and the Fairfax Connector's SMS program. The CSO does not serve in other operational or maintenance capacities.

12.3 SMS Key Staff

The Fairfax Connector will designate key staff to support the Accountable Executive and CSO in developing, implementing, and operating the Connector's SMS.

SMS implementation requires a multi-disciplinary approach involving representatives from the various disciplines familiar with their processes and practices. SMS Key Staff will serve as the SMEs representing their disciplines during SMS implementation. Their responsibilities include providing insight into adapting existing practices to work in concert with the SMS. This will help identify data and information resources to support the ESC's objectives and ongoing SMS decision-making processes. Ultimately, Key Staff's responsibilities will be to identify and implement solutions to support SMS implementation, ensuring the program works in tandem with the section-specific practices and duties. SMS Key Staff will include, but are not limited to, the following personnel:

Table 6: Key Staff Assignments

Transit Services Division	Contracted Service Provider
Transit Ops TP III	Operations Managers
Maintenance TP IV	Safety Managers
Facility TP IV	BOCC Managers
Contract/QA, TP IV	Maintenance QA Manager
Safety Coordinator TP III	Assistant Director of Maintenance

12.4 Transit Services Division Leadership

The Transit Services Division has identified other leadership and executive management members who have authority or responsibilities for the day-to-day implementation and operation of the Connector's SMS. Connector's Management team is comprised of the following individuals:

- Transit Division Chief
- Section Chief, Transit Operations/Safety
- Section Chief, Facilities/Maintenance
- Section Chief, Transit Planning
- Transit Planner IV, Contract Manager Q/A
- Transit Planner IV, Chief Safety Officer

TSD's leadership team will support the CSO by ensuring safety management practices are appropriately incorporated into all of the Connector's disciplines. This includes maintaining



accountability for the safety performance of their areas of the system and establishing and maintaining clear lines of safety communication to front-line staff utilizing the SMS Key Staff.

12.5 Contracted Service Provider Leadership

The contracted service provider's leadership personnel will supplement FCDOT TSD's safety leadership team. Like TSD staff, management from the contracted service provider will support the CSO by ensuring that safety management practices are incorporated into all operational areas. This group is comprised of the following individuals:

- General Manager (GM)
- Director of Safety and Training
- Division Managers
- Director of Maintenance
- Bus Operations Control Center (BOCC) Manager

12.5.1 General Manager

As part of the SMS framework, the GM will coordinate with the Accountable Executive and CSO to ensure compliance with this PTASP. This includes, but is not limited to:

- Communicating Fairfax Connector's SMP to all employees
- Implementing Fairfax Connector's TAM Plan
- Providing adequate resources to support the SMS Program
- Continuously monitoring the contracted service provider's ability to meet Fairfax Connector's safety performance targets
- Supporting the ESRP

In addition to the SMS responsibilities, the GM oversees the day-to-day operations of the contracted service provider. This individual is responsible for performing labor relations activities, including meeting with the employee and union representatives to resolve disputes and grievances, monitoring performance, and identifying needs and opportunities to ensure service meets the highest standards of safety, customer satisfaction, and efficiency. The GM provides multidisciplinary and cross-functional leadership to teams and individuals in accomplishing the missions and objectives of the Connector's bus system. Further, the GM will maintain consistent communications with the County through the Division Chief of Transit Services or a designated project contact person.

12.5.2 Director of Safety and Training

The Director of Safety and Training serves as the contracted service provider's safety subject matter expert (SME) on safety and provides hands-on leadership, training, and mentorship to employees. The Director is responsible for implementing the Connector's PTASP and developing and maintaining the contracted service provider-specific safety and security program documents. This individual ensures that all safety and security documentation and record-keeping relating to all programs are accurate.

In addition, the Director of Safety and Training is accountable for, but not limited to, the following:

- Drug and Alcohol Prevention Program
- Accident and incident investigation, response, and reporting compliance
- Incident safety and training
- Training and certification for employees
- Disaster/Major Incident Emergency Response and Recovery Plan



- Investigating and reporting incidents, near misses/close calls, safety-related complaints, safety-critical rules violations, and other safety concerns
- Implementation of the SRM program and Corrective Action Plans (CAP)
- Performing safety audits and investigations
- Developing, implementing, and maintaining other regulatory, FCDOT, and contracted service provider safety initiatives, rules, programs, orders, and processes
- Overseeing the implementation and maintenance of SMS processes at each location
- Leading the review and revision of safety and security related documentation to ensure compliance with this PTASP and the Connector's SMS program

The Director of Safety and Training coordinates directly with the Connector's CSO to support the implementation of the Connector's safety strategy.

12.5.3 Safety and Training Managers

Safety and Training Managers are division-specific job functions that report to the Division Manager at each location. A Safety and Training Manager serves as the SME on safety and provides hands-on leadership, training, and mentorship to employees. Responsibilities of a Safety and Training Manager include the development, implementation, and administration of the contracted service provider's training, safety, and security compliance plans. This individual ensures that all local safety, security, and training documentation and records relating to all programs are accurate and kept up to date.

Additionally, Safety and Training Managers are accountable for, but not limited to, the following:

- Drug and Alcohol Prevention Program
- Accident and incident investigation, response, and reporting
- Incident safety and training
- Training and certification for employees
- Disaster/Major Incident Emergency Response and Recovery Plan
- Incident Emergency Response and Recovery Plan
- Safety Risk Management processes for their locations

Additional responsibilities specific to Connector's SMS include, but are not limited to:

- Implementing and enforcing policies and programs that ensure all aspects of the location are effectively and successfully operating under Fairfax Connector's SMS program in support of the Connector's goals, objectives, and mission
- Coordinating safety activities and developing programs to support Safety Assurance practices
- Advising and coordinating with all disciplines to ensure that all safety and environmentally related activities conducted by the different fields are performed following this PTASP as well as other applicable codes and regulations
- Providing analyses of safety issues and safety-related policy decisions
- Providing direction for SRM efforts
- Leading efforts to ensure compliance with the safety standards and regulations
- Assisting in the development of effective safety training and education programs
- Recommending to the CSO the appropriate level of resources needed to ensure that adequate capital and personnel are available to accomplish safety, security, and emergency management goals and objectives
- Chairing DSC meetings



- Reviewing safety, security, and emergency management documents to ensure all requirements are included
- Supporting emergency exercises, tabletops, and drills, as appropriate
- Analyzing safety and security-related data to determine if the correct safety risk mitigations are in place
- Working collaboratively with Connector personnel and other contracted service provider staff to identify, analyze, mitigate, and track hazards
- Preparing safety risk analyses to identify trends in safety data that will inform management on means of improving safety strategies of the organization
- Collaborating with Connector personnel to provide data that will inform the Transit Services Division's TAM and State of Good Repair (SGR) objectives
- Performing field observations to ensure compliance with safety policies and procedures
- Updating and maintaining databases relating to SMS programs
- Documenting and monitoring lessons learned from past major projects, accidents, incidents, and other relevant safety events to ensure mitigations remain effective and similar scenarios do not repeat themselves
- Managing the tracking and disposition of all CAPs specific to the location

12.6 Bus Operations Control Center

The BOCC is responsible for answering and responding to operator radio calls, emergency alarms, and messages and monitoring buses in service within the service area. Primary responsibilities include, but are not limited to:

- Ensuring schedule and route adherence
- Managing headways and recovery of service
- Active Service Management (ASM)
- Monitoring On-Time Performance (OTP)
- Dispatching "strategics" (reserve buses)
- Managing special event service, including charter bus operations, Celebrate Fairfax, etc.
- Ensuring customer service excellence
- Timely incident response, reporting, and management
- Emergency management
- Management of extreme weather events
- Continuity of operations, including partial and/or system shutdown and restoration
- Documenting service anomalies
- Accurately logging operator verbal reports and events

13.0 Integration with Public Safety and Emergency Management

This section describes the process used by the Fairfax Connector to coordinate emergency management activities. Activities include meetings with external agencies, emergency planning processes, emergency exercises, AAR and implementation of findings, revision, distribution of familiarization training for public safety organizations, and employee training.

The Fairfax Connector is currently developing an emergency management program by creating a System Security and Emergency Preparedness Plan (SSEPP).

13.1 Evaluation of Emergency Management

As needed, the Fairfax Connector will evaluate its Emergency Management program to verify its compliance with documented procedures. This may be accomplished through processes such as



a drills and exercise program which will be established as part of the Emergency Management Program.

13.2 Meeting with External Agencies

Through Fairfax County's Emergency Operations Center, the Fairfax Connector participates in periodic activities and exercises with public safety and emergency management agencies.

13.4 Emergency Procedures

Fairfax Connector's emergency procedures are found throughout various SOP and rulebooks, location-specific Emergency Action Plans (EAP), and other emergency response documentation. Initial documents are reviewed and evaluated as needed by employees within the TSD. Emergency procedures will also be considered after any event. The CSO, or their designee, will distribute updated documents to the appropriate departments, personnel, and, if necessary, external public safety agencies.

13.4.1 Fairfax County Emergency Operations Plan

The Fairfax Connector's emergency actions are driven by the Fairfax County Emergency Operation Plan (EOP). The EOP is a multi-discipline, all-hazards plan that establishes a single, comprehensive framework for managing major emergencies and disasters within the County. The EOP is implemented when it becomes necessary to mobilize the resources identified herein to save lives and protect property and infrastructure. The EOP incorporates the National Incident Management System (NIMS) as the County standard for incident management.

The EOP outlines the roles and responsibilities assigned to County departments and agencies for response to disasters and emergencies. A Letter of Agreement (LOA) signed by all Fairfax County departments, including the Director of the Department of Transportation, commits each department to undertake the necessary preparedness activities to ensure that the County is ready to carry out assigned emergency management responsibilities. The LOA also commits departments and agencies to develop and maintain viable Continuity of Operations Plans (COOP) to ensure that they can continue operations if a primary facility becomes unavailable or staffing levels are unduly impacted. The EOP is not intended as a stand-alone document but instead establishes the basis for more detailed planning by individual departments and agencies. The EOP is designed to be used in conjunction with more detailed department and agency plans and operating procedures.

13.4.2 Emergency Action Plans

EAPs have been developed for the Fairfax Connector's three facilities and apply to all emergencies at each facility. These EAPs are intended to communicate the policies and procedures for employees to follow in an emergency. EAPs will be made available, upon request, to employees and their designated representatives.

13.4.3 Bus Operations Control Center Standard Operating Procedures

The BOCC Standard Operating Procedures Manual and Reference Guide is complemented by and dependent on other supporting documents provided by FCDOT, the contract bus operations and maintenance service provider and other third parties. The Manual contains several appendices that may be revised separately from the main manual. The purpose of the Manual is to:

- Promote a safe, positive, and professional environment for Fairfax Connector contract employees, passengers, and the public



- Establish SOPs for the BOCC
- Establish continuity and consistency between the BOCC and the bus operating Divisions.

13.4.4 Mutual Aid Agreements

Before the opening of the Metrorail Silver Line Phase 1, WMATA and Fairfax County created an MOA to provide emergency bus services using Fairfax Connector resources during a Metrorail disruption at Metrorail stations located within the boundaries of Fairfax County, as well as the Van Dorn Street and Eisenhower Avenue Metrorail stations located within the City of Alexandria. In anticipation of beginning revenue service on Phase 2 of the Silver Line, WMATA, Fairfax County, and Loudoun County opened negotiations in March 2021 to develop a new MOA to provide emergency bus services between the new Silver Line stations. This process resulted in a revised MOA to include the new Silver Line Metrorail stations. The new MOA was executed on March 18, 2022, in anticipation of Metrorail service commencing at the new Silver Line stations.

13.4.5 Exposure to Infectious Diseases

In accordance with Part D of this ASP, Safety Risk Management (SRM), TSD, in coordination with its contracted service provider, is committed to minimizing the exposure of the Fairfax Connector's riders, employees, contractors, and facilities to hazards and unsafe conditions. This includes minimizing exposure to infectious diseases using guidelines consistent with, but not limited to, the following organizations and in accordance with the risk mitigation program defined in the SRM process. The Fairfax Connector coordinates with the following agencies:

Federal

- Centers for Disease Control and Prevention (CDC)

State

- Virginia (VA) Department of Health (DOH)
- VA Occupational Safety and Health

County / Local

- Fairfax County Health District

Part D: Safety Risk Management

The Fairfax Connector has identified a Safety Risk Management (SRM) process for its fixed-route bus system. The SRM is comprised of the following activities:

1. Hazard Identification
2. Hazard Analysis and Evaluation
3. Safety Risk Mitigation

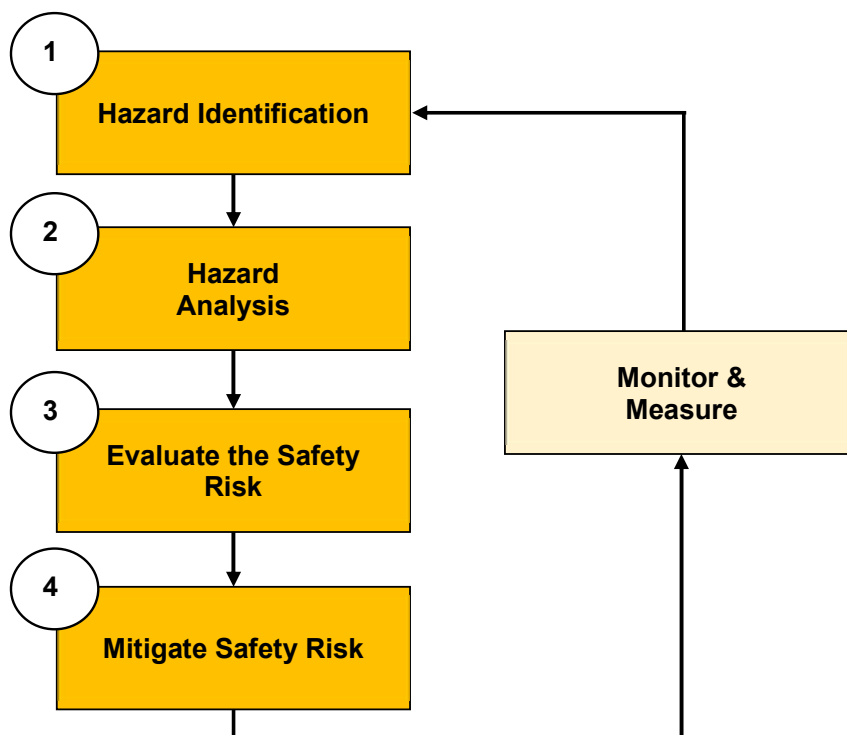
The SRM process is essential to the Fairfax Connector's overall SMS program. It provides a formal means to systematically identify, evaluate, and mitigate potential hazards associated with the operation, maintenance, and construction around its system and helps to determine what conditions require correction first. Overall, the SRM program requires the timely mitigation.

The methodology employed for the Fairfax Connector SRM program is based on the U.S. Department of Defense (DoD) Military Standard (MIL-STD-882 E). However, it has been revised to meet the needs of the Connector. The Connector will use this methodology to ensure hazards

are identified, analyzed for potential impact on the operating system, and resolved in a manner acceptable to Fairfax Connector management.

The following figure illustrates the steps used in the SRM process:

Figure 9: Safety Risk Management (SRM) Process



14.0 Roles and Responsibilities

The following section identifies the roles and responsibilities specific to the SRM process. Refer to Part C, Section 12 of this Plan for all other roles and responsibilities for managing the SMS program.

14.1 Chief Safety Officer (CSO)

- Oversees the implementation of the SRM Program
- Directs TSD key staff or the contracted service provider's Key Staff to conduct a safety risk analysis as needed
- Develops and reviews mitigations identified to manage safety risks rated outside of the Connector's tolerance levels
- Coordinates and monitors the completion of safety mitigations with TSD's and the contracted service provider's key personnel through CAPs
- Maintains a hazard tracking log for all identified hazards and vulnerabilities

14.2 Management and Key Personnel

- Oversees all operations and maintenance activities pertaining to safety, security, and emergency management to identify safety hazards
- Recommends to the CSO the appropriate level of resources needed to ensure that adequate capital and personnel are available to manage identified hazards
- Supports the CSO to coordinate with the contracted service provider to identify, assess, mitigate, and monitor hazards and their associated corrective actions
- Leads and/or assists in the development of safety risk analyses
- Maintains an area-specific hazard tracking log
- Reports all hazards to the CSO
- Coordinates the identification and implementation of effective control measures to correct the hazardous condition to mitigate to an acceptable level
- Monitors all identified hazards in the area through closure
- Provides monthly status reports to the CSO
- Identifies, implements, and monitors CAPs to correct hazards outside of the Connector's safety risk tolerance thresholds
- Conducts detailed safety risk analyses, when necessary and as directed by the CSO, management, or Key Staff

15.0 Hazard Identification

Hazard identification activities define conditions and failures that have the potential to cause accidents. It is the responsibility of all Fairfax Connector employees to identify and report hazards following the processes described in this PTASP. Implementing the hazard identification procedures can significantly increase Fairfax Connector's ability to identify, eliminate, or control hazards to reduce risk to an acceptable level.

In coordination with the CSO, Safety and Training, Operations, and Maintenance managers will conduct periodic inspections of facilities and equipment to identify hazards on a proactive basis. TSD safety personnel and contracted service personnel will review incident reports, injury and illness reports, and employee injuries. When required, independent reviews may be obtained to ensure objectivity.

Safety and Training Managers, Division Managers, and Operations and Maintenance Managers are responsible for ensuring employees at each location report hazards for review and analysis. These managers are also responsible for their respective area's compliance with their role in the SRM process. All identified hazards will be tracked and monitored by each location through coordination with the CSO.

Additionally, success with the hazard identification process is dependent on the support and utilization of the ESRP. Hazards/concerns reported through this process will go through the same SRM process.

15.1 Methods for Hazard Identification

Hazard identification starts with the understanding and analysis of the system's day-to-day operations and maintenance activities. These activities can include general revenue service operations, the review of system modifications, inspection activities, equipment modifications, design reviews, testing, analysis, and maintenance inspections. Similarly, safety audits, peer reviews, customer complaints, and triennial reviews, once implemented, often identify hazards.



The Fairfax Connector will consider outputs of Safety Assurance (SA) activities, such as employee safety reporting programs, investigations, monitoring of operations and maintenance procedures, or system changes, as sources for hazard and consequence information. This will involve the consolidation of consequence and hazard information in one location for easier sorting and analysis to share information and enable analysis.

A variety of methodologies will be utilized to identify hazards on the system, including, but not limited to:

- Maintenance audits & inspections
- Facility & equipment inspections
- Training & certification programs
- Accident & injury investigations
- Near miss/close call events
- Safety data acquisition & analysis
- Operating rules & procedures
- System replacements & updates
- New systems & fleet
- Customer complaints/suggestions
- Capital projects/construction activity
- Drills and exercises
- New systems testing
- Event investigations
- Safety committee meetings
- Employee reports
- Rules compliance reviews
- Analysis of maintenance data
- Incident management and response

16.0 Hazard Analysis and Evaluation

The Safety and Training Manager may resolve identified hazards at the division level. The CSO will appropriately investigate hazards that cannot be resolved at the operating, maintenance, or other front-line levels through the assistance of the responsible operations and maintenance personnel. Investigation findings will be documented and reported to the DSC and as needed, to the ESC. Those issues that a DSC cannot resolve will be escalated to the ESC through the Safety and Training Manager to the CSO for resolution.

Hazard Analysis findings will be documented and provided to the CSO, who will support each Division, helping to monitor corrective actions through full resolution. These hazards will be included in the Hazard Tracking Log (HTL) located in Appendix C.

16.1 Hazard Categorization

The hazard severity categories listed below provide the qualitative indication of the relative severity of the possible consequences of the hazardous conditions. Fairfax Connector assigns hazard categories based on the most plausible “worst-case” event.

16.1.1 Severity Rating

Table 7: Hazard Severity Ratings

Severity	Criteria				
	People	Equipment / Services	Financial	Reputation	Environmental
Catastrophic (1)	Death, permanent total disability, serious injuries	a. Total loss of equipment, and/or b. Long-term system disruption	≥ \$4 Million	a. Irreparable public relations damage, and/or b. National Media Coverage, and/or c. Long-term government involvement	Irreversible significant environmental impact
Critical (2)	Permanent partial disability, serious injuries, or occupational illness	a. Major loss of equipment, and/or b. Significant system disruption	\$1 Million - \$4 Million	a. Serious public relations damage, and/or b. Prolonged media coverage, and/or c. Sustained government involvement	Reversible significant environmental impact
Moderate (3)	Injury or illness resulting in one or more lost workday(s)	a. Some loss of equipment b. Short-term system interruption	\$500,000 - \$1 Million	a. Short-term public relations damage, and/or b. Local media coverage	Reversible moderate environmental impact
Minor (4)	Minor injuries or No injuries	a. Minor damage to equipment b. No system interruption	≤ \$500,000	a. Some public relations damage, and/or b. No adverse media coverage	Minimal environmental impact

Once a hazard's severity has been determined, the analysis will consider the probability or likelihood of the consequences if the hazard is not corrected or controlled. The susceptibility of a location to a hazard occurring is measured using the following table.

16.1.2 Probability Rating

Table 8: Hazard Probability Rating

Description	Score	Specific Individual Item	Fleet/Inventory/Operations	Frequency
Frequent	A	Likely to occur often in the life of an item.	Continuously experienced	≥ 26 events per year
Probable	B	Will occur several times in the life of an item.	Will occur frequently	12- 26 events per year
Occasional	C	Likely to occur sometime in the life of an item.	Will occur several times	1-11 events per year
Remote	D	Unlikely, but possible to occur in the life of an item.	Unlikely, but can reasonably be expected to occur	Once annually
Improbable	E	So unlikely, it can be assumed that occurrence may not be experienced in the life of an item.	Unlikely to occur, but possible	1-4 events in ≥ 5 years
Eliminated	F	Incapable of occurrence. This level is used when potential hazards are identified and later eliminated.		

The hazard severity and probability properties measure the Safety Risk Score and the priority for applying control measures. Using this scale, the CSO, Division Safety and Training Manager, and members of the DSC and ESC can examine, quantify, and resolve the hazards based on the severity of a potential outcome and the likelihood that such an outcome will occur.

Figure 10: Safety Risk Matrix

		Severity			
		Catastrophic 1	Critical 2	Marginal 3	Negligible 4
Probability	A - Frequent	1A	2A	3A	4A
	B - Probable	1B	2B	3B	4B
	C - Occasional	1C	2C	3C	4C
	D - Remote	1D	2D	3D	4D
	E - Improbable	1E	2E	3E	4E
	F - Eliminated	Eliminated			

1A, 1B, 1C, 2A, 2B

1D, 2C, 3A, 3B

1E, 2D, 2E, 3C, 3D, 3E, 4A, 4B

4C, 4D, 4E

F

High
Serious
Medium
Low
Eliminated

Unacceptable

Undesirable, ESC decision is required

Acceptable, with review by the DSC

Acceptable, without review by the DSC

Eliminated

High/Unacceptable: The risk cannot remain and must be mitigated through the ESC. The Safety Risk Analysis (SRA) and subsequent analyses will present options for eliminating or reducing high risks.

Serious/Undesirable: The risk should be reduced if at all practical to do so with support from the ESC. The SRA and subsequent hazard analyses will provide options, where possible, to minimize risks.

Medium/Acceptable, With Review: The risk can be acceptable after management and the ESC or the DSC review. The Safety Risk Analysis will recommend that the hazard be left or acted upon to reduce risk further. The DSC or the CSO makes the final determination.

Low/Acceptable: The risk is acceptable and does not require further review. The SRA will not recommend any action to address a low risk. The CSO and the DSC make the final determination.

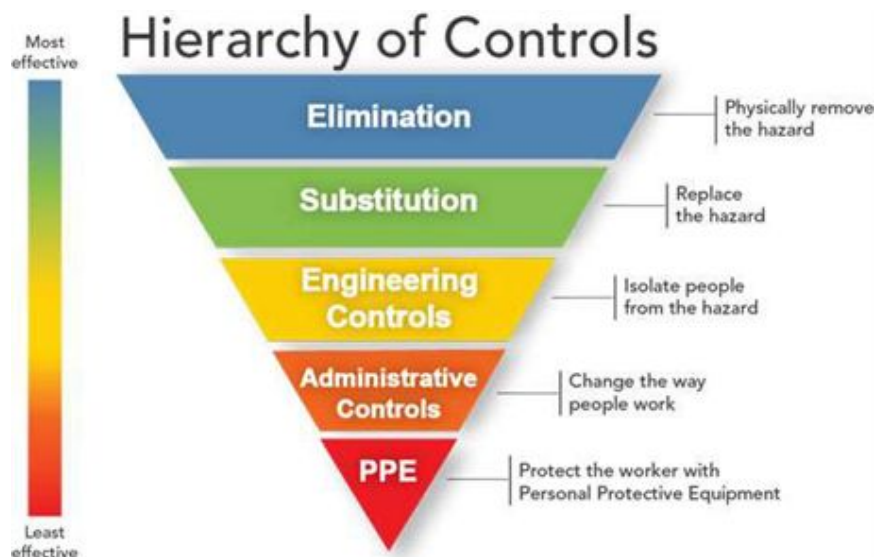
Eliminated: The risk no longer exists.

17.0 Safety Risk Mitigation

Divisional Management will take appropriate actions to reduce the risk associated with the identified hazard to the lowest practical level. This will be accomplished by establishing methods or processes to identify necessary mitigations or strategies resulting from the Fairfax Connector's SRA to reduce the consequences' likelihood and/or severity. Further actions may be necessitated by the Accountable Executive or CSO.

Risk mitigation aims to reduce the assessed risk rating to an acceptable level; however, mitigations do not typically eliminate the risk. Fairfax Connector will consider SME input from different departments to ensure that the selected safety risk mitigation is appropriate. Information from multiple sources can help prevent unintended effects, including new hazards.

The hazard control process will follow the Hierarchy of Controls defined by the National Institute for Occupational Safety and Health (NIOSH).



17.1 Elimination or Substitution

While most effective at reducing hazards, these methods tend to be the most difficult to implement in an existing process. The core methodology between elimination and substitution separates the hazard from the system or sub-system by either utilizing removal or modification/replacement. These steps are most effectively implemented at the early stages of a capital project. If the process is still at the design or development stage, eliminating and substituting hazards may be inexpensive and straightforward.

Where some hazards are inherent and cannot be eliminated through design, they should be substituted, if possible, to reduce the risk to the lowest acceptable level.

17.2 Engineering Controls

This methodology is designed to remove the hazard at the source before the customer or employee interacts with it. Well-designed engineering controls can be highly effective in protecting the system and will typically be independent of other interactions to provide this high level of protection. The initial cost of engineering controls can be higher than the cost of administrative controls or Personal Protective Equipment (PPE). Still, over the longer term, operating costs are frequently lower and, in some instances, can provide cost savings in other areas of the process.

17.3 Administrative Controls and PPE

Administrative controls and PPE are frequently used with existing processes where hazards are poorly controlled. Administrative controls and PPE programs may be relatively inexpensive to establish but, over the long term, can be very costly to sustain. This method limits exposure to the hazard rather than removing it, thus not necessarily, but possibly, minimizing the risk to the lowest practical level. Similarly, PPE does not eliminate hazards and may expose workers if the equipment fails.

Therefore, these methods have proven to be less effective than other measures. Administrative Controls and PPE should be used as a last resort if the other methodologies are not feasible.

18.0 Safety Risk Management Tracking

Each Division will maintain a Hazard Tracking Log (HTL). When a hazard is identified, the Safety and Training Manager or CSO will add the condition to the HTL. The tracking log will contain, at a minimum:

- Hazard ID#
- Date & Time
- Description of Hazard
- Reported by
- Location (if applicable)
- Source
- Probability Level
- Severity Category
- Hazard Classification rating (initial and final)

The HTL template can be found in Appendix C of this PTASP. Further, the HTL will be reviewed monthly between the CSO and Division Safety and Training Manager. Monthly reports will also be provided to the ESC for hazard monitoring and tracking.

18.1 Hazard Prioritization

All hazards will be prioritized based on the Safety Risk Score calculated during the Analysis and Evaluation process. The score is achieved by combining the Severity rating with its Probability. The greater the score, the higher the hazard's prioritization. Hazards ranked as High/Unacceptable or Serious/Undesirable should be mitigated first, with High/Unacceptable ranking as the greatest. Prioritizing risks will support management in the decision-making process by elevating the hazards and vulnerabilities that need immediate attention to the forefront for action.

18.2 Hazard Acceptance

If it is not possible to reduce a hazard, a decision must be made to accept the hazard or dispose of the system. The ESC makes this decision. In consultation with the Accountable Executive, the CSO has final signatory authority for hazard acceptance through agreement with the ESC. As in all other hazard management activities, the CSO will maintain full documentation of hazard acceptance according to the internal document control procedures.

Part E: Safety Assurance

Safety Assurance (SA) is the process within the Fairfax Connector's SMS functions to ensure the implementation and effectiveness of safety risk mitigation and ensure that the Fairfax Connector meets or exceeds its safety objectives. This is accomplished through the collection, analysis, and assessment of information.

This section will describe the Fairfax Connector's activities to monitor its system for compliance with and sufficiency of procedures for operations and maintenance. Furthermore, Fairfax Connector will review system functions to identify safety risk mitigations requiring further improvements or functioning as intended. This section will also describe Fairfax Connector's means for monitoring safety performance measures, including transit asset management (TAM) and SGR. It also describes other performance measuring and monitoring activities, including rules compliance reviews, the Drug and Alcohol Program, and procurement oversight activities.

19.0 Safety Performance Monitoring

Safety Performance Monitoring and Measuring activities aim to quantify Fairfax Connector's safety effectiveness and efficiency during service delivery operations. This is accomplished by defining and tracking Safety Performance Indicators (SPI). Safety Performance Monitoring is a continuous process aimed at providing feedback to the SMS on how well safety performance targets are being met.

The data used to monitor and measure SPTs will be supplemented by information collected from SMEs. Data input from this process will be reviewed, monitored, and analyzed for trends through various lenses of the Connector's operations. Reports will be developed and provided to the ESC and the leadership teams to review and identify mitigation, if required. Specific SPTs are defined in Part B, Section 6 of this PTASP.

19.1 Safety Data Acquisition and Analysis

It is critical to Fairfax Connector's Safety Assurance function that safety-related data is acquired/collected from various sources. Analysis and distribution of that data to TSD and contracted service provider management and staff are also critical to ensuring safe operation and performance. In some instances, the acquired data is used to meet external reporting



requirements for the FTA and the National Transit Database (NTD). Trend analysis will be performed on the received data to identify trends in accidents and occupational injuries to develop and implement corrective action to predict and prevent further occurrences.

Safety data includes, but is not limited to, the following:

- Accident Reports
- External Reports and Publications
- County Official Concerns
- Claims Reports
- Maintenance Reports
- Employee Occupational Injury Reports
- FTA Bulletins and Safety Advisories
- Inspection Reports
- Internal Audit Reports
- Passenger and citizen concerns/customer complaints
- Inspections, assessments, and observations
- Safety meetings
- Special Occurrence Reports
- Public Safety Reports, concerns, and investigations
- Social media posts
- Employee Safety Reporting Program
- Customer and resident concerns
- System reliability
- Rule Compliance Checks

Safety data analysis also involves obtaining technical information from external sources to identify trends and develop and implement corrective actions. Sources for such data include but are not limited to the following:

- Peer agencies
- American Society of Safety Engineers
- Americans with Disabilities Act (ADA)
- American National Standards Institute (ANSI)
- American Public Transportation Association (APTA)
- American Society for Testing and Materials (ASTM)
- Department of Homeland Security (DHS)
- Environmental Protection Agency (EPA)
- Federal Transit Administration (FTA)
- County ordinances and public laws
- Safety Data Sheets (SDS)
- National Fire Protection Association (NFPA)
- National Transportation Institute (NTI)
- Occupational Safety and Health Administration (OSHA)
- Transportation Security Administration (TSA)

Other data sources, standards, and guidelines will be identified as applicable to the conducted analysis. The CSO will ensure that appropriate and adequate safety data collection is maintained for the operations and maintenance activities. The CSO will also verify that adequate analysis is performed on the data, shared appropriately system-wide, and acted upon to predict and prevent adverse events for safety assurance purposes.



19.1.1 Access to Data

All disciplines are charged with providing analysis of internal data as directed by the CSO. The CSO will ensure that each discipline and location is aware of the data and is required to collect, analyze, and subsequently provide it to the CSO for review, further analysis, and corrective action. Data from individual disciplines will be made available upon request. Similarly, the CSO and Division Safety and Training Managers will distribute any data analysis as appropriate to the applicable disciplines.

19.1.2 Safety Performance Indicators

SPIs are quantifiable parameters used for monitoring and assessing safety performance and SPTs. SPIs should be clearly defined with input on the indicators based on data and information provided by the SMEs. More importantly, SPIs should be quantifiable and measured using the above data sources. There are two common types of indicators:

Lagging Indicators: Data related to events that have already occurred. Fairfax Connector will define lagging indicators using historical data of adverse outcomes, such as accidents, incidents, and occurrences.

Leading Indicators: Measured conditions that can become or contribute to an adverse event before the outcome occurs. Leading indicators can be very valuable as they will allow the Fairfax Connector to monitor precursors to events and offer the opportunity to take preventive action. Examples might be increases in the incidence of certain types of observable DriveCam events.

Fairfax Connector will use lagging and leading indicators to measure and monitor its safety performance and feed the SPTs.

19.2 Safety Investigations

The investigation process is a critical component of the Safety Assurance function of the SMS and is only one indicator to measure safety performance success.

The Fairfax Connector's contractor will investigate any accident, unacceptable hazardous condition, and any other safety event as deemed necessary. The investigation will be documented in a final report using existing procedures. At a minimum, an investigation will aim to determine the facts relative to the cause of the event, including identifying causal factors. The investigation will document specific actions that should be taken to prevent or reduce the likelihood of further occurrences.

19.3 Safety Rules Compliance

Operating rules and procedures are contained in the Fairfax Connector Employee Handbook published by the contracted service provider. Additional procedures are developed to support all operations as needed. Other safety rules, processes, and practices may be contained in these procedures. Any changes to operating procedures, rulebooks, or maintenance plans with safety implications will be reviewed by the ESC for approval. Upon approval, changes are made, and the rulebook is signed and distributed accordingly. Individuals receiving new or revised rulebooks may be required to sign, date, and return a form indicating receipt.

All employees and contracted service providers are responsible for always knowing and abiding by the rules and procedures. Connector employees must know and follow the rules when on duty.



19.3.1 Safety Rules Compliance Program

The Safety Rules Compliance Program (SRCP) is a process that allows TSD and the contracted service provider personnel to monitor the effectiveness of existing rules and procedures implemented by the contracted service provider to identify any deviations from expected activities. Safety-related rules cover both operational and maintenance disciplines. As such, the SRCP is an integral part of the Safety Assurance function and SMS.

There are three fundamental outputs for the SRCP:

1. Measure the effectiveness of supervision relating to the implementation of operating and maintenance rules
2. Documentation of results
3. Incorporation of findings into SRM

Contracted service provider supervisory and management staff will be required to make periodic checks of employees to ensure compliance with the rulebook and relevant procedures. Management personnel are also expected to observe inspections during daily operations and on-the-job training for all employees. TSD will be responsible for oversight of SRCP activities and will receive regular reports from the contract service provider on SCRCP activities conducted and findings from the review.

The following techniques will be used to monitor compliance for operations and maintenance personnel.

19.3.1.1 Assessment of Operations Personnel

Periodic operational checks will be made in the field by contracted service provider supervisors. These will include, but are not limited to, the following:

- Speed Checks
- Observation of safe vehicle operations
- Proper use of safety devices
- Observation of the use of safety devices
- Wheelchair securement practices
- Wheelchair ramp operations

Periodic spot checks will be made when requested or deemed necessary by management. Safety, operations, and maintenance personnel may conduct random safety checks that include, but are not limited to, the following:

- General vehicle operations
- Attention to duty
- Traffic violations
- Door operations

19.3.1.2 Assessment of Maintenance Personnel

The Director of Maintenance or their designee will observe rules and procedures and monitor contracted service provider performance in all maintenance shops. Rules and procedures that will be monitored and observed for compliance include, but will not be limited to, the following:

- General safety
- Maintenance “housekeeping”
- Proper use of tools, equipment, and machinery



- Proper use of personal protective equipment
- Fire Life safety
- Materials handling and storage
- Quality Assurance activities

The Director of Maintenance will also conduct follow-up activities following-up on any non-compliance as a technique to ensure the reinstruction of employees has resulted in compliance with maintenance rules.

19.3.1.3 Assessment of Supervisory Personnel

Periodic reviews of supervisory personnel will be performed by location management. They shall include required supervisory activities defined in the rulebook and procedures, the individual's job description, and the safety and security requirements outlined in this PTASP.

Follow-ups will occur periodically following a finding of rules/procedure non-compliance.

19.3.2 Documentation

All SRCP activities will be documented, and documentation will be maintained at each location by the Division Safety and Training Manager. All records will be retained for a minimum of three years.

19.4 Inspection and Maintenance Program

Fairfax Connector facilities, vehicles, and terminals will be inspected at regular intervals per the defined procedures provided in the respective maintenance plans. Critical items and conditions disclosed during an inspection will be repaired immediately or taken out of service until work can be performed. Non-critical items or conditions are cycled through the work order process. Inspection notes recorded on checklists are given to the appropriate personnel for review and filing. When reports of defects or problems are reported from other sources, they will be responded to, inspected, and followed up with an immediate repair, work order, or out-of-service status per criticality and crew availability.

19.4.1 Facility Inspections

Facility inspections are guided by the Facility Maintenance Plan developed by the contracted service provider. It establishes a comprehensive facility maintenance program that adheres to the Connector's requirements.

The contracted service provider is responsible for inspecting and maintaining Fairfax Connector facilities. TSD personnel will periodically audit the inspection program to ensure the contracted service provider is properly inspecting and maintaining safety-related systems and assets.

The contracted service provider will monitor facilities with daily, weekly, monthly, and annual reviews as required. The contracted service provider will also be responsible for complying with any safety, environmental, or other requirements when operating in a Fairfax County facility and adhering to all federal, state, and local regulatory requirements, such as stormwater, hazardous waste, and maintenance of shop equipment.

19.4.1.1 Documentation

Daily and monthly facility inspections will be documented on inspection forms. The facility inspection forms will be reviewed monthly by the facility maintenance manager. A team meeting will be scheduled monthly to discuss the previous month's facility-related issues, corrective



actions, repair parts, and shop supplies that have been ordered, and upcoming preventative maintenance is scheduled.

Records of maintenance actions, checklists, and inspections will be documented and available for review by the TSD or regulatory agencies. The facility maintenance programs will show the training and qualifications of any facilities maintenance staff if required by TSD.

All records will be maintained for a minimum of three years.

19.4.2 Fleet Management

Fleet Management activities are identified in Fairfax Connector's Fleet Management Plan (FMP). The FMP, in conjunction with the TAM Plan, provides an understanding of the requirements, obligations, and the methodology to plan, operate, maintain, and make changes to the fleet of buses required to provide service to the region. The FMP helps align the Connector's goals and objectives with the contracted service provider and other regional partners to manage the fleet towards cost-effective, safe, reliable, and clean service for Connector patrons. Both the TAM and the FMP tie directly to the Connector's mission and the Fairfax Connector's service goals. Specifically, the FMP provides a framework and guidelines for managing the buses. Elements of the plan include:

- Review of the current bus fleet and fleet replacement plan
- Definition of Key Performance Indicators (KPIs) used to track and monitor operations
- A brief description of how the contract between FCDOT and the contracted service provider relates to the FMP
- Definition of maintenance practices, including tracking of repairs, warranty, and midlife re-power requirements
- Infrastructure, Inventory Management, and Quality Control (QC)
- Emergency Management and Planning

All vehicles will be maintained per federal, state, and local requirements, including Original Equipment Manufacturer (OEM) guidelines. In addition to the contract terms and conditions, vehicles are subject to Quality Control (QC) inspections and audits by FCDOT and its third-party inspection services to verify compliance. The vehicle management software program tracks maintenance activities, preserving the vehicles' use, servicing, and maintenance history. Other aspects of bus maintenance and operation use standard procedures developed by the contracted service provider and TSD to ensure compliance with rules and regulations to achieve a high-quality fleet maintained in a good repair state.

19.4.2.1 Preventative Maintenance

The Preventive Maintenance (PM) function is the most critical element of the maintenance program. An adequately designed PM program enhances a vehicle's reliability, prolongs its useful life, and meets the bus's Original Equipment Manufacturer (OEM) and component manufacturers' warranty requirements. The PM Program incorporates four distinct parts:

- Fleet-specific OEM inspection requirements
- Contractual/client-specified inspection requirements
- Monitoring fluid quality and maintaining levels
- Federal, state, and local regulatory requirements

Preventative Maintenance Inspections (PMI) are defined programs designed to perform maintenance at prescribed intervals, established by the individual bus manufacturers, and based on accrued mileage or time of use. The PMI schedule is defined in the FMP.



19.4.2.2 Fleet Audits

Fleet audits are usually conducted by a third party to inspect a sampling of vehicles, along with the documentation of its maintenance history. These audits will be coordinated with the contracted service provider to minimize or eliminate service disruptions and include the entire fleet or a selected portion of the fleet at transition milestones.

The audits can also focus on the whole vehicle or specific components or functionality. The contracted service provider will be responsible for assisting with the audit process by providing a suitable location to conduct the audit and staff to move the buses and operate the vehicle for any additional testing, such as a brake test. The contracted service provider will also be required to supply maintenance records at the time of the audit.

Based on the audit results, vehicles may be removed from service for any safety-related defect. All identified defects will be noted and monitored until repaired. Contractual requirements associated with defects and other items are defined in the contract.

19.4.2.3 Documentation

The contracted service provider will use the Vehicle Maintenance System (VMS) to record data created for bus maintenance and repairs, inventory control of parts, and labor hours expended. The VMS incorporates data generated by the Fleet Watch program, which monitors fuel and other fluids used and accrued mileage. The process of tracking, monitoring, and reporting of vehicle maintenance will provide data on performance for auditing, quality control, document retention, and service criteria evaluation purposes.

All records will be maintained throughout the life of the asset.

19.5 Drug and Alcohol Program

Fairfax Connector's Drug and Alcohol program is administered by the contracted service provider. The program is intended to comply with 49 CFR Part 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, and 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs. The Policy applies to all DOT-Regulated employees, including drivers and safety-sensitive personnel. Specific Drug and Alcohol requirements for these individuals are identified in the contractor's FTA Drug Policy" and "Transdev FMCSA Drug Policy."

Additionally, a corporate-level policy is managed by Fairfax County. Fairfax County's policy only applies to County employees who are required to possess a Commercial Driver's License (CDL).

19.5.1 Employee Assistance Program

Fairfax County has a formalized Employee Assistance Program (EAP) to support employees struggling with addiction and other personal issues that may adversely affect their ability to perform their duties effectively and safely. EAP services are available to all County employees (merit and non-merit) and members of their households. All records maintained as part of the EAP program are kept confidential.

Transdev also has an EAP.

20.0 Management of Change

Change management is the process that will allow the Fairfax Connector to confirm that any changes or proposed changes do not introduce new hazards or vulnerabilities. All changes or



modifications of Fairfax Connector's systems must be controlled to ensure that safety and security are managed throughout the process. If changes have introduced newly identified risks, Fairfax Connector will measure the risks to mitigate their potential consequences.

Fairfax Connector may experience change for the following reasons:

- Expansion of the system
- Audit results
- Regulatory requirements
- Route/schedule changes
- Detours or changes arising from construction
- Changes to its existing rules or procedures
- Modifications to programs and services
- Introduction of new equipment, technology, or new facilities

Hazards may inadvertently be introduced into the system whenever a change occurs. Changes can also impact the appropriateness and or effectiveness of existing safety risk mitigation strategies. Changes may be external to the organization or internal; however, Connector and the contracted service provider will evaluate all changes through the SRM process.

Change Management requires the review of all system documentation by the ESC for compliance with this PTASP and the inclusion of proper safety and security requirements where appropriate. The CSO, through the ESC, is responsible for ensuring that all disciplines have appropriate processes for documenting their configuration, including, but not limited to:

- Specifications, drawings, and diagrams
- Procedures, policies, and guidelines
- Equipment and vehicles
- Facilities and structures, infrastructure
- Administrative, quality, security, and emergency processes
- Information Technology (IT) systems and processes

The ESC will be responsible for reviewing any proposed changes that have the potential to impact safety and approve, disapprove, or modify all requested system changes.

20.1 Change Management Process

The Fairfax Connector is building a comprehensive Change Management Program. The process defined below provides an overview of preliminary activities that the Fairfax Connector will use as the program is developed.

Configuration Change Requests (CCR) may result from needs identified during formal targeted operations or maintenance reviews, hazard analysis or threat and vulnerability assessment findings, annual safety and security audits, or accident investigations. The ESC will discuss these before a decision is made to initiate a proposal to change the configuration.

Once a determination is made as to the degree of impact the change will have, the evaluation of the proposed modification can continue with determining merit, cost, safety and security impact, implementation schedule, and potential impact on other system elements.

All CCRs are to be assigned a number and entered into the Configuration Management Tracking Matrix. The matrix will contain every CCR entered in numerical and chronological order, whether rejected, approved, completed, or in progress. The ESC can view completed configuration changes, in-progress changes, and changes under review from the matrix. The matrix will be



produced each time any configuration change is completed and filed with configuration documentation. The active change matrix will also be produced from the master, at least monthly, to track the status of change proposals in progress and to report to the ESC.

A Matrix sample can be found in Appendix D of this PTASP.

20.2 Safety and Security Certification

Safety Certification is a formal process that provides documented verification that all project components comply with safety and security standards, criteria, and requirements. When applicable, the Fairfax Connector will implement a Safety and Security Certification (SSC) process for major capital projects in accordance with all applicable federal regulations and industry standards⁵.

Detailed processes will be identified in project-specific Safety and Security Certification Plans (SSCP) using the Safety Risk Management process.

21.0 Continuous Improvement

Continuous Improvement of Fairfax Connector's SMS is guided by achieving the defined safety objectives and safety performance targets. The CSO will implement Connector's internal review process in coordination with each discipline and division. This process allows the Connector to continually examine its compliance with the requirements prescribed in this PTASP and identify any deviations from meeting the SPTs, Safety Objectives, and Safety Goals. Internal reviews, therefore, are intended to determine the effectiveness of the PTASP and verify the need for implementing additional program processes.

21.1 Internal Safety and Security Review Program (Continuous Improvement)

The Internal Safety and Security Review Program is intended to provide Fairfax Connector with a mechanism for ensuring the PTASP is implemented, and procedures are performing following the Connector's SMS program requirements. Internal reviews will be conducted by individuals independent of the function being assessed.

In coordination with the contracted service provider's Director of Safety and Training, the CSO will develop, coordinate, and execute the Internal Safety and Security Review Program to monitor the application of this PTASP. The process is a Safety Assurance activity required to ensure a proactive approach to identifying hazards before they become a safety event and to verify that safety and security programs have been developed and implemented. Specifically, items assessed during the audit process will include:

- The level of effectiveness of safety and security programs
- Process effectiveness
- Hazards and potential hazards in the system
- Verification that prior corrective actions are implemented, tracked to closure, and effective
- System safety and system security improvements

21.1.1 Internal Safety and Security Review Process

As required by specific audit guidelines and written checklists will be developed to measure the success of each discipline and location in implementing safety and security policies, procedures,

⁵ Ref 49 CFR Part 633.



and requirements. In each case, the audit guidelines will be personalized to each department's unique safety or security responsibilities.

Checklists will be drafted, providing sufficient criteria to determine if all audited criteria are performing as intended. Examples of referenced documents include, but are not limited to:

- System operating rulebooks, notices, and procedures
- Maintenance plans, manuals, and procedures
- Preventive maintenance inspection processes
- Employee training programs
- Environmental compliance procedures
- Other documents deemed by the CSO or their designee
- Previous internal and external audits, including FTA audit reports
- CAPs for accidents, security incidents, and unacceptable hazards

21.1.2 Internal Review Schedule

The audit schedule will be based on a three-year review cycle, with audits completed on an annual basis until all components of the PTASP are evaluated over the three years.

The TSD CSO or their designee will be responsible for scheduling reviews. Disciplines to be reviewed will be notified and will be provided with information regarding the planned review's purpose, scope, and content. To ensure the independence of the process, the individual conducting the review will not be the person in charge of implementing the items being assessed.

21.2 Corrective Action Plans

Corrective Action Plans (CAP) can be developed to address various conditions. Personnel from FCDOT and the contracted service provider will identify whether a CAP is needed under the following three conditions:

1. During a safety investigation to avoid or minimize the reoccurrence of the investigated event or address a related, systemic problem
2. To correct safety risks
3. To correct a finding of noncompliance

TSD and the contracted service provider will develop a formal CAP to correct any condition identified as deficient that creates a hazard deemed not acceptable. The CAP will include the information:

- The hazard or programmatic deficiency
- Action to be taken to correct the hazard
- Implementation schedules
- The individual(s) and department(s) responsible for the implementation
- Interim/short-term steps taken while awaiting implementation of long-term mitigations

21.2.1 Monitoring and Tracking

The contracted service provider will maintain a CAP tracking log that provides pertinent information on specific CAPs, including:

- A CAP tracking ID
- Date the CAP was opened
- The source of the CAP
- The identified noted deficiency or hazard



- The process, plan, or mechanism to address and resolve the deficiency or hazard
- A timeframe for implementing each part of the CAP
- The department(s) and person(s) responsible for implementation
- The proposed implementation date
- Any issues preventing resolution
- Other critical information, as appropriate

The Director of Safety and Training will submit the CAP log to the CSO monthly, who will supply the tracking log to the ESC for periodic updates regarding progressing towards closure.

21.2.2 Verification and Closure

Each division's Safety and Training Manager will submit verification to the Director of Safety and Training for any CAP proposed closure. If approved, the Director of Safety and Training will submit the request for acceptance by the CSO.

Information regarding the closure must be included in the CAP tracking log and include any additional actions implemented to complete the CAP. Verification documentation may consist of:

- Photographs
- Receipt of a new or revised document
- Work order or similar document showing full completion

Part F: Safety Promotion

Part F of this PTASP outlines the Fairfax Connector's processes to promote both SMS practices and safety throughout the organization. As part of 49 CFR Part 673, this section will discuss the following two sub-components of Safety Promotion:

- Competencies and training
- Safety communication

22.0 Competencies and Training

Fairfax Connector's contracted service provider is responsible for developing an ongoing Safety Training Program Plan and operations-based training approved by FCDOT. The contracted service provider will ensure appropriate staff are trained on this PTASP, Reasonable Suspicion and Post-Accident Determination, and Substance Abuse Management and Program Compliance (Drug and Alcohol Reporting and Training) to comply with 49 CFR Part 40 and FTA's 49 CFR Part 655. The training program will provide thorough, relevant, and ongoing education and training for all employees to ensure that assigned duties are completed safely and effectively.

Training curriculums are based on federal, state, local, and industry best practices and applicable national standards. Fairfax Connector requires all employees to be trained for all assigned tasks and equipment used on the job. Employee performance will then be evaluated and documented upon completion of each training objective. Training curriculums are also linked to the performance objectives by which employees will be assessed while on the job.

22.1 Designated Personnel

Designated personnel will complete an Individual Training Program (ITP) for their Public Transportation Safety Certification Training Program (PTSCTP) designation. Fairfax Connector designated personnel include employees and contracted service providers whose job function is directly responsible for safety oversight of Fairfax Connector's SMS program. More specifically,

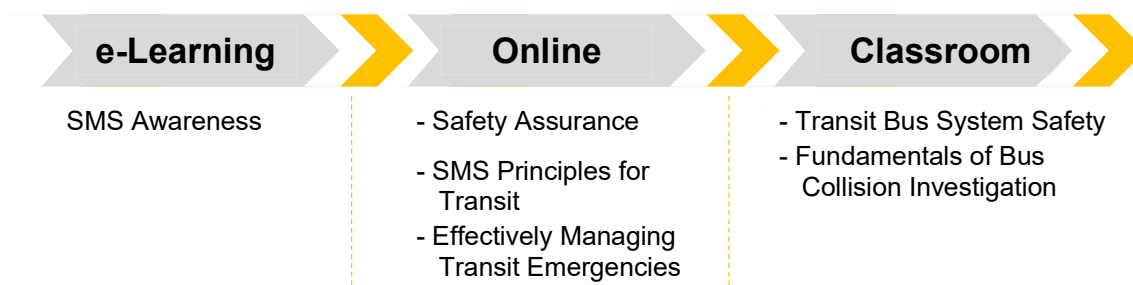


this includes personnel whose primary job function includes developing, implementing, and reviewing these PTASP requirements for the Connector pursuant to 49 CFR parts 673. These individuals include:

- The CSO (FCDOT)
- Director of Safety and Training (contracted service provider)
- Assistant Director of Safety and Training (contracted service provider)
- Safety and Training Managers (contracted service provider)

Additional designated personnel may be identified as the SMS continues to mature. Courses needed to complete the PTSCTP include:

Figure 11: Public Transportation Safety Certification Training Program (PTSCTP) Curriculum



To enroll in the PTSCTP, designated personnel will email ftasafetypromotion@dot.gov to confirm their ITP. Upon enrollment into the PTSCTP program, designated employees will have three years to complete the initial training identified above.

22.1.1 Refresher Training

After completing their initial training, designated personnel, including any contractors supporting the Fairfax Connector overseeing this PTASP, will take a refresher training course every two years. Refresher training, at a minimum, includes completion of the Transportation Safety Institute's (TSI) one hour SMS Awareness course. Alternative training courses may be acceptable at the discretion of the CSO.

22.2 New Operator Training

New Connector operators already holding a Commercial Driver's License (CDL) complete a new driver training program that includes 56 hours of classroom training and 156 hours of behind-the-wheel (BTW) time. BTW hours are defined as actual driving hours behind the wheel. These activities will be documented on the following Driver Development Forms:

- Skills Course Maneuvering Form
- Basic Safe Driving Form
- Route and Revenue Form
- Master Performance Chart

New operators will be evaluated after completing each classroom and BTW training modules, followed by a final written exam upon New Driver Training. Additionally, each operator receives an evaluation of their BTW skills within thirty (30) days of being released to revenue service. Operators will also be required to successfully pass on-board evaluations at the end of the training



process and before being released into revenue service. Training progress and verification of program completion will be documented and kept in the employee's file.

In addition to BTW training, all new operators will receive conflict de-escalation training.

22.3 Operator Refresher Training

Employees actively participate in refresher training or in-service education programs when new equipment, duties, tasks, systems, or processes are added or introduced as a part of job requirements, including but not limited to:

- Vehicles, equipment, machinery, or tools
- Chemicals or materials
- Laws, regulations, standards, policies, or procedures
- Transfer to a new job
- Leave of absence/return to work after an extended absence
- Particular circumstances or conditions requiring additional training

In addition, contracted employees receive eight hours of refresher training every year.

Supervisors will coordinate refresher training for employees based on current operating trends. Refresher training should be used for accident prevention and trend reversal. Supervisors will also ensure that each employee's refresher training is provided annually based on state and contract requirements. They will inform employees when in-service training is required and provide information regarding the date and time of training.

22.4 Maintenance Training

The contracted service provider is responsible for establishing minimum performance standards to ensure personnel are adequately trained, tested, and certified before working on any vehicle. In addition to maintenance proficiencies, maintenance staff will be trained in bus operations similar to bus drivers. The contracted service provider will also provide FCDOT with a training plan for drivers, mechanics, supervisors, and administrative staff. Training will include refresher courses with both classroom and hands-on styles of instruction.

22.5 Bus Operations Control Center (BOCC) Training

Training is provided to Bus Operations Control Center (BOCC) controllers. Training includes the following topics and, with the approval of FCDOT, can be modified at the direction of the contracted service provider's GM and/or the BOCC Manager:

- Standard Operating Procedures for the BOCC
- Safe Operation of Fairfax County Vehicles
- Accident/Incident Management and Reporting
- Radio Procedures and Proper Communications
- Service Reporting & Documentation
- Emergency Alarms (EA)
- Emergency Situations
- Worker's Compensation Investigation, Documentation, and Reporting
- Drug & Alcohol Testing Program, Policy, and Procedures
- Setting Priorities and Managing Multiple Tasks
- Service Orientation (Fixed Route), Customer Service, and Passenger Relations
- Handling Confrontation and Dealing with Difficult People



- Supervisory Techniques & Interaction Management
- Vehicle Maintenance Program and Policies
- CleverCAD System Functionality and Operations
- As applicable to the controller's prior experience, additional training will be provided for:
 - Relevant parts of Collective Bargaining Agreement(s)
 - General Computing
 - System Usage
 - Standard Operating Procedures for Fixed Route Drivers

Portions of this training will be conducted in a classroom-type setting. Other portions will be conducted in the BOCC office under the supervision of an experienced controller and/or supervisor and/or FCDOT personnel. If the Controller was hired externally, service orientation and standard operating procedure training will be conducted on-board revenue service vehicles with veteran and experienced operators. If applicable, field training will also be provided by road supervisors to ensure that controllers fully understand the role of the road supervisor in operations management. Maintenance-related training will be provided at the direction of maintenance supervision. Depending on the controller's initial qualifications and skill level, additional training may be provided.

Regular consultations with the BOCC Manager will be held at 30-day, 60-day, and 90-day intervals to ensure that the new controller is confident in their abilities and address concerns on their part or management's part. As necessary and randomly, observations will be conducted by the BOCC Manager, BOCC Supervisors, or veteran BOCC Controllers.

On an annual basis, or as necessary, all controllers will undergo refresher training. To the extent possible without disrupting normal operations, controllers will also be required to attend training provided by Clever Devices and/or FCDOT.

22.6 Documentation

Training records will be recorded and maintained in the user's discipline location.

Contracted service provider employees engaged in performing work requiring specialized training and/or certification shall have their training and qualification records maintained in the contracted service provider's training records system. Training and employee qualifications will be reviewed periodically to verify an employee's qualification to perform the prescribed work.

23.0 Safety Communication

Communicating with frontline employees about safety and security is crucial in establishing a positive safety culture. Effective safety communication makes personnel aware of safety priorities and initiatives and ensures that feedback is captured and acted upon appropriately. Fairfax Connector will focus on relaying safety-related information regularly, raising awareness of potential safety risks, and the progress of the Connector's safety programs. This will encourage employees to report concerns and demonstrate management commitment to both the employees and the Connector's safety performance objectives. The Fairfax Connector also will ensure that all employees are aware of any policies, activities, and procedures related to their safety-related roles and responsibilities.

Communication of safety programs, including SMS initiatives and achievement of SPTs, Goals, and Objectives will be led by the CSO in coordination with the Director of Safety and Training and location Safety and Training Managers. Mechanisms for communication include, but are not limited to:



Public Transportation Agency Safety Plan

Version 1.0

- Employee Reporting Program
- Safety Committees
- Training
- Fairfax Connector Policies and Procedures



Appendix A: Organization Chart



Figure 12: Higher Level Fairfax Connector Safety Organization Chart

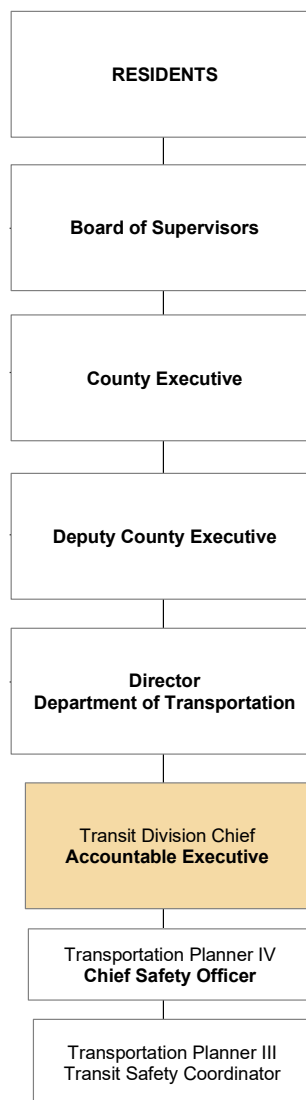




Figure 13: Transit Services Division Organization Chart

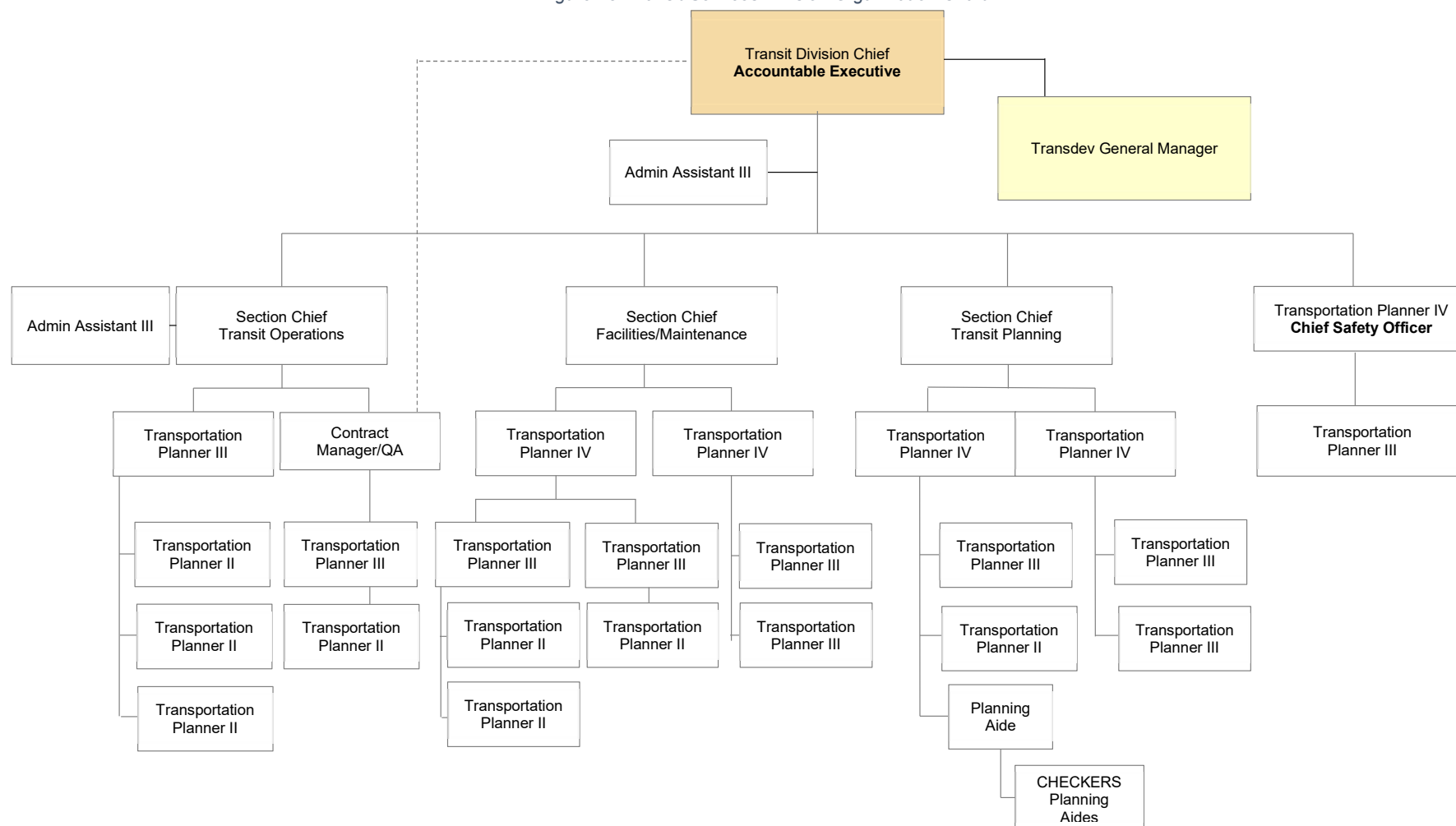
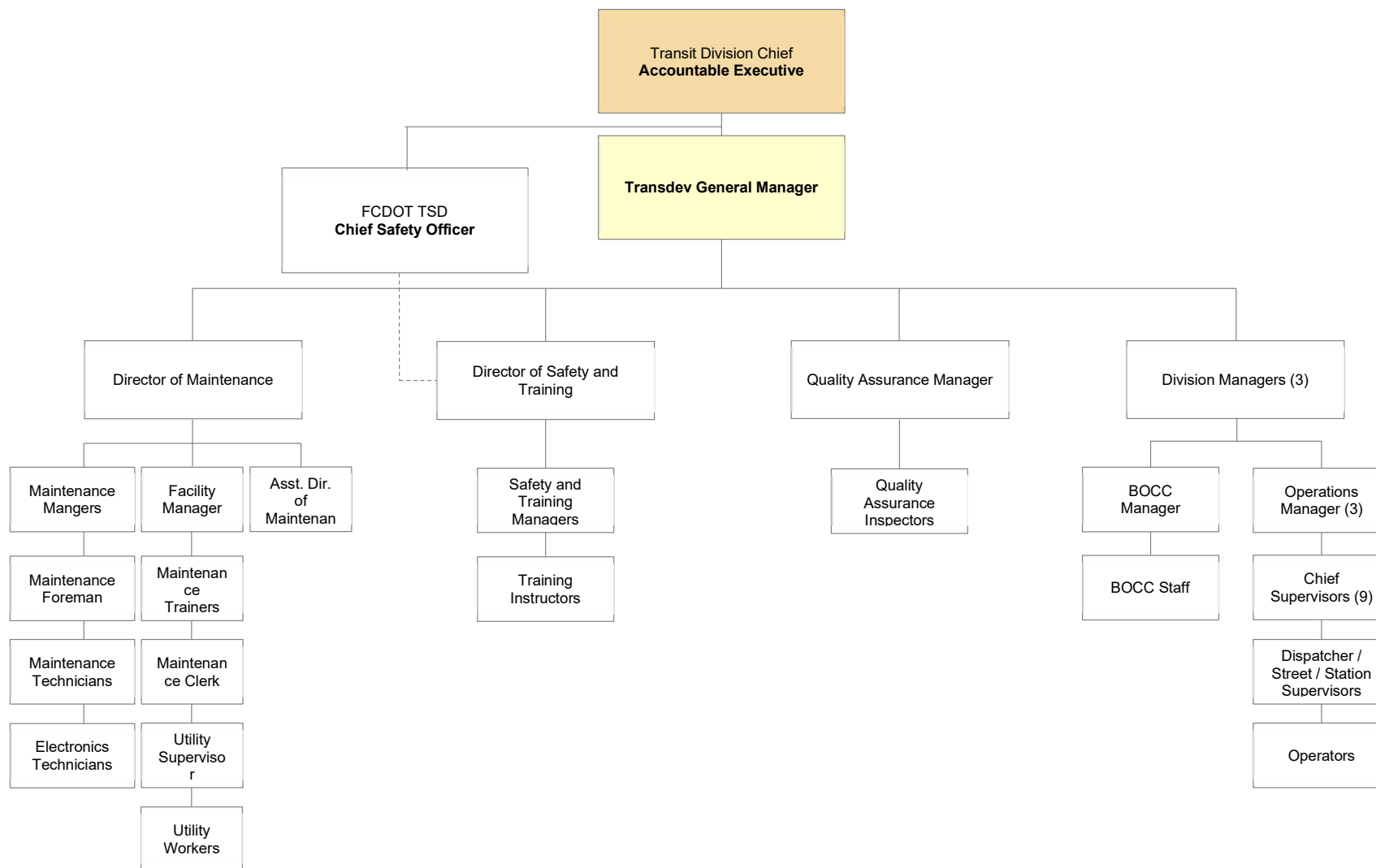




Figure 14: Transdev North America Organization Chart





Appendix B: Employee Safety Reporting Program Form

Hazard ID #:

Employee Safety Reporting Form

Fairfax County Employees are encouraged to report observed safety hazards to improve Connector's overall safety. Employees may make this report confidentially or even anonymously if they choose. Employees are encouraged to reveal their names and contact information to allow follow-up to occur should questions arise.

Safety Hazard Detailed Description

Location/Description of Safety Hazard (please be as specific as possible): _____

Vehicle Number (if applicable): _____ Route (if applicable): _____

Employees may make confidential reports without revealing their identity if they choose.

Your Name _____ Job Title _____ Date of report _____

Section/Discipline _____ Date of Occurrence _____ Time of occurrence _____

Office Phone _____ Cell Phone _____ Home Phone _____

Safety Hazard Description: _____

Manager Review Questions

Thank the reporter for participating in the Employee Safety Reporting program? ☐ YES ☐ NO

Is this an emergency? ☐ YES ☐ NO **If yes, ensure the BOCC has been contacted**

Is immediate injury probable if the issue isn't addressed?

If yes, has it been temporarily addressed? ☐ YES ☐ NO

Comments: _____

If NO, address problem immediately via TD Safety or DM as well as BOCC

Was someone injured? ☐ YES ☐ NO Description: _____

Did property damage occur? ☐ YES ☐ NO Description: _____

Detailed Description of the Hazard:

<Continue OVER>

Ver 1.0 3/31/22

Detailed description of the hazard:

Completed by: _____ Date: _____

HAZARD REVIEW

FOR OFFICIAL USE ONLY

Status	In Progress	Date Closed	Click or tap to enter a date.	
Reviewer's Name		Job Title		
Click or tap here to enter text.		Click or tap here to enter text.		
Probable Cause(s)		Probably Effect(s) on System		Initial SRI
1) 2) 3) 4) 5)		1) 2) 3) 4) 5)		
Recommended Mitigations				
1) 2) 3) 4) 5)				
Actual Actions Taken				Final SRI
1) 2) 3) 4) 5)				

Signature of the Reviewer

The following signature(s) indicate acceptance and closure of the hazard by Fairfax Connector.

Signature: _____

Date: Click or tap to enter a date.

Print Name: _____

Phone: Click or tap here to enter text.

Signature if the hazard was identified to be 'Unacceptable.'

Click or tap to enter a date.

Safety and Security Manager/CSO

Date



Appendix C: Hazard and Corrective Action Plan (CAP) Tracking Log

[illegible][illegible]



Appendix D: Configuration Change Tracking Matrix



Figure 17: Configuration Change Tracking Matrix

Configuration Change Tracking Matrix									
Control No.	Initiation Date	Description of Proposed Change	Reviewer Name	Recommended Action	SSC?	Department	Point of Contact	Status	Comments



Public Transportation Agency Safety Plan

Version 1.0

Board Agenda Item
November 1, 2022

ACTION – 7

Approval of Project Agreements Between the Virginia Department of Rail and Public Transportation (DRPT) and Fairfax County for Fiscal Year (FY) 2023 Transit Assistance Grant Funds

ISSUE:

Approval for the Director of the Department of Transportation to sign 14 Project Agreements with DRPT to enable the County's receipt of FY 2023 transit capital and operating assistance grant funds.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Director of the Department of Transportation to sign 14 Project Agreements between DRPT and Fairfax County, in substantial form as those attached, for FY 2023 transit capital and operating assistance grant funds (Attachments 1 through 14).

TIMING:

The Board of Supervisors should act on this item on November 1, 2022, so that DRPT can release FY 2023 transit capital and operating funds to Fairfax County.

BACKGROUND:

Fairfax County and DRPT entered into a revised Master Agreement for the Use of Commonwealth Transportation Funds on August 19, 2020. This agreement forms the basis for allocating numerous transportation project grant funds to Fairfax County, including transit capital and operating assistance for the Fairfax Connector. The Master Agreement governs the allocation of funds for all the state funded projects.

On June 21, 2022, the Commonwealth Transportation Board (CTB) adopted the Six-Year Improvement Program (SYIP) for FY 2023-2028, which included all the projects listed below.

*DRPT FY 2023 Capital and Operating Assistance Grants: Total Grant Funds:
\$50,748,698 (State Aid)*

For more than 30 years, the Commonwealth has disbursed state transit assistance to Northern Virginia jurisdictions through the Northern Virginia Transportation Commission

Board Agenda Item
November 1, 2022

(NVTC). Pursuant to the Code of Virginia, NVTC uses a Subsidy Allocation Model (SAM) to distribute regional transit funds. Funds from the following agreements will be distributed according to the SAM:

- Attachment 1: 72023-24 – Fiscal Year 2023 Operating Assistance for the Grantee's Transit Operations: \$28,910,548
- Attachment 2: 73023-46 – Purchase Four Replacement Support Vehicles: \$125,000
- Attachment 3: 73023-47 – Rehabilitate and Rebuild Heavy Duty Large Bus Components: \$3,850,000
- Attachment 4: 73023-48 – Purchase 28 Large, Heavy-Duty Replacement Buses: \$18,787,933
- Attachment 5: 73023-49 – Purchase Shop Equipment: \$660,000
- Attachment 6: 73023-50 – Purchase and Install Three Electric Chargers: \$924,999
- Attachment 7: 73023-51 – Purchase Consultant Services for Fleet Maintenance: \$650,000
- Attachment 8: 73023-52 – Rehabilitation and Renovation of Passenger Bus Stops, and the Purchase of Additional Passenger Shelters and Amenities: \$1,200,000
- Attachment 9: 73023-53 – Rehabilitate and Renovate the Tysons West Park Transit Center: \$2,200,000
- Attachment 10: 73023-54 – Rehabilitate and Renovate the Huntington Garage Bay Maintenance Facility: \$216,995
- Attachment 11: 73023-55 – Purchase Fire Alarm Equipment for West Ox Garage: \$260,000
- Attachment 12: 73023-56 – Update Fare Collection Equipment – SmarTrip Program: \$2,100,000
- Attachment 13: 73023-57 – Purchase Information Technology Equipment – On-Board Systems (ITS Phase II): \$1,140,000

FY 2023 I-95 Transit and TDM Plan Operating Assistance (Fairfax Connector Route 393): \$360,682

The I-95 Corridor Transit and Transportation Demand Management (TDM) Plan was developed in collaboration with the Secretary of Transportation and the Virginia Public-Private Transportation Act (PPTA) Office to provide the Commonwealth of Virginia with recommendations for operations and capital investments to complement the I-95 High Occupancy Toll/High Occupancy Vehicle (HOT/HOV) lanes improvements. The plan is derived from the 2008 DRPT I-95/I-395 Transit/TDM Study and is intended to maximize the use of the HOT/HOV lanes network and respond to the demand for increased public transit service. The plan identified cost-effective transit and TDM improvements for the

Board Agenda Item
November 1, 2022

I-95 corridor for 2015-2035, and beyond. These improvements receive funding through an operating assistance grant.

Fairfax County was awarded grants to fund the capital and operating costs of Connector Route 393, which operates from the Saratoga Park-and-Ride Lot and the Gambrill Road Park-and-Ride Lot in the Springfield area to the Mark Center and the Pentagon. In accordance with Attachment 14, Project Agreement 72023-60, funding in the amount of \$360,682 for operating assistance for Connector Route 393 was approved in the FY 2023-2028 SYIP.

FISCAL IMPACT:

These agreements provide support for approved Fairfax County transit capital projects. Capital funding from the Commonwealth is provided on a reimbursement basis after the purchase and/or project is complete. FY 2023 funding for grants 73023-52 - Rehabilitation and Renovation of Passenger Bus Stops, and the Purchase of Additional Passenger Shelters and Amenities, and 73023-53 - Rehabilitate and Renovate the Tysons West Park Transit Center, are provided in Fund 40010 – County and Regional Transportation Improvements and Fund 30050 – Transportation Improvements, respectively. Funding for the remaining 12 capital and operating have been included in the Fund 40000 – County Transit Systems FY 2023 budget. There is no additional General Fund impact.

ENCLOSED DOCUMENTS:

Attachment 1: Grant Agreement 72023-24 – Fiscal Year 2023 Operating Assistance for the Grantee's Transit Operations

Attachment 2: Grant Agreement 73023-46 – Purchase Four Replacement Support Vehicles

Attachment 3: Grant Agreement 73023-47 – Rehabilitate and Rebuild Heavy Duty Large Bus Components

Attachment 4: Grant Agreement 73023-48 – Purchase 28 Large, Heavy-Duty Replacement Buses

Attachment 5: Grant Agreement 73023-49 – Purchase Shop Equipment

Attachment 6: Grant Agreement 73023-50 – Purchase and Install Three Electric Chargers

Attachment 7: Grant Agreement 73023-51 – Purchase Consultant Services for Fleet Maintenance

Attachment 8: Grant Agreement 73023-52 – Rehabilitation and Renovation of Passenger Bus Stops, and the Purchase of Additional Passenger Shelters and Amenities

Board Agenda Item
November 1, 2022

Attachment 9: Grant Agreement 73023-53 – Rehabilitate and Renovate the Tysons West Park Transit Center
Attachment 10: Grant Agreement 73023-54 – Rehabilitate and Renovate the Huntington Garage Bay Maintenance Facility
Attachment 11: Grant Agreement 73023-55 – Purchase Fire Alarm Equipment for West Ox Garage
Attachment 12: Grant Agreement 73023-56 – Update Fare Collection Equipment – SmarTrip Program
Attachment 13: Grant Agreement 73023-57 – Purchase Information Technology Equipment – On-Board Systems (ITS Phase II)
Attachment 14: Grant Agreement 72023-60 – I-95 Transit and TDM Plan Operating Assistance

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Noelle Dominguez, Chief, Coordination and Funding Division, FCDOT
Malcolm Watson, Transportation Planner, FCDOT

ASSIGNED COUNSEL:

Richard Dzubin, Assistant County Attorney

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2023
Six Year Improvement Program Approved Project
Grant Number 72023-24**

This Project Agreement by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and Fairfax County (“Grantee”) (collectively, the “Parties”), is for the provision of funding the Project, and is made and entered into on the date this document is signed by the last signing party.

WHEREAS, the Northern Virginia Transportation Commission ("NVTC"), as authorized agent of the Grantee, submitted an application on the Grantee's behalf to the Operating Assistance Program for Project funding; and

WHEREAS, the NVTC will manage the funding for this Project; and

WHEREAS, the Department has approved funding for the Project and on June 21, 2022, the Commonwealth Transportation Board (“CTB”) allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

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

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Provide Fiscal Year 2023 transit services.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$28,910,548 for the Project approved in the Fiscal Year 2023 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. The Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

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

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 (“Master Agreement”), is hereby incorporated by reference as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by its duly authorized officers.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

**Project: Fiscal Year 2023 Operating Assistance for
the Grantee's Transit Operations**

State Operating Project Agreement

Project Number: 72023-24

Project Start Date: July 1, 2022

Project Expiration Date: June 30, 2023

Operating Assistance Payment Schedule

Payment No.	Estimated Payment Date	Payment Amount
1	August 15, 2022	\$ 7,227,637
2	November 15, 2022	\$ 7,227,637
3	February 15, 2023	\$ 7,227,637
4	May 15, 2023	\$ 7,227,637
TOTAL GRANT AMOUNT		\$28,910,548

In no event shall this grant exceed \$28,910,548.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2023
Six Year Improvement Program Approved Project
Project Number 73023-46**

This Project Agreement by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and Fairfax County (“Grantee”) (collectively, the “Parties”), is for the provision of funding the Project, and is made and entered into on the date this document is signed by the last signing party.

WHEREAS, the Northern Virginia Transportation Commission ("NVTC"), as authorized agent of the Grantee, submitted an application on the Grantee's behalf to the Capital Assistance Program for Project funding; and

WHEREAS, the NVTC will manage the funding for this Project; and

WHEREAS, the Department has approved funding for the Project and on June 21, 2022, the Commonwealth Transportation Board (“CTB”) allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

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

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Purchase four replacement support vehicles.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$85,000 for the Project approved in the Fiscal Year 2023 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. The Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

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

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 (“Master Agreement”), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by its duly authorized officers.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: Purchase Four Replacement Support Vehicles

Capital Assistance Program Project Agreement

Project Number: 73023-46

Project Start Date: July 1, 2022

Project Expiration Date: December 31, 2023

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 68%)	\$ 85,000
1400	Local expense (share of Project cost - 32%)	\$ 40,000
	Total Project Expense	\$125,000

In no event shall this grant exceed \$85,000.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2023
Six Year Improvement Program Approved Project
Project Number 73023-47**

This Project Agreement by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and Fairfax County (“Grantee”) (collectively, the “Parties”), is for the provision of funding the Project, and is made and entered into on the date this document is signed by the last signing party.

WHEREAS, the Northern Virginia Transportation Commission ("NVTC"), as authorized agent of the Grantee, submitted an application on the Grantee's behalf to the Capital Assistance Program for Project funding; and

WHEREAS, the NVTC will manage the funding for this Project; and

WHEREAS, the Department has approved funding for the Project and on June 21, 2022, the Commonwealth Transportation Board (“CTB”) allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

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

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Rehabilitate and rebuild heavy duty large bus components.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$2,618,000 for the Project approved in the Fiscal Year 2023 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. The Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

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

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 (“Master Agreement”), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by its duly authorized officers.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: Rehabilitate and Rebuild Heavy Duty Large Bus Components

Capital Assistance Program Project Agreement

Project Number: 73023-47

Project Start Date: July 1, 2022

Project Expiration Date: June 30, 2024

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 68%)	\$2,618,000
1400	Local expense (share of Project cost - 32%)	\$1,232,000
	Total Project Expense	\$3,850,000

In no event shall this grant exceed \$2,618,000.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2023
Six Year Improvement Program Approved Project
Project Number 73023-48**

This Project Agreement by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and Fairfax County (“Grantee”) (collectively, the “Parties”), is for the provision of funding the Project, and is made and entered into on the date this document is signed by the last signing party.

WHEREAS, the Northern Virginia Transportation Commission ("NVTC"), as authorized agent of the Grantee, submitted an application on the Grantee's behalf to the Capital Assistance Program for Project funding; and

WHEREAS, the NVTC will manage the funding for this Project; and

WHEREAS, the Department has approved funding for the Project and on June 21, 2022, the Commonwealth Transportation Board (“CTB”) allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

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

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Purchase 28 large, heavy-duty replacement transit buses.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$12,775,794 for the Project approved in the Fiscal Year 2023 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. The Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

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

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 (“Master Agreement”), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by its duly authorized officers.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: Purchase 28 Large, Heavy-Duty Replacement Buses

Capital Assistance Program Project Agreement

VINs to be Replaced:

5FYD5FV167C031589 5FYD5FV157C031583
5FYD5FV157C031549 5FYD5FV117C031550
5FYD5FV127C031573 5FYD5FV1X7C031563
5FYD5FV137C031579 5FYD5FV187C031576
5FYD5FV127C031556 5FYD5FV107C031572
5FYD5FV137C031582 5FYD5FV137C031551
5FYD5FV147C031588 5FYD5FV157C031552
5FYD5FV177C031553 5FYD5FV107C031555
5FYD5FV167C031558 5FYD5FV187C031559
5FYD5FV127C031587 5FYD5KV107C032343
5FYD5KV187C032350 5FYD5KV137C032353
5FYD5FV117C031581 5FYD5FV147C031557
5FYD5KV197C032342 5FYD5KV187C032347
5FYD5KV117C032349 5FYD5KV157C032354

Project Number: 73023-48

Project Start Date: July 1, 2022

Project Expiration Date: December 31, 2024

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 68%)	\$12,775,794
1400	Local expense (share of Project cost - 32%)	\$ 6,012,139
	Total Project Expense	\$18,787,933

In no event shall this grant exceed \$12,775,794.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2023
Six Year Improvement Program Approved Project
Project Number 73023-49**

This Project Agreement by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and Fairfax County (“Grantee”) (collectively, the “Parties”), is for the provision of funding the Project, and is made and entered into on the date this document is signed by the last signing party.

WHEREAS, the Northern Virginia Transportation Commission ("NVTC"), as authorized agent of the Grantee, submitted an application on the Grantee's behalf to the Capital Assistance Program for Project funding; and

WHEREAS, the NVTC will manage the funding for this Project; and

WHEREAS, the Department has approved funding for the Project and on June 21, 2022, the Commonwealth Transportation Board (“CTB”) allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

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

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Purchase shop equipment.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$448,800 for the Project approved in the Fiscal Year 2023 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. The Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

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

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 (“Master Agreement”), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by its duly authorized officers.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: Purchase Shop Equipment

Capital Assistance Program Project Agreement

Project Number: 73023-49

Project Start Date: July 1, 2022

Project Expiration Date: September 30, 2023

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 68%)	\$448,800
1400	Local expense (share of Project cost - 32%)	\$211,200
	Total Project Expense	\$660,000

In no event shall this grant exceed \$448,800.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2023
Six Year Improvement Program Approved Project
Project Number 73023-50**

This Project Agreement by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and Fairfax County (“Grantee”) (collectively, the “Parties”), is for the provision of funding the Project, and is made and entered into on the date this document is signed by the last signing party.

WHEREAS, the Northern Virginia Transportation Commission ("NVTC"), as authorized agent of the Grantee, submitted an application on the Grantee's behalf to the Capital Assistance Program for Project funding; and

WHEREAS, the NVTC will manage the funding for this Project; and

WHEREAS, the Department has approved funding for the Project and on June 21, 2022, the Commonwealth Transportation Board (“CTB”) allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

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

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Purchase and install three electric chargers.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$628,999 for the Project approved in the Fiscal Year 2023 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. The Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

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

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 (“Master Agreement”), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by its duly authorized officers.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: Purchase and Install Three Electric Chargers

Capital Assistance Program Project Agreement

Project Number: 73023-50

Project Start Date: July 1, 2022

Project Expiration Date: December 31, 2023

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 68%)	\$628,999
1400	Local expense (share of Project cost - 32%)	\$296,000
	Total Project Expense	\$924,999

In no event shall this grant exceed \$628,999.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2023
Six Year Improvement Program Approved Project
Project Number 73023-51**

This Project Agreement by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and Fairfax County (“Grantee”) (collectively, the “Parties”), is for the provision of funding the Project, and is made and entered into on the date this document is signed by the last signing party.

WHEREAS, the Northern Virginia Transportation Commission ("NVTC"), as authorized agent of the Grantee, submitted an application on the Grantee's behalf to the Capital Assistance Program for Project funding; and

WHEREAS, the NVTC will manage the funding for this Project; and

WHEREAS, the Department has approved funding for the Project and on June 21, 2022, the Commonwealth Transportation Board (“CTB”) allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

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

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Purchase consultant services for fleet maintenance.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$442,000 for the Project approved in the Fiscal Year 2023 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. The Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

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

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 (“Master Agreement”), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by its duly authorized officers.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: Purchase Consultant Services for Fleet Maintenance

Capital Assistance Program Project Agreement

Project Number: 73023-51

Project Start Date: July 1, 2022

Project Expiration Date: December 31, 2023

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 68%)	\$442,000
1400	Local expense (share of Project cost - 32%)	\$208,000
	Total Project Expense	\$650,000

In no event shall this grant exceed \$442,000.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2023
Six Year Improvement Program Approved Project
Project Number 73023-52**

This Project Agreement by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and Fairfax County (“Grantee”) (collectively, the “Parties”), is for the provision of funding the Project, and is made and entered into on the date this document is signed by the last signing party.

WHEREAS, the Northern Virginia Transportation Commission ("NVTC"), as authorized agent of the Grantee, submitted an application on the Grantee's behalf to the Capital Assistance Program for Project funding; and

WHEREAS, the NVTC will manage the funding for this Project; and

WHEREAS, the Department has approved funding for the Project and on June 21, 2022, the Commonwealth Transportation Board (“CTB”) allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

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

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Rehabilitate and renovate passenger bus stops, and purchase additional passenger shelters and amenities.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$816,000 for the Project approved in the Fiscal Year 2023 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. The Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

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

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 (“Master Agreement”), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by its duly authorized officers.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

**Project: Rehabilitation and Renovation of Passenger Bus Stops, and the Purchase of
Additional Passenger Shelters and Amenities**

Capital Assistance Program Project Agreement

Project Number: 73023-52

Project Start Date: July 1, 2022

Project Expiration Date: December 31, 2023

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 68%)	\$ 816,000
1400	Local expense (share of Project cost - 32%)	\$ 384,000
	Total Project Expense	\$1,200,000

In no event shall this grant exceed \$816,000.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2023
Six Year Improvement Program Approved Project
Project Number 73023-53**

This Project Agreement by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and Fairfax County (“Grantee”) (collectively, the “Parties”), is for the provision of funding the Project, and is made and entered into on the date this document is signed by the last signing party.

WHEREAS, the Northern Virginia Transportation Commission ("NVTC"), as authorized agent of the Grantee, submitted an application on the Grantee's behalf to the Capital Assistance Program for Project funding; and

WHEREAS, the NVTC will manage the funding for this Project; and

WHEREAS, the Department has approved funding for the Project and on June 21, 2022, the Commonwealth Transportation Board (“CTB”) allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

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

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Rehabilitate and renovate the Tysons West Park Transit Center.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$1,496,000 for the Project approved in the Fiscal Year 2023 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. The Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

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

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 (“Master Agreement”), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by its duly authorized officers.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: Rehabilitate and Renovate the Tysons West Park Transit Center

Capital Assistance Program Project Agreement

Project Number: 73023-53

Project Start Date: July 1, 2022

Project Expiration Date: June 30, 2024

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 68%)	\$1,496,000
1400	Local expense (share of Project cost - 32%)	\$ 704,000
	Total Project Expense	\$2,200,000

In no event shall this grant exceed \$1,496,000.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2023
Six Year Improvement Program Approved Project
Project Number 73023-54**

This Project Agreement by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and Fairfax County (“Grantee”) (collectively, the “Parties”), is for the provision of funding the Project, and is made and entered into on the date this document is signed by the last signing party.

WHEREAS, the Northern Virginia Transportation Commission ("NVTC"), as authorized agent of the Grantee, submitted an application on the Grantee's behalf to the Capital Assistance Program for Project funding; and

WHEREAS, the NVTC will manage the funding for this Project; and

WHEREAS, the Department has approved funding for the Project and on June 21, 2022, the Commonwealth Transportation Board (“CTB”) allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

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

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Rehabilitate and renovate the Huntington Garage Bay maintenance facility.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$147,557 for the Project approved in the Fiscal Year 2023 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. The Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

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

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 (“Master Agreement”), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by its duly authorized officers.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: Rehabilitate and Renovate the Huntington Garage Bay Maintenance Facility

Capital Assistance Program Project Agreement

Project Number: 73023-54

Project Start Date: July 1, 2022

Project Expiration Date: June 30, 2024

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 68%)	\$147,557
1400	Local expense (share of Project cost - 32%)	\$ 69,438
	Total Project Expense	\$216,995

In no event shall this grant exceed \$147,557.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2023
Six Year Improvement Program Approved Project
Project Number 73023-55**

This Project Agreement by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and Fairfax County (“Grantee”) (collectively, the “Parties”), is for the provision of funding the Project, and is made and entered into on the date this document is signed by the last signing party.

WHEREAS, the Northern Virginia Transportation Commission ("NVTC"), as authorized agent of the Grantee, submitted an application on the Grantee's behalf to the Capital Assistance Program for Project funding; and

WHEREAS, the NVTC will manage the funding for this Project; and

WHEREAS, the Department has approved funding for the Project and on June 21, 2022, the Commonwealth Transportation Board (“CTB”) allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

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

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Purchase fire alarm equipment for West Ox Garage.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$176,800 for the Project approved in the Fiscal Year 2023 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. The Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

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

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 (“Master Agreement”), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by its duly authorized officers.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: Purchase Fire Alarm Equipment for West Ox Garage

Capital Assistance Program Project Agreement

Project Number: 73023-55

Project Start Date: July 1, 2022

Project Expiration Date: December 31, 2023

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 68%)	\$176,800
1400	Local expense (share of Project cost - 32%)	\$ 83,200
	Total Project Expense	\$260,000

In no event shall this grant exceed \$176,800.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2023
Six Year Improvement Program Approved Project
Project Number 73023-56**

This Project Agreement by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and Fairfax County (“Grantee”) (collectively, the “Parties”), is for the provision of funding the Project, and is made and entered into on the date this document is signed by the last signing party.

WHEREAS, the Northern Virginia Transportation Commission ("NVTC"), as authorized agent of the Grantee, submitted an application on the Grantee's behalf to the Capital Assistance Program for Project funding; and

WHEREAS, the NVTC will manage the funding for this Project; and

WHEREAS, the Department has approved funding for the Project and on June 21, 2022, the Commonwealth Transportation Board (“CTB”) allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

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

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Update fare collection equipment – SmarTrip Program.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$1,428,000 for the Project approved in the Fiscal Year 2023 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. The Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

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

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 (“Master Agreement”), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by its duly authorized officers.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: Update Fare Collection Equipment – SmarTrip Program

Capital Assistance Program Project Agreement

Project Number: 73023-56

Project Start Date: July 1, 2022

Project Expiration Date: December 31, 2023

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 68%)	\$1,428,000
1400	Local expense (share of Project cost - 32%)	\$ 672,000
	Total Project Expense	\$2,100,000

In no event shall this grant exceed \$1,428,000.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2023
Six Year Improvement Program Approved Project
Project Number 73023-57**

This Project Agreement by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and Fairfax County (“Grantee”) (collectively, the “Parties”), is for the provision of funding the Project, and is made and entered into on the date this document is signed by the last signing party.

WHEREAS, the Northern Virginia Transportation Commission ("NVTC"), as authorized agent of the Grantee, submitted an application on the Grantee's behalf to the Capital Assistance Program for Project funding; and

WHEREAS, the NVTC will manage the funding for this Project; and

WHEREAS, the Department has approved funding for the Project and on June 21, 2022, the Commonwealth Transportation Board (“CTB”) allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

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

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Purchase information technology equipment – on-board systems (ITS Phase II).
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$775,200 for the Project approved in the Fiscal Year 2023 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. The Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

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

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 (“Master Agreement”), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by its duly authorized officers.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: Purchase Information Technology Equipment – On-Board Systems (ITS Phase II)

Capital Assistance Program Project Agreement

Project Number: 73023-57

Project Start Date: July 1, 2022

Project Expiration Date: December 31, 2023

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 68%)	\$ 775,200
1400	Local expense (share of Project cost - 32%)	\$ 364,800
	Total Project Expense	\$1,140,000

In no event shall this grant exceed \$775,200.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2023
Six Year Improvement Program Approved Project
Project Number 72023-60**

This Project Agreement by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and Fairfax County (“Grantee”) (collectively, the “Parties”), is for the provision of funding the Project, and is made and entered into on the date this document is signed by the last signing party.

WHEREAS, the Grantee submitted an application for the I-95 HOT Lanes Operating Assistance Program for funding for the Project; and

WHEREAS, the Department has approved funding for the Project; and on June 21, 2022, the Commonwealth Transportation Board (“CTB”) allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

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

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Provide I-95 Transit and TDM Plan operating assistance
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$360,682 for the Project approved in the Fiscal Year 2023 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. The Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.
5. The State grant funding amount is calculated based on a 20 percent farebox recovery rate. If the farebox recovery rate exceeds 20 percent for the grant period, the Department will reduce future grants to the Grantee by the overfunded amount. If the actual farebox recovery rate falls below 20 percent for the grant period, the Grantee can request an amendment to this Project Agreement to provide for the additional net operating costs incurred.

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

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 (“Master Agreement”), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by its duly authorized officers.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: I-95 Transit and TDM Plan Operating Assistance

State Project Agreement

Project Number: 72023-60

Project Start Date: July 1, 2022

Project Expiration Date: June 30, 2023

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 100%)	\$360,682
	Total Project Expense	\$360,682

In no event shall this grant exceed \$360,682.

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. *Kimberly LaFave, et al. v. County of Fairfax et al.*, Case No. CL-2021-0001569 (Fx. Co. Cir. Ct.)
 - 2. *Jane Doe v. Michael O. Barbazette, Jason J. Mardocco, James Baumstark, Vincent Scianna, Edwin C. Roessler, Fairfax Police Officers ##3-10, and Fairfax County, Virginia*, Case No. 1:21-cv-1150 (E.D. Va.)
 - 3. *C.M. Busto v. Fairfax County and Chief Judge Penney Azcarate*, Case No. 1:22-cv-771 (E.D. Va.)
 - 4. *Jay Riat, Building Official for Fairfax County, Virginia v. Jennet Mofor*, Case No. GV22-015516 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 - 5. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jay Riat, Building Official for Fairfax County, Virginia v. Oscar Maravilla*, Case No. CL-2022-0013794 (Fx. Co. Cir. Ct.) (Mason District)
 - 6. *Jay Riat, Building Official for Fairfax County, Virginia v. Charbel C. Markhoul and Rita A. Douaihy*, Case No. GV21-013768 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
 - 7. *Jay Riat, Building Official for Fairfax County, Virginia v. David Sisson*, Case No. GV22-015514 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
 - 8. *Jay Riat, Building Official for Fairfax County, Virginia v. Faiz Ullah*, Case No. GV22-015515 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
 - 9. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph McLoughlin*, Case No. GV22-012188 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

Board Agenda Item
November 1, 2022

3:00 p.m.

Public Hearing to Receive Comment from Citizens on the Proposed Legislative Program to be Presented to the 2023 Virginia General Assembly

ENCLOSED DOCUMENTS:

Attachment I – Draft Fairfax County Legislative Program for the 2023 Virginia General Assembly

Attachment II – Draft Human Services Issue Paper

The proposed Legislative Program and Human Services Issue Paper will be made available online under 2023 Board Legislative Reports by close of business October 27, 2022, at <https://www.fairfaxcounty.gov/boardofsupervisors/>

STAFF:

Bryan J. Hill, County Executive

Claudia Arko, Legislative Director

Board Agenda Item
November 1, 2022

3:30 p.m.

Public Hearing on SE 2022-PR-00023 (1820 Dolley Madison LLC) to Permit an Increase in Height for a Containment Structure up to a Maximum of 80 ft. Tall and an Increase in Fence Height up to 16 ft. Tall, Located on Approximately 6.9 Acres of Land (Providence District)

This property is located on the North East quadrant of intersection of Dolley Madison Boulevard and Scott's Crossing Road. Tax Map 29-4 ((5)) 9 (pt.), 9A (pt.), and 10A (pt.).

PLANNING COMMISSION RECOMMENDATION:

On October 26, 2022, the Planning Commission voted 11-0-1 (Commissioner Cortina abstained from the vote) to recommend to the Board of Supervisors the following:

- Approval of SE 2022-PR-00023, subject to the development conditions dated October 12, 2022; and
- Approval of the waiver of subsection 4102.5.Z(3)(e) of the Zoning Ordinance to permit the containment netting to remain when the ballfield is not in use during the offseason.

In a related action, the Planning Commission voted 11-0-1 (Commissioner Cortina abstained from the vote) to approve FDP 2011-PR-009, subject to the development conditions dated October 17, 2022.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

ALERT: PLUS Release 4 Accommodation

During the PLUS Release 4 outage (October 21-October 31, 2022) BOS zoning application packages will be available on the following page:

<https://www.fairfaxcounty.gov/planning-development/plus/board-application-packages>

Following the PLUS Release 4, all materials will be uploaded to and available on the PLUS BOS Package page.

Board Agenda Item
November 1, 2022

Planning Commission Meetings Video Archive available online at:
<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Jerrell Timberlake, Planner, DPD

Board Agenda Item
November 1, 2022

3:30 p.m.

Public Hearing on SE 2022-HM-00025 (Trine University) to Permit a College or University Use in a Portion of an Existing Office Building, Located on Approximately 6.50 Acres of Land (Hunter Mill District)

This property is located at 1881 Campus Commons Drive, Reston, 20191. Tax Map 26-2 ((1)) 10.

PLANNING COMMISSION RECOMMENDATION:

On October 26, 2022, the Planning Commission voted 12-0 to recommend to the Board of Supervisors approval of SE 2022-HM-00025, subject to the proposed development conditions dated October 11, 2022.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

ALERT: PLUS Release 4 Accommodation

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Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Damaris Martinez, Planner, DPD

Board Agenda Item
November 1, 2022

3:30 p.m.

Public Hearing on PCA 2003-PR-022-03 (RZPA 2022-PR-00017) (V Metro, LLC; V Metro W, LLC, Metro W, LLC) to Amend the Proffers for RZ 2003-PR-022 Previously Approved for Mixed Use Development to Permit Associated Modifications to Proffers with an Overall Floor Area Ratio (FAR) of 2.25 on the Total 23.25-acre PRM Zoned Site, Located on Approximately 9.76 Acres of Land (Providence District)

This property is located on the South Side of Saintsbury Drive, approximately 400 feet East of its intersection with Vaden Drive. Tax Map 48-2 ((24)) B1.

PLANNING COMMISSION RECOMMENDATION:

On October 26, 2022, the Planning Commission voted 12-0 to recommend to the Board of Supervisors approval of PCA 2003-PR-022-03, subject to the execution of proffered conditions consistent with those dated October 26, 2022.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

ALERT: PLUS Release 4 Accommodation

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<https://www.fairfaxcounty.gov/planning-development/plus/board-application-packages>

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Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Zach Fountain, Planner, DPD

Board Agenda Item
November 1, 2022

3:30 p.m.

Public Hearing on PCA 89-V-038 (RZPA 2022-MV-00010) (Praesum Healthcare Services, LLC) to Amend the Proffers for RZ 89-V-038 Previously Approved for an Institution Providing Housing and General Care for the Indigent, Orphans, and the like to Permit a Medical Care Facility and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio (FAR) of 0.82, Located on Approximately 0.66 Acres of Land (Mount Vernon District)

and

Public Hearing on SE 2022-MV-00002 (Praesum Healthcare Services, LLC) to Permit a Medical Care Facility, Located on Approximately 0.66 Acres of Land (Mount Vernon District)

This property is located at 7665 Lorton Road, Lorton, 22079. Tax Map 108-3 ((2)) 9.

PLANNING COMMISSION RECOMMENDATION:

On September 28, 2022, the Planning Commission voted 11-0 (Commissioner Niedzielski-Eichner was absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of PCA 89-V-038, subject to the execution of proffered conditions consistent with those dated September 15, 2022;
- Approval of SE 2022-MV-00002, subject to the proposed development conditions dated September 6, 2022;
- Approval of Parking Reduction Request #8100-PKS-001 for 7665 Lorton Road, pursuant to Article 6, Section 6100, Off-Street Parking, Subsection 6100.6.G of the Zoning Ordinance based on the conditions dated May 25, 2022, and contained in Appendix 7;
- Waiver of the 8-foot-wide trail requirement along Richmond Highway in lieu of the existing sidewalk and trail, and future dedication of a 10-foot-wide major trail;
- Modification of the 45-foot building setback to that which is shown on the GDP/SE Plat; and

Board Agenda Item
November 1, 2022

- Approval of a modification to allow the one existing loading space as shown on the General GDP/SE Plat.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

ALERT: PLUS Release 4 Accommodation

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Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Curtis Rowlette, Planner, DPD

Board Agenda Item
November 1, 2022

3:30 p.m.

Public Hearing on SEA 2005-SU-007-02 (Korean Central Presbyterian Church) to Amend SE 2005-SU-007 Previously Approved for a Place of Worship, Child Care Center and Private School of General Education, to Add Land Area and to Permit Associated Modifications to Site Design and Development Conditions, Located on Approximately 83.77 Acres of Land (Sully District)

This property is located at 15451 Lee Highway, Centreville, 20121. Tax Map 64-1 ((1)) 8, 9, 25, 26 and 27; 64-1 ((3)) 16 and 17; 64-2 ((3)) 18; 64-2 ((5)) 1, 2 and 3.

PLANNING COMMISSION RECOMMENDATION:

On September 28, 2022, the Planning Commission voted 11-0 (Commissioner Niedzielski-Eichner was absent from the meeting) to recommend to the Board of Supervisors approval of the following actions:

- Approval of SEA 2005-SU-007-02, subject to the proposed development conditions dated September 14, 2022, with a modification to Condition 40 to specify a minimum of Level 2 electric vehicle (EV) charging stations;
- Modification of the transitional screening requirements along all property boundaries of the Zoning Ordinance in favor of that shown on the SEA Plat;
- Waiver of the barrier requirements along all property boundaries of the Zoning Ordinance in favor of that shown on the SEA Plat; and
- Waiver of the service drive requirements of the Public Facilities Manual in favor of that shown on the SEA Plat.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

ALERT: PLUS Release 4 Accommodation

During the PLUS Release 4 outage (October 21-October 31, 2022) BOS zoning application packages will be available on the following page:

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Board Agenda Item
November 1, 2022

Planning Commission Meetings Video Archive available online at:
<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Sharon Williams, Planner, DPD

Board Agenda Item
November 1, 2022

4:00 P.M.

Public Hearing on Spot Blight Abatement Ordinance for 12839 Lee Highway, Fairfax, VA 22030 (Springfield District)

ISSUE:

Public Hearing to adopt a Spot Blight Abatement Ordinance for 12839 Lee Highway, Fairfax, VA 22030 (Tax Map No. 055-4 ((01)) 0037) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 12839 Lee Highway, Fairfax, VA 22030 blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On September 13, 2022, the Board authorized advertisement of this public hearing to be held Tuesday, November 1, 2022, at 4:00 pm.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2019) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a property as "spot blight." Under Va. Code Ann. § 36-3 (2019), a property is considered "blighted" if any structure or improvement on that property endangers the public health, safety, or welfare because it is "dilapidated, deteriorated, or violates minimum health and safety standards." If, after reasonable notice, the owner fails to abate or obviate the conditions that cause a property to be blighted, the Board may approve a spot blight abatement plan, and may recover the costs of implementing that plan against the property owner in the same manner as for the collection of local taxes. Va. Code Ann. § 36-49.1:1(D)—(E).

Located on the 4.33-acre property is an abandoned, 1224 square foot one and a half story wood frame dwelling with a full basement. The structure was constructed in 1925. The property has a lengthy complaint history dating back to 1998. Investigations of the property since 2007 resulted in notices of violation being sent to the owners of record. On June 9, 2017, Circuit Court Judge Michael Devine entered a Default Judgement against the owners that required remediation of all Virginia Maintenance Code Violations. As a result of the continued neglect and deterioration of the structure, the case was referred to the blight program. On or about May 21, 2019, the structure was

Board Agenda Item
November 1, 2022

secured by the property owners by removing the front and rear porches. However, the property has become an attractive nuisance to teenagers, who have found entry by way of ladders to the unsecured above grade windows as evidenced by the graffiti and vandalism on the interior of the structure. Currently the property has significantly continued to deteriorate and is no longer considered secured. The structure lacks normal maintenance, with large holes in the siding, roof, and overhangs, broken windows, and exposed structural members which are showing evidence of potential failure. A spot blight abatement plan has not been submitted.

This property was reviewed by the Neighborhood Enhancement Task Force (NETF) on April 20, 2022, and the NETF Committee determined the property met the blighted property guidelines and made a preliminary blight determination. Certified and regular Notice was sent to the owners advising them of this determination. To date, there has been no response from the owners to any correspondence from the Department of Code Compliance, nor have the owners submitted a spot blight abatement plan.

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

In accordance with the Spot Blight Abatement Statute, the Board, by Ordinance, may declare the Property to be blighted and approve abatement of blight. State Code requires that the Board provide notice concerning adoption of such and ordinance. Notice was published on Friday, October 14, and Friday, October 21, 2022.

Although the County will continue to encourage the owners to eliminate blighted conditions, a public hearing is required to adopt an Ordinance declaring the property blighted and approve the spot blight abatement plan.

If the owner fails to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition process for the structure, as approved by the Board. The County will incur the cost, expending funds that are available in Fund 30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is responsible for all abatement costs incurred. A lien will be placed on the property and recorded in the County land records.

FISCAL IMPACT:

If the blighted conditions are not eliminated by the owners, the County will fund the demolition from blight abatement funds already designated for this purpose. The demolition is estimated to cost approximately \$67,000. Funding is available in Fund 30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement.

Board Agenda Item
November 1, 2022

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 12839 Lee Highway, Fairfax, VA (Springfield District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

Rachel Flynn, Deputy County Executive

Jack W. Weyant, P.E., Director, Department of Code Compliance

Karen McClellan, Deputy Director, Department of Code Compliance

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

ASSIGNED COUNSEL:

Paul Emerick, Senior Assistant County Attorney

Attachment 1

**12839 Lee Highway, Fairfax
Tax Map # 055-4 ((01)) 0037
Springfield District**



**ORDINANCE FOR 12839 LEE HIGHWAY
(SPRINGFIELD DISTRICT)**

WHEREAS, a goal of the Fairfax County Board of Supervisors ("Board") is the preservation and improvement of residential neighborhoods and commercial areas; and

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any property "spot blight" as defined in the Va. Code Ann. § 36-3 (2019); and

WHEREAS, the Board has approved the implementation of a blight abatement program authorized by State legislation; and

WHEREAS, citizens have expressed concern about specific properties in their communities that are abandoned, dilapidated or otherwise in an unsafe state; and

WHEREAS, it has been determined that the property located at 12839 Lee Highway (Springfield) identified on the Fairfax County Tax Map as . 55-4 ((01)) 0037 ("Property") meets the definition of blight as defined in Va. Code Ann. § 36-3 (2019); and

WHEREAS, the Board desires that the blight be abated as authorized by Va. Code Ann. § 36-49.1:1 (2019);

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36-3 (2019).

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned blight be abated in accordance with the terms as authorized by Va. Code Ann. § 36-49.1:1 (2019), including without limitation that if the owner of the Property fails to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owner of the Property in any manner provided by law for the collection of state or local taxes.

Upon certification by the County Executive of Fairfax County or his designee that the blight has been abated and that all expenses of Fairfax County with respect thereto have been paid in full, this Ordinance shall be deemed of no further force or effect.

PROPERTY ADDRESS (DISTRICT)
12839 Lee Highway (Springfield)

TAX MAP NUMBER
55-4 ((01)) 0037

BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN**PROJECT TITLE (OWNERS):** Pravinchandra Patel and Hasaben Patel**CASE:** # 202102661 SR # 187714**OWNER'S ADDRESS:** 13888 Coleman Court Centreville, VA 20120**ADDRESS OF BLIGHTED PROPERTY:** 12839 Lee Highway Fairfax, VA 22030**TAX MAP NO.:** 055-4 ((01)) 0037 **MAGISTERIAL DISTRICT:** Springfield**2022 ASSESSED VALUE:** \$477,520 **LAND:** \$467,000 **IMPROVEMENTS:** \$10,520**PROPERTY ZONING:** R-1 **YEAR BUILT:** 1925**TAX STATUS:** delinquent as of September 26, 2022**DESCRIPTION:**

Located on the 4.32-acre property is an abandoned, 1224 square foot one and a half story wood frame dwelling with a full basement. The structure was constructed in 1925. The property has a lengthy complaint history dating back to 2007. Investigations of the property since 2007 resulted in notices of violation being sent to the owners of record. However, on June 9, 2017, Circuit Court Judge Michael Devine entered a Default Judgement against the owners that required remediation of all Virginia Maintenance Code Violations. As a result of the continued neglect and deterioration the case was referred to the blight program. On or about May 21, 2019, the structure was secured by the property owners by removing the front and rear porches. However, the property has become an attractive nuisance to teenagers, who have found entry by way of ladders to the unsecured above grade windows as evidenced by the graffiti and vandalism on the interior of the structure. Currently the property has significantly continued to deteriorate and is no longer considered secured. The structure lacks normal maintenance, with large holes in the siding, roof, and overhangs, with broken windows, and exposed structural members which are showing evidence of potential failure.

IMPACT OF PROPERTY ON SURROUNDING USES:

The property in its current state is an attractive nuisance and blight on the surrounding community.

NATURE OF COMPLAINTS:

The property located at 12839 Lee Highway was referred to the Blight Abatement Program (BAP) on September 27, 2021, reference its dilapidated and attractive nuisance conditions.

STAFF RECOMMENDATION:

BAP recommends demolishing the dilapidated structures and removing all debris on the property if the owners fail to cure the blighted conditions of the property after receiving written notice of the Board's adoption of the Blight Abatement Ordinance. Costs of blight abatement, including direct County administrative costs, would then be collected from the property owners.

Board Agenda Item
November 1, 2022

4:00 P.M.

Public Hearing on Spot Blight Abatement Ordinance for 1724 Beulah Road, Vienna, VA 22182 (Hunter Mill District)

ISSUE:

Public Hearing to adopt a Spot Blight Abatement Ordinance for 1724 Beulah Road, Vienna, VA 22182 (Tax Map No. 028-1 ((05)) 0001) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 1724 Beulah Road, Vienna, VA 22182 blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On September 13, 2022, the Board authorized advertisement of this public hearing to be held Tuesday, November 1, 2022, at 4:00 pm.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2019) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a property as "spot blight." Under Va. Code Ann. § 36-3 (2019), a property is considered "blighted" if any structure or improvement on that property endangers the public health, safety, or welfare because it is "dilapidated, deteriorated, or violates minimum health and safety standards." If, after reasonable notice, the owner fails to abate or obviate the conditions that cause a property to be blighted, the Board may approve a spot blight abatement plan, and may recover the costs of implementing that plan against the property owner in the same manner as for the collection of local taxes. Va. Code Ann. § 36-49.1:1(D)—(E).

The property is the subject of documented complaints dating back to March 2016. Located on the property is a one-story ranch style home with a detached shed and well pump house constructed in 1959 according to tax records. The structure is known to have been vacant since 2016, when it was undergoing renovations by a previous owner. The current owners acquired the property on September 4, 2020, and it has been vacant and fallen into a state of disrepair since that time. The property has been the site of illegal dumping, and the rear door has been forced open and windows

Board Agenda Item
November 1, 2022

broken. A building permit was applied for on January 27, 2022, for a second story addition to the

main home, finished basement and garage addition; however, the owners have not completed the permit process, and no work has commenced.

This property was reviewed by the Neighborhood Enhancement Task Force (NETF) on April 20, 2022, and the NETF Committee determined the property met the blighted property guidelines and made a preliminary blight determination. Certified and regular Notice was sent to the owners advising him of this determination. To date, there has been no response from the owners to any correspondence, nor have the owners submitted a spot blight abatement plan.

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

In accordance with the Spot Blight Abatement Statute, the Board, by Ordinance, may declare the Property to be blighted and approve abatement of blight. State Code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on Friday, October 14, and Friday, October 21, 2022.

Although the County will continue to encourage the owners to eliminate blighted conditions, a public hearing is required to adopt an Ordinance declaring the property blighted, and to approve the spot blight abatement plan.

If the owners fail to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition process for the structure, as approved by the Board. The County will incur the cost, expending funds that are available in Fund 30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement. The County will then pursue reimbursement from the owners who are responsible for all abatement costs incurred. A lien will be placed on the property and recorded in the County land records.

FISCAL IMPACT:

If the blighted conditions are not eliminated by the owners, the County will fund the demolition from blight abatement funds already designated for this purpose. The demolition is estimated to cost approximately \$60,000. Funding is available in Fund 30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement.

It is anticipated that the costs to demolish the structure will be recovered from the property owners. Funds recovered will be allocated to the Blight Abatement Program to

Board Agenda Item
November 1, 2022

carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 1724 Beulah Road, Vienna, VA 22182 (Hunter Mill District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

Rachel Flynn, Deputy County Executive

Jack W. Weyant, P.E., Director, Department of Code Compliance

Karen McClellan, Deputy Director, Department of Code Compliance

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

ASSIGNED COUNSEL:

Paul Emerick, Senior Assistant County Attorney

Attachment 1
1724 Beulah Road, Vienna
Tax Map# 028-1 ((05)) 0001
Hunter Mill District



**ORDINANCE FOR 1724 BEULAH ROAD
(HUNTER MILL DISTRICT)**

WHEREAS, a goal of the Fairfax County Board of Supervisors ("Board") is the preservation and improvement of residential neighborhoods and commercial areas; and

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any property "spot blight" as defined in the Va. Code Ann. § 36-3 (2019); and

WHEREAS, the Board has approved the implementation of a blight abatement program authorized by State legislation; and

WHEREAS, citizens have expressed concern about specific properties in their communities that are abandoned, dilapidated or otherwise in an unsafe state; and

WHEREAS, it has been determined that the property located at 1724 Beulah Road (Hunter Mill District) identified on the Fairfax County Tax Map as 028-1 ((05)) 0001 ("Property") meets the definition of blight as defined in Va. Code Ann. § 36-3 (2019); and

WHEREAS, the Board desires that the blight be abated as authorized by Va. Code Ann. § 36-49.1:1 (2019);

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36-3 (2019).

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned blight be abated in accordance with the terms as authorized by Va. Code Ann. § 36-49.1:1 (2019), including without limitation that if the owner of the Property fails to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owner of the Property in any manner provided by law for the collection of state or local taxes.

Upon certification by the County Executive of Fairfax County or his designee that the blight has been abated and that all expenses of Fairfax County with respect thereto have been paid in full, this Ordinance shall be deemed of no further force or effect.

PROPERTY ADDRESS (DISTRICT)

1724 Beulah Road (Hunter Mill)

TAX MAP NUMBER

028-1 ((05)) 0001

BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN**PROJECT TITLE (OWNERS):** Sharif Shafik and Abe Chehab**CASE:** # 202103211 SR # 184624**OWNER'S ADDRESS:** P.O. Box 403, Bluemont, Virginia 20135**ADDRESS OF BLIGHTED PROPERTY:** 1724 Beulah Drive, Vienna, VA 22182**TAX MAP NO.:** 028-1 ((05)) 0001 **MAGISTERIAL DISTRICT:** Hunter Mill**2022 ASSESSED VALUE:** \$592,020 **LAND:** \$497,000 **IMPROVEMENTS:** \$95,020**PROPERTY ZONING:** R-1 **YEAR BUILT:** 1959**TAX STATUS:** current**DESCRIPTION:**

Located on the property is a one-story ranch style home with a detached shed and well pump house constructed in 1959 according to tax records. The structure is known to have been vacant since 2016, when it was undergoing renovations by a previous owner. The current owners acquired the property on September 4, 2020, and it has been vacant and fallen into a state of disrepair since that time. The property has been the site of illegal dumping, and the rear door has been forced open and windows broken. A building permit was applied for on January 27, 2022, for a second story addition to the main home, finished basement and garage addition; however, the owners have not completed the permit process, and no work has commenced. The current owners have not responded to any correspondence from the Department of Code Compliance.

IMPACT OF PROPERTY ON SURROUNDING USES:

The property in its current state is an attractive nuisance and blight on the surrounding community.

NATURE OF COMPLAINTS:

The property located at 1724 Beulah Road, Vienna, VA 22182 was referred to the Blight Abatement Program (BAP) on June 30, 2021, reference its dilapidated and attractive nuisance conditions.

STAFF RECOMMENDATION:

BAP recommends demolishing the dilapidated structures and removing all debris on the property if the owners fail to cure the blighted conditions of the property after receiving written notice of the Board's adoption of the Blight Abatement Ordinance. Costs of blight abatement, including direct County administrative costs, would then be collected from the property owners.

Board Agenda Item
November 1, 2022

4:00 P.M.

Public Hearing on Spot Blight Abatement Ordinance for 6120 Hillview Avenue,
Alexandria, VA 22310 (Lee District)

ISSUE:

Public Hearing to adopt a Spot Blight Abatement Ordinance for 6120 Hillview Avenue, Alexandria, VA 22310 (Tax Map No. 082-4 ((14)) (25) 0032) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 6120 Hillview Avenue, Alexandria, VA 22310 blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On September 13, 2022, the Board authorized advertisement of this public hearing to be held Tuesday, November 1, 2022, at 4:00 pm.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2019) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a property as "spot blight." Under Va. Code Ann. § 36-3 (2019), a property is considered "blighted" if any structure or improvement on that property endangers the public health, safety, or welfare because it is "dilapidated, deteriorated, or violates minimum health and safety standards." If, after reasonable notice, the owner fails to abate or obviate the conditions that cause a property to be blighted, the Board may approve a spot blight abatement plan, and may recover the costs of implementing that plan against the property owner in the same manner as for the collection of local taxes. Va. Code Ann. § 36-49.1:1(D)—(E).

Located on the property is a 988 square foot one-story ranch style home with a full basement and an attached garage that was constructed in 1955 according to tax records. The property is the subject of numerous complaints dating back to March 1998 relating to inoperable vehicles and outdoor storage, with a 2016 complaint filed for property maintenance violations related to the roof which reportedly has been missing for a very long time. That case was closed when the owner filed for building permits; to date, work on those permits has not been completed. A new complaint was filed in October 2019, which resulted in the case being referred for litigation and a default

Board Agenda Item
November 1, 2022

judgment was entered on October 1, 2021, giving the owner until December 31, 2021, to comply with the notice of violation for the property maintenance violation. The property remains in violation, and recent inspections of the property have found that the property has significantly deteriorated since the initial notice of violation, including possible structural issues with the foundation. The property owners have stockpiled used lumber, windows, and other construction materials for use on his rehabilitation project, but the bulk of the material is not salvageable. The stockpiling of this material has added to the overall blighted conditions of the property. The lot is overgrown with running bamboo, which helps to shield the inoperable vehicles and construction debris from view. The owner has been in correspondence with blight abatement staff. Although the owner insists that he is capable of bringing the property into compliance without assistance from a contractor, his past performance of work on the property does not give the County confidence that this will occur.

This property was reviewed by the Neighborhood Enhancement Task Force (NETF) on April 20, 2022, and the NETF Committee determined the property met the blighted property guidelines and made a preliminary blight determination. Certified and regular Notice was sent to the owners advising them of this determination. To date, there has been no response from the owner to any correspondence, nor have the owners submitted a spot blight abatement plan.

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

In accordance with the Spot Blight Abatement Statute, the Board, by Ordinance, may declare the Property to be blighted and approve abatement of blight. State Code requires that the Board provide notice concerning adoption of such and ordinance. Notice was published on Friday, October 14, and Friday, October 21, 2022.

Although the County will continue to encourage the owners to eliminate these conditions, a public hearing is required to adopt an Ordinance declaring the property blighted and approve the spot blight abatement plan.

If the owner fails to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition process for the structure, as approved by the Board. The County will incur the cost, expending funds that are available in Fund 30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is responsible for all abatement costs incurred. A lien will be placed on the property and recorded in the County land records.

Board Agenda Item
November 1, 2022

FISCAL IMPACT:

If the blighted conditions are not eliminated by the owners, the County will fund the demolition from blight abatement funds already designated for this purpose. The demolition is estimated to cost approximately \$45,000. Funding is available in Fund 30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 6120 Hillview Avenue, Alexandria (Lee District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

Rachel Flynn, Deputy County Executive

Jack W. Weyant, P.E., Director, Department of Code Compliance

Karen McClellan, Deputy Director, Department of Code Compliance

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

ASSIGNED COUNSEL:

Paul Emerick, Senior Assistant County Attorney

Attachment 1
6120 Hillview Avenue
Tax Map # 082-4 ((14)) (25) 0032
Lee District



07.20.2022 11:51

Attachment 1
6120 Hillview Avenue
Tax Map # 082-4 ((14)) (25) 0032
Lee District



07.20.2022 11:55

**ORDINANCE FOR 6120 HILLVIEW AVENUE
(LEE DISTRICT)**

WHEREAS, a goal of the Fairfax County Board of Supervisors ("Board") is the preservation and improvement of residential neighborhoods and commercial areas; and

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any property "spot blight" as defined in the Va. Code Ann. § 36-3 (2019); and

WHEREAS, the Board has approved the implementation of a blight abatement program authorized by State legislation; and

WHEREAS, citizens have expressed concern about specific properties in their communities that are abandoned, dilapidated or otherwise in an unsafe state; and

WHEREAS, it has been determined that the property located at 6120 Hillview Avenue (Lee District) identified on the Fairfax County Tax Map as 082-4 ((14)) (25) 0032 ("Property") meets the definition of blight as defined in Va. Code Ann. § 36-3 (2019); and

WHEREAS, the Board desires that the blight be abated as authorized by Va. Code Ann. § 36-49.1:1 (2019);

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36-3 (2019).

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned blight be abated in accordance with the terms as authorized by Va. Code Ann. § 36-49.1:1 (2019), including without limitation that if the owner of the Property fails to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owner of the Property in any manner provided by law for the collection of state or local taxes.

Upon certification by the County Executive of Fairfax County or his designee that the blight has been abated and that all expenses of Fairfax County with respect thereto have been paid in full, this Ordinance shall be deemed of no further force or effect.

PROPERTY ADDRESS (DISTRICT)
6120 Hillview Avenue (Lee District)

TAX MAP NUMBER
082-4 ((14)) (25) 0032

BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN**PROJECT TITLE (OWNERS):** Colin L. Wilkshire and Tien T. Pongvichit**CASE:** # 201906888 SR # 190423**OWNER'S ADDRESS:** 6120 Hillview Avenue, Alexandria, VA 22310**ADDRESS OF BLIGHTED PROPERTY:** 6120 Hillview Avenue, Alexandria, VA 22310**TAX MAP NO.:** 082-4 ((14)) (25) 0032 **MAGISTERIAL DISTRICT:** Lee**2022 ASSESSED VALUE:** \$482,880 **LAND:** \$209,000 **IMPROVEMENTS:** \$273,880**PROPERTY ZONING:** R-3 **YEAR BUILT:** 1955**TAX STATUS:** current**DESCRIPTION:**

Located on the property is a 988 square foot one-story ranch style home with a full basement and an attached garage that was constructed in 1955 according to tax records. The property is the subject of numerous complaints dating back to March 1998 relating to inoperable vehicles and outdoor storage, with a 2016 complaint filed for property maintenance violations related to the roof which reportedly has been missing for a very long time. That case was closed when the owner filed for building permits; to date, work on those permits has not been completed. A new complaint was filed in October 2019, which resulted in the case being referred for litigation and a default judgment was entered on October 1, 2021, giving the owner until December 31, 2021, to comply with the notice of violation for the property maintenance violation. The property remains in violation, and recent inspections of the property have found that the property has significantly deteriorated since the initial notice of violation, including possible structural issues with the foundation. The property owner has stockpiled used lumber, windows, and other construction materials for use on his rehabilitation project, but the bulk of the material is not salvageable. The stockpiling of this material has added to the overall blighted conditions of the property. The lot is overgrown with running bamboo, which helps to shield the inoperable vehicles and construction debris from view. The owner has been in correspondence with blight abatement staff. Although he insists that he is capable of bringing the property into compliance without assistance from a contractor, his past performance of work on the property does not give the County confidence that this will occur. No acceptable spot blight abatement plan has been submitted.

IMPACT OF PROPERTY ON SURROUNDING USES:

The property in its current state is an attractive nuisance and blight on the surrounding community.

NATURE OF COMPLAINTS:

The property located at 6120 Hillview Avenue was referred to the Blight Abatement Program (BAP) on January 11, 2022, reference its dilapidated and attractive nuisance conditions.

STAFF RECOMMENDATION:

BAP recommends demolishing the dilapidated structures and removing all debris on the property if the owners fail to cure the blighted conditions of the property after receiving written notice of the Board's adoption of the Blight Abatement Ordinance. Costs of blight abatement, including direct County administrative costs, would then be collected from the property owners.

Board Agenda Item
November 1, 2022

4:30 p.m.

Public Hearing to Consider Amendments to The Code of the County of Fairfax,
Virginia—Chapter 4 (Taxation and Finance), Article 13 (Transient Occupancy Tax)

ISSUE:

Public hearing to consider amendments to *The Code of the County of Fairfax*, Chapter 4, Article 13.

RECOMMENDATION:

The County Executive recommends that after holding a public hearing, the Board adopt the proposed amendments to *The Code of the County of Fairfax*, Chapter 4, Article 13.

TIMING:

On October 11, 2022, the Board authorized advertisement of a public hearing to be held on November 1, 2022, at 4:30 p.m.

BACKGROUND:

The Virginia General Assembly amended and reenacted §§ 58.1-602, 58.1-612.2, 58.1-3826, and 58.1-3843 of the Code of Virginia, relating to sales and transient occupancy taxes and certain definitions relating to accommodations intermediaries, which include businesses such as Airbnb and Expedia.

While the state code amendments are self-executing, the proposed amendments to Chapter 4, Article 13 of the Fairfax County Code would align the County Code with these new state definitions and amendments. The amendments require an accommodations intermediary that facilitates a rental subject to TOT to collect all applicable taxes and remit them to the Director of the Department of Tax Administration or any of the duly authorized deputies or agents of the Director. For accommodations not facilitated by an accommodations intermediary, the accommodations provider must collect and remit any applicable taxes in accordance with current practice. The amendments would also provide that in a transaction involving multiple parties that may be considered accommodations intermediaries, such parties may agree that one party shall be responsible for collecting and remitting the taxes. In such event, the party agreeing to collect and remit such taxes will be the sole party liable for the tax.

Board Agenda Item
November 1, 2022

The amendments also clarify that the tax is imposed on the entire room charge, which includes any fee charged to the customer and retained as compensation for facilitating the sale.

The proposed amendments to the County Code also include technical, housekeeping changes to provide updated and clarifying language.

FISCAL IMPACT:

The fiscal impact is expected to be positive but cannot be quantified at this time. Once actual collections data is received, staff will reflect the revenue increase in future budget estimates.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Ordinance, Redline.

Attachment 2 – Proposed Ordinance, Clean.

STAFF:

Christina Jackson, Chief Financial Officer

Jaydeep "Jay" Doshi, Director, Department of Tax Administration (DTA)

Young Tarry, Director, Personal Property and Business License Division, DTA

ASSIGNED COUNSEL:

Daniel Robinson, Senior Assistant County Attorney

**AN ORDINANCE AMENDING
ARTICLE 13 OF CHAPTER 4 OF THE FAIRFAX COUNTY CODE, RELATING TO
TRANSIENT OCCUPANCY TAX**

Draft of September 6, 2022

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Sections 4-13-1, 4-13-2, 4-13-3, 4-13-4, 4-13-5, 4-13-6, 4-13-7, 4-13-8, 4-13-9 and 4-13-10, relating to Transient Occupancy Tax.

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

1. That Sections 4-13-1, 4-13-2, 4-13-3, 4-13-4, 4-13-5, 4-13-6, 4-13-7, 4-13-8, 4-13-9 and 4-13-10 of the Fairfax County Code are amended and readopted as follows:

Article 13. – Transient Occupancy Tax.

Section 4-13-1. Definitions.

The following words and phrases when used in this Article ~~shall~~, for the purposes of this Article, have the meanings respectively ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

Accommodations means any room or rooms, lodgings, accommodations, or space at a Lodging Facility for which tax is imposed on the retail sale of the same pursuant to this Article.

Accommodations fee means the room charge less the discount room charge, if any, provided that the accommodations fee must not be less than \$0.

Accommodations intermediary means any person other than an accommodations provider that (i) facilitates the sale of an accommodation and (ii) either (a) charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale; (b) collects a room charge from the customer; or (c) charges a fee, other than an accommodations fee, to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, “facilitates the sale” includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including one or more payment processors, between a customer and an accommodations provider.

Accommodations intermediary does not include a person:

(1) If the accommodations are provided by an accommodations provider operating under a trademark, trade name, or service mark belonging to that person;

(2) Who facilitates the sale of an accommodation if (i) the price paid by the

customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodations provider to such person; or

(3) Who is licensed as a real estate licensee pursuant to Article 1 (§ 54.1-2100 *et seq.*) of Chapter 21 of Title 54.1 of the Virginia Code, when acting within the scope of such license.

Accommodations provider means any person that furnishes accommodations to the general public for compensation. The term “furnishes” includes the sale of use or possession or the sale of the right to use or possess.

County means the County of Fairfax, Virginia.

Director means Director of the Department of Tax Administration or any of duly authorized deputies or agents of the Director.

Discount room charge means the full amount charged by the accommodations provider to the accommodations intermediary, or an affiliate thereof, for furnishing the accommodations.

Hotel-Lodging Facility means any public or private hotel, inn, apartment hotel, hostelry, tourist camp, tourist cabin, tourist home or house, camping grounds, club, motel, rooming house, any place that offers Short-Term Lodging as defined in Article 20, Part 3 of the Fairfax County Zoning Ordinance, or other lodging place within the County offering lodging accommodations for one or more persons at any one time, and the owner and operator thereof, who, for compensation, furnishes lodging accommodations to any transients as hereinafter defined.

Person means individuals, firms, partnerships, associations, corporations, persons acting in representative capacity and combinations of individuals of whatever form and character.

Room rental charge means the total charge made to, or total price paid by or for, a transient in a retail sale for the use or possession of accommodations at by any such hotel Lodging Facility for lodging and/or space furnished any such transient before taxes. “Room charge” includes any fee charged to the customer and retained as compensation for facilitating the sale, whether described as an accommodations fee, facilitation fee, or any other name. If the charge made by such hotel to such transient includes any charge for services or accommodations in addition to that of lodging and/or the use of space, then such portion of the total charge as represents only room and/or space rental shall be distinctly set out and billed to such transient by such hotel as a separate item.

Retail Sale means a sale to any person for any purpose other than for resale.

Transient means any person who, for any period of less than thirty consecutive days either at his own expense or at the expense of another, obtains lodging or the use of any

93 ~~space accommodations~~ in any ~~hotel~~ Lodging Facility as hereinabove defined, for which
94 ~~lodging or use of space~~ a charge is made.

95
96 **Section 4-13-2. Levy; amount of tax.**

97
98 (a) Pursuant to Virginia Code § 58.1-3819, in addition to all other taxes, there is hereby
99 imposed and levied ~~on each and every transient~~ a tax equivalent to two percent of the
100 total ~~amount~~ room charge paid ~~for room rental~~ by or for any such transient ~~to any hotel~~
101 for the use or possession of accommodations; provided however, that the tax imposed
102 by this subsection ~~will shall~~ not be imposed on any transient occupancy in any Lodging
103 Facility ~~hotel~~ that is located within any town that has imposed a tax on transient
104 occupancy.

105
106 ~~(a)(b)~~ Pursuant to Virginia Code § 58.1-3824, and in addition to the tax imposed by subsection
107 Aa of this Section, in addition to all other taxes, there is hereby imposed and levied ~~on~~
108 ~~each and every transient~~ a tax equivalent to two percent of the total ~~amount~~ room charge
109 paid ~~for room rental~~ by or for any such transient ~~to any hotel~~ for the use or possession of
110 accommodations regardless of whether the hotel is located within any town that has
111 imposed a tax on transient occupancy. The tax imposed pursuant to this subsection
112 ~~will shall~~ be collected and appropriated for those purposes set forth in Virginia Code §
113 58.1- 3824.

114
115 **Section 4-13-3. Exemptions.**

116
117 No tax ~~is shall be~~ payable hereunder on ~~room rental~~ the total room charge paid for
118 accommodations to any hospital, medical clinic, convalescent ~~home~~ home, or home for
119 the aged.

120
121 **Section 4-13-4. Collection of tax.**

122
123 (a) ~~Every person receiving any payment for room rental with respect to which a tax is~~
124 ~~levied under this Article~~ For any retail sale of accommodations facilitated by an
125 accommodations intermediary, the accommodations intermediary will be deemed a
126 facility making a retail sale of an accommodation. The accommodations intermediary
127 must collect the tax imposed pursuant to this Article, computed on the total room
128 charge, from the person paying for the accommodations shall collect the amount of tax
129 hereby imposed from the transient on whom the same is levied or from the person
130 paying for such room rental, at the time payment for such room rental accommodations
131 is made and shall be liable for the same.

132
133 ~~(a)(b)~~ For any retail sale of accommodations not facilitated by an accommodation s
134 intermediary, the accommodations provider must collect the tax imposed pursuant to
135 this Article, computed on the total room charge, from the person paying for the
136 accommodations at the time payment for such accommodations is made and shall be
137 liable for the same.

139 **Section 4-13-5. Report and remittance of tax.**

140
141 (a) For any retail sale of accommodations facilitated by an accommodations intermediary,
142 the accommodations intermediary must remit the tax imposed pursuant to this Article to
143 the Director.

144
145 (b) For any retail sale of accommodations not facilitated by an accommodations
146 intermediary, the accommodations provider must remit the tax imposed pursuant to this
147 Article to the Director.

148
149 (c) For any transaction for the retail sale of accommodations involving two or more parties
150 that meet the definition of accommodations intermediary, nothing in this Article
151 prohibits such parties from making an agreement regarding which party will be
152 responsible for collecting and remitting the tax, so long as the party so responsible is
153 registered with the Director for purposes of remitting the tax. In such event, the party
154 that agrees to collect and remit the tax will be the sole party liable for the tax, and the
155 other parties to such agreement will not be liable for such tax.

156
157 (d) The person collecting any such tax required pursuant to this Article must~~shall~~
158 make out
159 a report on such forms and setting forth such information as the Director may prescribe
160 and require, showing the amount of total room rental-charges collected, and the tax
161 required to be collected, and must~~shall~~
162 sign and deliver the same to the Director with a
163 remittance of such tax.

164
165 (e) Such reports and remittances must~~shall~~
166 be made monthly on or before the last day of the
167 month and covering the amount of tax collected during the preceding month. If the
168 remittance is by check or money order, it must~~shall~~
169 be payable to the County and all
170 remittances received hereunder by the Director must~~shall~~
171 be promptly delivered to the
172 Director of the Department of Finance.

173
174 ~~(a)(f)~~ Each accommodations intermediary must submit to the Director the property addresses
175 and gross receipts for all accommodations facilitated by the accommodations
176 intermediary in Fairfax County on a monthly basis.

177 **Section 4-13-6. Interest and penalties upon failure or refusal to remit tax.**

178
179 If any ~~person shall~~ accommodations provider or accommodations intermediary fails or
180 refuses to remit to the Director the tax required to be collected and paid under this Article
181 within the time and in the amount specified in this Article, there shall be added to such tax by
182 the Director will add a penalty of five percent, and if the tax ~~shall~~ remains delinquent and
183 unpaid for a period of one month from the date the same is due and payable, interest will~~shall~~
184 be charged on the unpaid balance at the applicable interest rate specified in Section 4-20-3. Such
interest will~~shall~~ accrue from the date on which the tax was due and payable.

185 **Section 4-13-7. When the Director to determine the amount of tax due.**

185 If any person required to collect and remit the tax imposed by this Article fails to file a
186 statement and a remittance, or if the Director has reasonable cause to believe that an
187 erroneous statement has been filed, the Director may proceed to determine the amount due
188 to the County pursuant to Va. Code § 58.1-3903. ~~The Director shall provide notice and~~
189 ~~opportunity to be heard to any person who may become liable for the amount owing prior to~~
190 ~~any determination by the Director.~~

191
192 **Section 4-13-8. Tax immediately due and payable upon cessation of business.**

193
194 Whenever any person required to collect and pay to the County a tax under Section 4-
195 13-1 ~~shall~~ quits or otherwise disposes of ~~his~~the business, any tax payable under the
196 provisions of this Article to the County ~~shall~~ becomes immediately due and payable, and
197 such person ~~shall~~ must immediately make a report and pay the tax due.

198
199 **Section 4-13-9. Powers and duties of Director generally; rules and regulations.**

200
201 The Director ~~will~~shall ascertain the name of every person operating a ~~hotel~~Lodging
202 Facility in the County liable for the collection of the tax levied by this Article. The Director
203 ~~shall have~~has the power to adopt rules and regulations not inconsistent with the provisions of
204 this Article and the Code of Virginia for the purpose of carrying out and enforcing the
205 payment, collection and remittance of the tax herein levied; and a copy of such rules and
206 regulations ~~will~~shall be on file and available for public examination in the Director's office
207 during regular office hours. Failure or refusal to comply with any rules and regulations
208 promulgated under this Section ~~shall be~~ is a violation of this Article.

209
210 **Section 4-13-10. Penalty for violation of Article.**

211
212 Any person convicted of willful failure or refusal to file a tax return at the times required
213 by this Article ~~will~~shall be subject to criminal penalties. If the tax lawfully assessed in
214 connection with the return that was not filed is \$1,000 or less, then such failure or refusal to
215 file ~~will~~shall be punishable as a Class 3 misdemeanor. If the tax lawfully assessed in
216 connection with the return that was not filed is more than \$1,000, then such failure or refusal to
217 file ~~will~~shall be punishable as a Class 1 misdemeanor. In determining the penalty to be applied
218 in the event that a person has not filed a tax return as required by this Article, the penalty
219 ~~will~~shall be based on the amount due to the County as determined by the Director ~~pursuant to~~
220 ~~Section 4-13-7~~. Each such failure or refusal ~~will~~shall constitute a separate offense. Such
221 conviction ~~will~~shall not relieve any such person from the payment, ~~collection~~collection, or
222 remittance of such tax, plus penalties and interests, as provided in this Article.

223
224 **2. That the provisions of this ordinance are severable, and if any provision of this**
225 **ordinance or any application thereof is held invalid, that invalidity will not affect the other**
226 **provisions or applications of this ordinance that can be given effect without the invalid**
227 **provision or application.**

228
229 **3. That this Ordinance will become effective on December 1, 2022.**
230

231
232
233
234
235
236
237
238

GIVEN under my hand this _____ day of _____, 2022

Jill G. Cooper
Clerk for the Board of Supervisors
Department of Clerk Services

**AN ORDINANCE AMENDING
ARTICLE 13 OF CHAPTER 4 OF THE FAIRFAX COUNTY CODE, RELATING TO
TRANSIENT OCCUPANCY TAX**

Draft of September 6, 2022

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Sections 4-13-1, 4-13-2, 4-13-3, 4-13-4, 4-13-5, 4-13-6, 4-13-7, 4-13-8, 4-13-9 and 4-13-10, relating to Transient Occupancy Tax.

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

1. That Sections 4-13-1, 4-13-2, 4-13-3, 4-13-4, 4-13-5, 4-13-6, 4-13-7, 4-13-8, 4-13-9 and 4-13-10 of the Fairfax County Code are amended and readopted as follows:

Article 13. – Transient Occupancy Tax.

Section 4-13-1. Definitions.

The following words and phrases when used in this Article , for the purposes of this Article, have the meanings respectively ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

Accommodations means any room or rooms, lodgings, accommodations, or space at a Lodging Facility for which tax is imposed on the retail sale of the same pursuant to this Article.

Accommodations fee means the room charge less the discount room charge, if any, provided that the accommodations fee must not be less than \$0.

Accommodations intermediary means any person other than an accommodations provider that (i) facilitates the sale of an accommodation and (ii) either (a) charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale; (b) collects a room charge from the customer; or (c) charges a fee, other than an accommodations fee, to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, “facilitates the sale” includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including one or more payment processors, between a customer and an accommodations provider.

Accommodations intermediary does not include a person:

(1) If the accommodations are provided by an accommodation provider operating under a trademark, trade name, or service mark belonging to that person;

(2) Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations

47 provider for the use of the accommodations and (ii) the only compensation received by such
48 person for facilitating the sale of the accommodation is a commission paid from the
49 accommodation provider to such person; or

50
51 (3) Who is licensed as a real estate licensee pursuant to Article 1 (§ 54.1-2100 *et*
52 *seq.*) of Chapter 21 of Title 54.1 of the Virginia Code, when acting within the scope of such
53 license.

54
55 *Accommodations provider* means any person that furnishes accommodations to the general
56 public for compensation. The term “furnishes” includes the sale of use or possession or the sale
57 of the right to use or possess.

58
59 *County* means the County of Fairfax, Virginia.

60
61 *Director* means Director of the Department of Tax Administration or any of duly
62 authorized deputies or agents of the Director.

63
64 *Discount room charge* means the full amount charged by the accommodation provider to
65 the accommodation intermediary, or an affiliate thereof, for furnishing the accommodations.

66
67 *Lodging Facility* means any public or private hotel, inn, apartment hotel, hostelry, tourist
68 camp, tourist cabin, tourist home or house, camping grounds, club, motel, rooming house, any
69 place that offers Short-Term Lodging as defined in Article 20, Part 3 of the Fairfax County
70 Zoning Ordinance, or other place within the County offering accommodations for one or more
71 persons at any one time, and the owner and operator thereof, who, for compensation, furnishes
72 accommodations to any transients as hereinafter defined.

73
74 *Person* means individuals, firms, partnerships, associations, corporations, persons acting in
75 representative capacity and combinations of individuals of whatever form and character.

76
77 *Room charge* means the total charge made to, or total price paid by or for, a transient
78 in a retail sale for the use or possession of accommodations at any such Lodging Facility
79 before taxes. “Room charge” includes any fee charged to the customer and retained as
80 compensation for facilitating the sale, whether described as an accommodations fee,
81 facilitation fee, or any other name.

82
83 *Retail Sale* means a sale to any person for any purpose other than for resale.

84
85 *Transient* means any person who, for any period of less than thirty consecutive days
86 either at his own expense or at the expense of another, obtains accommodations in any
87 Lodging Facility as hereinabove defined, for which a charge is made.

88
89 **Section 4-13-2. Levy; amount of tax.**

- 90
91 (a) Pursuant to Virginia Code § 58.1-3819, in addition to all other taxes, there is hereby
92 imposed and levied a tax equivalent to two percent of the total room charge paid by or

93 for any such transient for the use or possession of accommodations; provided however,
94 that the tax imposed by this subsection will not be imposed on any transient occupancy
95 in any Lodging Facility that is located within any town that has imposed a tax on
96 transient occupancy.

- 97
98 (b) Pursuant to Virginia Code § 58.1-3824, and in addition to the tax imposed by subsection a
99 of this Section, in addition to all other taxes, there is hereby imposed and levied a tax
100 equivalent to two percent of the total room charge paid by or for any such transient for
101 the use or possession of accommodations regardless of whether the hotel is located within
102 any town that has imposed a tax on transient occupancy. The tax imposed pursuant to this
103 subsection will be collected and appropriated for those purposes set forth in Virginia
104 Code § 58.1- 3824.

105
106 **Section 4-13-3. Exemptions.**

107
108 No tax is payable hereunder on the total room charge paid for accommodations to
109 any hospital, medical clinic, convalescent home, or home for the aged.

110
111 **Section 4-13-4. Collection of tax.**

- 112
113 (a) For any retail sale of accommodations facilitated by an accommodation intermediary,
114 the accommodations intermediary will be deemed a facility making a retail sale of an
115 accommodation. The accommodations intermediary must collect the tax imposed
116 pursuant to this Article, computed on the total room charge, from the person paying for
117 the accommodations at the time payment for such accommodations is made and shall
118 be liable for the same.
119
120 (b) For any retail sale of accommodations not facilitated by an accommodation
121 intermediary, the accommodations provider must collect the tax imposed pursuant to
122 this Article, computed on the total room charge, from the person paying for the
123 accommodations at the time payment for such accommodations is made and shall be
124 liable for the same.

125
126 **Section 4-13-5. Report and remittance of tax.**

- 127
128 (a) For any retail sale of accommodations facilitated by an accommodation intermediary,
129 the accommodations intermediary must remit the tax imposed pursuant to this Article to
130 the Director.
131
132 (b) For any retail sale of accommodations not facilitated by an accommodation
133 intermediary, the accommodations provider must remit the tax imposed pursuant to this
134 Article to the Director.
135
136 (c) For any transaction for the retail sale of accommodations involving two or more parties
137 that meet the definition of accommodations intermediary, nothing in this Article
138 prohibits such parties from making an agreement regarding which party will be

139 responsible for collecting and remitting the tax, so long as the party so responsible is
140 registered with the Director for purposes of remitting the tax. In such event, the party
141 that agrees to collect and remit the tax will be the sole party liable for the tax, and the
142 other parties to such agreement will not be liable for such tax.

- 143
- 144 (d) The person collecting any such tax required pursuant to this Article must make out a
145 report on such forms and setting forth such information as the Director may prescribe
146 and require, showing the amount of total room charges collected, and the tax required to
147 be collected, and must sign and deliver the same to the Director with a remittance of
148 such tax.
- 149
- 150 (e) Such reports and remittances must be made monthly on or before the last day of the
151 month and covering the amount of tax collected during the preceding month. If the
152 remittance is by check or money order, it must be payable to the County and all
153 remittances received hereunder by the Director must be promptly delivered to the
154 Director of the Department of Finance.
- 155
- 156 (f) Each accommodations intermediary must submit to the Director the property addresses
157 and gross receipts for all accommodations facilitated by the accommodation intermediary
158 in Fairfax County on a monthly basis.
- 159

160 **Section 4-13-6. Interest and penalties upon failure or refusal to remit tax.**

161

162 If any accommodations provider or accommodations intermediary fails or refuses to remit
163 to the Director the tax required to be collected and paid under this Article within the time and in
164 the amount specified in this Article, the Director will add a penalty of five percent, and if the
165 tax remains delinquent and unpaid for a period of one month from the date the same is due and
166 payable, interest will be charged on the unpaid balance at the applicable interest rate specified
167 in Section 4-20-3. Such interest will accrue from the date on which the tax was due and payable.

168

169 **Section 4-13-7. When the Director to determine the amount of tax due.**

170

171 If any person required to collect and remit the tax imposed by this Article fails to file a
172 statement and a remittance, or if the Director has reasonable cause to believe that an
173 erroneous statement has been filed, the Director may proceed to determine the amount due
174 to the County pursuant to Va. Code § 58.1-3903.

175

176 **Section 4-13-8. Tax immediately due and payable upon cessation of business.**

177

178 Whenever any person required to collect and pay to the County a tax under Section 4-
179 13-1 quits or otherwise disposes of the business, any tax payable under the provisions of this
180 Article to the County becomes immediately due and payable, and such person must
181 immediately make a report and pay the tax due.

182

183 **Section 4-13-9. Powers and duties of Director generally; rules and regulations.**

184

185 The Director will ascertain the name of every person operating a Lodging Facility in the
186 County liable for the collection of the tax levied by this Article. The Director has the power to
187 adopt rules and regulations not inconsistent with the provisions of this Article and the Code of
188 Virginia for the purpose of carrying out and enforcing the payment, collection and remittance
189 of the tax herein levied; and a copy of such rules and regulations will be on file and available
190 for public examination in the Director's office during regular office hours. Failure or refusal to
191 comply with any rules and regulations promulgated under this Section is a violation of this
192 Article.

193
194 **Section 4-13-10. Penalty for violation of Article.**
195

196 Any person convicted of willful failure or refusal to file a tax return at the times required
197 by this Article will be subject to criminal penalties. If the tax lawfully assessed in connection
198 with the return that was not filed is \$1,000 or less, then such failure or refusal to file will be
199 punishable as a Class 3 misdemeanor. If the tax lawfully assessed in connection with the return
200 that was not filed is more than \$1,000, then such failure or refusal to file will be punishable as
201 a Class 1 misdemeanor. In determining the penalty to be applied in the event that a person has
202 not filed a tax return as required by this Article, the penalty will be based on the amount due to
203 the County as determined by the Director. Each such failure or refusal will constitute a separate
204 offense. Such conviction will not relieve any such person from the payment, collection, or
205 remittance of such tax, plus penalties and interests, as provided in this Article.
206

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

211
212 **3. That this Ordinance will become effective on December 1, 2022.**
213

214
215 GIVEN under my hand this _____ day of _____, 2022
216

217 _____
218 Jill G. Cooper
219 Clerk for the Board of Supervisors
220 Department of Clerk Services
221

Board Agenda Item
November 1, 2022

4:30 p.m.

Public Comment on Issues of Concern