

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
April 16, 2024**

AGENDA

- | | | |
|-------|-------------|---|
| 9:30 | Done | Presentations |
| 10:00 | Done | Matters Presented by Board Members |
| 10:00 | Done | Items Presented by the County Executive |

**ADMINISTRATIVE
ITEMS**

- | | | |
|---|-----------------|--|
| 1 | Approved | Approval of Streets into the Secondary System – Thompson Property – 964 Walker Road (Dranesville District) |
| 2 | Approved | Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – Towlston Road (Dranesville District) |
| 3 | Approved | Approval of “Watch for Children” Signs as Part of the Residential Traffic Administration Program – Horse Shoe Drive (Providence District) |
| 4 | Approved | Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Randolph Road (Dranesville District) |
| 5 | Approved | Approval of “Watch for Children” Signs as Part of the Residential Traffic Administration Program – Randolph Road (Dranesville District) |
| 6 | Approved | Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Slade Run Drive, Rose Lane, Valley Brook Drive, Kennedy Lane, and Radnor Place (Mason District) |
| 7 | Approved | Authorization to Advertise a Public Hearing to Convey a Deed of Easement for Fiber Optic Lines on Board-Owned Property at 6900 Newington Road (Mount Vernon District) |
| 8 | Approved | Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Burke Road Realignment from Aplomado Drive to Parakeet Drive (Springfield District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
April 16, 2024**

**ADMINISTRATIVE
ITEMS
(continued)**

- | | | |
|----|-----------------|--|
| 9 | Approved | Authorization to Advertise a Public Hearing on a Proposal to Abandon Portions of Cannonball Road (Braddock District) |
| 10 | Approved | Authorization to Advertise a Public Hearing on a Proposal to Vacate James Place (Mount Vernon District) |
| 11 | Approved | Authorization to Advertise a Public Hearing to Consider an Ordinance Amending Article 9 of Chapter 82 of the Fairfax County Code, Relating to the Right-of-Way Afforded to Pedestrians |
| 12 | Approved | Supplemental Appropriation Resolution AS 24213 for the Fairfax-Falls Church Community Services Board to Accept Grant Funding from the U.S. Department of Labor for the Community Project Funding Request Included in the Consolidated Appropriations Act, 2023 |

ACTION ITEMS

- | | | |
|---|-----------------|---|
| 1 | Approved | Approval of a Parking Adjustment for Fairhills on the Boulevard, 8621 Route 29 (Providence District) |
| 2 | Approved | Authorization for the Fairfax County Redevelopment and Housing Authority to (1) Issue Tax-Exempt Multifamily Housing Revenue Bonds or Notes in an Amount Not to Exceed \$19,350,000 to Finance the 74-Unit Phase I Four Portion of the Proposed Residences at Government Center II Development, and (2) Issue Tax-Exempt Multifamily Housing Revenue Bonds or Notes in an Amount Not to Exceed \$14,500,000 to Finance the 69-Unit Phase II Four Portion of the Proposed Residences at Government Center II Development (Braddock District) |
| 3 | Approved | Resolution to Support the Abandonment, Additions, Discontinuance, and Transfer of Various Roads Associated with the Ox Road (Route 123) Realignment (Springfield District) |

CLOSED SESSION

Held	Closed Session
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**FAIRFAX COUNTY
BOARD OF SUPERVISORS
April 16, 2024**

**PUBLIC
HEARINGS**

3:00	Approved	Public Hearing on an Increase to the Administrative Fee Related to the Removal and Abatement of Illegal Signs from \$10 to \$50 per Sign
3:00	Approved	Public Hearing to Consider Amendments to the Code of the County of Fairfax, Virginia—Chapter 4 (Taxation and Finance), Article 11 (Cigarette Tax), Increasing the Cigarette Tax Rate
3:00	Approved	Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 61, Appendix Q, Section H and Chapter 62
3:00	Approved	Public Hearing on Proposed Amendments to Appendix Q (Land Development Services Fee Schedule) of the Code of the County of Fairfax, Virginia (County Code) Regarding Adjustment of the Fees Charged by Land Development Services for Plan Review, Permits, and Inspection Services
3:00	Approved	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Zoning Application Fees and Planned District Recreational Facilities Minimum Expenditure
3:00	Public hearing held; decision deferred	Public Hearing on the FY 2025 Effective Tax Rate Increase
3:00	Public hearing held; decision deferred	Public Hearing on Proposed Amendments to Section 67.1-10-2 of the Fairfax County Code Relating to Sewer Availability Charges (Including the Fixture Unit Rate), Service Charges, Base Charges, and Hauled Wastewater Charges
4:00	Held; Public hearing continued to 4/17/2024	Public Hearing on the FY 2025 Advertised Budget Plan, the FY 2025 – FY 2029 Advertised Capital Improvement Program (with Future Fiscal Years to 2034) and to Amend the Current Appropriation Level of the FY 2024 Revised Budget Plan as Proposed in the FY 2024 Third Quarter Review (Public Hearings Continue on April 17 and 18)



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
April 16, 2024

9:30 a.m.

PRESENTATIONS

- RESOLUTION — To recognize the Fairfax County Public Schools recipients of the 2024 First Amendment Press Freedom Award. Requested by Supervisors Smith, Bierman, Jr. and Herryty.
- RESOLUTION — To recognize the McLean High School Quiz Bowl team for their victory in the Virginia High School League State Championship Scholastic Bowl. Requested by Chairman McKay and Supervisor Bierman, Jr.
- RESOLUTION — To recognize Annandale High School Orchestra Director Annie Ray, recipient of the 2024 Grammy Music Educator Award. Requested by Chairman McKay and Supervisors Jimenez and Walkinshaw.
- PROCLAMATION — To designate April 2024 as Autism Awareness Month in Fairfax County. Requested by Supervisor Herryty.
- PROCLAMATION — To designate April 2024 as Community Development Month in Fairfax County. Requested by Chairman McKay.

STAFF:

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

Board Agenda Item
April 16, 2024

10:00 a.m.

Matters Presented by Board Members

Board Agenda Item
April 16, 2024

10:00 a.m.

Items Presented by the County Executive

Board Agenda Item
April 16, 2024

ADMINISTRATIVE – 1

Approval of Streets into the Secondary System – Thompson Property – 964 Walker Road (Dranesville District)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Thompson Property - 964 Walker Road	Dranesville	Spartans Hollow Court

TIMING:

Board approval is requested on April 16, 2024.

BACKGROUND:

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Street Acceptance Form for Board of Supervisors Resolution

STAFF:

Rachel Flynn, Deputy County Executive
William D. Hicks, P.E., Director, Land Development Services

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</p> <p>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</p>	<p>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p>		
	<p>PLAN NUMBER: 1809-SD-002</p>		
	<p>SUBDIVISION PLAT NAME: Thompson Property- 964 Walker Road</p>		
	<p>COUNTY MAGISTERIAL DISTRICT: Dranesville</p>		
<p>ENGINEERING MANAGER: Robert H. Burton</p> <p>BY: <u>Robert H. Burton</u> <small>Digitally signed by Robert H. Burton Date: 2024.03.11 13:47:49 -04'00'</small></p>	<p>FOR OFFICIAL USE ONLY</p> <p>DATE OF VDOT INSPECTION APPROVAL: 03/04/2024</p>		
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Spartans Hollow Court	CL Harriman Street, Route 1075 - 253' NW CL Walker Road, Route 681	381' NE to End of Cul-de Sac	0.07
NOTES:			TOTALS: 0.07

Board Agenda Item
April 16, 2024

ADMINISTRATIVE - 2

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – Towlston Road (Dranesville District)

ISSUE:

Board endorsement of Traffic Calming measures as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board approve a resolution (Attachment I) endorsing a traffic calming plan for Towlston Road (Attachment II) consisting of the following:

- Two speed humps on Towlston Road (Dranesville District)
- Six speed tables on Towlston Road (Dranesville District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved traffic calming measure(s) as soon as possible.

TIMING:

Board action is requested on April 16, 2024, to allow the proposed measures to be installed as soon as possible.

BACKGROUND:

As part of RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, or median islands to reduce the speed of traffic on a residential street. Staff performs engineering studies documenting the attainment of qualifying criteria. Staff works with the local Supervisor's office and community to determine the viability of the requested traffic calming measure to reduce the speed of traffic. Once the plan for the road under review is approved and adopted by staff, that plan is then submitted for approval to the residents within the ballot area in the adjacent community. On February 8, 2024, FCDOT received verification from the Dranesville District Supervisor's office confirming community support for the Towlston Road traffic calming plan.

Board Agenda Item
April 16, 2024

EQUITY IMPACT:

None.

FISCAL IMPACT:

Funding in the amount of \$90,000 is necessary to fund the traffic calming measures associated with this traffic calming project. Funds are currently available in Project 2G25-076-000, Traffic Calming Program, Fund 300-C30050, Transportation Improvements.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Resolution for Towlston Road

Attachment II: Traffic Calming Plan for Towlston Road

STAFF:

Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

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

Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
TRAFFIC CALMING MEASURES
TOWLSTON ROAD
DRANESVILLE DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, April 16, 2024, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the residents in the vicinity of Towlston Road have requested the Dranesville District Supervisor's Office of Fairfax County to consider remedial measures to reduce the speed of traffic on Towlston Road; and

WHEREAS, an engineering study by the Fairfax County Department of Transportation (FCDOT) for Towlston Road indicates that all basic traffic calming criteria are met pertaining to functional classification of the roadway, identification of a significant speeding concern, and proof of community support; and

WHEREAS, the proposed Traffic Calming Plan was properly presented to the community in the affected survey area for their review and consideration; and

WHEREAS, the Traffic Calming Plan was subsequently approved by the occupied residences within the appropriate surveyed area; and

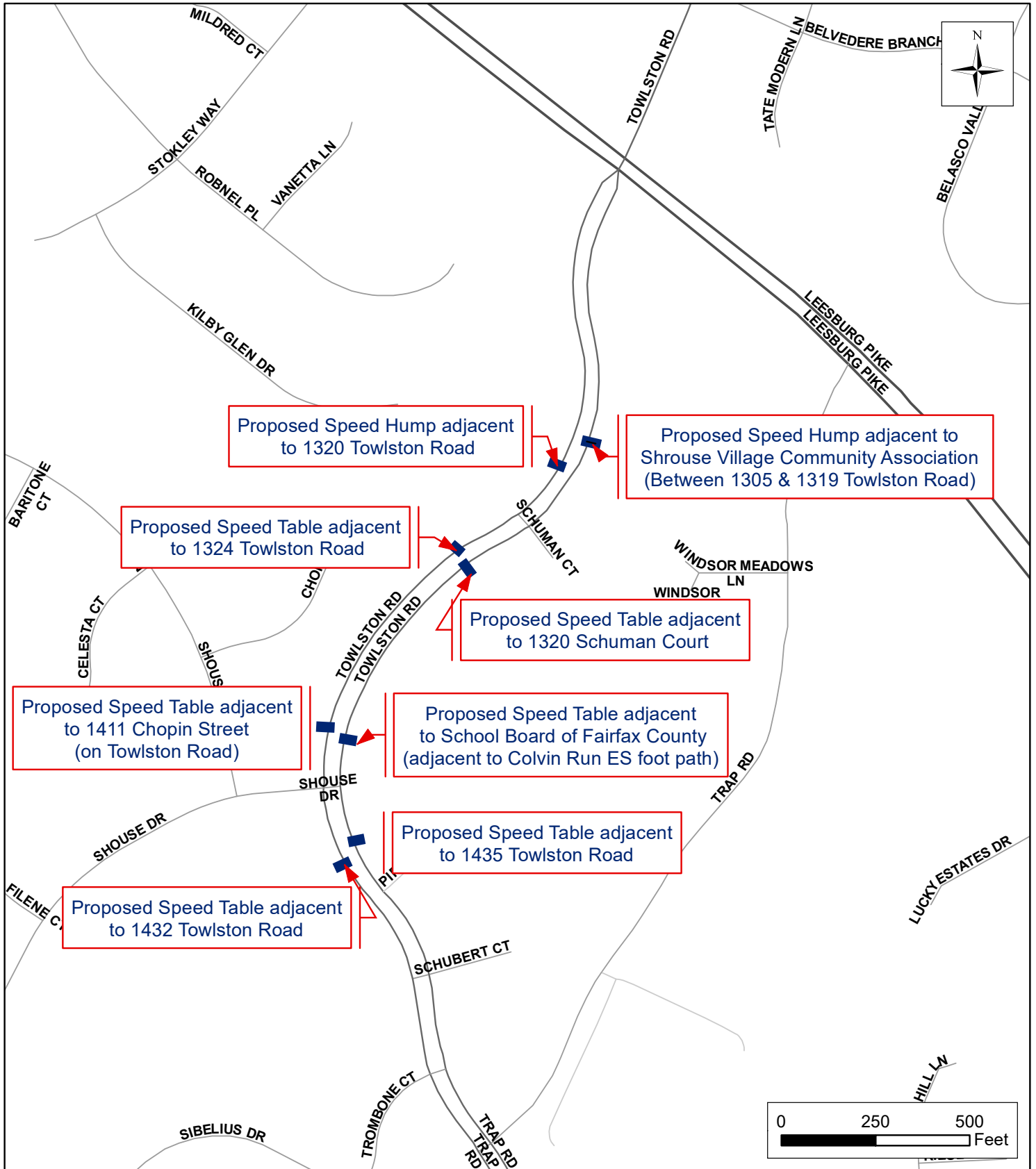
WHEREAS, the intended source of funding for the Traffic Calming Plan is Fairfax County.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors endorses the proposed Traffic Calming Plan and requests that the Virginia Department of Transportation review and approve the feasibility of implementing traffic calming measures on Towlston Road as part of FCDOT's Residential Traffic Administration Program.

ADOPTED this 16th day of April, 2024.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map: 19-4

December 2023

**Fairfax County Department of Transportation
 Residential Traffic Administration Program
 Traffic Calming Plan
 Towlston Road
 Dranesville District**



Board Agenda Item
April 16, 2024

ADMINISTRATIVE - 3

Approval of “Watch for Children” Signs as Part of the Residential Traffic Administration Program – Horse Shoe Drive (Providence District)

ISSUE:

Board endorsement of “Watch for Children” signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval for the installation of the following:

- Two “Watch for Children” signs on Horse Shoe Drive (Providence District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved “Watch for Children” signs as soon as possible.

TIMING:

Board action is requested on April 16, 2024, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

The RTAP allows for the installation of one or more “Watch for Children” signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care centers, or community centers. FCDOT reviews each request to ensure the proposed sign(s) will be effectively located and will not conflict with any other traffic control devices.

On February 29, 2024, FCDOT received verification from the Providence District Supervisor’s Office confirming community support for two “Watch for Children” signs on Horse Shoe Drive.

EQUITY IMPACT:

None.

Board Agenda Item
April 16, 2024

FISCAL IMPACT:

Funding in the amount of \$600 is available in Fund 300-C30050, Project 2G25-076-000, Traffic Calming Program.

ENCLOSED DOCUMENTS:

None.

STAFF:

Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

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

Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT

Board Agenda Item
April 16, 2024

ADMINISTRATIVE - 4

Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Randolph Road (Dranesville District)

ISSUE:

Board endorsement of “\$200 Additional Fine for Speeding” signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval of the resolution (Attachment I) for the installation of “\$200 Additional Fine for Speeding” signs on the following road:

- Randolph Road from Baron Road to Melrose Drive (Dranesville District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) request VDOT to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs (Attachment II) as soon as possible.

TIMING:

Board action is requested on April 16, 2024, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

Section 46.2-878.2 of the Code of Virginia permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less and must be shown to have an existing speeding problem. To determine that a speeding problem exists, staff performs an engineering review to ascertain that certain speed and volume criteria are met.

Randolph Road (Dranesville District) meets the RTAP requirements for posting the “\$200 Additional Fine for Speeding” signs. On February 23, 2024, FCDOT received verification from the Dranesville District Supervisor’s office confirming community support.

Board Agenda Item
April 16, 2024

EQUITY IMPACT:

None.

FISCAL IMPACT:

For the "\$200 Additional Fine for Speeding" signs, \$500 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: "\$200 Additional Fine for Speeding" Signs Resolution – Randolph Road
Attachment II: Area Map of Proposed "\$200 Additional Fine for Speeding" Signs – Randolph Road

STAFF:

Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

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

Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS
RANDOLPH ROAD
DRANESVILLE DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, April 16, 2024, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Randolph Road from Baron Road to Melrose Drive. Such road also being identified as a Local Road; and

WHEREAS, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Randolph Road.

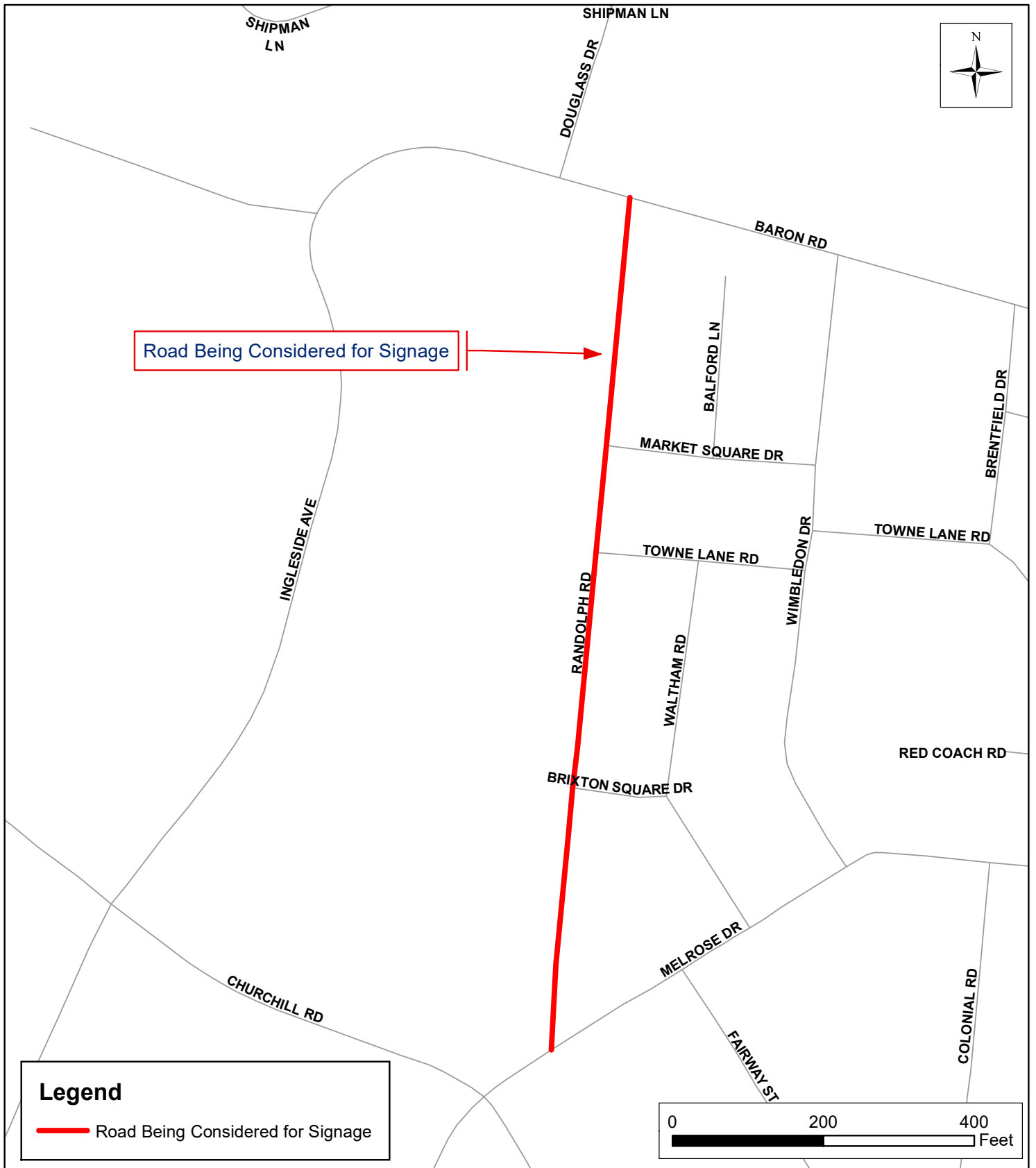
NOW, THEREFORE BE IT RESOLVED that "\$200 Additional Fine for Speeding" signs are endorsed for Randolph Road from Baron Road to Melrose Drive.

AND FURTHER, the Virginia Department of Transportation is requested to allow the installation of the "\$200 Additional Fine for Speeding" signage, and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

ADOPTED this 16th day of April, 2024.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map: 21-4 & 30-2

February 2024

**Fairfax County Department of Transportation
Residential Traffic Administration Program
Proposed \$200 Additional Fine for Speeding
Randolph Road
Dranesville District**



Board Agenda Item
April 16, 2024

ADMINISTRATIVE - 5

Approval of “Watch for Children” Signs as Part of the Residential Traffic Administration Program – Randolph Road (Dranesville District)

ISSUE:

Board endorsement of “Watch for Children” signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval for the installation of the following:

- Two “Watch for Children” signs on Randolph Road (Dranesville District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved “Watch for Children” signs as soon as possible.

TIMING:

Board action is requested on April 16, 2024, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

The RTAP allows for the installation of one or more “Watch for Children” signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care centers, or community centers. FCDOT reviews each request to ensure the proposed sign(s) will be effectively located and will not conflict with any other traffic control devices.

On February 23, 2024, FCDOT received verification from the Dranesville District Supervisor’s Office confirming community support for two “Watch for Children” signs on Randolph Road.

EQUITY IMPACT:

None.

Board Agenda Item
April 16, 2024

FISCAL IMPACT:

Funding in the amount of \$600 is available in Fund 300-C30050, Project 2G25-076-000, Traffic Calming Program.

ENCLOSED DOCUMENTS:

None.

STAFF:

Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

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

Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT

Board Agenda Item
April 16, 2024

ADMINISTRATIVE - 6

Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Slade Run Drive, Rose Lane, Valley Brook Drive, Kennedy Lane, and Radnor Place (Mason District)

ISSUE:

Board endorsement of “\$200 Additional Fine for Speeding” signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval of the resolutions (Attachments I, II, III, IV and V) for the installation of “\$200 Additional Fine for Speeding” signs on the following roads:

- Slade Run Drive from Hickory Hill Road to Valley Brook Drive (Mason District)
- Rose Lane from Annandale Road to Slade Run Drive (Mason District)
- Valley Brook Drive from Rose Lane to Sleepy Hollow Road (Mason District)
- Kennedy Lane from Holloman Road to Sleepy Hollow Road (Mason District)
- Radnor Place from Holloman Road to Devon Drive (Mason District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) request VDOT to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs (Attachments VI, VII, VIII, IX, and X) as soon as possible.

TIMING:

Board action is requested on April 16, 2024, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

Section 46.2-878.2 of the Code of Virginia permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less and must be shown to have an existing speeding problem. To determine that a speeding problem exists, staff performs an engineering review to ascertain that certain speed and volume criteria are met.

Board Agenda Item
April 16, 2024

Slade Run Drive, Rose Lane, Valley Brook Drive, Kennedy Lane, and Radnor Place (Mason District) all meet the RTAP requirements for posting the “\$200 Additional Fine for Speeding” signs. On February 29, 2024, FCDOT received verification from the Mason District Supervisor’s office confirming community support.

EQUITY IMPACT:

None.

FISCAL IMPACT:

For the “\$200 Additional Fine for Speeding” signs, \$2,500 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: “\$200 Additional Fine for Speeding” Signs Resolution – Slade Run Drive

Attachment II: “\$200 Additional Fine for Speeding” Signs Resolution – Rose Lane

Attachment III: “\$200 Additional Fine for Speeding” Signs Resolution – Valley Brook Drive

Attachment IV: “\$200 Additional Fine for Speeding” Signs Resolution – Kennedy Lane

Attachment V: “\$200 Additional Fine for Speeding” Signs Resolution – Radnor Place

Attachment VI: Area Map of Proposed “\$200 Additional Fine for Speeding” Signs – Slade Run Drive

Attachment VII: Area Map of Proposed “\$200 Additional Fine for Speeding” Signs – Rose Lane

Attachment VIII: Area Map of Proposed “\$200 Additional Fine for Speeding” Signs – Valley Brook Drive

Attachment IX: Area Map of Proposed “\$200 Additional Fine for Speeding” Signs – Kennedy Lane

Attachment X: Area Map of Proposed “\$200 Additional Fine for Speeding” Signs – Radnor Place

STAFF:

Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

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

Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS
SLADE RUN DRIVE
MASON DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, April 16, 2024, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Slade Run Drive from Hickory Hill Road to Valley Brook Drive. Such road also being identified as a Local Road; and

WHEREAS, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Slade Run Drive.

NOW, THEREFORE BE IT RESOLVED that "\$200 Additional Fine for Speeding" signs are endorsed for Slade Run Drive from Hickory Hill Road to Valley Brook Drive.

AND FURTHER, the Virginia Department of Transportation is requested to allow the installation of the "\$200 Additional Fine for Speeding" signage, and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

ADOPTED this 16th day of April, 2024.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION RESIDENTIAL TRAFFIC
ADMINISTRATION PROGRAM (RTAP)
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS
ROSE LANE
MASON DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, April 16, 2024, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Rose Lane from Annandale Road to Slade Run Drive. Such road also being identified as a Local Road; and

WHEREAS, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Rose Lane.

NOW, THEREFORE BE IT RESOLVED that "\$200 Additional Fine for Speeding" signs are endorsed for Rose Lane from Annandale Road to Slade Run Drive.

AND FURTHER, the Virginia Department of Transportation is requested to allow the installation of the "\$200 Additional Fine for Speeding" signage, and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

ADOPTED this 16th day of April, 2024.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS
VALLEY BROOK DRIVE
MASON DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, April 16, 2024, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Valley Brook Drive from Rose Lane to Sleepy Hollow Road. Such road also being identified as a Local Road; and

WHEREAS, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Valley Brook Drive.

NOW, THEREFORE BE IT RESOLVED that "\$200 Additional Fine for Speeding" signs are endorsed for Valley Brook Drive from Rose Lane to Sleepy Hollow Road.

AND FURTHER, the Virginia Department of Transportation is requested to allow the installation of the "\$200 Additional Fine for Speeding" signage, and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

ADOPTED this 16th day of April, 2024.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS
KENNEDY LANE
MASON DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, April 16, 2024, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Kennedy Lane from Holloman Road to Sleepy Hollow Road. Such road also being identified as a Local Road; and

WHEREAS, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Kennedy Lane.

NOW, THEREFORE BE IT RESOLVED that "\$200 Additional Fine for Speeding" signs are endorsed for Kennedy Lane from Holloman Road to Sleepy Hollow Road.

AND FURTHER, the Virginia Department of Transportation is requested to allow the installation of the "\$200 Additional Fine for Speeding" signage, and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

ADOPTED this 16th day of April, 2024.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS
RADNOR PLACE
MASON DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, April 16, 2024, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Radnor Place from Holloman Road to Devon Drive. Such road also being identified as a Local Road; and

WHEREAS, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Radnor Place.

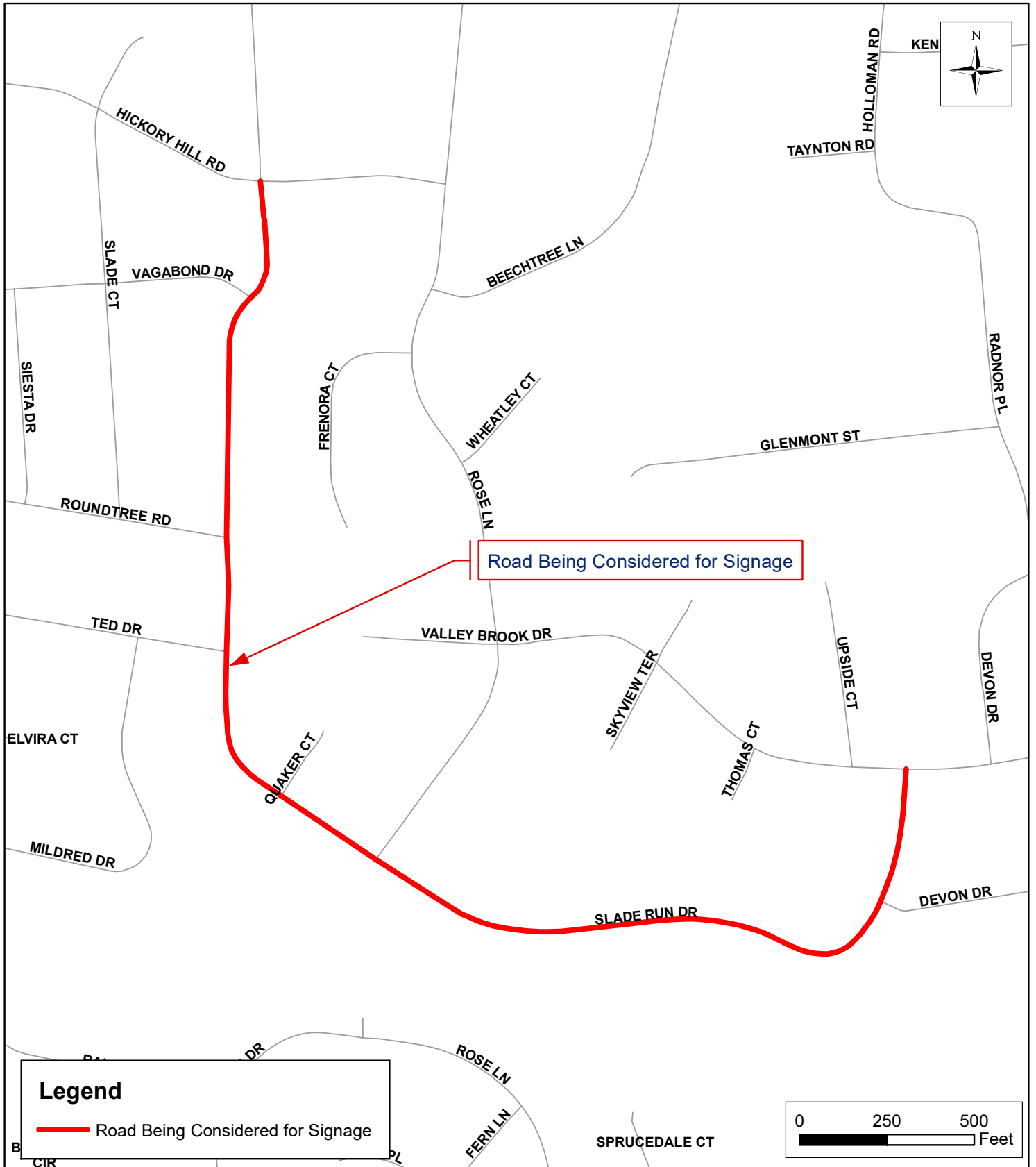
NOW, THEREFORE BE IT RESOLVED that "\$200 Additional Fine for Speeding" signs are endorsed for Radnor Place from Holloman Road to Devon Drive.

AND FURTHER, the Virginia Department of Transportation is requested to allow the installation of the "\$200 Additional Fine for Speeding" signage, and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

ADOPTED this 16th day of April, 2024.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

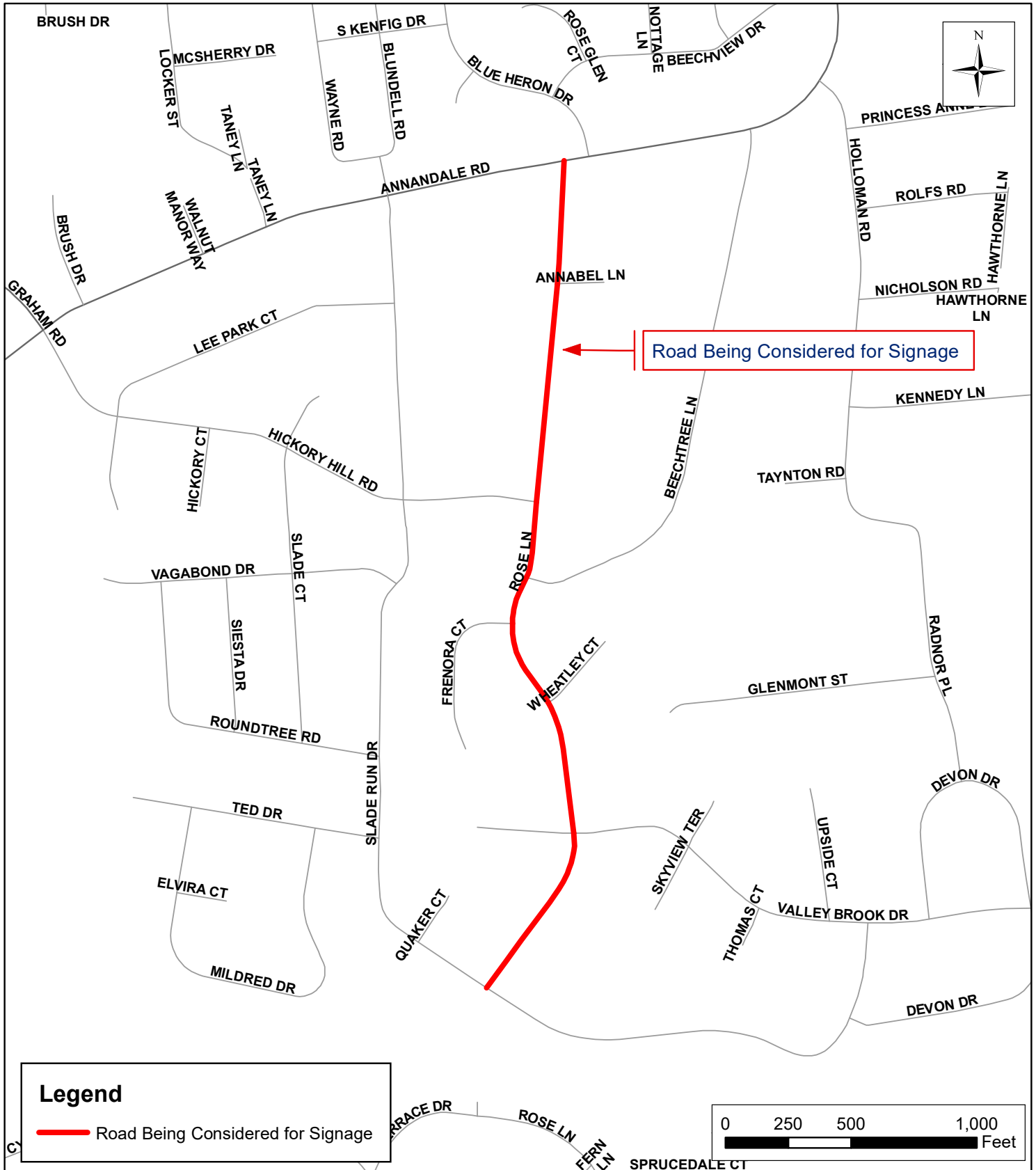


Tax Map: 60-1, 60-2, 60-3, 60-4

February 2024

**Fairfax County Department of Transportation
 Residential Traffic Administration Program
 Proposed \$200 Additional Fine for Speeding
 Slade Run Drive
 Mason District**



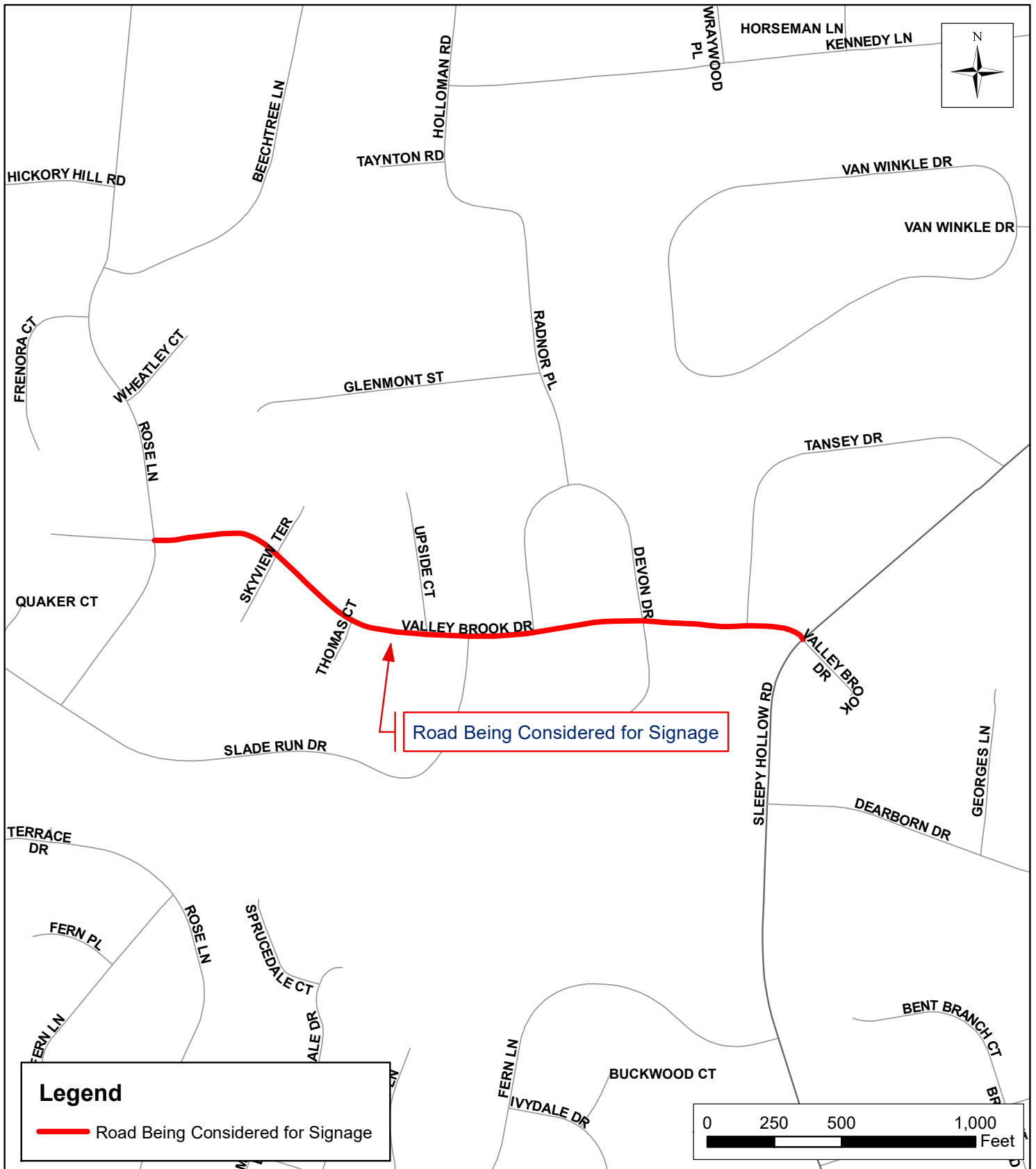


Tax Map: 60-1, 60-2, 60-3, 60-4

February 2024

**Fairfax County Department of Transportation
 Residential Traffic Administration Program
 Proposed \$200 Additional Fine for Speeding
 Rose Lane
 Mason District**



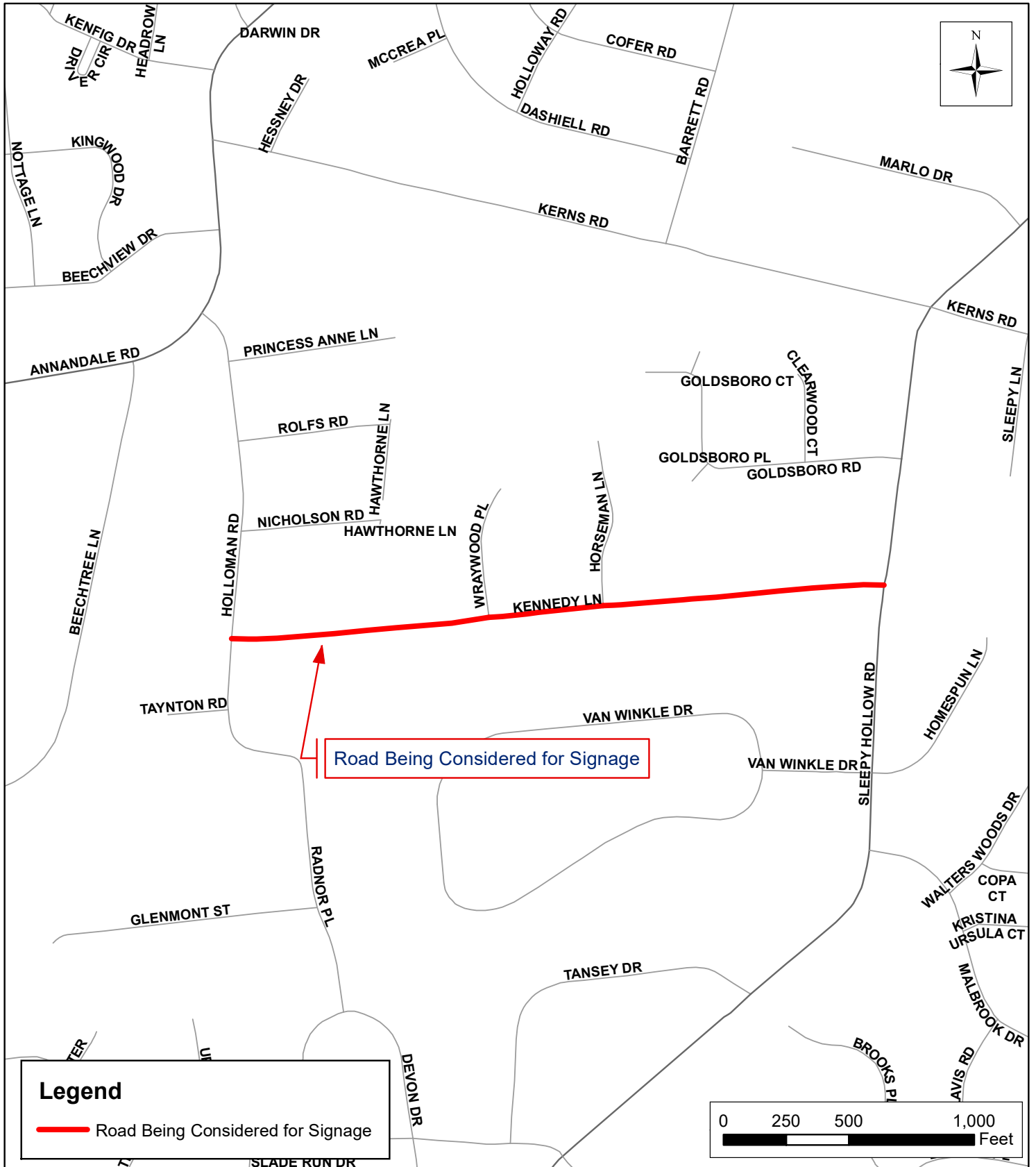


Tax Map: 60-2 & 60-4

February 2024

**Fairfax County Department of Transportation
 Residential Traffic Administration Program
 Proposed \$200 Additional Fine for Speeding
 Valley Brook Drive
 Mason District**



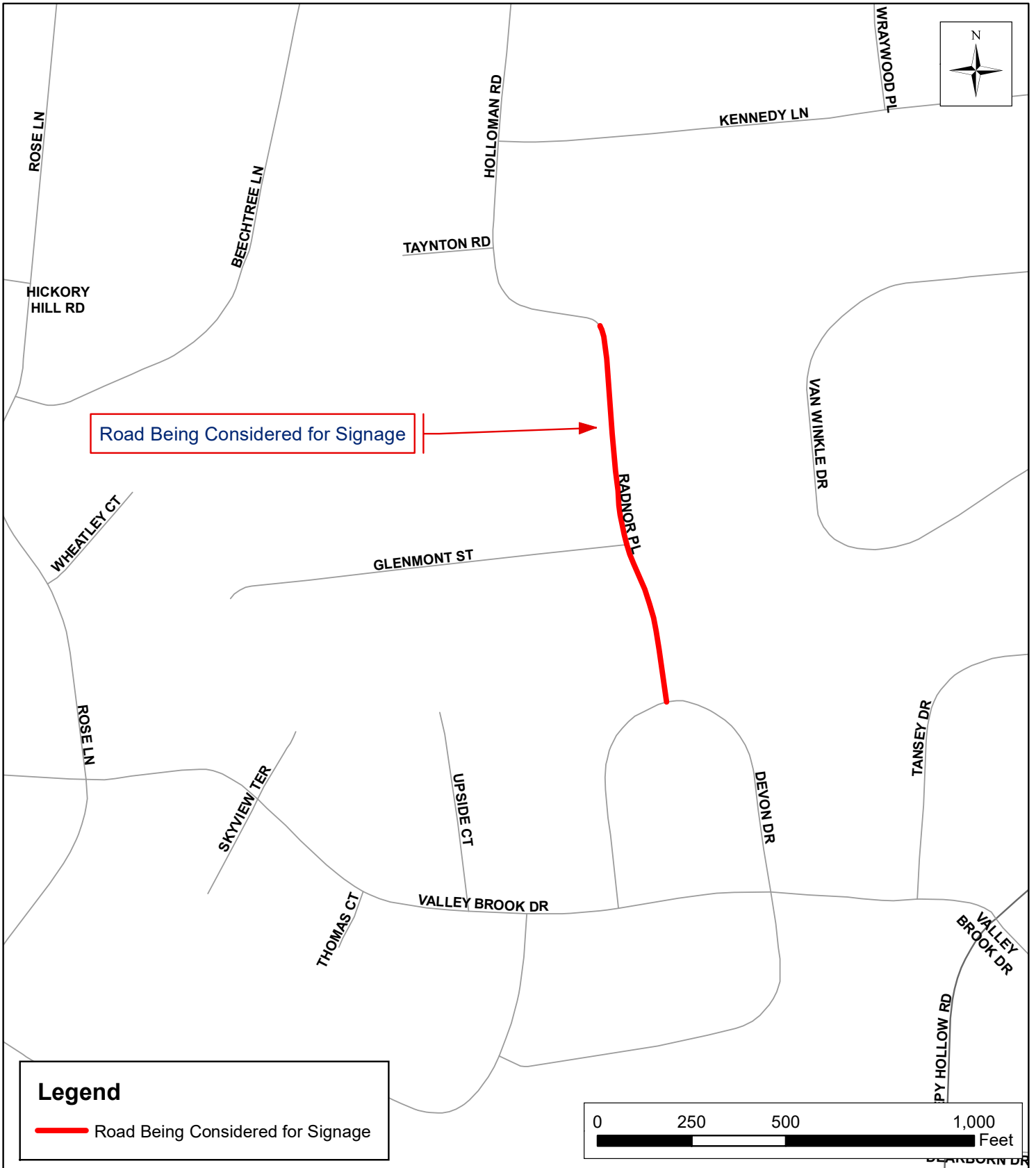


Tax Map: 60-2

February 2024

**Fairfax County Department of Transportation
 Residential Traffic Administration Program
 Proposed \$200 Additional Fine for Speeding
 Kennedy Lane
 Mason District**





Tax Map: 60-2

February 2024

**Fairfax County Department of Transportation
 Residential Traffic Administration Program
 Proposed \$200 Additional Fine for Speeding
 Radnor Place
 Mason District**



Board Agenda Item
April 16, 2024

ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing to Convey a Deed of Easement for Fiber Optic Lines on Board-Owned Property at 6900 Newington Road (Mount Vernon District)

ISSUE:

Authorization of the Board of Supervisors to advertise a public hearing regarding the grant of a non-exclusive easement to MetroDuct Systems VA LLC (MetroDuct) to install a fiber optic line on Board-owned property located at 6900 Newington Road.

RECOMMENDATION:

The County Executive recommends that the Board authorize a public hearing regarding the proposed conveyance of a fiber optic line easement to MetroDuct.

TIMING:

Board action is requested on April 16, 2024, to provide sufficient time to advertise the proposed public hearing on May 21, 2024, at 4:00 p.m.

BACKGROUND:

The Board of Supervisors is the owner of two parcels near the intersection of Newington Road and Cinder Bed Road. One parcel is an approximately two-acre vacant lot identified as parcel 0994 01 0015 (Parcel 15) and the other parcel is approximately twenty-five (25) acres with an address of 6900 Newington Road and identified as Tax Map No. 0994 01 0017 (Parcel 17). Parcel 17 is currently the site of a motor vehicle repair facility operated by the Department of Vehicle Services (DVS) and includes an autobody shop, tire shop, fueling site, fire apparatus facility (managed by the Fire and Rescue Department), and parking area for school buses.

MetroDuct is a competitive local exchange carrier company providing telecommunications services to both the public and private sectors in the Northern Virginia region. MetroDuct would like to better serve its high bandwidth customers by obtaining a non-exclusive easement from the County for the extension of its fiber optic line. The easement area on Parcel 15 is proposed to be 1,134 square feet and will be located along the south side of Newington Road. The easement area on Parcel 17 will encumber 2,237 square feet along the north side of Newington Road. Metroduct is offering \$15,439 for the total 3,371 square foot easement as consideration for the Board's grant of the easement.

Board Agenda Item
April 16, 2024

Since the fiber optic line will be installed underground via directional boring, the construction will not impact any of the existing infrastructure in the Newington Road right-of-way. DVS also confirmed that the utility lines will not interfere with operations at their vehicle repair facility.

Because *Virginia Code Ann. § 15.2-1800* requires a locality to hold a public hearing before it may dispose of any real property for commercial purposes, staff recommends that the Board authorize staff to advertise a public hearing to review the conveyance of the fiber optic line easement to MetroDuct.

EQUITY IMPACT:

The greater availability of telecommunications services for public use broadly supports the Board's goal of advancing digital equity in the County.

FISCAL IMPACT:

MetroDuct's payment of \$15,439 will be deposited in the General Fund.

ENCLOSED DOCUMENTS:

Attachment 1 – Location Map

STAFF:

Ellicia Seard-McCormick, Deputy County Executive
José A. Comayagua, Director, Facilities Management Department (FMD)
Mike Lambert, Assistant Director, FMD
Natalie Knight, Property Manager, FMD

ASSIGNED COUNSEL:

F. Hayden Coddington, Assistant County Attorney



Board Agenda Item
April 16, 2024

ADMINISTRATIVE – 8

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Burke Road Realignment from Aplomado Drive to Parakeet Drive (Springfield District)

ISSUE:

Authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Burke Road Realignment from Aplomado Drive to Parakeet Drive, supported by Project 2G40-087-003 in Fund 40010, County and Regional Transportation Projects.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for May 21, 2024, commencing at 4:00 p.m.

TIMING:

Board action is requested on April 16, 2024, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

This project consists of the realignment of Burke Road to eliminate the sharp substandard curve between Heritage Square Drive and Mill Cove Court and includes replacement of the existing storm drainage pipe at the stream crossing, improving both safety and sight distance, while minimizing roadway flooding. This project also includes the installation of ADA-compliant ramps, pedestrian sidewalk, asphalt trail, and a connection to the existing Liberty Bell Trail along the project length of Burke Road from Aplomado Drive to Parakeet Drive.

Land rights for these improvements are required on 13 properties, 10 of which have been acquired by the Land Acquisition Division (LAD). The construction of this project requires the acquisition of Street Dedication, Cox Easements, Verizon Easements, Virginia Electric and Power Company Easements, and Grading Agreement & Temporary Construction Easements.

Negotiations are in progress with the affected property owners; however, because resolution of these acquisitions is not imminent, it may be necessary for the Board to

Board Agenda Item
April 16, 2024

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 15.2-1901 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.

EQUITY IMPACT:

The project area is located within a census block with an average vulnerability level according to the Fairfax County Vulnerability Index. More than 39% of residents in this block are in low-income occupations, and approximately 50% of the residents have low educational attainment.

The project and this action align with multiple focus areas of the One Fairfax Policy. Construction of the proposed walkway supports focus area two, safely connecting more housing units to multiple modes of transport. Improved walkability ensures that focus area eight's goal is furthered by improving the quality of life for everyone in the neighborhood by providing a safe, well-maintained travel route between neighborhoods. The overall goal of the project aligns with focus area 11's guidance to protect existing stable neighborhoods and green spaces, and thereby allow residents to access transportation modes which promotes employment opportunities, housing, amenities, and services for all. This project will provide increased access to the Liberty Bell Trail, promoting focus area 13's goal of reliable access to Fairfax County Park Authority resources. Finally, the project promotes focus area 14's goal of providing 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.

LAD project locations are chosen by other departments, resulting in the division's necessity to focus on equity of process. The equity impact of the LAD process is positive, with the focus of cost evaluation, offer, and negotiation being on tax assessment and comparable land sales rather than on the owner of record. LAD staff engage property owners in their preferred method of communication and at times that are agreeable to the owner. The Division provides transparency of practice and attempts to offer reasonable language and disability accommodation from the start of the acquisition process.

As a result of the project design, ensured by the process used to obtain land rights, the overall impact of this action provides a positive equity impact.

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April 16, 2024

FISCAL IMPACT:

Funding is available in Project 2G40-087-000, Spot Program in Fund 40010, County and Regional Transportation Projects. This project is included in the FY 2024 – FY 2028 Adopted Capital Improvement Program (with future Fiscal Years to FY 2033) 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:

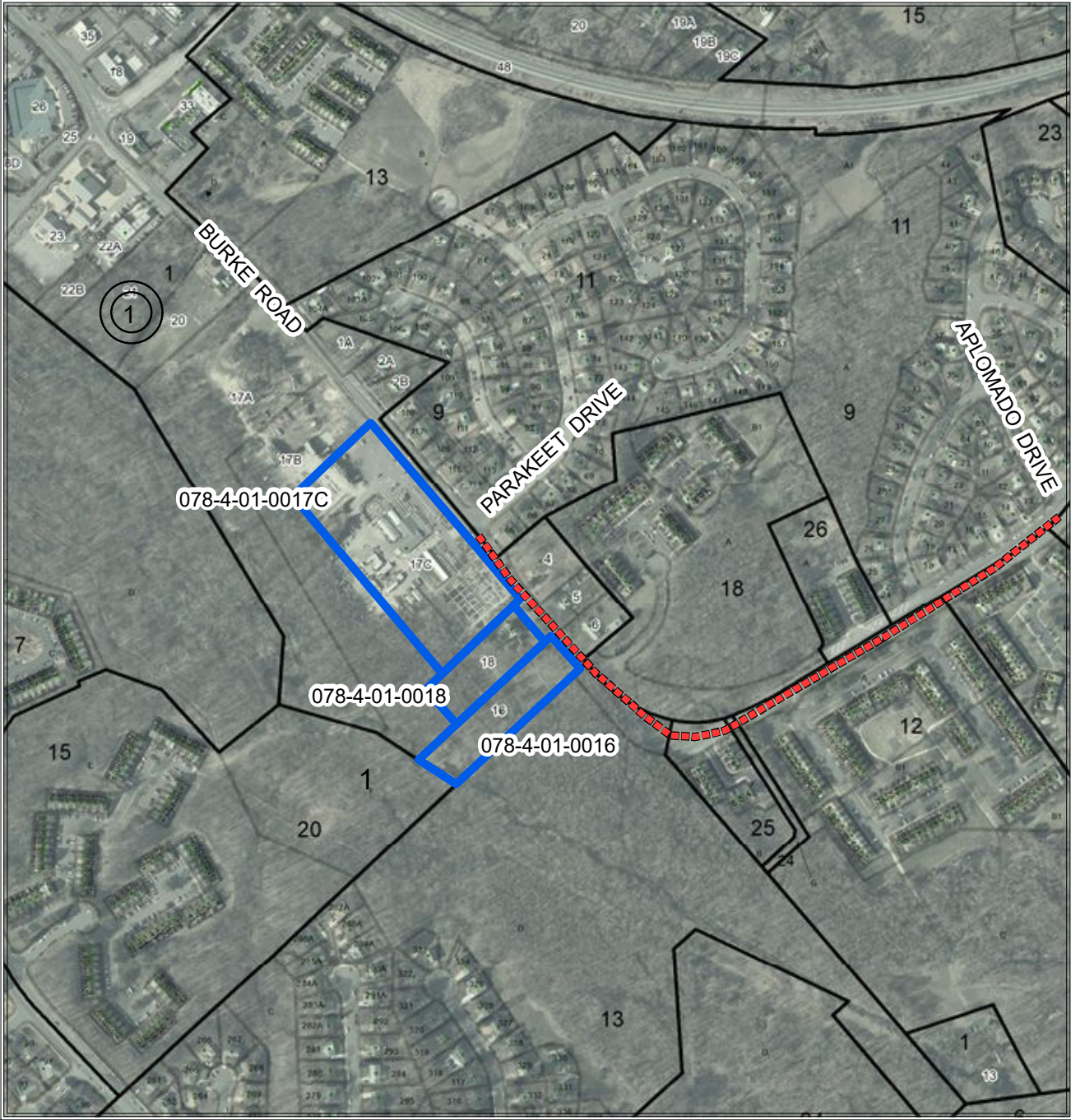
Attachment A - Project Location Map
Attachment B - Listing of Affected Properties

STAFF:

Rachel Flynn, Deputy County Executive
Christina Jackson, Chief Financial Officer
Philip Hagen, Director, Department of Management and Budget
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)
Gregg Steverson, Acting Director, Fairfax County Department of Transportation
Carey F. Needham, Deputy Director, Capital Facilities, DPWES

ASSIGNED COUNSEL:

Hayden Coddling, Assistant County Attorney
Randall Greehan, Assistant County Attorney



**BURKE ROAD REALIGNMENT
APLOMADO DRIVE TO PARAKEET DRIVE**

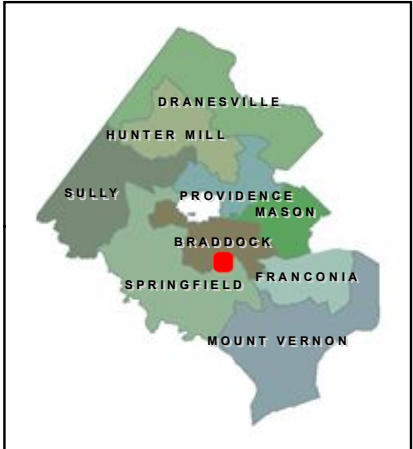
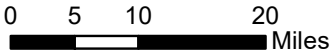
Project 2G40-087-003

Tax Map: 078-4

Springfield District

Affected Properties:

Proposed Improvements:



LISTING OF AFFECTED PROPERTIES
Project 2G40-087-003
Burke Road Realignment from Aplomado Drive to Parakeet Drive
(Springfield District)

PROPERTY OWNERS

1. Ronald DeAngelis 078-4-01-0017C
Leta DeAngelis

Address:
9401 Burke Road
Burke, VA 22015

2. My Nguyen 078-4-01-0016
Vu Doan

Address:
9319 Burke Road
Burke, VA 22015

3. My Nguyen 078-4-01-0018
Vu Doan

Address:
9325 Burke Road
Burke, VA 22015

Board Agenda Item
April 16, 2024

ADMINISTRATIVE - 9

Authorization to Advertise a Public Hearing on a Proposal to Abandon Portions of Cannonball Road (Braddock District)

ISSUE:

Board authorization to advertise a public hearing on a proposal to abandon portions of Cannonball Road north of the intersection of Cannonball Road (Route 3150) and Singing Pines Road (Route 4873).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for May 21, 2024, at 4:00 p.m.

TIMING:

Board action is requested on April 16, 2024, to provide sufficient time to advertise the public hearing for May 21, 2024, at 4:00 p.m.

BACKGROUND:

The applicant, Walsh Colucci Lubeley & Walsh, P.C., on behalf of their client, D.R. Horton, Inc., a Delaware Corporation, is requesting that Cannonball Road be abandoned under §33.2-909 of the Virginia Code. The applicant is seeking this request following the extension of the existing Cannonball Road to support their subdivision. As part of the extension, Cannonball Road was extended beyond the existing cul-de-sac. Therefore, the “ears” of the cul-de-sac are no longer needed for transportation use in the secondary system and the public would be best served by abandoning these portions of the road. The portion of the road to be abandoned has no historic value.

The subject portions of Cannonball Road, north of Singing Pines Road (Route 4873) and south of Lee Highway (Route 29), are constructed. The subject portions of Cannonball Road were taken for public street purposes through condemnation proceedings as part of the Fairfax County Parkway project in 1993 (Deed Book 8766-Page 1836, Deed Book 8766-Page 1839 and Deed Book 8766-Page 1830) and then subsequently dedicated and quitclaimed (Deed Book 9341-Page 1220, Deed Book 9621-Page 1624, Deed Book 9341-Page 1228, and Deed Book 9341-Page 1231). The subject portions of Cannonball Road are in the Virginia Department of Transportation (VDOT) Secondary System of Highways.

Board Agenda Item
April 16, 2024

EQUITY IMPACT:

None.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

- Attachment I: Letter of Request and Justification
- Attachment II: Notice of Public Hearing
- Attachment III: Order of Abandonment
- Attachment IV: Abandonment Plat
- Attachment V: Metes and Bounds
- Attachment VI: Vicinity Map
- Attachment VII: Informational Plat

STAFF:

- Rachel Flynn, Deputy County Executive
- Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)
- Jeff Hermann, Chief, Site Analysis & Transportation Planning Division, FCDOT
- Gregory Fuller, Jr., Chief, Site Analysis Section (SAS), FCDOT
- Brittany Nixon, Transportation Planner IV, SAS, FCDOT
- Jeffrey Edmondson, Transportation Planner III, SAS, FCDOT

ASSIGNED COUNSEL:

- Randall T. Greehan, Assistant County Attorney



WALSH COLUCCI
LUBELEY & WALSH PC

H. Mark Goetzman
Phone: 703.528.4700 x5452
Fax: 703.528.6050
mgoetzman@thelandlawyers.com

August 29, 2023

BY COURIER AND ELECTRONIC MAIL

Gavin Derleth, Michelle Guthrie and Jeffrey Edmondson
Fairfax County Department of Transportation
4050 Legato Rd, Ste 400
Fairfax, VA 22033-2895

Re: Request for Proposed Abandonment of Portions of Cannonball Road
(Route 3150), Braddock District, Fairfax County, Virginia

Dear Gavin, Michelle and Jeffrey:

This letter constitutes a petition and statement of justification to abandon certain portions of Cannonball Road, Route 3150, Fairfax County, Virginia. The portions of Cannonball Road to be abandoned are located in the Braddock District (collectively referred to as the “**Abandonment Areas**”). This request is made on behalf of D.R. Horton, Inc., a Delaware corporation (“**Applicant**”).

The Applicant is currently developing the Cannonball Subdivision. Developing the Cannonball Subdivision requires extending a portion of Cannonball Road. The portion of Cannonball Road to be extended currently has a cul-de-sac, but extending the road will eliminate the need for a cul-de-sac at its current location. As a result, the sides of the current cul-de-sac will no longer be needed for transportation use. As a result of this road-extension, the Virginia Department of Transportation (“**VDOT**”) has requested that the Applicant cause the portions of Cannonball Road (i.e., the Abandonment Areas) that will no longer be used for transportation, as more particularly shown on the attached Exhibit A, to be abandoned.

To offer some background, the Abandonment Areas were taken for public street purposes through condemnation proceedings in furtherance of “Project 064145 – Fairfax County Parkway (I-66 to Braddock Road)”. Specifically, what was known as Lot 1, Section 1 (“**Original Lot 1**”) of the Buckner Forest subdivision was taken by the Board of Supervisors of Fairfax County (“**Board**”) pursuant to that Certificate recorded in Deed Book 8766 at page 1836 among the land records of Fairfax County (“**Land Records**”). An Order Confirming Title and Directing Disbursement was subsequently recorded in Deed Book 8995 at page 1307 among the Land Records. The Board then dedicated certain portions of Original Lot 1 for public street purposes pursuant to that Deed of Dedication and Conveyance recorded in Deed Book 9341 at page 1220 among the Land Records, and that Deed of Dedication and Conveyance recorded in Deed Book 9621 at page 1624 among the Land Records. The Board then conveyed the residue of the Original Lot 1 to a third party by Quitclaim Deed recorded in Deed Book 10023 at page 122

ATTORNEYS AT LAW

703 528 4700 ■ WWW.THELANDLAWYERS.COM
2200 CLARENDON BLVD. ■ SUITE 1300 ■ ARLINGTON, VA 22201-3359

LOUDOUN 703 737 3633 ■ WOODBRIDGE 703 680 4664

among the Land Records. What was known as Lot 22, Section 1 (“**Original Lot 22**”) of the Buckner Forest subdivision was taken by the Board pursuant to that Certificate recorded in Deed Book 8766 at page 1839 among the Land Records. An Order Confirming Title and Directing Disbursement was subsequently recorded in Deed Book 8933 at page 1320 among the Land Records. A portion of Original Lot 22 was then dedicated for public street purposes pursuant to that Deed of Dedication and Conveyance recorded in Deed Book 9341 at page 1228 among the Land Records. What was known as Lot 23, Section 1 (“**Original Lot 23**”) of the Buckner Forest subdivision was taken by the Board pursuant to that Certificate recorded in Deed Book 8766 at page 1830 among the Land Records. An Order Confirming Title and Directing Disbursement was subsequently recorded in Deed Book 9098 at page 955 among the Land Records. A portion of Lot 23 was then dedicated for public street purposes pursuant to that Deed of Dedication and Conveyance recorded in Deed Book 9341 at page 1231 among the Land Records.

The Abandonment Areas are shown on the plat entitled “Plat Showing Abandonment of Portions of Cannonball Road Route 3150”, prepared by Pennoni Associates Inc. The total of the areas to be abandoned is 2,341 square feet.

The abandonment of the Abandonment Areas is requested pursuant to Virginia Code Section 33.2-909.

I request your review of this application as soon as possible. If you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,
WALSH, COLUCCI, LUBELEY & WALSH, P.C.



H. Mark Goetzman

cc: Emily Stubblefield
Brendan Cox
Priya Tiwari

EXHIBIT A

NOTICE OF INTENT TO
ADOPT AN ORDER ABANDONING
PORTIONS OF A ROAD

(Cannonball Road – State Route 3150)

Braddock District,
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on May 21st, 2024, at 4:00pm during its regular meeting in the Board Auditorium of the Fairfax County Government Center Parkway, Fairfax, Virginia pursuant to Virginia Code Ann. § 33.2-909, abandoning a 456 and a 1,885 square foot portions of Cannonball Road (Route 3150), which was dedicated for public street purposes through a series of condemnation proceedings in furtherance of “Project 064145 – Fairfax County Parkway (I-66 to Braddock Road)”. The road is located adjacent to Tax Map Parcel Numbers: 056-3-08-0001A; 056-3-08-0022A; 056-3-08-0023A; and 056-3-17-007 and is described and shown on the metes and bounds description prepared by Smith Engineering, and on the plat prepared by Pennoni Associates Inc., both of which are on file in the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600.

Public hearings are available to view live on Channel 16 and stream live online at www.fairfaxcounty.gov/cableconsumer/channel-16/live-video-stream. Live audio of the meeting may be accessed at 703-324-7700. Those wishing to testify may do so in person, unless the meeting is held electronically, or via phone or pre-recorded YouTube video. Speakers wishing to testify via video must register by signing up online at the web address shown below or by calling the Department of Clerk Services at 703-324-1315, TTY 711, and must submit their video no later than 9 a.m. on the day prior to the hearing. Speakers wishing to testify via phone must sign up to testify no later than 12:00 p.m. the day of the hearing to be placed on the Speakers List. Speakers not on the Speakers List may be heard after the registered speakers have testified.

In addition, written testimony and other submissions will be received by mail at 12000 Government Center Parkway, Suite 552, Fairfax, Virginia 22035 or by email at clerktotheBOS@fairfaxcounty.gov. More information on the ways to testify can be found at www.fairfaxcounty.gov/clerkservices/ways-provide-public-hearing-testimony.

Questions regarding this proposal may be directed to the Fairfax County Department of Transportation at 703-877-5600.

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

BRADDOCK DISTRICT

ORDER OF ABANDONMENT OF
PORTIONS OF CANNONBALL ROAD

Braddock District,
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held this 21st day of May, 2024, it was duly moved and seconded that:

WHEREAS, after conducting a public hearing pursuant to notice as required by Virginia Code § 33.2-909, and after giving due consideration to the historic value, if any, of such road, the Board has determined that no public necessity exists for the continuance of these portions of the road as a public road, and that the safety and welfare of the public will be served best by an abandonment,

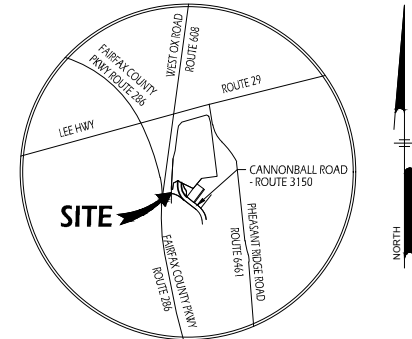
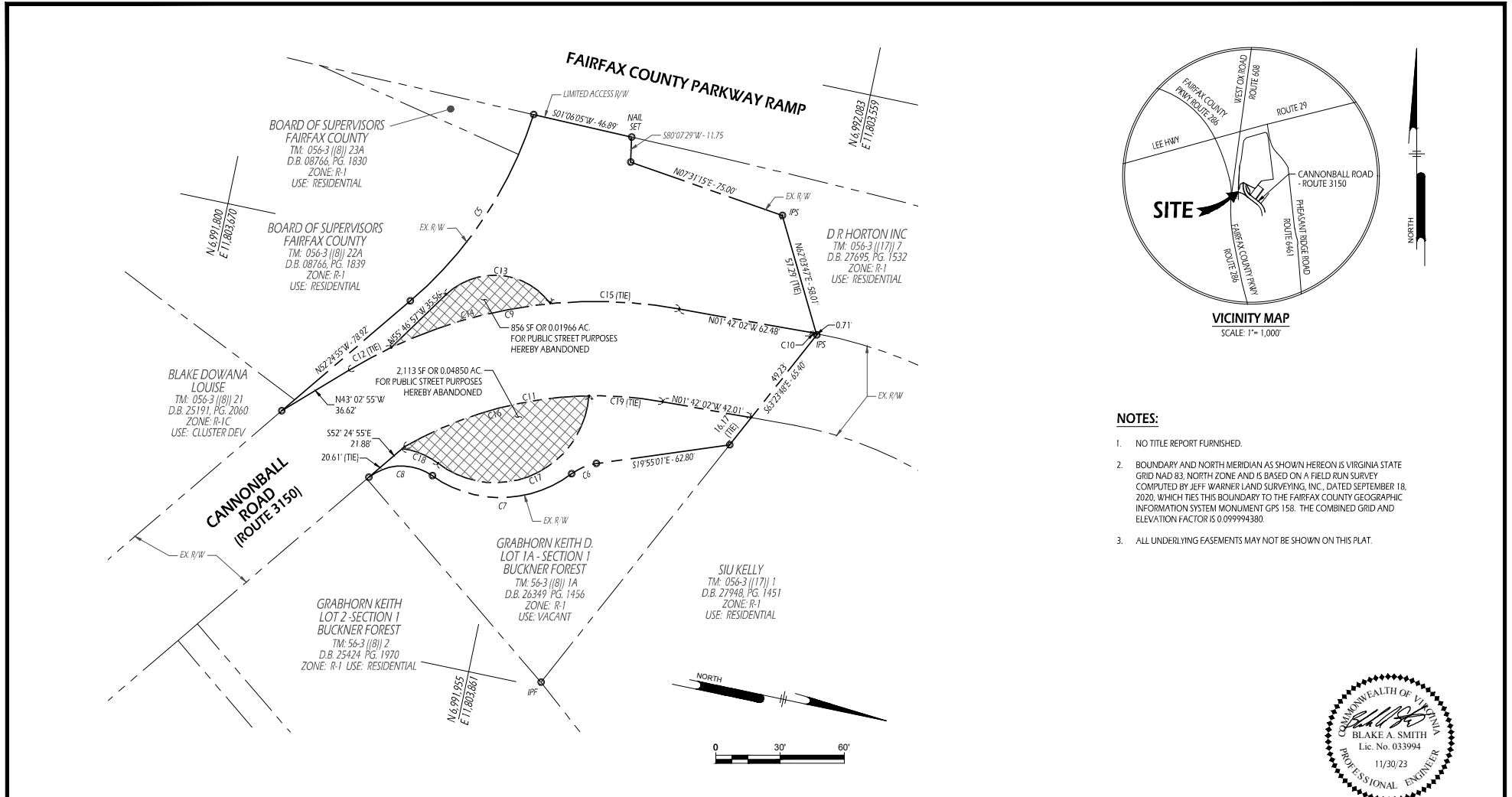
WHEREFORE, BE IT ORDERED:

That the portions of the existing Cannonball Road (Route 3150), comprising a total of 2,341 square feet, located adjacent to Tax Map Parcel Numbers: 056-3-08-0001A; 056-3-08-0022A; 056-3-08-023A; and 056-3-17-007, described and shown on the metes and bounds schedule prepared by Smith Engineering, and on the plat prepared by Pennoni Associates Inc., each attached hereto and incorporated herein, be and the same are hereby abandoned as a public road pursuant to Virginia Code § 33.2-909.

This abandonment is subject to any right, privilege, permit, license, or easement in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either presently in use or of record, including the right to operate, maintain, replace, alter, extend, increase or decrease in size any facilities in the abandoned roadway, without any permission of the landowner(s).

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



VICINITY MAP
SCALE: 1" = 1,000'

NOTES:

1. NO TITLE REPORT FURNISHED.
2. BOUNDARY AND NORTH MERIDIAN AS SHOWN HEREON IS VIRGINIA STATE GRID NAD 83. NORTH ZONE AND IS BASED ON A FIELD RUN SURVEY COMPLETED BY JEFF WARNER AND SURVEYING, INC., DATED SEPTEMBER 18, 2020, WHICH TIES THIS BOUNDARY TO THE FAIRFAX COUNTY GEOGRAPHIC INFORMATION SYSTEM MONUMENT GPS 15B. THE COMBINED GRID AND ELEVATION FACTOR IS 0.099994380.
3. ALL UNDERLYING EASEMENTS MAY NOT BE SHOWN ON THIS PLAT.

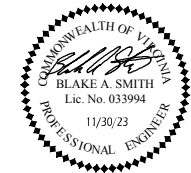
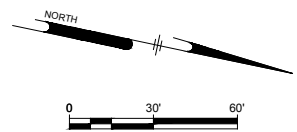


EXHIBIT PLAT SHOWING
THE ABANDONMENT
OF PORTIONS OF
CANNONBALL ROAD
ROUTE 3150
BRADDOCK DISTRICT
FAIRFAX COUNTY, VIRGINIA
DATE: NOVEMBER 29, 2023



PENNONI ASSOCIATES INC.
14901 Bogle Drive, Suite 202
Chantilly, VA 20151
T 703.956.6204

PROPOSED & ABANDONED RIGHT-OF-WAY						
NO.	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	DISTANCE
C9	041°20'52"	222.00	160.21'	83.77'	S22° 22' 29"E	156.75'
C10	000°39'06"	224.00	2.55'	1.27'	S01° 22' 29"E	2.55'
C11	040°10'50"	178.00	124.83'	65.10'	S21° 47' 27"E	122.29'
C12	005°46'34"	222.00	22.38'	11.20'	S40° 09' 38"E	22.37'
C14	019°59'35"	222.00	77.47'	39.13'	S27° 16' 34"E	77.07'
C15	015°34'44"	222.00	60.36'	30.37'	S09° 29' 24"E	60.18'
C16	029°02'56"	178.00	90.25'	46.11'	S27° 21' 24"E	89.28'
C17	123°20'30"	43.77	94.23'	81.20'	N35° 58' 21"W	77.06'
C18	030°41'35"	34.00	18.21'	9.33'	S10° 21' 07"W	18.00'
C19	011°07'54"	178.00	34.58'	17.35'	S07° 15' 59"E	34.53'

EXISTING BOUNDARY						
NO.	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	DISTANCE
C5	031°52'01"	190.00	105.67'	54.24'	N68° 20' 55"W	104.32'
C6	028°56'45"	25.00	12.63'	6.45'	S34° 23' 24"E	12.50'
C7	072°22'49"	55.00	69.48'	40.24'	S12° 40' 22"E	64.95'
C8	074°03'38"	24.66	31.88'	18.61'	S13° 16' 09"E	29.71'

P:207-01 Cannonball Road Final P&P - R001 (E) Plat, 207.01 L_Abandonment Plat.dwg 11/30/23, 15:24

Metes and Bounds Description

Cannonball Road
Route 3150
Braddock District
Fairfax County, Virginia

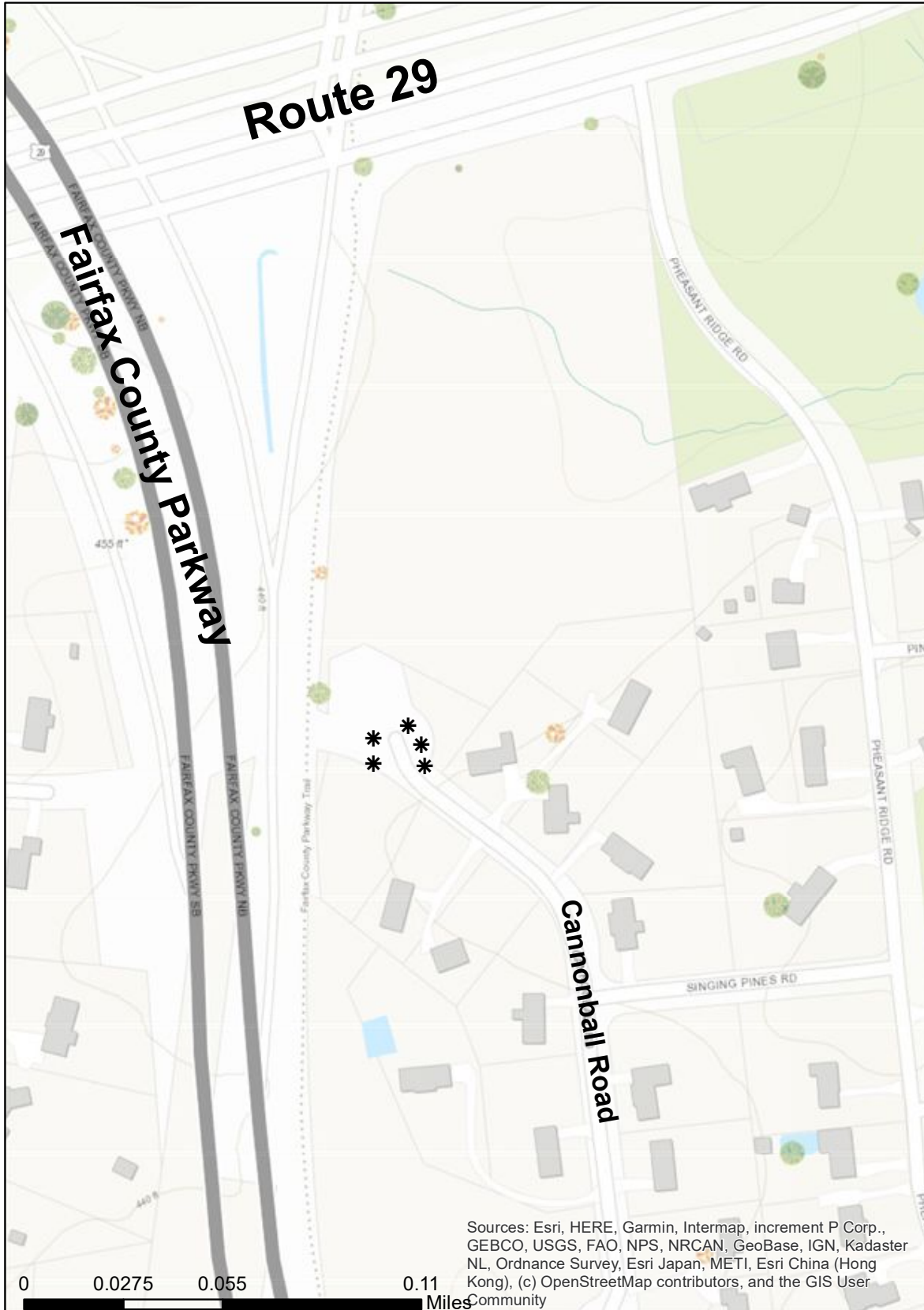
The dedicated land for public street purposes to be abandoned is in the Right-of-Way of Cannonball Road (Route 3150) in the existing cul-de-sac serving Deed Book 08766, Page 1839, Deed Book 27695, Page 1532, and Deed Book 26349, Page 1456. There are two areas to be abandoned.

Beginning at an Iron Pipe Set, said pipe being a corner to the lands now or formerly owned by D.R. Horton Inc., Deed Book 27695, Page 1532, and the existing Cannonball Road Right-of-Way; thence departing said right-of-way line of Cannonball Road, traversing S 62° 03' 47" W, 58.01 feet to another Iron Pipe Set on the property line of D.R. Horton Inc.; thence departing said D.R. Horton Inc. property line S 31° 15' 27" E, 121.07 feet to tie into the first area, allocated for public street purposes, to be abandoned; thence 47.57 feet along a curve with chord bearing S 23° 46' 27" E, chord distance 47.48 feet, delta 11° 50' 58", radius 230.00 feet, and tangent 23.87 feet, thus starting the first area to be abandoned; thence returning to the previous location by travelling 58.64 feet along a curve with chord bearing N 23° 46' 27" W, chord distance 47.48 feet, delta 126° 13' 20", radius 26.62 feet, and tangent 52.49 feet, thus closing the first area to be abandoned containing 456 square feet (0.01046 acres) of land, more or less; thence departing from the first area to be abandoned, traversing N 51° 04' 04" E, 48.70 feet to tie into the second area, allocated for public street purposes, to be abandoned; thence 41.27 feet along a curve with chord bearing S 27° 31' 18" E, chord distance 79.93 feet, delta 28° 55' 39", radius 160.00 feet, and tangent 41.27 feet, thus starting the second area to be abandoned; thence returning to the previous location by travelling 103.59 feet along a curve with chord bearing N 27° 31' 18" W, chord distance 79.93 feet, delta 139° 11' 35", radius 42.64 feet, and tangent 114.63 feet, thus closing the second area to be abandoned containing 1,885 square feet (0.04328 acres) of land, more or less.

Combining the two areas, the total area to be abandoned in the Right-of-Way of Cannonball Road (Route 3150) is 2,341 square feet (0.05305 acres) of land, more or less.

Abandonment of a Portion of Cannonball Road

Braddock District



Tax Map 56-3

* Denotes Areas to be Abandoned



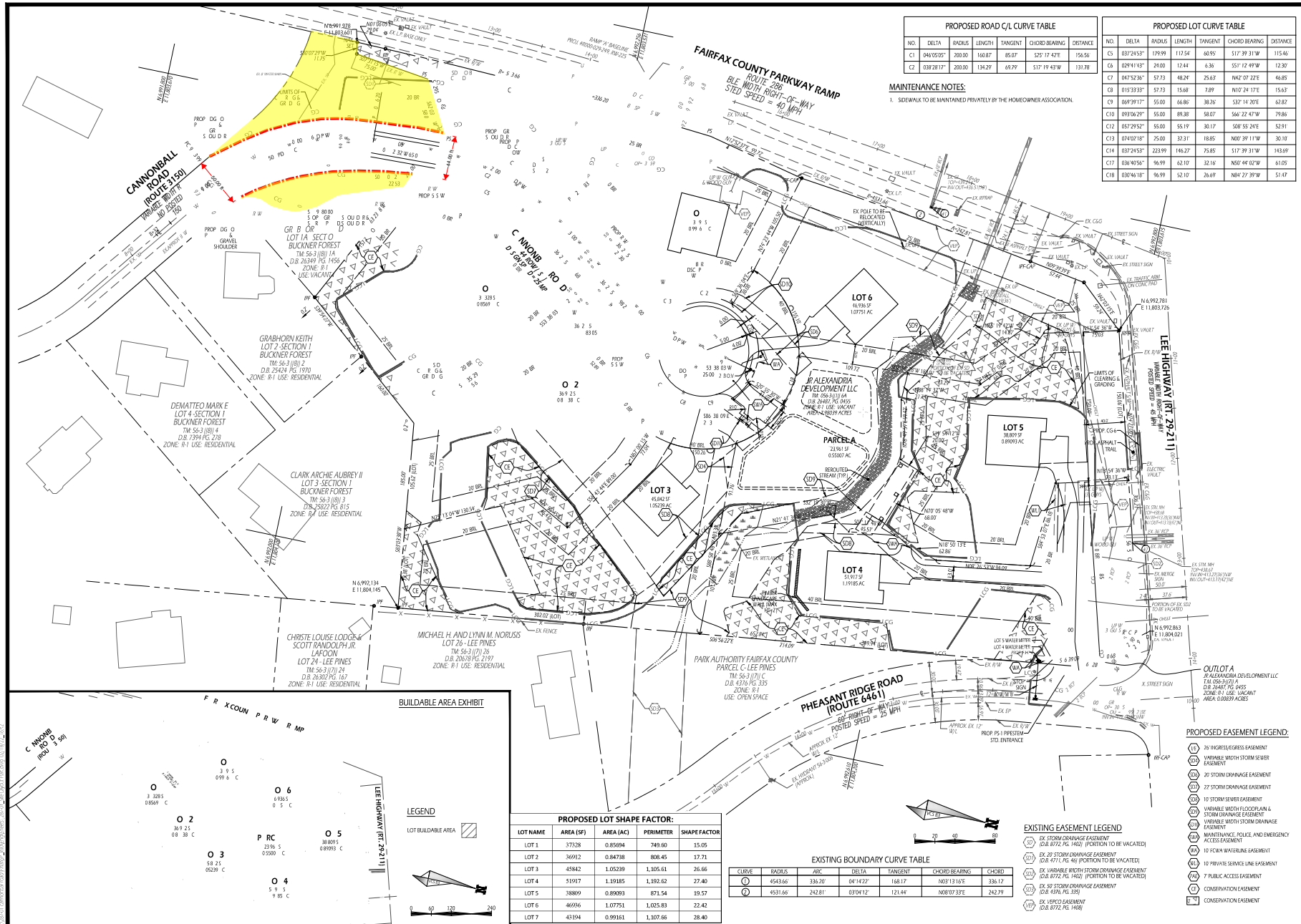
SMITH
ENGINEERING
14901 BOGUE DRIVE SUITE 202
CHANTILLY, VA 20151
PHONE: 703-956-6204
PROJECT: 267 01
PROJECT MANAGER:
BLAKE A. SMITH, P.E.
Blake@SmithEngineeringVA.com

PLAN SUBMISSIONS

9/28/20	SUB TO EIR
10/12/20	SUB TO COUNTY
10/22/21	SUB TO COUNTY
01/11/22	SUB TO COUNTY
02/18/22	SUB TO COUNTY

OTHER PLAN DISTRIBUTIONS

SCALE: 1" = 40'
DATE: AUGUST 1, 2020
SHEET 7 of 39



PROPOSED ROAD C/L CURVE TABLE

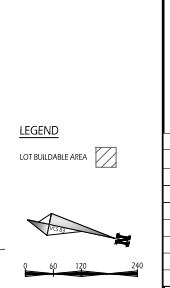
NO.	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	DISTANCE
C1	044°05'05"	200.00	160.87	85.07	S2° 17' 42"E	156.50
C2	038°28'17"	200.00	136.29	69.77	S17° 19' 43"W	131.78

PROPOSED LOT CURVE TABLE

NO.	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	DISTANCE
C3	037°45'37"	179.99	117.54	68.95	S17° 39' 31"W	115.46
C4	029°41'13"	24.00	12.44	6.36	S51° 12' 49"W	12.30
C7	047°32'36"	57.73	48.24	25.63	N42° 07' 22"E	46.85
C8	015°33'33"	57.73	15.68	7.89	N10° 24' 17"E	15.63
C9	06°39'17"	55.00	66.86	38.26	S37° 14' 20"E	62.82
C10	09°06'29"	55.00	89.38	58.07	S66° 22' 47"W	79.86
C11	05°29'52"	55.00	55.19	30.17	S08° 55' 24"E	52.91
C13	03°03'07"	25.00	32.31	18.85	N00° 39' 11"W	30.10
C14	03°24'53"	223.99	146.27	75.85	S17° 39' 31"W	143.69
C17	030°40'56"	96.99	62.10	32.16	N50° 44' 02"W	61.05
C18	030°46'18"	96.99	52.10	26.67	N64° 27' 39"W	51.47

MAINTENANCE NOTES:
1. SIDEWALK TO BE MAINTAINED PRIVATELY BY THE HOMEOWNERS ASSOCIATION.

BUILDABLE AREA EXHIBIT



PROPOSED LOT SHAPE FACTOR:

LOT NAME	AREA (SF)	AREA (AC)	PERIMETER	SHAPE FACTOR
LOT 1	37328	0.85694	740.96	15.05
LOT 2	36912	0.84738	806.45	17.71
LOT 3	45842	1.05239	1,105.61	26.66
LOT 4	51917	1.19185	1,192.62	27.40
LOT 5	38889	0.89093	871.54	19.57
LOT 6	46096	1.07751	1,025.83	22.42
LOT 7	43194	0.99161	1,107.66	28.40

EXISTING BOUNDARY CURVE TABLE

CURVE	RADIUS	ARC	DELTA	TANGENT	CHORD BEARING	CHORD
1	4543.66	336.20	04°14'22"	168.17	N03°13'16"E	336.17
2	4331.66	242.81	03°04'12"	121.44	N08°07'33"E	242.79

- EXISTING EASEMENT LEGEND
- (E1) EX. STORM DRAINAGE EASEMENT (D.B. 8772 PG. 1402) (PORTION TO BE VACATED)
 - (E2) EX. 20' STORM DRAINAGE EASEMENT (D.B. 8772 PG. 1402) (PORTION TO BE VACATED)
 - (E3) EX. VARIABLE WIDTH STORM DRAINAGE EASEMENT (D.B. 8772 PG. 1402) (PORTION TO BE VACATED)
 - (E4) EX. 30' STORM DRAINAGE EASEMENT (D.B. 4376 PG. 335)
 - (E5) EX. 10' STORM DRAINAGE EASEMENT (D.B. 8772 PG. 1402)
 - (E6) EX. 10' FCWA WATERLINE EASEMENT
 - (E7) EX. 10' PRIVATE SERVICE LINE EASEMENT
 - (E8) EX. PUBLIC ACCESS EASEMENT
 - (E9) EX. CONSERVATION EASEMENT
 - (E10) EX. CONSERVATION EASEMENT

- PROPOSED EASEMENT LEGEND:
- (P1) 76' INGRESS/EGRESS EASEMENT
 - (P2) VARIABLE WIDTH STORM SEWER EASEMENT
 - (P3) 20' STORM DRAINAGE EASEMENT
 - (P4) 22' STORM DRAINAGE EASEMENT
 - (P5) 10' STORM SEWER EASEMENT
 - (P6) VARIABLE WIDTH FLOORPLAN & STORM DRAINAGE EASEMENT
 - (P7) VARIABLE WIDTH STORM DRAINAGE EASEMENT
 - (P8) MAINTENANCE, POLICE, AND EMERGENCY ACCESS EASEMENT
 - (P9) 10' FCWA WATERLINE EASEMENT
 - (P10) 10' PRIVATE SERVICE LINE EASEMENT
 - (P11) PUBLIC ACCESS EASEMENT
 - (P12) CONSERVATION EASEMENT
 - (P13) CONSERVATION EASEMENT

Board Agenda Item
April 16, 2024

ADMINISTRATIVE - 10

Authorization to Advertise a Public Hearing on a Proposal to Vacate James Place
(Mount Vernon District)

ISSUE:

Board authorization to advertise a public hearing on a proposal to vacate James Place southwest of the intersection of Gunston Drive (Route 3138) and Belmont Boulevard (Route 601).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for May 21, 2024, at 4:00 p.m.

TIMING:

Board action is requested on April 16, 2024, to provide sufficient time to advertise the public hearing for May 21, 2024, at 4:00 p.m.

BACKGROUND:

The applicant, RichHearts Development Group LLC, on behalf of their client, is requesting that James Place be vacated under §15.2-2272(2) of the Virginia Code. The applicant is seeking this request to support the consolidation and the development of their client's parcels (Tax Map Nos. 113-4 ((4))- 0041, 0042, 0043, 0044, 0045, 0046, 0047, 0048, 0049, 0050, and 0051). The applicant plans on the consolidation of their 11 lots, along with the proposed vacation area of James Place, to create 4 new residential lots. The 4 new residential lots would each have separate access to existing public roads (see Attachment VII).

The subject portion of James Place, southwest of the intersection of Gunston Drive and Belmont Boulevard, is unconstructed. The subject portion of James Place was dedicated as part of the "Gunston Heights Subdivision" (Deed Book 861, Page 332) on the plat dated August 28, 1950. The subject portion of James Place is on the periphery of the 1950 subdivision plat and is not in the Virginia Department of Transportation (VDOT) Secondary System of Highways. No other owners of lots shown on the 1950 plat will be damaged by the proposed vacation.

Board Agenda Item
April 16, 2024

EQUITY IMPACT:

None.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

- Attachment I: Letter of Request and Justification
- Attachment II: Notice of Public Hearing
- Attachment III: Vacation Ordinance
- Attachment IV: Metes and Bounds
- Attachment V: Vacation Plat
- Attachment VI: Vicinity Map
- Attachment VII: Informational Plat

STAFF:

- Rachel Flynn, Deputy County Executive
- Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)
- Jeff Hermann, Division Chief, Site Analysis & Transportation Planning Division, FCDOT
- Gregory Fuller, Jr., Section Chief, Site Analysis Section (SAS), FCDOT
- Brittany Nixon, Transportation Planner IV, SAS, FCDOT
- Jeffrey Edmondson, Transportation Planner III, SAS, FCDOT

ASSIGNED COUNSEL:

- Randall T. Greehan, Assistant County Attorney



May 13,2022

Fairfax County Department of Transportation
4050 Legato Road
Suite 400
Fairfax, Virginia 22033

Attn: Jeffrey Edmondson

Re : The Vacation of James Place Plat

Request for Vacation of James Place Right-of-Way ("paper street")

10515 Madison Drive
Lot 41, Section 1, Gunston Heights
TM: 113-4 ((4)) 41

10521 Madison Drive
Lot 42, Section 1, Gunston Heights
TM: 113-4 ((4)) 42

10527 Madison Drive
Lot 43, Section 1, Gunston Heights
TM: 113-4 ((4)) 43

7708 James Place
Lot 49, Section 1, Gunston Heights
TM: 113-4 ((4)) 49

7712 James Place
Lot 48, Section 1, Gunston Heights

TM: 113-4 ((4)) 48

7715 Gunston Drive
Lot 51, Section 1, Gunston Heights
TM: 113-4 ((4)) 51

7715 James Place
Lot 50, Section 1, Gunston Heights
TM: 113-4 ((4)) 50

7716 James Place
Lot 47, Section 1, Gunston Heights
TM: 113-4 ((4)) 47

7717 James Place
Lot 44, Section 1, Gunston Heights
TM: 113-4 ((4)) 44

7720 James Place
Lot 46, Section 1, Gunston Heights
TM: 113-4 ((4)) 46

7721 James Place
Lot 45, Section 1, Gunston Heights
TM: 113-4 ((4)) 45

Dear Jeffrey,

On behalf of my client, I would like to submit this request for vacation of James Place Right-of-Way ("paper street") as shown on the enclosed vacation and future consolidation plan.

The site is 6.93 acres, zoned Residential Estate R-E and is located in the Fairfax County Gunston Heights Subdivision, within the Mt. Vernon District. The site consists of undeveloped vacant lots that are surrounded by Residential Estate R-E zoned parcels on all sides. There is no Gunston Heights HOA.

The Vacation of James Place Plat proposes the vacation of James Place and future consolidations of the above identified lots to create the following:

- Lot 44-A (Lots 42, 43 & 44)
- Lot 45-A (Lots 41 & 45)
- Lot 50-A (Lots 48, 49 & 50)
- Lot 51-A (Lots 46, 47 & 51)

Each of the newly created lots would have access to a paved VDOT maintained road. The project team believes this should assist in reducing density and create lots in closer alignment with the current zoning.

Also, important to note, the current James Place Right of Way cul-de-sac design/configuration presents a line-of-sight issue as it intersects with Belmont Boulevard and Gunston Drive. VDOT has participated in early planning meetings and has determined that the current James Place Right of Way wouldn't meet the multiple connections in multiple directions guidelines.

Given the above, we respectfully request the vacation of James Place as outlined above.

If you have any questions, concerns or require any additional information to aid in your review of this request, please feel free to contact me.

I appreciate your time and help on these matters.

Sincerely,



Curtis Williams
RichHearts Development Group
Real Estate Development Consultant

NOTICE OF INTENT TO
ADOPT AN ORDINANCE VACATING
A PART OF A PLAT ON WHICH IS SHOWN

(James Place)

Mount Vernon District,
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on May 21, 2024, pursuant to Virginia Code Ann. § 15.2-2204 and §15.2-2272, to consider vacating James Place, a currently platted street located on the southwest side of Gunston Drive between Belmont Road and Madison Drive, in Section One of the platted Gunston Heights subdivision, recorded in Deed Book 861, at Page 332, said platted street being approximately 571 feet in length. The street to be vacated is shown on Tax Map 113-4 and is described on the metes and bounds schedule and the vacation plat prepared by Dominion Surveyors Inc., dated December 6, 2022, both of which are on file for review in the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia, 22033, Telephone Number (703) 877-5600.

Public hearings are available to view live on Channel 16 and stream live online at www.fairfaxcounty.gov/cableconsumer/channel-16/live-video-stream. Live audio of the meeting may be accessed at 703-324-7700. Those wishing to testify may do so in person, unless the meeting is held electronically, or via phone or pre-recorded YouTube video. Speakers wishing to testify via video must register by signing up online at the web address shown below or by calling the Department of Clerk Services at 703-324-1315, TTY 711, and must submit their video no later than 9 a.m. on the day prior to the hearing. Speakers wishing to testify via phone must sign up to testify no later than 12:00 p.m. the day of the hearing to be placed on the Speakers List. Speakers not on the Speakers List may be heard after the registered speakers have testified.

In addition, written testimony and other submissions will be received by mail at 12000 Government Center Parkway, Suite 552, Fairfax, Virginia 22035 or by email at clerktotheBOS@fairfaxcounty.gov. More information on the ways to testify can be found at www.fairfaxcounty.gov/clerkservices/ways-provide-public-hearing-testimony.

Questions regarding this proposal may be directed to the Fairfax County Department of Transportation at 703-877-5600.

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

MOUNT VERNON DISTRICT

ADOPTION OF AN ORDINANCE VACATING
A PART OF A PLAT ON WHICH IS SHOWN

(James Place)

Mount Vernon District,
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held on May 21, 2024, at which meeting a quorum was present and voting, the Board, after conducting a public hearing upon due notice given pursuant to Virginia Code Ann. §15.2-2204 and as otherwise required by law, adopted the following ordinance, to-wit:

BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia, pursuant to Virginia Code §15.2-2272, does hereby vacate James Place as formerly platted along Gunston Drive in Section One of the Gunston Heights subdivision, recorded in Deed Book 861, at Page 332, said platted street being approximately 571 feet in length. The road vacated is currently shown on Tax Map 113-4 and is described on the metes and bounds schedule attached hereto as well as shown on the vacation plat prepared by Dominion Surveyors Inc., dated December 6, 2022.

This vacation is subject to any right, privilege, permit, license, easement, in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either currently in use or of record, including the right to operate, maintain, replace, alter, extend, increase, or decrease in size any facilities in the vacated roadway, without any permission of the landowner.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



8808-H Pear Tree Village Ct.
Alexandria, VA 22309
703.619.6555
www.dominionsurveyors.com

December 6, 2022

**DESCRIPTION
OF
PARCEL "A"
JAMES PLACE VACATION
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA**

Beginning at a point in the southerly line of Gunston Drive (Route 3138), a corner common to Lot 49, Gunston Heights, Section One; thence with the southerly line of Gunston Drive (Route 3138) S 41° 58' 50" E 110.11' to a point in a northerly line of EDH Associates, LLC (Now or Formerly); thence with the northerly line of EDH Associates, LLC (Now of Formerly) N 89° 55' 20" W 243.32' to a point a corner common to Parcel "B"; thence through vacated James Place with the easterly line of Parcel "B" N 00° 04' 40" W 40.00' to a point in the southerly line of Lot 49, a corner common to Lot 48, Lot 49 and Parcel "B"; thence with the southerly line of Lot 49 S 89° 55' 20" E 151.00 to a point; thence with a curve to the left (Radius = 25.00, Delta = 132° 03' 31", Tangent = 56.23', Chord = 45.69', Chord Bearing = N 24° 02' 54" E) on arc distance of 57.62' to the point of beginning containing 9,696 square feet of land.



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December 6, 2022

**DESCRIPTION
 OF
 PARCEL "B"
 JAMES PLACE VACATION
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA**

Beginning at a point, a corner common to Lot 48 and Lot 49, Gunston Heights, Section One, and Parcel "A"; thence through vacated James Place with the westerly line of Parcel "A" S 00° 04' 40" W 40.00' to a point in a northerly line of EDH Associates, LLC (Now or Formerly) and a corner common to Parcel "A"; thence with a northerly line of EDH Associates, LLC (Now of Formerly) N 89° 55' 20" W 78.15' to a point, a corner common to Lot 50 and Parcel "C"; thence through vacated James Place with the easterly and northerly lines of Parcel "C" N 00° 04' 40" E 20.16' to a point; thence with a curve to the right (Radius = 218.00; Delta = 31° 30' 29", Tangent = 61.50', Chord = 118.38', Chord Bearing = N 61° 40' 35" W) an arc distance of 119.88' to a point; thence N 45° 55' 20" W 41.09' to a point, a corner common to Parcel "G"; thence with the easterly line of Parcel "G" N 54° 45' 10" E 25.44' to a point in the southerly line of Lot 48, a corner common to Lot 47 and Parcel "G"; thence with the southerly line of Lot 48 S 45° 55' 20" E 36.38' to a point; thence with a curve to the left (Radius = 193.00', Delta = 44° 00' 00", Tangent = 77.98', Chord = 144.60', Chord Bearing = S 67° 55' 20" E) an arc distance of 148.21' to a point; thence S 89° 55' 20" E 31.00' to the point of beginning containing 6,942 square feet of land.



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December 6, 2022

**DESCRIPTION
 OF
 PARCEL "C"
 JAMES PLACE VACATION
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA**

Beginning at a point in the northerly line of Lot 50, Gunston Heights, Section One, corner common to Parcel "B"; thence with the northerly line of Lot 50 N 89° 55' 20" W 21.84' to a point; thence with a curve to the right (Radius = 243.00', Delta = 27° 30' 20", Tangent = 59.47', Chord = 115.54', Chord Bearing N 59° 40' 30" W) an arc distance of 116.66' to a point; thence N 45° 55' 20" W 38.29' to a point; thence with a curve to the left (Radius = 25.00', Delta = 70° 31' 44", Tangent = 17.68', Chord = 28.87', Chord Bearing = N 81° 11' 12" W) an arc distance of 30.78' to a point; thence with a curve to the right (Radius = 50.00', Delta = 47° 18' 24", Tangent = 21.85', Chord = 40.05', Chord Bearing = S 87° 09' 25" W) an arc distance of 41.28' to a point, a corner common to Lot 44 and Parcel "D"; thence through vacated James Place with the easterly line of Parcel "D" N 20° 45' 53" E 50.00' to a point, a corner common to Parcels "E", "F" and "G"; thence with the easterly and southerly lines of Parcel "G" and the southerly and westerly lines of Parcel "B" N 44° 04' 40" E 25.00' to a point; thence S 45° 55' 20" E 109.00' to a point; thence with curve to the left (Radius = 218.00', Delta = 31° 30' 29", Tangent = 61.50', Chord = 118.38', Chord Bearing = S 61° 40' 35" E) an arc distance 119.88' to a point; thence S 00° 04' 40" W 20.16' to the point of beginning containing 7,430 square feet of land.



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December 6, 2022

**DESCRIPTION
OF
PARCEL "D"
JAMES PLACE VACATION
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA**

Beginning at a point in the northerly line of Lot 44, Gunston Heights, Section One, a corner common to Lot 50 and Parcel "C"; thence with the northerly line of Lot 44 with a curve to the right (Radius = 50.00', Delta = 60° 00' 00", Tangent = 28.87', Chord = 50.00', Chord Bearing = N 39° 14' 07" W) an arc distance of 52.36' to a point, a corner common to Lot 45 and Parcel "E; thence through vacated James Place with the southerly line of Parcel "E" N 80° 45' 53" E 50.00' to a point, a corner common to Parcels "C", "E", "F" and "G"; thence with a westerly line of Parcel "C" S 20° 45' 53" W 50.00' to the point of beginning containing 1,309 square feet of land.



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December 6, 2022

**DESCRIPTION
OF
PARCEL "E"
JAMES PLACE VACATION
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA**

Beginning at a point in the easterly line of Lot 45, Gunston Heights, Section Once, a corner common to Lot 44 and Parcel "D"; thence with the easterly line of Lot 45 with a curve to right (Radius = 50.00', Delta = 60° 00'00", Tangent = 28.87; Chord = 50.00', Chord Bearing N 20° 45' 53" E) and arc distance of 52.36' to a point, a corner common to Lot 46 and Parcel "F"; thence through vacated James Place with a southerly line of Parcel "F" S 39° 14' 08" E 50.00' to a point, a corner common to Parcels "C", "D", "F" and "G"; thence with a northerly line of Parcel "D" S 80° 45' 53" W 50.00' to the point of beginning containing 1,309 square feet of land.



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December 6, 2022

**DESCRIPTION
OF
PARCEL "F"
JAMES PLACE VACATION
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA**

Beginning at a point in the southerly line of Lot 46, Gunston Heights, Section One, a corner common to Lot 45 and Parcel "E"; thence with the southerly line of Lot 46 with a curve to the right (Radius = 50.00', Delta = 60° 00' 00", Tangent = 28.87', Chord = 50.00', Chord Bearing = N 80° 45' 53" E) an arc distance of 52.36' to a point, a corner common to Lot 47 and Parcel "G"; thence through vacated James Place with a westerly line of Parcel "G" S 20° 45' 53" W 50.00' to a point, a corner common to Parcels "C", "D", "E" and "G"; thence with a northerly line of Parcel "E" N 39° 14' 07" W 50.00' to the point of beginning containing 1,309 square feet of land.



8808-H Pear Tree Village Ct.
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December 6, 2022

**DESCRIPTION
 OF
 PARCEL "G"
 JAMES PLACE VACATION
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA**

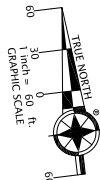
Beginning at a point in the southerly line of Lot 47, Gunston Heights, Section One, a corner common to Lot 46 and Parcel "F"; thence with the southerly line of Lot 47 with a curve to the right (Radius = 50.00', Delta = 23° 13' 20", Tangent = 10.31', Chord = 20.13', Chord Bearing = S 57° 34' 44" E) an arc distance of 20.27' to a point; thence S 45° 55' 20" E 72.62' to a point, a corner common to Lot 48 and Parcel "B"; thence through vacated James Place with a westerly line of Parcel "B" S 54° 45' 10" W 25.44' to a point in the northerly line of Parcel "C"; thence with the northerly line of Parcel "C" N 45° 55' 20" W 67.91' to a point; thence S 44° 04' 40" W 25.00' to a point, a corner common to Parcel "C", "D", "E" and "F"; thence with the easterly line of Parcel "F" N 20° 45' 53" W 50.00' to the point of beginning containing 2,265 square feet of land.

CURVE TABLE						
NO.	RADIUS	DELTA	ARC	TAN	CHORD	CHD BRG
C1	243.00'	27°30'20"	116.66'	59.47'	115.54'	N59°40'30"W
C2	25.00'	70°31'44"	30.78'	17.68'	28.87'	N81°11'12"W
C3	50.00'	47°18'24"	41.28'	21.85'	40.05'	S87°09'25"W
C4	50.00'	60°00'00"	52.36'	28.87'	50.00'	N39°14'07"W
C5	50.00'	60°00'00"	52.36'	28.87'	50.00'	N20°45'53"E
C6	50.00'	60°00'00"	52.36'	28.87'	50.00'	N80°45'53"E
C7	50.00'	23°13'20"	20.27'	10.31'	20.13'	S57°34'44"E
C8	193.00'	44°00'00"	148.21'	77.98'	144.60'	S67°55'20"E
C9	25.00'	132°03'31"	57.62'	56.23'	45.69'	N24°02'54"E
C10	218.00'	31°30'29"	119.88'	61.50'	118.38'	S61°40'35"E

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 41°58'50" E	110.11
L2	S 89°55'20" E	243.32
L3	S 89°55'20" E	78.15
L4	S 89°55'20" E	21.84
L5	N 45°55'20" W	38.29
L6	S 45°55'20" E	72.62
L7	S 45°55'20" E	36.38
L8	S 89°55'20" E	31.00
L9	S 89°55'20" E	151.00
L10	S 00°04'40" W	40.00
L11	S 00°04'40" W	20.16
L12	N 20°45'53" E	50.00
L13	N 80°45'53" E	50.00
L14	S 39°14'07" E	50.00
L15	S 20°45'53" W	50.00
L16	S 44°04'40" W	25.00
L17	N 45°55'20" W	67.91
L18	N 54°45'10" E	25.44
L19	N 45°55'20" W	41.09

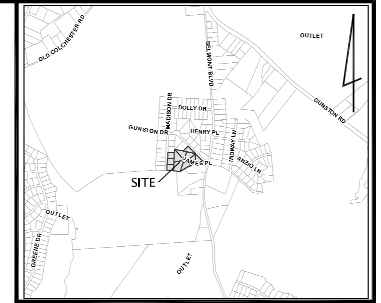
AREA TABULATION

PRE-VACATION	POST-VACATION
JAMES PL. = 30,260 SF (0.6947 AC)	PARCEL "A" = 9,696 SF (0.2225 AC)
	PARCEL "B" = 6,942 SF (0.1593 AC)
	PARCEL "C" = 7,430 SF (0.1706 AC)
	PARCEL "D" = 1,309 SF (0.0301 AC)
	PARCEL "E" = 1,309 SF (0.0301 AC)
	PARCEL "F" = 1,309 SF (0.0301 AC)
	PARCEL "G" = 2,265 SF (0.0520 AC)
	TOTAL = 30,260 SF (0.6947 AC)



NOTES:

- THE ADJACENT PROPERTIES ARE SHOWN ON THE FAIRFAX COUNTY TAX MAP AS TAX MAP #113-4-04-0044, #113-4-04-0045, #113-4-04-0046, #113-4-04-0047, #113-4-04-0048, #113-4-04-0049, #113-4-04-0050, #113-4-01-0027Z AND ARE ZONED RE.
- ALL PREVIOUSLY RECORDED R/W, EASEMENTS OR OTHER INTEREST OF THE COUNTY REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SHOWN ON THIS PLAT.
- THE BOUNDARY SURVEY OF THE LANDS DELINEATED HEREON MEETS THE MINIMUM ERROR OF CLOSURE OF 1 IN 20,000.
- ANY FUTURE EASEMENT OR AUTHORIZATION FOR ELECTRIC, CABLE, TELEPHONE OR GAS SERVICES TO BE FURNISHED TO THE PROPERTY MUST COMPLY WITH THE PROVISIONS OF 15.2-2241(6) OF THE VIRGINIA CODE.
- THE PERIMETER OF THE LAND HEREON PLATTED WILL BE MONUMENTED USING IRON PIPE OR OTHER PERMANENT MARKER. MONUMENTATION OF INTERNAL LOTS, STREETS, PARCELS, AND PARCELS CREATED BY RECORDATION OF THIS PLAT ARE COVERED BY SUBDIVISION ORDINANCE AND SURETY BOND AND WILL BE INSTALLED BY A LAND SURVEYOR LICENSED IN THE COMMONWEALTH PRIOR TO BOND RELEASE BY FAIRFAX COUNTY.



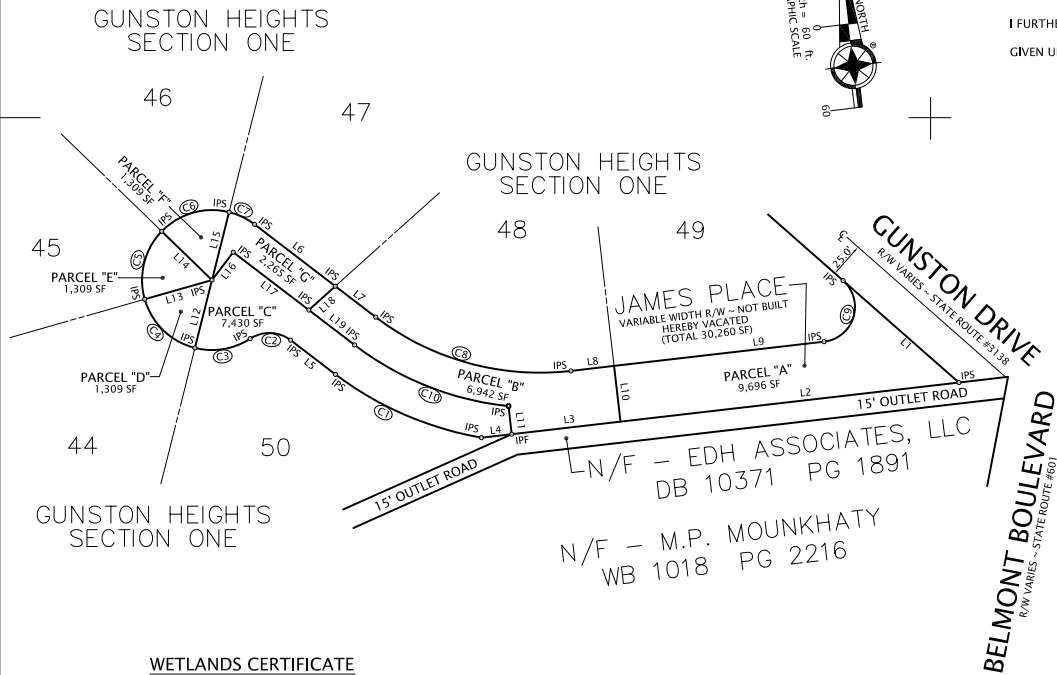
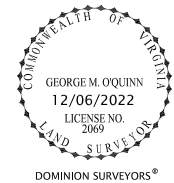
VICINITY MAP
SCALE: 1" = 2000'

SURVEYOR'S CERTIFICATE

I, GEORGE M. O'QUINN, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED HEREON, AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT JAMES PLACE WAS DEDICATED FOR PUBLIC USE TO THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AS RECORDED IN DEED BOOK 861 AT PAGE 332 BEING RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA; AND IS WITHIN THOSE BOUNDARIES.

I FURTHER CERTIFY THAT IRON PIPES SHOWN THUS HAVE BEEN SET AS INDICATED.

GIVEN UNDER MY HAND AND SEAL THIS 6TH DAY OF DECEMBER, 2022.

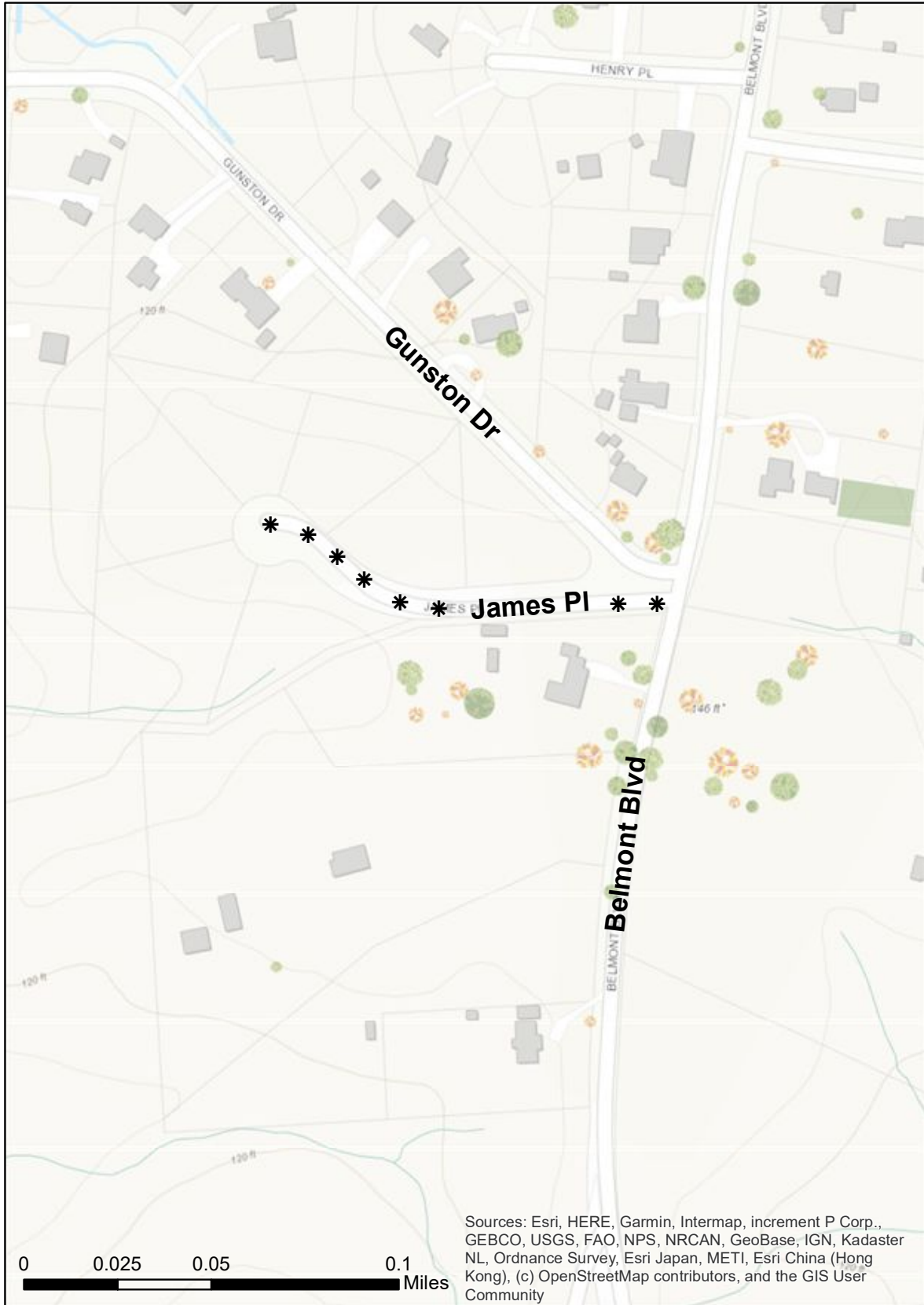


APPROVED COUNTY OF FAIRFAX LAND DEVELOPMENT SERVICES ADDRESSING REVIEW	
BY _____	Addressing Reviewer
Date _____	
FINAL PLAT	
RECOMMENDED FOR APPROVAL FAIRFAX COUNTY LAND DEVELOPMENT SERVICES	
ALL STREET LOCATIONS AND/OR EASEMENTS CONFORM TO THE REQUIREMENTS OF THIS OFFICE.	
THIS APPROVAL IS NOT A COMMITMENT TO PROVIDE PUBLIC SANITARY SEWER.	
BY _____	Director, Site Development and Inspection Division or Agent
Date _____	
APPROVED FOR BOARD OF SUPERVISORS FAIRFAX COUNTY, VIRGINIA	
BY _____	Director, Land Development Services or Agent
Date _____	
APPROVAL VOID IF PLAT IS NOT OFFERED FOR RECORD ON OR BEFORE _____	

WETLANDS CERTIFICATE
I HEREBY CERTIFY THAT ALL WETLANDS PERMITS REQUIRED BY LAW WILL BE OBTAINED PRIOR TO COMMENCING LAND DISTURBING ACTIVITIES.
George M. O'Quinn
GEORGE M. O'QUINN
DECEMBER 06, 2022
DATE

PLAT SHOWING
THE VACATION AND ABANDONMENT
OF
JAMES PLACE
(DEED BOOK 861, PAGE 332)
FAIRFAX COUNTY, VIRGINIA
MOUNT VERNON DISTRICT
SCALE: 1" = 60' DECEMBER 06, 2022
 DOMINION Surveyors Inc.
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412

Vacation of a Portion of James Place Mount Vernon District

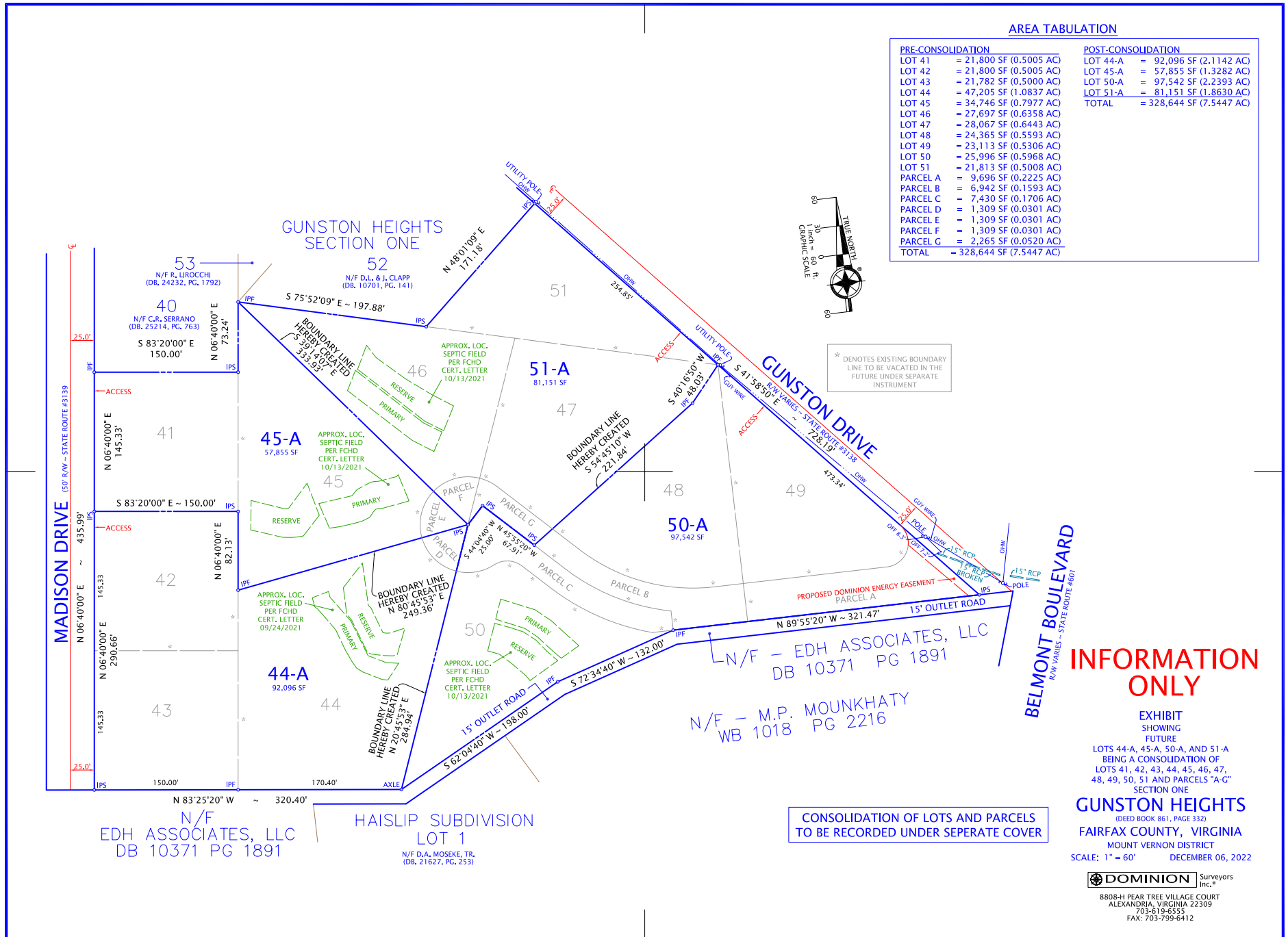


Tax Map 113-4

* Denotes Area to be Vacated

AREA TABULATION

PRE-CONSOLIDATION	POST-CONSOLIDATION
LOT 41 = 21,800 SF (0.5005 AC)	LOT 44-A = 92,096 SF (2.1142 AC)
LOT 42 = 21,800 SF (0.5005 AC)	LOT 45-A = 57,855 SF (1.3282 AC)
LOT 43 = 21,782 SF (0.5000 AC)	LOT 50-A = 97,542 SF (2.2393 AC)
LOT 44 = 47,205 SF (1.0837 AC)	LOT 51-A = 81,151 SF (1.8630 AC)
LOT 45 = 34,746 SF (0.7977 AC)	TOTAL = 328,644 SF (7.5447 AC)
LOT 46 = 27,697 SF (0.6358 AC)	
LOT 47 = 28,067 SF (0.6443 AC)	
LOT 48 = 24,365 SF (0.5593 AC)	
LOT 49 = 23,113 SF (0.5306 AC)	
LOT 50 = 25,996 SF (0.5968 AC)	
LOT 51 = 21,813 SF (0.5008 AC)	
PARCEL A = 9,696 SF (0.2225 AC)	
PARCEL B = 6,942 SF (0.1593 AC)	
PARCEL C = 7,430 SF (0.1706 AC)	
PARCEL D = 1,309 SF (0.0301 AC)	
PARCEL E = 1,309 SF (0.0301 AC)	
PARCEL F = 1,309 SF (0.0301 AC)	
PARCEL G = 2,265 SF (0.0520 AC)	
TOTAL = 328,644 SF (7.5447 AC)	



INFORMATION ONLY

EXHIBIT
SHOWING
FUTURE
LOTS 44-A, 45-A, 50-A, AND 51-A
BEING A CONSOLIDATION OF
LOTS 41, 42, 43, 44, 45, 46, 47,
48, 49, 50, 51 AND PARCELS "A-G"
SECTION ONE
GUNSTON HEIGHTS
(DEED BOOK 861, PAGE 332)
FAIRFAX COUNTY, VIRGINIA
MOUNT VERNON DISTRICT
SCALE: 1" = 60' DECEMBER 06, 2022

DOMINION Surveyors
Inc.
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412

Board Agenda Item
April 16, 2024

ADMINISTRATIVE – 11

Authorization to Advertise a Public Hearing to Consider an Ordinance Amending Article 9 of Chapter 82 of the Fairfax County Code, Relating to the Right-of-Way Afforded to Pedestrians

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to *Sections 82-9-2 and 82-9-7 of the Code of the County of Fairfax, Virginia* (Fairfax County Code), to modify language related to the right-of-way afforded to pedestrians.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for May 7, 2024, at 4:00 p.m., to consider amendments to *Sections 82-9-2 and 82-9-7 of the Fairfax County Code* (Attachment I). The amendments will authorize the Fairfax County Department of Transportation to install and maintain signs at marked crosswalks requiring drivers to stop for pedestrians and add a prohibition on overtaking vehicles stopped for pedestrians.

TIMING:

The Board should take action on April 16, 2024, to provide sufficient time for advertisement of the proposed public hearing scheduled for May 7, 2024, at 4:00 p.m.

BACKGROUND:

Section 82-9-2 of the Fairfax County Code defines the right-of-way afforded to pedestrians in Fairfax County. The corresponding provision within the *Code of Virginia* is found in *Va. Code § 46.2-924*. On July 1, 2023, the Code of Virginia was amended to require drivers to stop for pedestrians crossing within the driver's lane or within an adjacent lane and approaching the driver's lane until such pedestrian has passed the lane in which the vehicle is stopped. The amendment to the Code of Virginia also allowed the governing body of Fairfax County to provide, by ordinance, for the installation and maintenance of highway signs at marked crosswalks specifically requiring operators of motor vehicles, at the locations where such signs are installed, to either yield the right-of-way to, or stop for, pedestrians crossing or attempting to cross the highway (depending on the situation as defined in the VA. Code). An update to the Fairfax County Code on December 20, 2023, included the

Board Agenda Item
April 16, 2024

requirement to stop for pedestrians, but did not include the other modifications in accordance with the amended Code of Virginia. The proposed amendments to the Fairfax County Code will address the modifications that were not included, as well as adopt a provision from *Va. Code § 46.2-924* that prohibits the overtaking of vehicles stopped for pedestrians. The proposed amendments to *Fairfax County Code Sections 82-9-2* (Right-of-way of pedestrians) and *82-9-7* (Penalty for violating Article 9) are included in Attachment II.

EQUITY IMPACT:
None.

FISCAL IMPACT:
There is no fiscal impact associated with this request. There will be a subsequent request to modify signage in accordance with this amendment that will have a proposed fiscal impact of \$95,000. However, funds were approved by the Board of Supervisors on December 5, 2023, and are currently available in Fairfax County Department of Transportation Fund 30050, Transportation Improvements in Projects 2G40-197-000, Bicycle and Pedestrian Access – DOT, ST-000053, Bicycle and Pedestrian Access – DOT.

ENCLOSED DOCUMENTS:
Attachment I: Public Notice
Attachment II: An Ordinance Amending Article 9 of Chapter 82 of the Fairfax County Code, Relating to the Right-of-Way Afforded to Pedestrians

STAFF:
Rachel Flynn, Deputy County Executive
Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)
Lisa Witt, Chief, Administrative Services, FCDOT
Eric M. Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Lauren Delmare, Chief, Active Transportation Section, FCDOT

ASSIGNED COUNSEL:
John A. Dorsey, Assistant County Attorney

PUBLIC NOTICE

AMENDMENT TO ARTICLE 9 OF CHAPTER 82 OF THE FAIRFAX COUNTY CODE
RELATING TO THE RIGHT-OF-WAY AFFORDED TO PEDESTRIANS

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION

Notice is hereby given that the Fairfax County Board of Supervisors will hold a public hearing on May 7, 2024 at 4:00 p.m., in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, to consider the adoption of amendments to *The Code of the County of Fairfax, Virginia* (Fairfax County Code), which will be set forth in Sections 82-9-2 and 82-9-7, to modify language related to the right-of-way afforded to pedestrians. On July 1, 2023, the Code of Virginia changed from requiring vehicles to yield to pedestrians at crosswalks to a requirement that vehicles stop for pedestrians. The proposed amendments will enact authority under Va. Code § 46.2-924 that allows the governing body of Fairfax County to provide, by ordinance, for the installation and maintenance of highway signs at marked crosswalks specifically requiring operators of motor vehicles, at the locations where such signs are installed, to stop for pedestrians crossing or attempting to cross the highway. The amendment will also update the Fairfax County Code to prohibit the overtaking and passing of a vehicle stopped for a pedestrian in accordance with the current Code of Virginia.

Public hearings are available to view live on Channel 16 and stream live online at www.fairfaxcounty.gov/cableconsumer/channel-16/live-video-stream. Live audio of the meeting may be accessed at 703-324-7700. Those wishing to testify may do so in person, unless the meeting is held electronically, or via phone or pre-recorded YouTube video. Speakers wishing to testify via video must register by signing up online at the web address shown below or by calling the Department of Clerk Services at 703-324-1315, TTY 711, and must submit their video no later than 9 a.m. on the day prior to the hearing. Speakers wishing to testify via phone must sign up to testify no later than 12:00 p.m. the day of the hearing to be placed on the Speakers List. Speakers not on the Speakers List may be heard after the registered speakers have testified.

In addition, written testimony and other submissions will be received by mail at 12000 Government Center Parkway, Suite 552, Fairfax, Virginia 22035 or by email at clerktotheBOS@fairfaxcounty.gov. More information on the ways to testify can be found at www.fairfaxcounty.gov/clerkservices/ways-provide-public-hearing-testimony.

Questions regarding this proposed amendment may be directed to the Fairfax County Department of Transportation at 703-877-5600.

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

(Countywide)

1 AN ORDINANCE AMENDING
2 ARTICLE 9 OF CHAPTER 82 OF THE FAIRFAX COUNTY CODE, RELATING TO
3 THE RIGHT-OF-WAY AFFORDED TO PEDESTRIANS
4

5 AN ORDINANCE to amend the Fairfax County Code by amending and
6 readopting Sections 82-9-2 and 82-9-7, relating to the right-of-way of
7 pedestrians.
8

9 Draft of January 9, 2024
10

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

- 12 1. That Sections 82-9-2 and 82-9-7 of the Fairfax County Code are amended and
13 readopted, as follows:
14

15 ARTICLE 9. - Protection of Pedestrians.

16 Section 82-9-2. – Right-of-way of pedestrians.

17 (a) The driver of any vehicle upon a highway or street shall stop when a pedestrian crossing
18 is within the driver's lane or within an adjacent lane and approaching the driver's lane of
19 such highway or street within any clearly marked crosswalk, whether at mid-block or at
20 the end of any block, or at any regular pedestrian crossing included in the prolongation of
21 the lateral boundary lines of the adjacent sidewalk at the end of a block, or at any
22 intersection when the driver is approaching on a highway or street where the legal
23 maximum speed does not exceed thirty-five miles per hour, except at intersections or
24 crosswalks where the movement of traffic is being regulated by law enforcement officers,
25 uniformed school crossing guards, or traffic direction devices where the driver shall yield
26 according to the direction of the law enforcement officer, uniformed school crossing
27 guard, or device.

28 (b) When a vehicle is stopped pursuant to subsection (a), the driver of any other vehicle
29 approaching from an adjacent lane or from behind the stopped vehicle shall not overtake
30 and pass such stopped vehicle.

31 (c) No pedestrian shall enter or cross an intersection in disregard of approaching traffic.

32 (d) The drivers of vehicles entering, crossing, or turning at intersections shall change their
33 course, slow down, or come to a complete stop if necessary to permit pedestrians to cross
34 such intersections safely and expeditiously.

35 (e) Pedestrians crossing highways or streets at intersections shall at all times have the right-
36 of-way over vehicles making turns into the highways or streets being crossed by the
37 pedestrians.

38 (f) Pursuant to Va. Code § 46.2-924(D), the County may install and maintain highway signs
39 at marked crosswalks requiring operators of motor vehicles, at the locations where such
40 signs are installed, to yield the right-of-way to or stop for pedestrians crossing or
41 attempting to cross the highway.

42 **Section 82-9-7. – Penalty for violating Article 9.**

43 Except as otherwise provided herein, any violation of this Article shall constitute a traffic
44 infraction which shall be punishable in accordance with Section 82-1-35. Any violation
45 of Section 82-9-2(a) by the driver of any vehicle at a crosswalk that has been specially marked
46 with signage that has been installed by the County in accordance with criteria developed by
47 the Virginia Department of Transportation pursuant to Va. Code § 46.2-924 shall be guilty of
48 traffic infraction punishable by a fine of no less than \$100.00 or more than \$500.00.

49 **2. That this ordinance is effective upon adoption.**

50
51
52
53
54
55
56
57

GIVEN under my hand this _____ day of _____, 2024

Jill G. Cooper
Clerk for the Board of Supervisors

ADMINISTRATIVE – 12

Supplemental Appropriation Resolution AS 24213 for the Fairfax-Falls Church Community Services Board to Accept Grant Funding from the U.S. Department of Labor for the Community Project Funding Request Included in the Consolidated Appropriations Act, 2023

ISSUE:

Board of Supervisors approval of Supplemental Appropriation Resolution AS 24213 for the Fairfax-Falls Church Community Services Board (CSB) to accept grant funding totaling \$2,000,000 from the U.S. Department of Labor, Employment and Training Administration (ETA) for funding received for the community project funding request included in the Consolidated Appropriations Act, 2023. This award was part of the County's community project funding requests coordinated through Government Relations and submitted to the County's Congressional offices. No Local Cash Match is required. When grant funding expires, the County is under no obligation to continue funding. CSB received funding for the following project:

1. Behavioral Health Care Provider Incentive Program - \$2,000,000
The Fairfax-Falls Church CSB Behavioral Health Care Provider Incentive Program is designed as a single-action activity. The project will conduct activities leading to developing, promoting, and implementing a new tuition reimbursement program. The grant provides \$2,000,000 for a Tuition Reimbursement Program to cover full or partial tuition costs associated with higher education, licensing, credentialing, continuing education, and targeted training courses. The grant funds are for direct costs associated with incumbent employee educational fees. Funding will support approximately 120 individuals in their continuing education. The period of performance is 36 months.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 24213 from the U.S. Department of Labor, Employment and Training Administration in the amount of \$2,000,000 supporting one CSB project that was funded through the Consolidated Appropriations Act, 2023. No Local Cash Match is required.

TIMING:

Board approval is requested on April 16, 2024.

BACKGROUND:

As the Board may recall, the 117th Congress reinstated the practice of authorizing direct funding of specific projects, previously known as “earmarks” and now referred to as “community project funding requests” (CPFRs), after nearly a decade-long ban on the practice. The County developed a list of 17 CPFRs for submission to the County’s Congressional offices as part of the 118th Congress. The selected projects had to meet the following criteria:

- Projects had to be eligible for federal funding from accounts available for community funding projects;
- Projects had to be previously approved by the Board, required for the County to comply with federal or state mandates, or to carry out Board priorities; and
- Projects had to meet all federal requirements for individual funding accounts, including the amount of funding available, types of projects eligible, project readiness, and requirements for community support of projects.

The Board was notified on December 22, 2022, through the “Update on FY 2023 Congressionally Directed Spending” email from Claudia Arko, Legislative Director, that the Consolidated Appropriations Act, 2023 was passed in December 2022 and included funding for 10 of the 17 County CPFR projects submitted for Congressional consideration. In addition, a project submitted by the Northern Virginia Transportation Commission that directly impacts Fairfax County but is not part of this Supplemental Appropriation Resolution was approved.

Each CPFR is being administered by the appropriate federal agency, and each project requested by the County will be separately accounted for in Fund 50000, Federal-State Grant Fund. Attachment 1 lists the 10 projects, the County department responsible for administering the award, and the status of project funding. There is no set timeframe for when each federal agency will release the funding; however, as funding is released, a Board item will be submitted to formally appropriate the funding.

The U.S. Department of Labor, Employment and Training Administration has released the funding for the following CSB project.

1. **Behavioral Health Care Provider Incentive Program - \$2,000,000**

The Fairfax-Falls Church CSB Behavioral Health Care Provider Incentive Program is designed as a single-action activity. The project will conduct activities leading to developing, promoting, and implementing a new tuition reimbursement program. Key staff associated with this project include the Continuing Education Coordinator and Grants Analyst, with Finance, Communications, and Human

Board Agenda Item
April 16, 2024

Resources playing support roles during certain project parts. CSB staff working in Finance, Communications, and Human Resources will be available to take on tasks the Continuing Education Coordinator assigns that align with the scope of their daily work. The grant program seeks to address incumbent employees' workforce development challenges by providing them with an opportunity to gain education and occupational skills that will prepare them for career development. This focus on workforce development will support recruiting and retention efforts that are vital in ensuring a skilled and valued public behavioral health workforce, which is crucial for employees, clients, and the community. This project focuses on supporting higher education degrees and accommodating a range of continuing education needs for selected incumbent staff. For the project period of 36 months, CSB is allocating \$2,000,000 for the tuition reimbursement component of this program. Funding will support approximately 120 individuals in their continuing education through full or partial tuition reimbursement. The \$2,000,000 in grant funds are for direct costs associated with incumbent employee educational fees.

FISCAL IMPACT:

Funding in the amount of \$2,000,000 from the U.S. Department of Labor, Employment and Training Administration has been received for one community funding project to CSB, which was included in the Consolidated Appropriations Act, 2023. No Local Cash Match is required. Indirect cost recovery is allowed but CSB is not requesting the recovery of indirect costs in order to maximize funds available to accomplish the objectives of the project. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2024.

CREATION OF NEW POSITIONS:

There are no new grant positions associated with this award.

ENCLOSED DOCUMENTS:

Attachment 1: Fairfax County Funded FY 2023 CPFR Projects
Attachment 2: Notice of Award
Attachment 3: Supplemental Appropriation Resolution AS 24213

STAFF:

Christopher A. Leonard, Deputy County Executive
Daryl Washington, Executive Director, Fairfax-Falls Church Community Services Board

Fairfax County Funded FY 2023 CPFR Projects

Project Title	Funded Amount	Department Administering the Award	Status of Project Funding
1. Behavioral Health Care Provider Incentive Program	\$2.0 million	Fairfax-Falls Church Community Services Board (CSB)	Funding has been released by the federal agency administering the award and budget appropriation is being requested as part of this Board item.
2. Bridging the Digital Divide for Older Adults and People with Disabilities	\$1.0 million	Department of Neighborhood and Community Services (NCS)	Accept Board Item on September 26, 2023
3. Investing in our Youth: Career Readiness and Job Training	\$2.1 million	NCS	NCS staff is working with the federal agency to release funding.
4. Franconia (formerly Lee) District Community Center Facility Renovations	\$1.93 million	NCS	NCS staff is working with the federal agency to release funding.
5. Expansion of the Fairfax County Early Childhood Development and Learning Program	\$1.5 million	NCS	Accept Board Item on September 26, 2023
6. Housing Program Participant Information Digitization/Imaging	\$200,000	Department of Housing and Community Development (HCD)	Accept Board Item on June 27, 2023
7. Renovations/Improvements to the Little River Glen Senior Center	\$1.5 million	HCD	Accept Board Item on June 27, 2023
8. I-66 Trail (Vienna Segment)	\$1.0 million	Department of Transportation (DOT)	DOT staff is working with the federal agency to release funding.
9. Sunrise Valley Cycle Track (Innovation to Herndon)	\$4.0 million	DOT	DOT staff is working with the federal agency to release funding.
10. Fairfax County Crisis Services Construction Project	\$1.7 million	CSB	CSB staff is working with the federal agency to release funding.



Notice of Award

Award# 24A60CP000312-01-00

FAIN# 24A60CP000312

Federal Award Date: 03/13/2024

Recipient Information

1. Recipient Name
 COUNTY OF FAIRFAX VIRGINIA
 12011 Government Center Pkwy STE 836
 Fairfax, VA 22035-1100

2. Congressional District of Recipient
 11

3. Payment System Identifier (ID)
 1540787833A9

4. Employer Identification Number (EIN)
 540787833

5. Data Universal Numbering System (DUNS)
 074837626

6. Recipient's Unique Entity Identifier (UEI)
 W2ZUFMBDM378

7. Project Director or Principal Investigator
 Elizabeth McCartney
 elizabeth.mccartney@fairfaxcounty.gov
 703-324-5257

8. Authorized Official
 Mr. Daryl Washington
 daryl.washington@fairfaxcounty.gov
 703-501-1486

Federal Agency Information

ETA Office of Grants Management

9. Awarding Agency Contact Information
 Carmen Mew
 Grants Management Specialist
 mew.carmen.e@dol.gov
 202-693-3437

10. Program Official Contact Information
 Mr. Keith W Hubert
 Workforce Development Specialist
 US Department of Labor - ETA
 hubert.keith@dol.gov
 215-861-5212

Federal Award Information

11. Award Number
 24A60CP000312-01-00

12. Unique Federal Award Identification Number (FAIN)
 24A60CP000312

13. Statutory Authority
 Workforce Innovation and Opportunity Act, P.L. 113-28, Section 169(c)

14. Federal Award Project Title
 FY 23 CFP ETA Grant Fairfax-Falls Church Community Services Board Behavioral Health Care Provider Incentive Program

15. Assistance Listing Number
 17.289

16. Assistance Listing Program Title
 Community Project Funding/Congressionally Directed Spending

17. Award Action Type
 New

18. Is the Award R&D?
 No

Summary Federal Award Financial Information

19. Budget Period Start Date	04/01/2024	- End Date	03/31/2027
20. Total Amount of Federal Funds Obligated by this Action			\$2,000,000.00
20a. Direct Cost Amount			\$2,000,000.00
20b. Indirect Cost Amount			\$0.00
21. Authorized Carryover			\$0.00
22. Offset			\$0.00
23. Total Amount of Federal Funds Obligated this budget period			\$0.00
24. Total Approved Cost Sharing or Matching, where applicable			\$351,087.86
25. Total Federal and Non-Federal Approved this Budget Period			\$2,351,087.86
26. Period of Performance Start Date	04/01/2024	- End Date	03/31/2027
27. Total Amount of the Federal Award including Approved Cost Sharing or Matching this Period of Performance			\$2,351,088.00

28. Authorized Treatment of Program Income

ADDITIONAL COSTS

29. Grants Management Officer - Signature

Ms. Aiyana Pucci
Grant Officer

30. Remarks



Award# 24A60CP000312-01-00

FAIN# 24A60CP000312

Federal Award Date: 03/13/2024

<p>Recipient Information</p> <p>Recipient Name COUNTY OF FAIRFAX VIRGINIA 12011 Government Center Pkwy STE 836 Fairfax, VA 22035-1100</p> <p>Congressional District of Recipient 11</p> <p>Payment Account Number and Type 1540787833A9</p> <p>Employer Identification Number (EIN) Data 540787833</p> <p>Universal Numbering System (DUNS) 074837626</p> <p>Recipient's Unique Entity Identifier (UEI) W2ZUFMBDM378</p>
<p>31. Assistance Type Discretionary Grant</p> <p>32. Type of Award Other</p>

33. Approved Budget (Excludes Direct Assistance)	
I. Financial Assistance from the Federal Awarding Agency Only	
II. Total project costs including grant funds and all other financial participation	
a. Salaries and Wages	\$0.00
b. Fringe Benefits	\$0.00
c. Total Personnel Costs	\$0.00
d. Equipment	\$0.00
e. Supplies	\$0.00
f. Travel	\$0.00
g. Construction	\$0.00
h. Other	\$2,000,000.00
i. Contractual	\$0.00
j. TOTAL DIRECT COSTS	\$2,000,000.00
k. INDIRECT COSTS	\$0.00
l. TOTAL APPROVED BUDGET	\$2,000,000.00
m. Federal Share	\$2,000,000.00
n. Non-Federal Share	\$351,087.86

34. Accounting Classification Codes						
FY-ACCOUNT NO.	DOCUMENT NO.	ADMINISTRATIVE CODE	OBJECT CLASS	CFDA NO.	AMT ACTION FINANCIAL ASSISTANCE	APPROPRIATION
0501742324BD202401740026235CP000A0000AOFAM0AOFAM0	CP000312TC1	ETA	410023	17.289	\$2,000,000.00	01742324BD

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 24213

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 April 16, 2024, 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 2024, the following supplemental appropriation is authorized, and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund: 500-C50000, Federal-State Grant Fund

Agency: G76, Fairfax-Falls Church Community Services Board

Grants: 1760104-2023, Behavioral Health Care Provider Incentive Program,
Community Project Funding \$2,000,000

Reduce Appropriation to:

Agency: G8787, Unclassified Administrative Expenses \$2,000,000

Fund: 500-C50000, Federal-State Grant Fund

Source of Funds: U.S. Dept of Labor, Employment and Training Admin, \$2,000,000

A Copy - Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
April 16, 2024

ACTION - 1

Approval of a Parking Adjustment for Fairhills on the Boulevard, 8621 Route 29
(Providence District)

ISSUE:

Board of Supervisors' (Board) approval of a 23 percent parking adjustment for the proposed shopping center at 8621 Route 29 in Merrifield, 2024 Tax Map Number 049-3 ((6)), Parcels 18 and 19, Providence District.

RECOMMENDATION:

The County Executive recommends that the Board approve an adjustment, pursuant to Subsection 6100.6.C.(2) (a) and (b) of the Zoning Ordinance (Ordinance), based on proximity to transit, subject to the conditions in Attachment I.

TIMING:

Board action is requested on April 16, 2024.

BACKGROUND:

The applicant is proposing the demolition of an existing building and removal of a non-conforming gravel vehicle storage area on the subject site, replacing this with the construction of a shopping center building. The proposal includes the construction of 24 auto parking spaces to serve the new use. Parking requirements effective on January 1, 2024, mandate a minimum of 31 spaces for this use. However, the Ordinance allows parking adjustments for proximity to transit. At this site, two bus stops that serve Metrorail are within 1,000 feet of the site, meeting the criteria for consideration of a reduced parking requirement.

The parking area is sized to minimize impacts to an adjacent resource protection area and floodplain. The gravel vehicle storage lot will be reclaimed as a protected area with redevelopment of the site. The reduced parking footprint will provide an overall environmental benefit for the immediate area.

Table 1. Comparison of Ordinance Required and Proposed Parking for 8621 Route 29

Units	Rate Required by Ordinance	Ordinance Required Parking	Proposed Number of Spaces
Shopping Center – 8,680 gross square feet of floor area (GFA)	3.6 spaces per 1,000 GFA	31 spaces	24 spaces
Proposed Reduction			23%

This recommendation reflects a coordinated review by the Department of Planning and Development, Office of the County Attorney and Land Development Services (LDS).

EQUITY IMPACT:

The proposed adjustment supports a quality built and natural environment that accommodates anticipated growth and change in an economically, socially, and environmentally sustainable and equitable manner. This includes mixes of land use that protects existing stable neighborhoods and green spaces, supports sustainability, supports a high quality of life, and promotes employment opportunities, housing, amenities, and services for all people. It also promotes a healthy and quality environment to live and work in that acknowledges the need to breathe clean air and to drink clean water now and for future generations. Further, it is consistent with 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.

The proposed reduction addresses these values by being a component of an effort to enhance environmental benefits by right-sizing parking. The parking area is sized to minimize impacts to an adjacent resource protection area and floodplain. The gravel vehicle storage lot currently on the site will be reclaimed as a protected area with redevelopment. The reduced parking footprint will provide an overall environmental benefit for the immediate area.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

- Attachment I – Parking reduction conditions dated February 14, 2024
- Attachment II – Parking reduction request

Board Agenda Item
April 16, 2024

STAFF:

Rachel Flynn, Deputy County Executive

William D. Hicks, P.E., Director, Land Development Services (LDS)

Matthew Hansen, P.E., Chief, Site Development and Inspection Division (SDID), LDS

Jeff Vish, P.E., Central Branch Chief, SDID, LDS

Michael Davis, Parking Program Manager, SDID, LDS

ASSIGNED COUNSEL:

Patrick V. Foltz, Assistant County Attorney

ATTACHMENT I

PARKING REDUCTION CONDITIONS

February 14, 2024

1. These conditions apply to the current owner, their successors and assigns (hereinafter "owner") of the parcel identified on 2023 Tax Map ID 049-3 ((6)) 18 and 19.
2. A minimum of 24 parking spaces must be available on the site to serve a maximum 8,680 square foot shopping center.
3. Parking for any expansion or uses not allowed in a shopping center must be provided at no less than the minimum rates required by the Zoning Ordinance (Ordinance).
4. Other than spaces needed to meet accessibility requirements, the owners will not reserve any parking space within, or restrict the general public's access to, the parking area subject to this reduction.
5. The conditions of approval of this parking reduction must be incorporated into any related site plan revision submitted to the Director of Land Development Services (Director) for approval.
6. The owner must submit a parking space utilization study for review and approval by the Director promptly upon request by the Zoning Administrator or the Director at any time in the future. Following review of that study, or if a study is not submitted within 90 days after its request, the Director may require alternative measures to satisfy the on-site parking needs of the property. Such measures may include, but are not limited to, compliance with the full parking requirements specified in the Ordinance.
7. All parking utilization studies prepared in response to a request by the Zoning Administrator or the Director must be based on applicable requirements of The Code of the County of Fairfax, Virginia, and the Ordinance in effect at the time of the study's submission.
8. All parking provided must comply with the applicable requirements of the Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act and the Virginia Uniform Statewide Building Code.
9. These conditions of approval are binding on the owner and must be recorded in the Fairfax County Land Records in a form acceptable to the County Attorney. If these conditions have not been recorded and an extension has not been approved by the Director, approval of this parking reduction request will expire without notice six months from its approval date.



PROFESSIONAL DESIGN GROUP, INC.

4124 Walney Road
Suite M
Chantilly, Virginia 20151
Metro 703.631.2344
703.378.2101
Fax 703.378.2102

January 02, 2024

Michael A. Davis
Environmental and Site Review Division
12055 Government Center Pkwy., Suite 535
Fairfax, Virginia 22035-5503

Re: Fairhills On Boulevard, Lot 18 To 19, Tax Map No. 049-3 ((6)) 0018 and 0019

Dear Mr. Davis,

With this letter, we are requesting a parking adjustment for the above-mentioned shopping center pursuant to section 6100.6 Paragraph C & G of the zoning ordinance. The total number of parking spaces required under the shopping center rate is 32 spaces, and we are able to achieve a minimum of 24 spaces as shown on the attached plan. This adjustment will equate to a 25% reduction. We believe that our request is justified due to following reasons.

Background:

Parcels 18 and 19 were developed under the site plan for Yorktown Childcare Center approved in December of 1981. The site was created with a 6600 sf of building with 14 parking spaces. Later, the use was changed to a landscaping company and showroom for kitchen, bath fixtures, and tile. It is my understanding that both uses were under building supply or contractor's office. The total spaces provided was 14 spaces. The site is not subject to any Rezoning, Special Use Permit, Special Exception, and proffers or conditions. The site is adjacent to Long Branch and a large portion of the site cannot be developed due to flood plain and RPA. The site is less than a five hundred feet from Merrifield Commercial Revitalization Area boarder. The site is located in Merrifield Suburban Area.

Proposed use:

The developer is seeking to demolish the existing building and construct a new 8,680 square feet building with two or more uses permitted under C-8 zoning district. The building will be constructed with two floors with two or more bays. One of the larger uses of the building will be the restaurant that has off-peak hours of operation.

Parking Requirements:

Land Use	Size	Rate Required by Code	Number of Spaces Required by Code	Adjustment due to Sec 6100.5	Proposed Adjustment	Proposed Minimum Number of Spaces	Proposed Minimum Rate
Shopping Center	8,680 SF of GFA	4 spaces per 1000 SF of GFA	35	32	25%	24	2.76 space per 1000 SF of GFA
Totals			35	32	25%	24	2.76

Justification:

This site is located within Planning Area I of the comprehensive plan. It is within the Vienna planning sector. The site falls within Merrifield Suburban Center. The site is 1.2 miles from the Dunn Loring metro station and is 0.6 miles from the Dunn Loring Transit Station area. The site is currently being served by Metro Bus route 2B, Dun Loring Station Bus. There is two bus station within walking distance (less than 500 feet) from the site (Station #5001273 & #5002088). Pursuant to section 6100.6 C of the zoning ordinance, this site meets the proximity to the existing transportation facility and is part of Merrifield Suburban Center.

A large portion of the site is within RPA and Flood Plains, and the parking cannot be extended without encroaching into these areas. Please note that the existing gravel area was constructed without an approved site plan. Our client intends to remove the gravel area with the RPA and stabilize the area using grass subject to future approval of site plan.

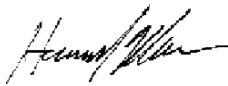
We believe that our request for reduction is justified since a large portion of this project site is covered by RPA and Flood Plain and additional parking cannot be constructed, most of the building will be occupied by a use that will have off-peak hours of operation, the proximity of the project to mass transit station, and being part of Merrifield Suburban Center.

Impact on adjacent properties:

We believe that this adjustment and the proposed development will not have any impact on adjacent properties since most of the building will be used during off-peak hours. There is a shopping center on the west side with uses that are personal service oriented and operate between hours of 9 am to 7 pm. A medical office building is located to the east of this site with normal office hours. The peak of restaurant use is after 7 pm; therefore, we do not see any impact on the adjacent properties.

Your processing of our request will be greatly appreciated. If you have any questions, please contact me.

Sincerely,



Hamid Matin, PE



ACTION – 2

Authorization for the Fairfax County Redevelopment and Housing Authority to (1) Issue Tax-Exempt Multifamily Housing Revenue Bonds or Notes in an Amount Not to Exceed \$19,350,000 to Finance the 74-Unit Phase I Four Portion of the Proposed Residences at Government Center II Development, and (2) Issue Tax-Exempt Multifamily Housing Revenue Bonds or Notes in an Amount Not to Exceed \$14,500,000 to Finance the 69-Unit Phase II Four Portion of the Proposed Residences at Government Center II Development (Braddock District)

ISSUE:

Board of Supervisors (Board) authorization for the Fairfax County Redevelopment and Housing Authority (FCRHA) to issue Tax-Exempt Multifamily Housing Revenue Bonds or Notes for the Phase I Four and Phase II Four portions of the Residences at Government Center II development (Development) in the Braddock District.

RECOMMENDATION:

The County Executive recommends that the Board:

1. Authorize the FCRHA to submit an application to the Virginia Department of Housing and Community Development (VADHCD) for the necessary bond volume cap allocation.
2. Authorize the FCRHA to Issue Tax-Exempt Multifamily Housing Revenue Bonds or Notes in an amount not to exceed \$19,350,000, to finance 74 units of affordable multifamily housing, known as the Phase I Four portion of the Development.
3. Authorize the FCRHA to Issue Tax-Exempt Multifamily Housing Revenue Bonds or Notes in an amount not to exceed \$14,500,000, to finance 69 units of affordable multifamily housing, known as the Phase II Four portion of the Development (together with Phase I Four above, collectively, the Projects).

TIMING:

Board action is requested on April 16, 2024, in order to secure VADHCD bond volume cap allocation and meet the desired Fall 2024 closing date for the Projects.

BACKGROUND:

Previous Actions

The Fairfax County Board of Supervisors (Board) previously conveyed the existing Parking Lots G and H at the Fairfax County Government Center (the Project Site) to the

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FCRHA for redevelopment as affordable housing. The FCRHA entered into an Interim Agreement with LACM VA, LLC (LACM), a subsidiary of Lincoln Avenue Capital (LAC), on June 7, 2022, through the Virginia Public-Private Educational Facilities Infrastructure Act (PPEA) for the Residences at Government Center II development (Development). Pursuant to the Interim Agreement, LAC sought the requisite land use approvals for the Development, which were obtained in early 2023. The FCRHA then entered into a Comprehensive Agreement with LACM on January 19, 2023, giving LACM and other LAC subsidiaries site control over the Project Site. Additionally, the Board approved FCRHA subordinate financing of up to \$14,000,000 and \$11,000,000 for Phase I and Phase II of the Development, respectively, in February 2023 and February 2024, respectively.

Project Description

The overall Development includes 279 units of affordable housing in two five-story buildings serving residents from 30 percent to 70 percent of Area Median Income (AMI). As design progresses, minor revisions to these unit counts may become necessary. The Development will also contain an approximately 15,000 square foot community space that will be used to provide a daycare facility and other resident and community-based services.

The Development will be financed and constructed in two phases, with each building and a proportional component of the underground garage comprising a “Phase.” The north building (Phase I) will be financed using a nine percent and a four percent Low Income Housing Tax Credits (LIHTC) component (Phase I Nine and Phase I Four). Similarly, the south building (Phase II) will be financed using a nine percent and a four percent LIHTC component (Phase II Nine and Phase II Four). The Phase I Four and Phase II Four components are the “Projects” for purposes of the bond issuance requested in this Item. Each component will be conveyed to a distinct subsidiary of LAC under a long-term ground lease where the FCRHA is the landlord and maintains ownership of the underlying fee interest in the property.

A more detailed summary of the Development is attached to this item as Attachment 3.

Anticipated Project Financing

LAC proposes to use a variety of financing sources to construct the Development. The financing plan for each phase is further described in Attachment 4.

The Bonds to be Authorized

The overall financing plan also requires Board authorization for the FCRHA to issue Bonds in an amount not to exceed \$19,350,000 and \$14,500,000 for Phase I Four and Phase II Four, respectively, (each of which constitutes at least 50 percent of eligible basis plus land for the respective project), with the final bond amount for each to be

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determined before closing and upon completion of final underwriting. FCRHA will request an allocation of bond volume cap from VADHCD after approval from the Board.

The Bonds are expected to be issued as separate tax-exempt obligations for each of the Projects using Freddie Mac’s Tax-Exempt Loan (TEL) construction to permanent financing program (or alternatively, using a taxable conventional loan paired with short-term, tax-exempt, cash-collateralized bonds that convert to Freddie Mac TEL permanent financing at conversion). The fundamental role of the FCRHA will be as a “conduit” provider of tax-exempt financing for the Projects, with the Projects being solely responsible for repayment. The Bonds will be nonrecourse to the FCRHA.

Timeline

The estimated timetable for the financial closing is as follows:

Selection Advisory Committee Approvals	Phase I - Jan 2023 Phase II – Dec 2023
TEFRA Advertisements (for both Phase I Four and Phase II Four)	March 6, 2024
Issuances of Declaration of Intent/Inducement Resolutions (for both Phase I Four and Phase II Four)	March 7, 2024
TEFRA Public Hearing and FCRHA Approval of Bond Issuances (for both Phase I Four and Phase II Four)	March 14, 2024
Board of Supervisors Approval of Bond Issuances (for both Phase I Four and Phase II Four)	April 16, 2024
Bond volume cap awarded and allocated by VADHCD (for both Phase I Four and Phase II Four)	Summer 2024
FCRHA Final Bond Resolution (for both Phase I Four and Phase II Four)	Summer 2024
Financial Closing / Construction Start (for both Phases I and II)	Fall 2024

EQUITY IMPACT:

The proposed 274 affordable rental units with a combination of one to three bedrooms at the Residences at Government Center II Development will help achieve the Board’s goal of increasing the supply of affordable housing with a minimum of 10,000 net new units by 2034. With Fairfax County’s 2023 AMI at \$152,100 (for a family of four), the delivery of the Residences at Government Center II Development will provide crucial affordable housing for residents earning a range of incomes between 30 percent or below to 70 percent of AMI. Further, the location of the proposed Development being

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accessible to important community amenities such as transportation, jobs, groceries, retail and recreation aligns with the One Fairfax Policy, which recommends, in part, (i) the implementation of housing policies and practices that encourage all who want to live in Fairfax to be able to do so, and (ii) the providing of a full spectrum of housing opportunities across the County, most notably those in mixed-use areas that are accessible to multiple modes of transport. The Development will promote opportunities for everyone to fully participate in the region's economic vitality, contribute to its readiness for the future, and connect to its assets and resources.

FISCAL IMPACT:

Depending on the type of Freddie Mac TEL financing that the Projects will use, one of the following fee structures shall apply:

1. If the transaction involves short-term bonds during the construction period that will then convert to a Freddie Mac TEL at conversion, the FCRHA will receive a short-term bond monitoring fee of \$65,000 per year until the mandatory tender date on which the Bonds are expected to convert to the permanent phase. The FCRHA will also charge a long-term bond monitoring fee of 0.25 percent on the outstanding balance of the Bonds annually after conversion.
2. In the alternative, if the transaction only involves a Freddie Mac TEL, then the FCRHA will receive a long-term bond monitoring fee of 0.25 percent on the outstanding balance of the Bonds.

In addition, the FCRHA will receive a Bond Application Fee of \$5,000 for each project. All fees will go into Fund 81000, FCRHA General Operating.

ENCLOSED DOCUMENTS:

Attachment 1 – Phase I Four Bond Resolution
Attachment 2 – Phase II Four Bond Resolution
Attachment 3 – Project Summary
Attachment 4 – Financing Plan
Attachment 5 – Location Map

STAFF:

Christopher A. Leonard, Deputy County Executive
Thomas E. Fleetwood, Director, Housing and Community Development (HCD)
Anna Shapiro, Deputy Director, Real Estate, Finance and Development, HCD
Debashish Chakravarty, Associate Director, Real Estate Finance (REF), HCD
Julie Chen, Senior Real Estate Finance Manager, REF, HCD

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ASSIGNED COUNSEL:
Ryan A. Wolf, Senior Assistant County Attorney

Authorization for the Fairfax County Redevelopment and Housing Authority to Issue Tax-Exempt Multifamily Housing Revenue Bonds or Notes in an Amount Not to Exceed \$19,350,000 to Finance the 74-Unit Phase I Four Portion of the Proposed Residences at Government Center II Development (Braddock District)

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia on Tuesday, April 16, 2024, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Fairfax County Redevelopment and Housing Authority (FCRHA) of Fairfax County, Virginia desires to issue, sell, and deliver its tax-exempt Multifamily Housing Revenue Bonds or Notes in one or more series or subseries pursuant to a plan of finance in the aggregate principal amount not to exceed \$19,350,000 (the “Bonds”); and

WHEREAS, the FCRHA was established pursuant to Title 36 of the Va. Code Ann. (the Act), and pursuant to Section 36-19 of the Act, the FCRHA is authorized to make loans for assistance in planning, development, acquisition, construction, repair, rehabilitation, equipping or maintenance of commercial, residential or other buildings; provided that prior approval of any such loan by the local governing body shall be required if the building is not located within a housing, redevelopment or conservation area, or a rehabilitation area; and

WHEREAS, the proceeds of the Bonds will be used in part to provide financing for the construction of the 74-unit multifamily housing project known as the Phase I Four portion of the Residences at Government Center II development (the “Project”), located at 12040 Government Center Parkway, Fairfax, Virginia, and

WHEREAS, the FCRHA held a public hearing on March 14, 2024, for which public notice was duly given on March 6, 2024; and

WHEREAS, the notices and the public hearing complied with the regulations applicable to tax-exempt bonds under Section 147(f) of the Internal Revenue Code of 1986, as amended (the Code); and

WHEREAS, in order to assist in the Board’s approval of the issuance of the Bonds on a tax-exempt basis as required under Section 147(f) of the Code, the Board received from the FCRHA a summary of statements made at the public hearing and an extract of minutes of the FCRHA meeting relative to its proposed issuance of the Bonds.

NOW THEREFORE BE IT RESOLVED that the Board:

For the purposes and only for the purposes of compliance with Section 147(f) of the Code, the Board does hereby approve the issuance of tax-exempt Bonds for the

Project in a principal amount not to exceed \$19,350,000. The Board in no manner assumes any legal or moral obligation for the Bonds. The Bonds will be limited obligations of the FCRHA and payable from the revenues pledged thereto pursuant to the Trust Indenture or other instrument (Indenture) pursuant to which the Bonds will be issued. As required by the Act, the Bonds shall not be a debt of Fairfax County, Virginia, the Commonwealth of Virginia or any political subdivision thereof (other than the FCRHA) and neither Fairfax County, Virginia, nor the Commonwealth of Virginia or any political subdivision thereof (other than the FCRHA) shall be liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than those of the FCRHA pledged thereto under the Indenture. The Bonds shall not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The Board expresses no opinion as to the merits of the Project or of its financing.

This Resolution shall take effect immediately.

Adopted the 16th day of April, 2024, by the Fairfax County Board of Supervisors

A Copy Teste:

[SEAL]

Jill G. Cooper
Clerk for the Board of Supervisors

Authorization for the Fairfax County Redevelopment and Housing Authority to Issue Tax-Exempt Multifamily Housing Revenue Bonds or Notes in an Amount Not to Exceed \$14,500,000 to Finance the 69-Unit Phase II Four Portion of the Proposed Residences at Government Center II Development (Braddock District)

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia on Tuesday, April 16, 2024, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Fairfax County Redevelopment and Housing Authority (FCRHA) of Fairfax County, Virginia desires to issue, sell, and deliver its tax-exempt Multifamily Housing Revenue Bonds or Notes in one or more series or subseries pursuant to a plan of finance in the aggregate principal amount not to exceed \$14,500,000 (the “Bonds”); and

WHEREAS, the FCRHA was established pursuant to Title 36 of the Va. Code Ann. (the Act), and pursuant to Section 36-19 of the Act, the FCRHA is authorized to make loans for assistance in planning, development, acquisition, construction, repair, rehabilitation, equipping or maintenance of commercial, residential or other buildings; provided that prior approval of any such loan by the local governing body shall be required if the building is not located within a housing, redevelopment or conservation area, or a rehabilitation area; and

WHEREAS, the proceeds of the Bonds will be used in part to provide financing for the construction of the 69-unit multifamily housing project known as the Phase II Four portion of the Residences at Government Center II development (the “Project”), located at 12020 Government Center Parkway, Fairfax, Virginia, and

WHEREAS, the FCRHA held a public hearing on March 14, 2024, for which public notice was duly given on March 6, 2024; and

WHEREAS, the notices and the public hearing complied with the regulations applicable to tax-exempt bonds under Section 147(f) of the Internal Revenue Code of 1986, as amended (the Code); and

WHEREAS, in order to assist in the Board’s approval of the issuance of the Bonds on a tax-exempt basis as required under Section 147(f) of the Code, the Board received from the FCRHA a summary of statements made at the public hearing and an extract of minutes of the FCRHA meeting relative to its proposed issuance of the Bonds.

NOW THEREFORE BE IT RESOLVED that the Board:

For the purposes and only for the purposes of compliance with Section 147(f) of the Code, the Board does hereby approve the issuance of tax-exempt Bonds for the Project in a principal amount not to exceed \$14,500,000. The Board in no manner

assumes any legal or moral obligation for the Bonds. The Bonds will be limited obligations of the FCRHA and payable from the revenues pledged thereto pursuant to the Trust Indenture or other instrument (Indenture) pursuant to which the Bonds will be issued. As required by the Act, the Bonds shall not be a debt of Fairfax County, Virginia, the Commonwealth of Virginia or any political subdivision thereof (other than the FCRHA) and neither Fairfax County, Virginia, nor the Commonwealth of Virginia or any political subdivision thereof (other than the FCRHA) shall be liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than those of the FCRHA pledged thereto under the Indenture. The Bonds shall not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The Board expresses no opinion as to the merits of the Project or of its financing.

This Resolution shall take effect immediately.

Adopted the 16th day of April, 2024, by the Fairfax County Board of Supervisors

A Copy Teste:

[SEAL]

Jill G. Cooper
Clerk for the Board of Supervisors

PROJECT SUMMARY
Residences at Government Center II

GENERAL:

The development is anticipated to include the following:

- Phase I (North Building):
 - Construction of a 144-unit apartment building for households with incomes from 30 percent of Area Median Income (AMI) to 70 percent of AMI.
- Phase II (South Building):
 - Construction of a 135-unit apartment building for households with incomes from 30 percent of AMI to 70 percent of AMI.
- Childcare Facility and Community Center:
 - 15,000 Square Feet.
 - Located in the north building (within the scope of Phase I).
 - To be operated by Fairfax County based 501(c)(3) service provider, Cornerstones.
- Parking Spaces:
 - An underground garage to be shared by both North and South buildings and provide approximately 341 parking spaces.
- Ground Leases:
 - LAC intends to enter into long-term unsubordinated Ground Leases with the Fairfax County Redevelopment and Housing Authority (FCRHA) for terms of 99 years, for each of the nine percent and four percent LIHTC components in the Development.

BENEFITS OF THE DEVELOPMENT:

- 279 units of affordable multifamily housing, or 144 units for Phase I and 135 units for Phase II, in the high-cost Braddock District of Fairfax County, VA.
- Serving approximately 11 percent of residents at or below 30 percent of AMI, approximately six percent of residents at or below 40 percent of AMI, approximately 14 percent of residents at or below 50 percent of AMI, approximately 63 percent of residents at or below 60 percent of AMI, and approximately six percent of residents at or below 70 percent of AMI.
- Property amenities include a business center, fitness facility, on-site management, community rooms, and resident lounges.

- On-site pedestrian promenade will be added to create access to and from the County Government Center buildings as well as to create more private exterior resident amenities. Existing mature trees lining the perimeter of the site will be preserved.
- A daycare facility to be provided in the North building (Phase I) will be operated by Fairfax County based 501(c)(3) service provider, Cornerstones.
- Affordability for a period of 99 years per Ground Lease.
- Will include rooftop solar panels which will help minimize the environmental impact of the development and ultimately lower residents' utility bills.
- EarthCraft Gold or equivalent Certification and Universal Design in all units as well as all of the common areas for both buildings.
- 30 Americans with Disabilities Act (ADA) compliant units in the North building (Phase I) and 23 ADA units in the South building (Phase II).
- Seven Project Based Vouchers (PBVs) for the Phase I Nine portion of the Development, and seven PBVs for the Phase II Nine portion of the Development.

APPRAISED VALUE:

According to the appraisal prepared by Robert Paul Jones, Inc. dated November 10, 2023, the 'Forced Liquidation Decontrol Value', based on restricted rents being maintained for 3 years after foreclosure, is \$51,867,000 for the north building (Phase I), and \$49,833,000 for the south building (Phase II). The FCRHA loans to be provided for each Phase of the development are fully collateralized by the Decontrol Value of the property. 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 concluded that the methodology used is appropriate and the values are reasonable.

PROPOSED UNIT MIX AND AFFORDABILITY RESTRICTIONS:

The development contains two rent rate structures: Low-Income Housing Tax Credits (LIHTC) rents set by Virginia Housing and Project-Based Voucher (PBV) rents established by the FCRHA, using a U.S. Department of Housing and Urban Development regulatory structure. The regulatory structure dictates the gross rent that a landlord can receive when using a project-based voucher. When the voucher is applied to each unit, the tenant's portion of the rent will not exceed the maximum LIHTC (non-PBV) rents.

Approximate Unit mix (subject to minor adjustments) for each phase of the development is as follows:

Phase I (Proposed 144 Units in Total):**Phase I Four**

	40% AMI	60% AMI	70% AMI	# of Units
One Bedroom	3	24	3	30
Two Bedroom	3	28	3	34
Three Bedroom	2	6	2	10
Total	8	58	8	74

Phase I Nine

	PBV Units	30% AMI	50% AMI	60% AMI	# of Units
One Bedroom	2	2	4	3	11
Two Bedroom	3	3	15	23	44
Three Bedroom	2	2	3	8	15
Total	7	7	22	34	70

Phase II (Proposed 135 Units in Total):**Phase II Four**

	40% AMI	60% AMI	70% AMI	# of Units
One Bedroom	3	39	3	45
Two Bedroom	3	13	3	19
Three Bedroom	2	1	2	5
Total	8	53	8	69

Phase II Nine

	PBV Units	30% AMI	50% AMI	60% AMI	# of Units
One Bedroom	2	2	3	3	10
Two Bedroom	3	3	13	21	40
Three Bedroom	2	2	3	9	16
Total	7	7	19	33	66

FINANCING PLAN:

For each phase of the Residences at Government Center II development, Lincoln Avenue Capital (LAC) is proposing a financing plan using both nine percent and four percent LIHTC. Each LIHTC deal, four in total, will be developed by a separate entity established by LAC. The financing structure for each LIHTC deal consists of LIHTC, first mortgage financing likely from Freddie Mac, subordinate financing from the FCRHA, Solar Tax Credit Equity, short-term bond reinvestment proceeds, and Deferred Developer Fee. For Phase I, the aggregate amount of gap financing provided by the FCRHA of up to \$14,000,000 was approved in January 2023. For Phase II, the aggregate amount of gap financing requested from the FCRHA for up to \$11,000,000 was approved in January 2024. The financing structure and breakdown between the nine percent and four percent transactions within each phase may be revised before closing subject to market conditions to reach an optimal financing structure.

Phase I Sources & Uses (Previously Approved)

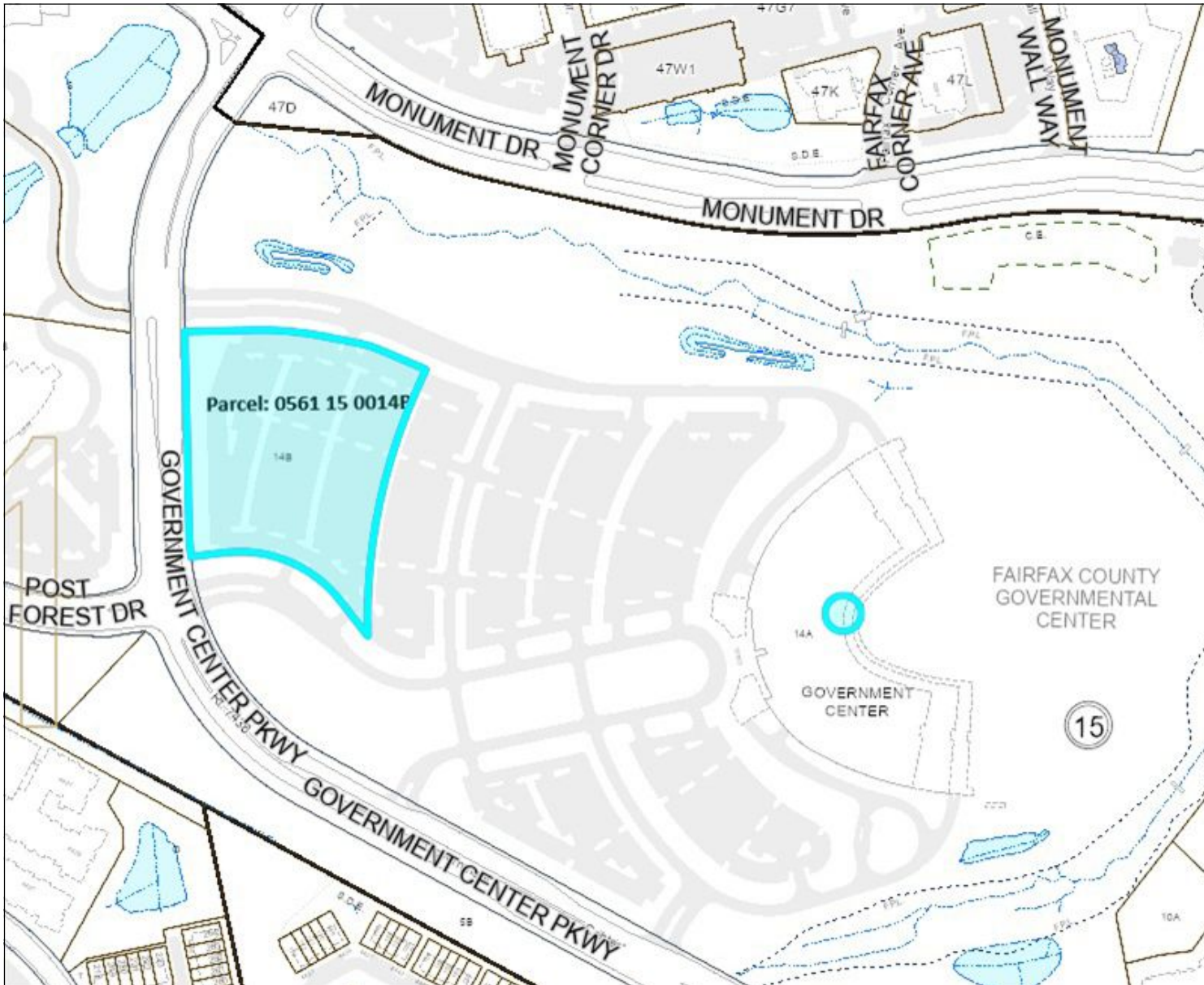
	Phase I Nine	Phase I Four	
Sources	9% Sources	4% Sources	Combined Sources
First Mortgage	\$9,740,000	\$11,330,000	\$21,070,000
GP Capital Contribution	\$100	\$100	\$200
LIHTC Equity	\$22,322,768	\$13,210,541	\$35,533,309
Fairfax County Blueprint Funds	\$6,000,000	\$8,000,000	\$14,000,000
Solar Credit Equity	\$142,500	\$99,750	\$242,250
Short-Term Bond Reinvestment Proceeds	\$0	\$2,242,430	\$2,242,430
Deferred Developer Fee	\$2,208,749	\$2,551,824	\$4,760,573
Total Sources	\$40,414,117	\$37,434,645	\$77,848,762
Uses	9% Uses	4% Uses	Combined Uses
Acquisition	\$0	\$0	\$0
Construction Hard Costs	\$31,687,596	\$26,472,565	\$58,160,160
Project Soft Costs	\$1,181,619	\$1,109,808	\$2,291,427
Tax Credit Fees	\$242,500	\$150,351	\$392,851
Bond Costs	\$0	\$408,056	\$408,056
Financing Costs	\$571,075	\$2,676,161	\$3,247,236
Construction Interest	\$2,755,014	\$2,633,790	\$5,388,805
Escrows and Reserves	\$676,313	\$812,829	\$1,489,142
Developer Fee	\$3,300,000	\$3,171,085	\$6,471,085
Total Uses	\$40,414,117	\$37,434,645	\$77,848,762


Phase II Sources & Uses (Previously Approved)

	Phase II Nine	Phase II Four	
Sources	9% Sources	4% Sources	Combined Sources
First Mortgage	\$9,620,000	\$9,340,000	\$18,960,000
GP Capital Contribution	\$100	\$100	\$200
LIHTC Equity	\$18,798,120	\$9,747,154	\$28,545,274
Fairfax County Blueprint Funds	\$4,500,000	\$6,500,000	\$11,000,000
Solar Credit Equity	\$142,500	\$141,000	\$283,500
Short-term Bond Reinvestment Proceeds	\$0	\$1,675,845	\$1,675,845
Deferred Developer Fee	\$1,832,761	\$964,259	\$2,797,020
Total Sources	\$34,893,481	\$28,368,358	\$63,261,839
Uses	9% Uses	4% Uses	Combined Uses
Acquisition	\$0	\$0	\$0
Construction Hard Costs	\$26,967,133	\$19,657,299	\$46,624,432
Project Soft Costs	\$1,145,707	\$819,438	\$1,965,145
Tax Credit Fees	\$193,000	\$125,592	\$318,592
Bond Costs	\$0	\$369,384	\$369,384
Financing Costs	\$532,202	\$2,071,624	\$2,603,826
Construction Interest	\$2,436,868	\$2,102,381	\$4,539,249
Escrows and Reserves	\$635,721	\$720,640	\$1,356,361
Developer Fee	\$2,982,850	\$2,502,000	\$5,484,850
Total Uses	\$34,893,481	\$28,368,358	\$63,261,839



Attachment 5 - Residences at Government Center II Location Map



Legend
 Parcels

Notes:
 Development Site: Fairfax County Tax Map # 56-1 ((15)), parcel 14B.

Map produced: 1/4/2024

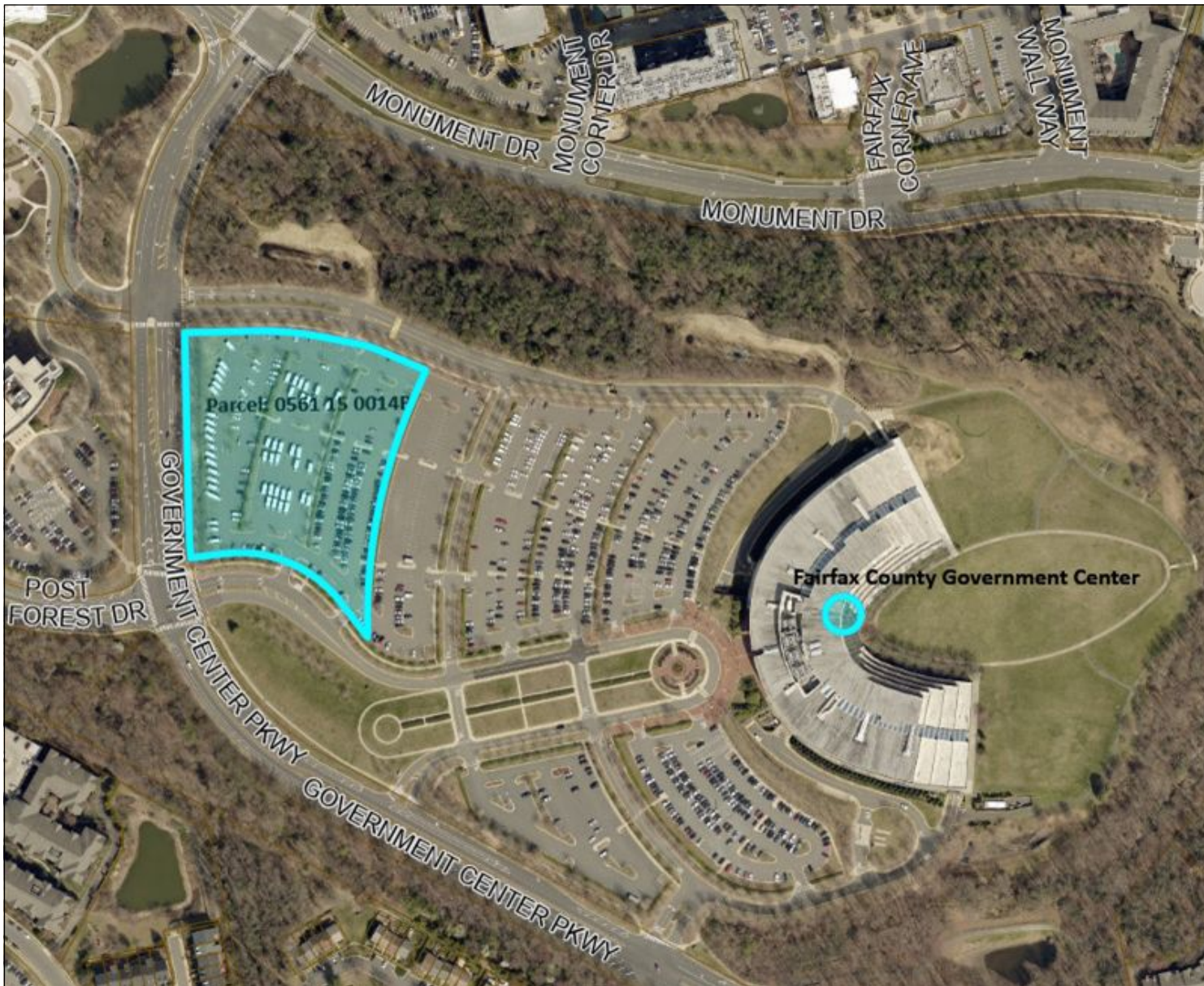
0 0.14 0.3 Miles



This map is intended for reference purposes only. Fairfax County does not provide any guarantee of the accuracy or completeness regarding the map information.



Attachment 5 - Residences at Government Center II Location Map



Legend

Parcels

Notes:

Development Site: Fairfax County Tax Map # 56-1 ((15)), parcel 14B.

Map produced: 1/4/2024

0 0.14 0.3 Miles



This map is intended for reference purposes only. Fairfax County does not provide any guarantee of the accuracy or completeness regarding the map information.

Board Agenda Item
April 16, 2024

ACTION - 3

Resolution to Support the Abandonment, Additions, Discontinuance, and Transfer of Various Roads Associated with the Ox Road (Route 123) Realignment (Springfield District)

ISSUE:

Board adoption of the attached resolution (Attachment I) supporting the Virginia Department of Transportation's (VDOT) abandonment of a portion of Averett Drive (Route 8511); the additions of portions of Ox Road (Route 123) and Averett Drive (Route 8511); the discontinuance of a portion of Ox Road (Route 123); and the transfer of a portion of Route 123 to the Secondary State Maintenance System as Route 8475.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution (Attachment I) supporting the abandonment, additions, discontinuance, and transfer of portions of the aforementioned roads.

TIMING:

The Board should take action on April 16, 2024, so that VDOT has the support of the Board to finalize the abandonment, additions, discontinuance, and transfer in the State maintenance inventory.

BACKGROUND:

The Fairfax County Department of Transportation (FCDOT) received a request from VDOT on the abandonment, additions, discontinuance, and transfer of portions of various roads.

VDOT has requested the support of the County by a Board Resolution, pursuant to *Sections 33.2-310 and 33.2-314 of the Code of Virginia*, to add a portion of Ox Road (Route 123) into the State's Primary System of Highways; *33.2-901 of the Code of Virginia* to discontinue a portion of Ox Road (Route 123) from the State's Primary System of Highways; and *33.2-315(B) of the Code of Virginia* to transfer a portion of Route 123 from the Primary System of Highways to the Secondary System of Highways. VDOT has also requested the support of the County by a Board Resolution, pursuant to *Section 33.2-912 of the Code of Virginia*, to abandon a portion of Averett Drive (Route 8511) from the State's Secondary System of Highways; and, pursuant to

Board Agenda Item
April 16, 2024

Section 33.2-705 of the Code of Virginia, to add a portion of Averett Drive (Route 8511) into the State's Secondary System of Highways. The subject additions, discontinuance, transfer, and abandonment listed above and shown on the subsequent map sketches (Attachment III) are the result of the completion of VDOT Project #0123-029-F11 C501, Ox Road Realignment. The various roads associated with this Resolution have been relocated, extended, or realigned alongside the completion of the Ox Road Realignment project and now need to be updated in the VDOT Primary and Secondary Highway Maintenance Systems.

EQUITY IMPACT:

None.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Resolution

Attachment II: VDOT Project #0123-029-F11 C501, Ox Road Realignment Plan Sheets

Attachment III: Map Sketch Sheets

Attachment IV: Link Sheet

Attachment V: Vicinity Map

STAFF:

Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)

Jeff Hermann, Chief, Site Analysis & Transportation Planning Division, FCDOT

Gregory Fuller, Jr., Chief, Site Analysis Section (SAS), FCDOT

Brittany Nixon, Transportation Planner IV, SAS, FCDOT

Jeffrey Edmondson, Transportation Planner III, SAS, FCDOT

ASSIGNED COUNSEL:

Randall T. Greehan, Assistant County Attorney

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION ABANDONMENTS, ADDITIONS, DISCONTINUANCE, AND TRANSFER OX ROAD, AVERETT DRIVE

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, April 16, 2024, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Virginia Department of Transportation has completed the Project #0123-029-F11 C501, Ox Road Realignment, which improved Ox Road (Route 123); and

WHEREAS, the project sketch and link sheet, attached and incorporated herein as attachments, defines adjustments required in the Primary and Secondary System of State Highways as a result of Project #0123-029-F11 C501; and

WHEREAS, Ox Road was realigned and various roads were relocated, extended, or realigned as a result of the completion of the Virginia Department of Transportation project; and such roads are identified on the project sketch and link sheet to be abandoned, discontinued, transferred, and added, due to the improvement project of Ox Road;

NOW THEREFORE, BE IT RESOLVED, that this Board hereby requests that the Virginia Department of Transportation abandon the portion of Route 8511, identified on the project sketch and link sheet, from the Secondary System of State Highways, pursuant to §33.2-912 of the Code of Virginia; add the portion of Route 8511, identified on the project sketch and link sheet, to the Secondary System of State Highways, pursuant to §33.2-705 of the Code of Virginia and add the portion of Route 123, identified on the project sketch and link sheet, to the Primary System of State Highways, pursuant to §33.2-310 and §33.2-314; discontinue the portion of Route 123, identified on the project sketch and link sheet, from the Primary System of State Highways, pursuant to §33.2-901; and transfer the portion of Route 123, identified on the project sketch and link sheet, from the Primary System of State Highways to the Secondary System of State Highways as Route 8475, pursuant to §33.2-315B. A copy of this resolution will be forwarded to the Resident Engineer for the Virginia Department of Transportation.

ADOPTED this 16th day of April, 2024

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Adv 269.94A



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION

FHWA 534 DATA 3E202

FHWA REGION	STATE	FEDERAL AID PROJECT	ROUTE	STATE PROJECT	SHEET NO.	TOTAL SHEETS
3	VA.	See Tabulation Below For Section Numbers	123	0123 - 029 - F11, See Tabulation Below For Section Numbers	1	

FUNCTIONAL CLASSIFICATION	
OTHER URBAN PRINCIPAL ARTERIAL - 50 MPH MIN.DES.SPEED	
From Route 645	
To: Route 610 - 641	
ADT (1991)	15,300
ADT (1994)	18,100
ADT (2015)	37,200
DHV	3,720
D (2)	60 - 40
T (2)	2%
V (MPH)	**

** See Plan and Profile Sheets for Horizontal and Vertical Curve Design Speeds.

PLAN AND PROFILE OF PROPOSED STATE HIGHWAY

FAIRFAX COUNTY
FR: 2.648 MI. S. SOUTHERN R.R.
TO: 1.549 MI. S. SOUTHERN R.R.

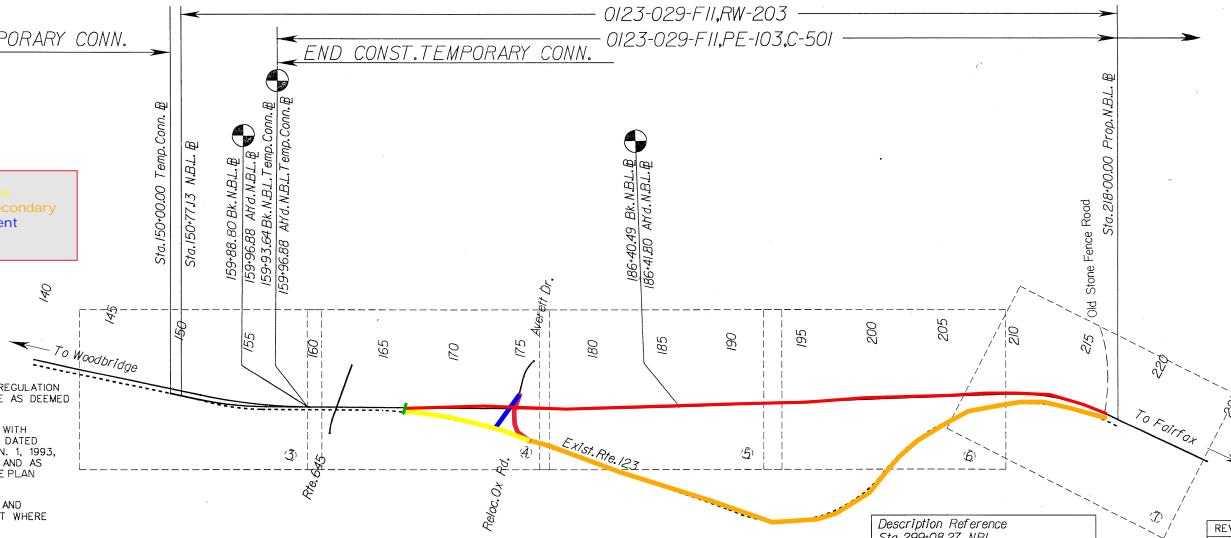
Sheet No.	Description	Sta.	to	Sta.
1	Title Sheet			
1A	Location Map			
1B	R/W Data Sheet			
1B-1	Property Curve Data sheet			
1C	Revision Data Sheet			
1D-1H	Sequence of Construction/Traffic Control Plan			
1I	Alignment Data Sheet			
2-2B	Typical Section & General Notes			
2C-2H	SWM Pond Details			
2I-2AA	Summary & Detail Sheets			
3-3A	Plan & Profile Sheets	144-00	to	160-00
3B-3C	Drainage Descriptions			
4-4A	Plan & Profile Sheets	160-00	to	176-00
4B	Connection & Entrance Profiles			
4C	Layout Sheet (Rte 645)			
5-5A	Plan & Profile Sheets	176-00	to	192-00
6-6A	Plan & Profile Sheets	192-00	to	208-00
7-7A	Plan & Profile Sheets	208-00	to	224-00
7B	Entrance Profiles			
8(1) thru 8(2)	Signal Plans			
9(1) thru 9(6)	Landscape Plans			
43 Sheets Cross Sections				

BEGIN CONST. TEMPORARY CONN.

Computer Job No. B52

Earthwork Volume (List No. 8A) 9 Sheet
Station Limits From 175+96.90 to 207+03.83
Sequence No. From 1055 to 1117

- Primary Addition
- Primary Discontinuance
- Primary Transfer to Secondary
- Secondary Abandonment
- Secondary Addition
- Data Correction



DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT.

THIS PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE DEPARTMENT'S ROAD AND BRIDGE SPECIFICATIONS DATED JANUARY, 1991, ROAD AND BRIDGE STANDARDS DATED JAN. 1, 1993, WORK AREA PROTECTION MANUAL DATED JANUARY 1987 AND AS AMENDED BY CONTRACT PROVISIONS AND THE COMPLETE PLAN ASSEMBLY.

ALL CURVES ARE TO BE SUPERELEVATED, TRANSITIONED AND WIDENED IN ACCORDANCE WITH STANDARD TC-SU, EXCEPT WHERE OTHERWISE NOTED.

CONVENTIONAL SIGNS

STATE LINE	LEVER OR EMBANKMENT
COUNTY LINE	BRIDGES
CITY/TOWN OR VILLAGE	CULVERTS
RIGHT OF WAY LINE	DROP INLET
FENCE LINE	POWER POLES
FENCED PROPERTY LINE	TELEPHONE OR TELEGRAPH POLES
UNFENCED PROPERTY LINE	TELEPHONE OR TELEGRAPH LINES
WATER LINE	HEMPE
SANITARY SEWER LINE	TREES
GAS LINE	HEAVY WOODS
ELECTRIC UNDERGROUND CABLE	GROUND ELEVATION
TRAVELLED WAY	GRADE ELEVATION
GUARD RAIL	
RETAINING WALL	
RAILROADS	
BASE OF SURVEY	

Project Length based on Prop. N.B.L. Baseline

STATE PROJECT NO.	SECTION	FEDERAL AID PROJECT NO.	TYPE CODE	PPWS NO.	EQUALITIES			LENGTH INCLUDING BRIDGES			TYPE PROJECT	DESCRIPTION
					FEET	FEET	MILES	FEET	FEET	MILES		
0123 - 029 - F11	PE-103	F-111-11071	142		-37.90	13,069.07	2.475				PE	FR 2.648 MI. S. Southern RR To 0123 MI. S. Southern RR
	RW-203	STP-111-11121	142		-9.40	671,347	1.271				RW	FR 2.822 MI. S. Southern RR To 1.549 MI. S. Southern RR
	C-501	STP-111-11100	1000	142	-1.31	5,801.81	1.099				Const.	FR 2.648 MI. S. Southern RR To 1.549 MI. S. Southern RR

Description Reference
Sta. 299+08.27 NBL
(Proj. 0123-029-F11C-501)

RECOMMENDED FOR APPROVAL FOR RIGHT OF WAY ACQUISITION

DATE: 7/8/93
STATE LOCATION AND DESIGN ENGINEER: S. O. Hedger

DATE: 7/8/93
ASSISTANT COMMISSIONER FOR PLANNING & PROGRAMMING: M. W. [Signature]

DATE: 7/18/93
CHIEF ENGINEER: J. S. Hedger

APPROVED FOR RIGHT OF WAY ACQUISITION

DATE: 7/19/93
COMMISSIONER: [Signature]

RECOMMENDED FOR APPROVAL FOR CONSTRUCTION

DATE: 8/15/93
STATE LOCATION AND DESIGN ENGINEER: S. O. Hedger

DATE: 8/15/93
ASSISTANT COMMISSIONER FOR PLANNING & PROGRAMMING: M. W. [Signature]

APPROVED FOR CONSTRUCTION

DATE: 8/15/93
CHIEF ENGINEER: [Signature]

APPROVED

DATE: [Blank]
DIVISION ADMINISTRATOR: [Blank]
FEDERAL HIGHWAY ADMINISTRATION: [Blank]
U.S. DEPARTMENT OF TRANSPORTATION: [Blank]

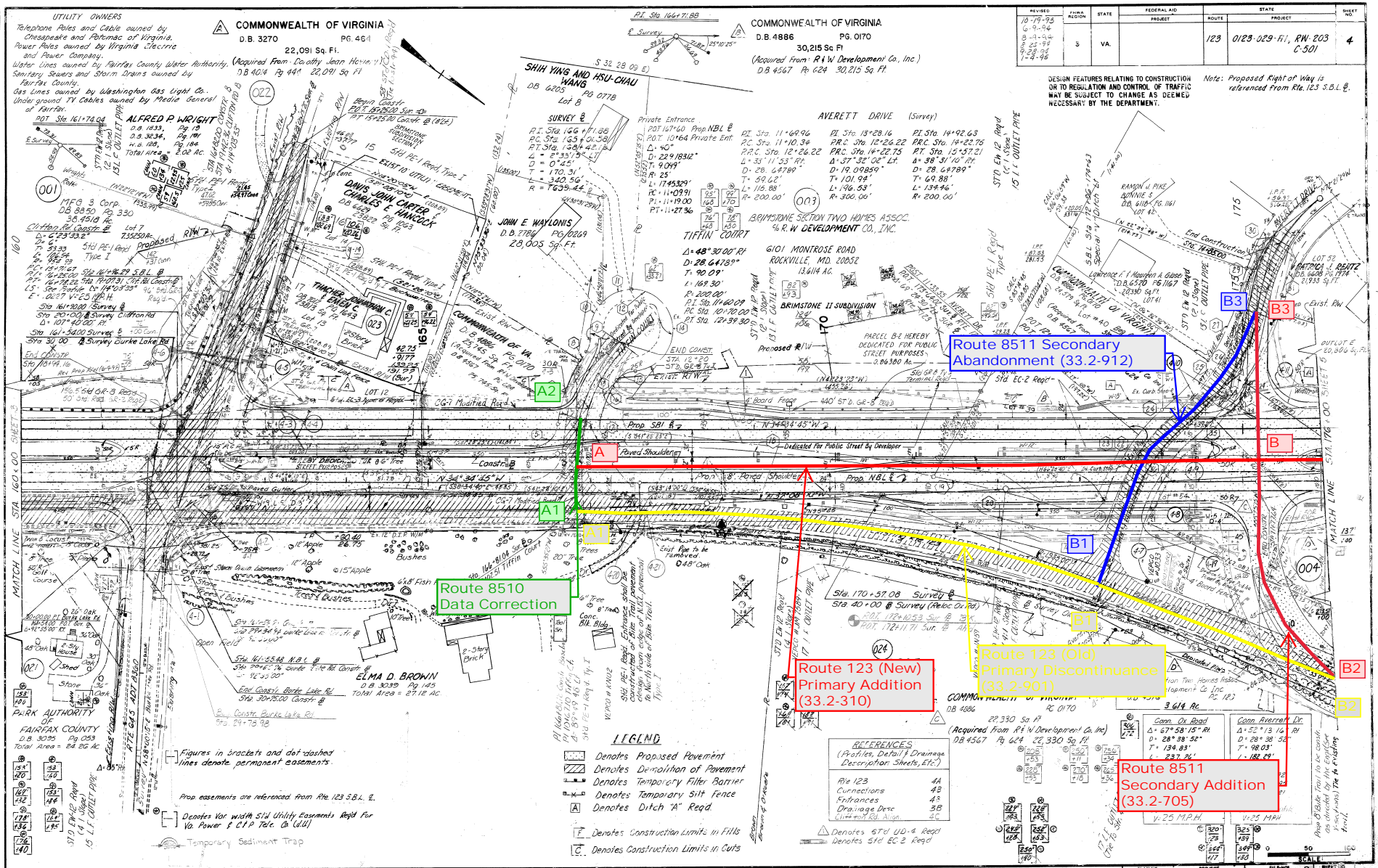
Copyright 1993, Commonwealth of Virginia

SUPERVISED BY: W. BULLIVE (804) 786-4187
 DESIGNED BY: V.L. COLE (804) 786-7895
 CADD OPERATOR: am033/user/cadd/cn/greenwood/01042001.dg
 REVISED BY:

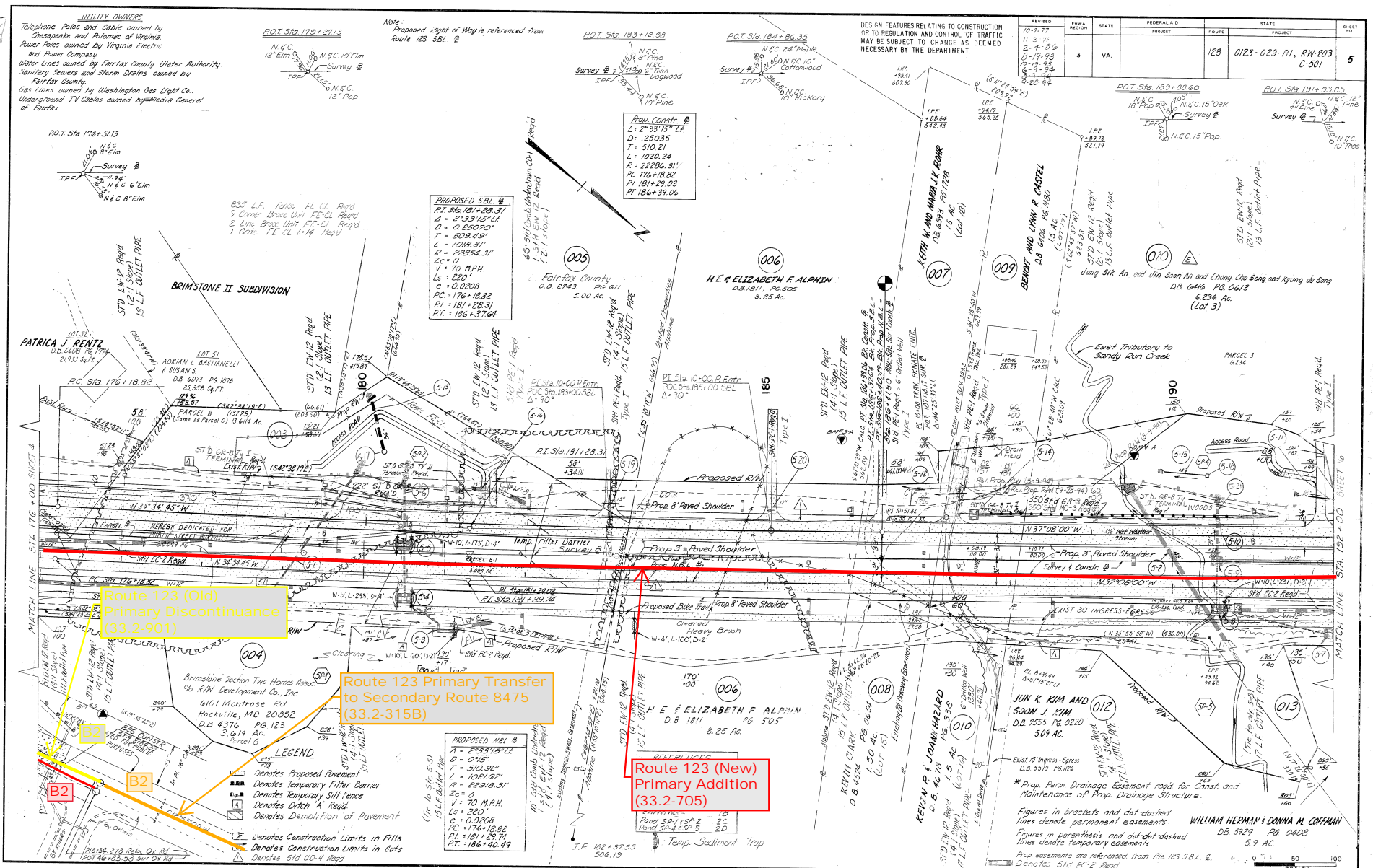
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AWARDS PLANS		
REVISED PLANS		
COMPLETE PLANS		
REVISED PLANS		
COMPLETE PLANS		

29-JUN-1993 CODE NO. 6010

PLAN NO. 0123-029-F11, 69 FOR 31 SHEET 11



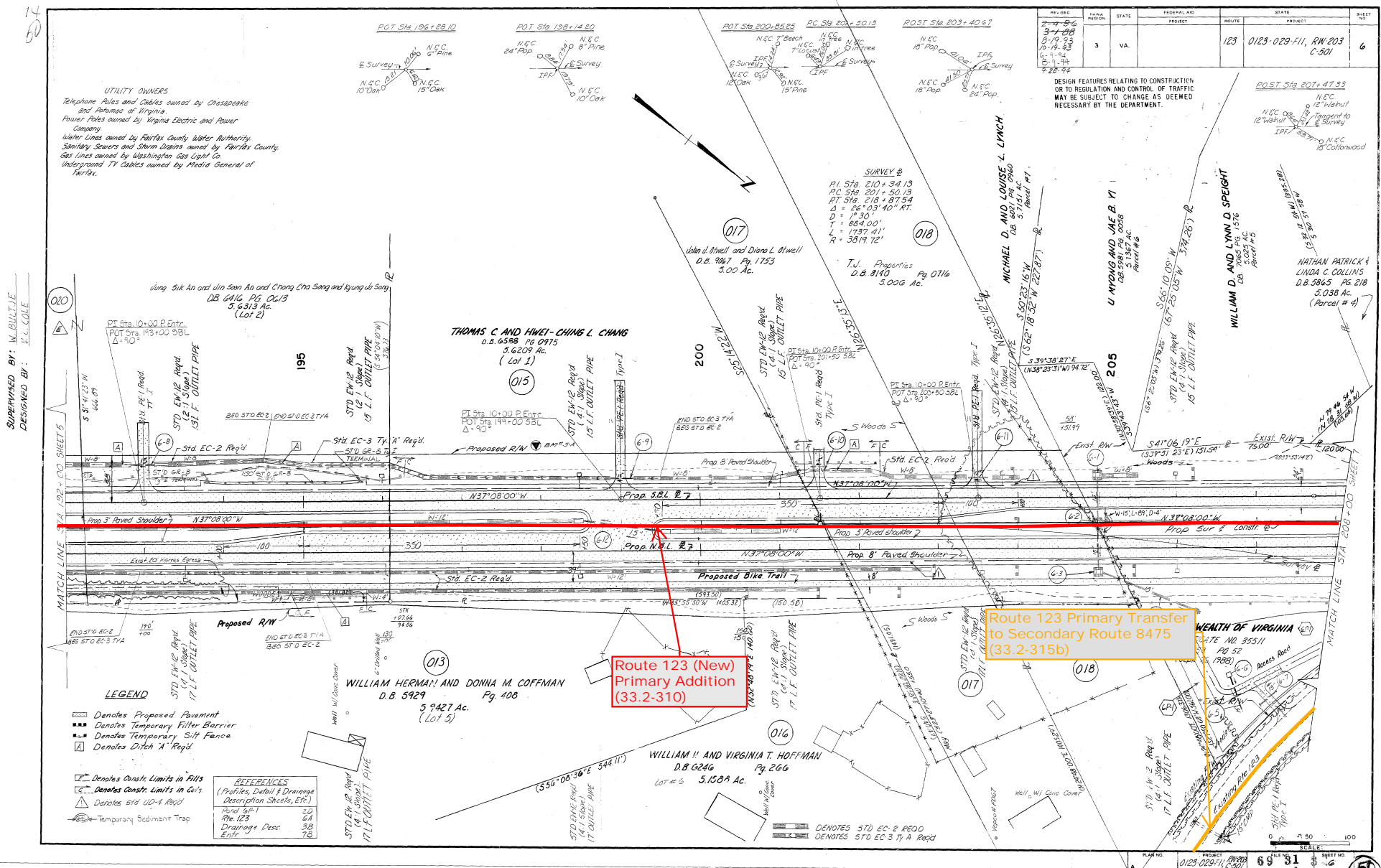
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DESIGNED BY: K.L. COLLE



REVISED	FINAL REVIEW	STATE	FEDERAL AID PROJECT	ROUTE	STATE PROJECT	SHEET NO
10-7-77 1-5-79 2-4-80 5-19-82 10-17-84 8-28-87	3	VA		123	0123-029-R1, RW 003 C-501	5

REV	DATE	BY	STATE	FEDERAL AID	ROUTE	STATE	PROJECT	SHEET NO.
1	3-14-25		VA		123		0123-029-F11, RW 203 C-501	6

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT.



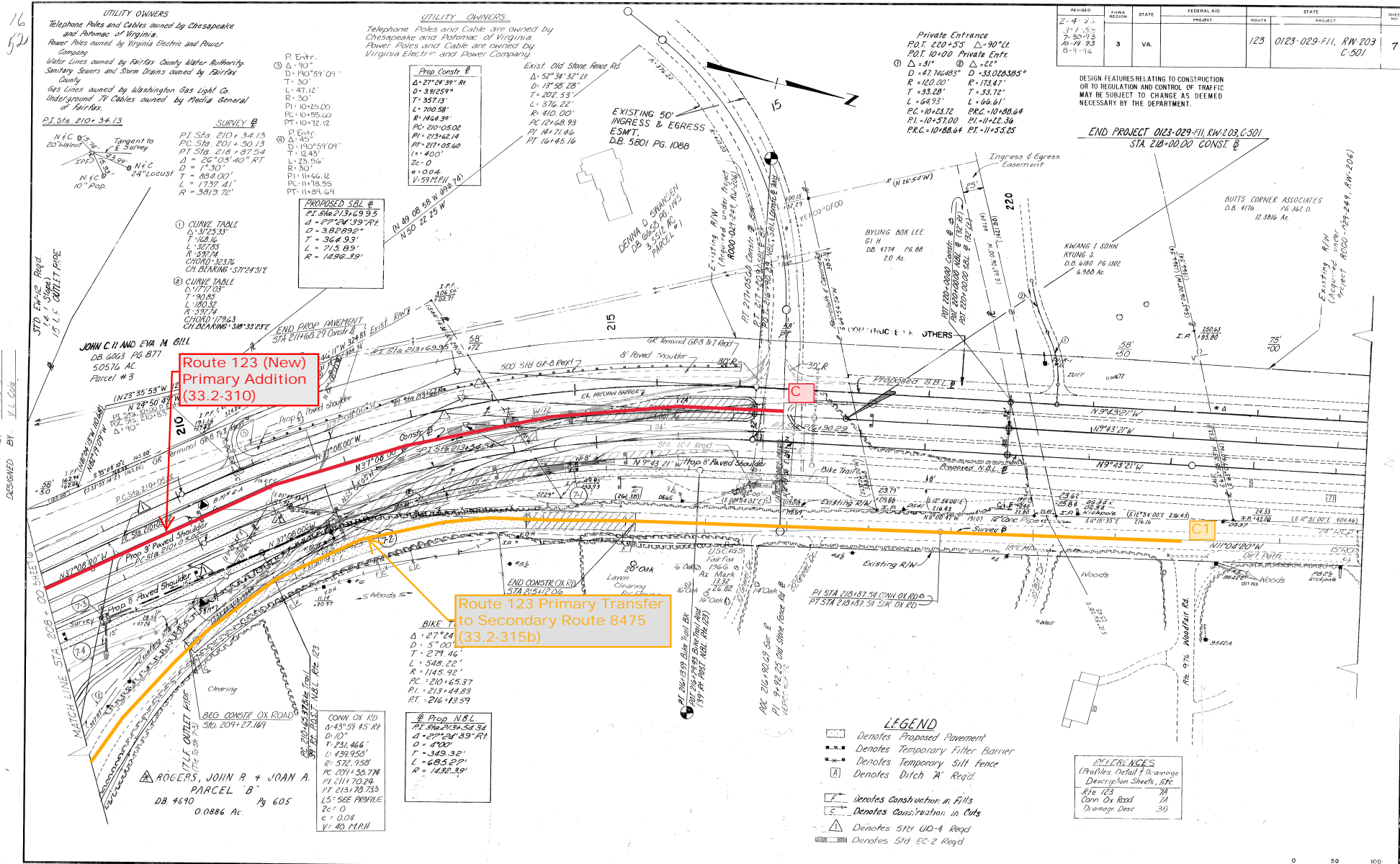
SUPERVISED BY: W. BULLIE
DESIGNED BY: K. L. COLE

REVISION	DATE	BY	REASON
2-4-20			
7-1-20			
7-30-20			
10-17-23			
11-14-24			

FEDERAL AID PROJECT	STATE PROJECT	ROUTE	PROJECT	SHEET NO.
		123	0123-029-F11, RW 203 C-501	7

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT.

END PROJECT 0123-029-F11, RW 203, C-501 STA 218+00.00 CONST. B



Route 123 (New) Primary Addition (33.2-310)

Route 123 Primary Transfer to Secondary Route 8475 (33.2-315b)

UTILITY OWNERS
Telephone Poles and Cables owned by Chesapeake and Potomac of Virginia.
Power Poles owned by Virginia Electric and Power Company.
Water Lines owned by Fairfax County Water Authority.
Sanitary Sewers and Storm Drains owned by Fairfax County.
Gas Lines owned by Washington Gas Light Co.
Underground TV Cables owned by Media General of Fairfax.

UTILITY OWNERS
Telephone Poles and Cables are owned by Chesapeake and Potomac of Virginia.
Power Poles and Cable are owned by Virginia Electric and Power Company.

PROPOSED SBL
P.I. 213+23.33
D = 332.33'
L = 148.12'
T = 32.82'
R = 332.33'
CHORD = 332.33'
CH. BEARING = S72°24'51"E

CURVE TABLE
1. CURVE TABLE
D = 332.33'
L = 148.12'
T = 32.82'
R = 332.33'
CHORD = 332.33'
CH. BEARING = S72°24'51"E

PROPOSED SBL
P.I. 213+23.33
D = 332.33'
L = 148.12'
T = 32.82'
R = 332.33'
CHORD = 332.33'
CH. BEARING = S72°24'51"E

PROPOSED SBL
P.I. 213+23.33
D = 332.33'
L = 148.12'
T = 32.82'
R = 332.33'
CHORD = 332.33'
CH. BEARING = S72°24'51"E

PROPOSED SBL
P.I. 213+23.33
D = 332.33'
L = 148.12'
T = 32.82'
R = 332.33'
CHORD = 332.33'
CH. BEARING = S72°24'51"E

PROPOSED SBL
P.I. 213+23.33
D = 332.33'
L = 148.12'
T = 32.82'
R = 332.33'
CHORD = 332.33'
CH. BEARING = S72°24'51"E

PROPOSED SBL
P.I. 213+23.33
D = 332.33'
L = 148.12'
T = 32.82'
R = 332.33'
CHORD = 332.33'
CH. BEARING = S72°24'51"E

PROPOSED SBL
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CH. BEARING = S72°24'51"E

PROPOSED SBL
P.I. 213+23.33
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R = 332.33'
CHORD = 332.33'
CH. BEARING = S72°24'51"E

PROPOSED SBL
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CHORD = 332.33'
CH. BEARING = S72°24'51"E

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CHORD = 332.33'
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PROPOSED SBL
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CHORD = 332.33'
CH. BEARING = S72°24'51"E

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P.I. 213+23.33
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T = 32.82'
R = 332.33'
CHORD = 332.33'
CH. BEARING = S72°24'51"E

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P.I. 213+23.33
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R = 332.33'
CHORD = 332.33'
CH. BEARING = S72°24'51"E

PROPOSED SBL
P.I. 213+23.33
D = 332.33'
L = 148.12'
T = 32.82'
R = 332.33'
CHORD = 332.33'
CH. BEARING = S72°24'51"E

LEGEND

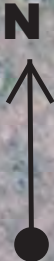
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- Denotes Temporary Filter Barrier
- Denotes Temporary Silt Fence
- Denotes Ditch "A" Reqd.
- Denotes Construction in Fills
- Denotes Construction in Cuts
- Denotes 514 UD-4 Reqd
- Denotes Std. EC-2 Reqd

REFERENCES
(Profiles Detail & Advance Description Sheets, Etc.)

Rte 123	7A
Conn. Ox Road	7A
Drainage Desc	3B

PLANNING	PROJECT APPROVAL	FILE NO.	SHEET NO.
A	0123-029-F11-C-501	69 31 3	7

**0123-029-F11 C501
Ox Road Realignment
Fairfax County - Springfield District
Tax Map: 87-1**



976

**123
(0.96mi)**

**8475
(0.97 mi)**

**8511
(0.13mi)**

**8511
(0.08mi)**

**123
(0.020mi)**

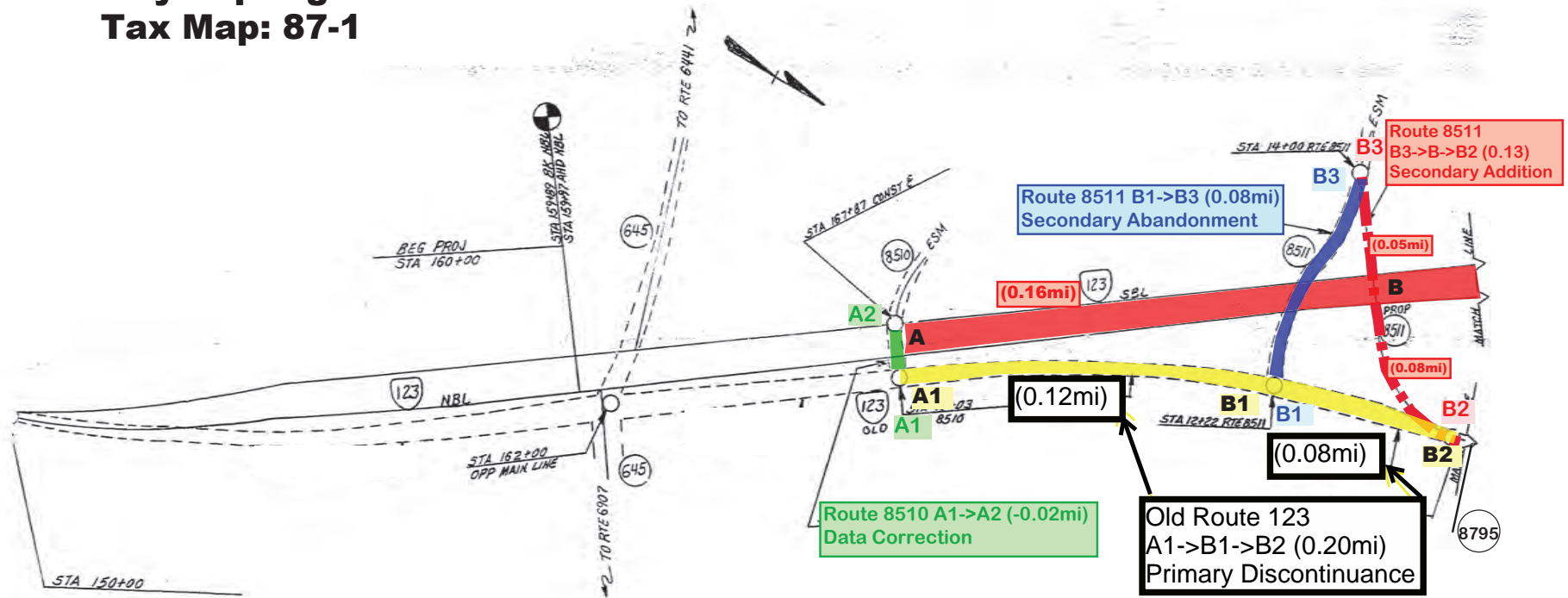
**8510
(0.02mi)**

- **Primary Addition**
- **Primary Discontinuance**
- **Primary Transfer to Secondary**
- **Secondary Abandonment**
- **Secondary Addition**
- **Data Correction**

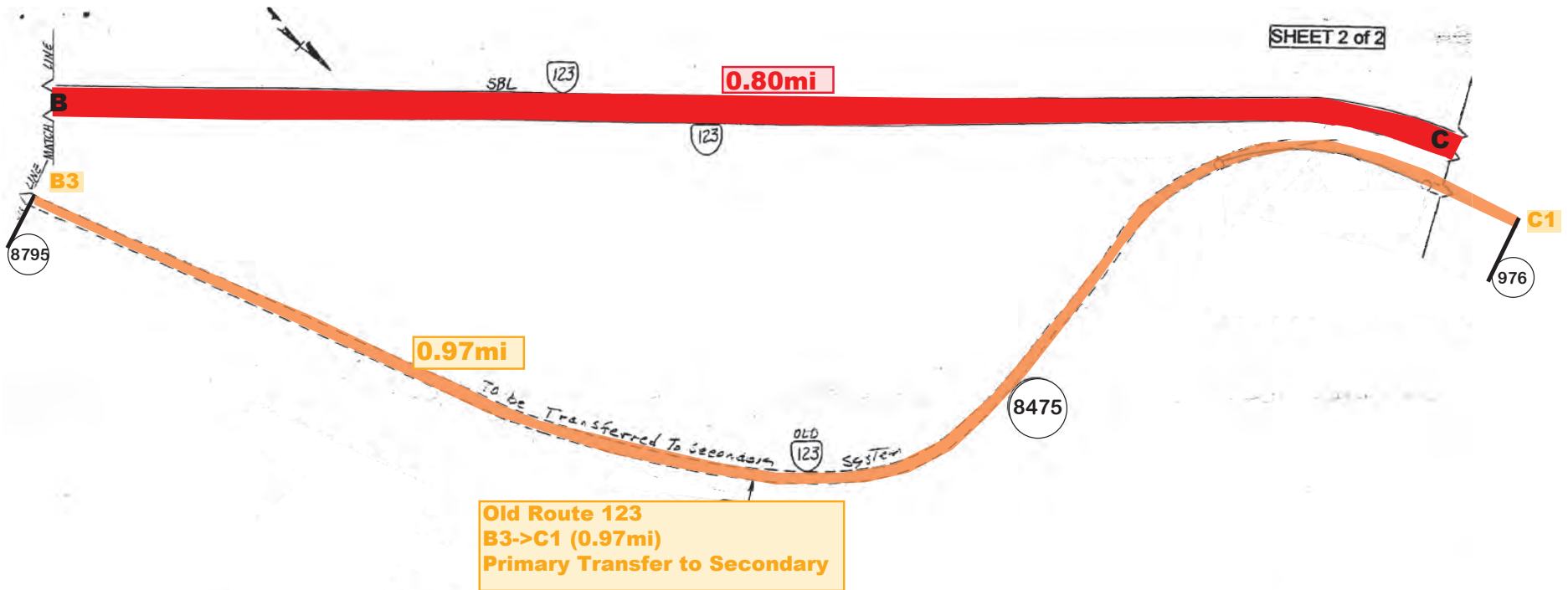


**0123-029-F11 C501
Ox Road Realignment
Fairfax County - Springfield District
Tax Map: 87-1**

SHEET 1 of 2



Secondary Abandonment (33.2-912) B1->B3 (0.08mi)
Secondary Addition (33.2-705) B3->B->B2 (0.13mi)
Primary Addition (33.2-310) A->B (0.16mi)
Primary Discontinuance (33.2-901) A1->B1->B2 (0.20mi)
Data Correction A1->A2 (-0.02 mi)
Maintenance AHQ: 11 Burke
BOS Resolution Date: _____
VDOT Approval Date: _____



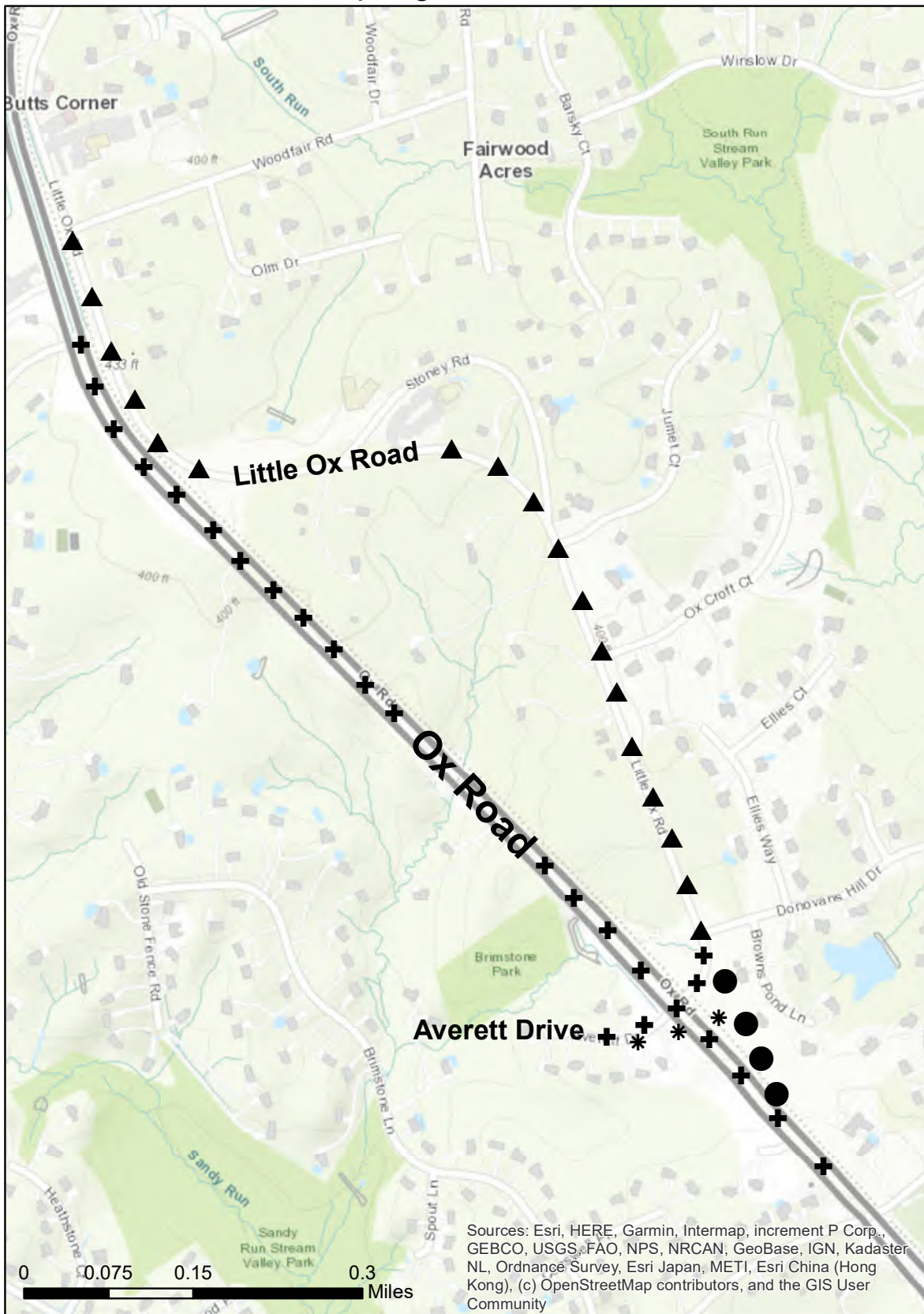
**0123-029-F11 C501
Ox Road Realignment
Fairfax County - Springfield District
Tax Map: 87-1**



Primary Addition (33.2-310) B->C (0.80mi)
Primary Transfer to Secondary (33.2-315B) B3->C1 (0.97mi)
 Maintenance AHQ: 11 Burke
 BOS Resolution Date: _____
 VDOT Approval Date: _____

<p style="text-align: center;">Ox Road Realignment VDOT Project# 0123-029-F11 C501</p>							
Segment	Street Name Route #	Addition	Transfer	Abandonment	Discontinuance	From	To
A ->B	Ox Road (New Alignment), Route 123 (Primary)	0.16 mi	--	--	--	CL Tiffin Court, Route 8510 (A) (New Intersection on SB Lane)	CL Averett Drive, Route 8511 (B) (New Intersection)
B -> C	Ox Road (New Alignment), Route 123 (Primary)	0.80 mi	--	--	--	CL Averett Drive, Route 8511 (B) (New Intersection)	CL Old Stone Fence Road (C) (Private)
A1 -> B1 B1 -> B2	Ox Road (Old Alignment), Route 123 (Primary)	--	--	--	0.20 mi	CL Tiffin Court, Route 8510 (A) (Old Intersection)	CL Averett Drive, Route 8511 (B2) (New Intersection)
B2 -> C1	Little Ox Road, Route 8475 (Primary to Secondary)	--	0.97 mi	--	--	CL Averett Drive, Route 8511 (B2) (New Intersection)	CL Woodfair Road, Route 976 (C1)
B3 -> B1	Averett Drive, Route 8511 (Secondary)	--	--	0.08 mi	--	Existing Averett Drive, Route 8511 (B3)	CL Ox Road, Route 123 (Old Alignment) (B1)
B3 -> B2	Averett Drive, Route 8511 (Secondary)	0.13 mi	--	--	--	Existing Averett Drive, Route 8511 (B3)	CL Little Ox Road, Route 8475 (B2) (New Intersection)
			--				
			--				
			--				
			--				

Abandonment, Additions, Discontinuance, and Transfer of Various Roads Associated with the Ox Road (Route 123) Realignment Springfield District



- Tax Maps 77-3, and 87-1
- ▲ Denotes Area to be Transferred
 - * Denotes Area to be Abandoned
 - Denotes Area to be Discontinued
 - ⊕ Denotes Area to be Added

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, as identified below, where discussion in an open session would adversely affect the negotiating or litigating posture of the public body, as well as consultation with legal counsel regarding specific legal matters listed below requiring the provision of legal advice by such counsel, all as permitted by Virginia Code § 2.2-3711(A) (7) and (8).
 - 1. *Ali Elsher: Settlement Demand to Fairfax County for Injuries Sustained at Water Mine Family Swimmin' Hole on August 14, 2022*
 - 2. *John P. Sopko v. Fairfax County Department of Tax Administration and Jay Doshi, in his official capacity, Case No. CL-2024-0002133 (Fx. Co. Cir. Ct.) (Franconia District)*
 - 3. *Anthry Raul Milla v. PFC McComas and PFC D. Brown, Case No. 21-1379 (U.S. Ct. of App. for the Fourth Cir.)*
 - 4. *Filsan Duale v. Colonel Edwin C. Roessler Jr., Fairfax County Police Department, Sgt. Joe Shoemaker, Brandon Vinson, and John Doe Police Officers 1-5, Case No. CL-2019-0017251; Yasmine Djama, by next friend Moustapha Djama v. Fairfax County Police Department, Joshua Shoemaker, Brandon Vinson, and John Doe Police Officers 1-5, Case No. CL-2023-0007942 (Fx. Co. Cir. Ct.); Amran Djama, by next Friend Moustapha Djama v. Fairfax County Police Department, Joshua Shoemaker, Brandon Vinson, and John Doe Police Officers 1-5, Case No. CL-2023-0007941 (Fx. Co. Cir. Ct.); Ibrahim Djama, by next Friend Moustapha Djama v. Fairfax County Police Department, Joshua Shoemaker, Brandon Vinson, and John Doe Police Officers 1-5, Case No. CL-2023-0007925 (Fx. Co. Cir. Ct.); Samira Djama, by next Friend Moustapha Djama v. Fairfax County Police Department, Joshua Shoemaker, Brandon Vinson, and John Doe Police Officers 1-5, Case No. CL-2023-0007940*

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- (Fx. Co. Cir. Ct.); and *Kareem Bashir v. Colonel Edwin C. Roessler Jr., Fairfax County Police Department, Sgt. Joshua Shoemaker, Brandon Vinson, and John Doe Police Officers 1-5*, Case No. CL-2022-0012442 (Fx. Co. Cir. Ct.)
5. *Peter Massaro v. Fairfax County*, Case No. 18-1488 (U.S. Ct. App. for the Fourth Cir.)
 6. *Kamilah Williams v. Fairfax County Police Department*, Case No. CL-2024-0003549
 7. *Kenneth Hartwell v. Fairfax County Board of Supervisors, et al.*, Case No. CL-2023-0012608 (Fx. Co. Cir. Ct.)
 8. *Courtney Graves v. Fairfax County, John Doe, a/k/a Jordy A. Anderson, Nicole Loren Campero Zamba, Michael J. Weaver, Camille Marie Lewandowski, Kimberlie M. England, Kathleen A. Prucnal and Kevin Davis, Greystar GP II LLC, GS Tyson's Corner Project Owner LLC, Nouvelle (Fairfax County), GREP Atlantic LLC*; CAV Record No. 1997-22-4 (Ct. App. Va.) and SCV Record No. 230415 (Sup. Ct. Va.)
 9. *Federal Communications Commission Notice of Proposed Rulemaking Regarding All-In Pricing* (MB Docket No. 23-203)
 10. *Jose M. Cedeno v. Commonwealth of Virginia, et al*, Case No. CL- 2022-0004816 (Fx. Co. Cir. Ct.)
 11. *Claudette Gama-Salazar v. Katharine M. Follot Layton*, Case No. GV23-020296 (Fx. Co. Gen. Dist. Ct.)
 12. *Mohamud Moalin, by GEICO Insurance Company, Subrogee v. Natalie Vanessa Velasquez*; Case No. GV23-000861 (Fx. Co. Gen. Dist. Ct.)
 13. *Kazim Syed, by GEICO Advantage Insurance Company v. William Edward Eckert, III*; Case No. GV23-004452 (Fx. Co. Gen. Dist. Ct.)
 14. *Dawn Bolden v. LeAndrew Gaskins and Fairfax County*; Case No. CL 2023-0011452 (Fx. Co. Cir. Ct.)
 15. *Melissa White v. Anthony Guglielmi and Fairfax County Government*, Case No. GV23-023202 (Fx. Co. Gen. Dist. Ct.)

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16. *In Re: June 14, 2023, Decision of the Fairfax County Board of Zoning Appeals; Hazem Elariny v. Board of Supervisors of Fairfax County*, Case No. CL-2023-0010226 (Fx. Co. Cir. Ct.) (Dranesville District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Truc N. Mai and Vinh Quang Tran*, Case No. CL-2024-0003485 (Fx. Co. Cir. Ct.) (Braddock District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Shi Hwa Kuan*, Case No. GV24-006801 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
19. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Gaylord Leonard and Elizabeth A. Leonard*, Case No. GV24-006803 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
20. *Jay Riat, Building Official for Fairfax County, Virginia v. Kurt Adam Janssen, Eric Janssen, and Bonnie Janssen*, Case No. CL-2024-0000339 (Fx. Co. Cir. Ct.) (Dranesville District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Salem G. Shaheen and Deborah S. Minger*, Case No. CL-2024-0003108 (Fx. Co. Cir. Ct.) (Dranesville District)
22. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. John W. Sylvester and Sherri Sylvester*, Case No. GV23-014341 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
23. *Jay Riat, Building Official for Fairfax County, Virginia v. and Leslie B. Johnson, Fairfax County Zoning Administrator v. Wilfredo S. Morales* Case No. CL-2023-0003630 (Fx. Co. Cir. Ct.) (Franconia District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Phillip W. Trott and Sandra Montiel*, Case No. CL-2023-0016887 (Fx. Co. Cir. Ct.) (Franconia District)
25. *Jay Riat, Building Official for Fairfax County, Virginia v. Xin Yi Jia Trading, Inc.*, Case No. CL-2024-0000261 (Fx. Co. Cir. Ct.) (Franconia District)
26. *Jay Riat, Building Official for Fairfax County, Virginia v. Arlindo R. Freitas and Rute L. Freitas*, Case No. GV23-001855 (Fx. Co. Gen. Dist. Ct.) (Franconia District)

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27. *Jay Riat, Building Official for Fairfax County, Virginia v. Maria Lenz*, Case No. GV23-005571 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Evelyn O. Euceda and Fermin Bonilla Euceda*, Case No. GV24-006046 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
29. *Jay Riat, Building Official for Fairfax County, Virginia v. Jose E. Santos, Liliana P. Santos, Jose Delao*, Case No. GV24-006806 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
30. *Jay Riat, Building Official for Fairfax County, Virginia v. Jonathan Michael Villalobos*, Case No. GV24-006807 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
31. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Victoria A. Perry*, Case No. CL-2023-0001058 (Fx. Co. Cir. Ct.) (Hunter Mill District)
32. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Mary Katherine Manchester*, Case No. GV24-005569 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
33. *Jay Riat, Building Official for Fairfax County, Virginia v. Homa Eradat*, Case No. GV24-006805 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
34. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. Kee Cho Han and Ae Young Han*, Case No. CL-2024-0004502 (Fx. Co. Cir. Ct.) (Mason District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hang Le T. Tran*, Case No. GV24-001443 (Fx. Co. Gen. Dist. Ct.) (Mason District)
36. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Chase Elias Francis*, Case No. GV24-005572 (Fx. Co. Gen. Dist. Ct.) (Mason District)
37. *Jay Riat, Building Official for Fairfax County, Virginia v. Donnica Marie Ayon and Arsenio Ayon* Case No. GV23-017747 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

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38. *Jay Riat, Building Official for Fairfax County, Virginia v. Hector Martinez Ibarra, Maria Del Transito Villanueva Gaitan, and Jose Villanueva Gaitan, Case No. GV23-023222 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
39. *Ali Abo (Crunchy Tobacco) v. John Walser, Fire Official for Fairfax County, Virginia, Appeal No. 24-01 (Technical Review Board) (Mount Vernon District)*
40. *Jay Riat, Building Official for Fairfax County, Virginia v. Faiz Ullah a/k/a Faizullah Jan, Case No. GV24-005574 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
41. *Jay Riat, Building Official for Fairfax County, Virginia v. Rina K. Bodiford and James D. Bodiford, Case No. GV24-006804 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
42. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. Jennifer Souders Mayer, Gregory S. Souders, and Mildred K. Souders, Case No. CL-2021-0013670 (Fx. Co. Cir. Ct.) (Springfield District)*
43. *Jay Riat, Building Official for Fairfax County, Virginia v. Massis Investments, LLC, Case No. GV23-004614 (Fx. Co. Gen. Dist. Ct.) (Sully District)*
44. *Board of Supervisors of Fairfax County, Virginia v. Dogbedience Pro K9 Training, Case No. GV24-005575 (Hunter Mill / Dranesville Districts)*
45. *Board of Supervisors of Fairfax County, Virginia v. Samson Properties, Inc. and Bruce Gourdazi, Case No. GV24-005573 (Dranesville District)*
46. *Board of Supervisors of Fairfax County, Virginia v. Samantha Bard, Case No. GV23-022038 (Mount Vernon District)*
47. *Board of Supervisors of Fairfax County, Virginia v. Tobacco & Vape Palace 2, Case No. GV24-006198 (Mount Vernon District)*

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3:00 p.m.

Public Hearing on an Increase to the Administrative Fee Related to the Removal and Abatement of Illegal Signs from \$10 to \$50 per Sign

ISSUE:

Board approval of a portion of the County's costs related to the removal and abatement of illegal signs placed within the limits of the highway be assessed against each violator and be collected by the Department of Code Compliance (DCC).

RECOMMENDATION:

The County Executive recommends the Board authorize DCC to increase the administrative fee from \$10 dollars to \$50 dollars for each sign illegally placed within the limits of a highway to recoup a portion of the County costs.

TIMING:

DCC requests that the Board take action on April 16, 2024, to approve the recommended increase to the administrative fee. The Virginia Code and the County's Agreement with the Virginia Department of Transportation (VDOT) permit collection of these costs, in addition to the \$100 civil penalty per sign.

BACKGROUND:

On March 11, 2013, following a public hearing before the Board of Supervisors on February 26, 2013, the Board of Supervisors entered into an agreement with the Commissioner to act as the Commissioner's agent to remove signs from the limits of the highways within Fairfax County.

The Agreement authorized the Board to act as the agent for the Commissioner of Highways for the purposes of removing any signs or advertising located within the limits of the highway and collecting the penalties and costs provided for in *Virginia Code § 33.2-1224 (formerly § 33.1-373)*.

After the Board signed this Agreement, the Sheriff's Community Labor Force (CLF) began collecting signs. CLF collected signs in eight-hour shifts on Tuesdays, Wednesdays, and Thursdays. Over the years, the Sheriff's Office spent approximately \$32,000 annually on vehicle costs-- fuel, mileage, maintenance, and replacement costs of two trucks—to collect these signs. In addition, the Sheriff's Office employed one

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deputy per truck for the three collection shifts at a cost of approximately \$149,760 annually.

In the spring of 2016, the DCC began its illegal sign enforcement efforts. DCC hired two non-merit employees dedicated solely to the illegal sign enforcement program. Collectively, these employees' salaries average \$65,520 annually. DCC also has two vehicles dedicated to its illegal sign enforcement efforts. DCC's costs average \$4,800 per vehicle annually. Additionally, DCC incurs administrative costs for this illegal sign enforcement program including, but not limited to, invoicing, overseeing the program, and preparing the non-compliant cases for litigation. On January 24, 2017, the Board authorized DCC to impose and collect an administrative fee of \$10 per sign for each sign illegally placed within the limits of a highway.

To date, DCC has invoiced sign violators \$309,320.00 and has collected \$252,710.00 in invoiced fines. This is a collection rate of 82%. That collection rate also includes payments received from enforcement efforts by the Office of the County Attorney, which has been taking legal actions against sign violators since 2016 to collect civil penalties and costs as permitted by *Virginia Code §§ 33.2-1224 and -1225*.

In August of 2022, the CLF informed the Board that it no longer had capacity for the sign removal program. So, during the 2023 legislative session, the Board of Supervisors sought an amendment to *Virginia Code § 33.2-1225* that would allow the Board to engage contractors to remove signs from the rights of way. That amendment was adopted on March 23, 2023, and took effect on July 1, 2023.

On June 27, 2023, the Board permitted the County to authorize contractors to act as the Commissioner's agent in fulfilling the purpose of the agreement. As part of FY2023 Third Quarter and Carryover Review, funding of approximately \$440,000 was approved for payment of the Sign removal contractor.

To date, the \$10 administrative fee adopted in 2017 has never been increased. The request for this increase is to recover a portion of costs associated with carrying out the program, such as vehicle usage and depreciation; fuel; invoice and payment processing; and contract administration. The Virginia Code does not define administrative costs or set an exact amount that can be charged for such costs. The activities and associated costs stated above are necessary for the removal and abatement of these illegal signs, therefore, DCC requests the Board authorize an increase from \$10 to \$50 per sign of *Virginia Code § 33.2-1224 (formerly § 33.1-373)*.

FISCAL IMPACT:

Staff estimates that the imposition of the cost recovery fee increase from \$10 to \$50 per sign could generate approximately \$12,000 in revenue annually. Recognition of this

Board Agenda Item
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revenue, along with the associated \$100 per sign civil penalty, will be included as part of the FY 2025 budget.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Agreement

STAFF:

Rachel Flynn, Deputy County Executive

Gabriel M. Zakkak, Director, Department of Code Compliance

Albena Assenova, Division Director, Department of Management and Budget

ASSIGNED COUNSEL:

Patrick Foltz, Assistant County Attorney

**AGREEMENT BETWEEN
THE VIRGINIA DEPARTMENT OF
TRANSPORTATION AND
THE BOARD OF
SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA
FOR ENFORCEMENT OF LAWS REGARDING ILLEGAL SIGNS AND ADVERTISING
WITHIN THE LIMITS OF THE HIGHWAY**

THIS AGREEMENT is made this 27 day of July, 2023, between the Commissioner of Highways of the Commonwealth of Virginia (Commissioner), and the County of Fairfax, Virginia, acting by and through its Board of Supervisors (Board).

WITNESSETH:

WHEREAS, pursuant to Title 33.2, Chapter 12, Article 1 of the *Code of Virginia* (1950), as amended (*Code*), the Commissioner, as the chief executive officer of the Virginia Department of Transportation (VDOT), enforces the prohibition on the placement of signs and advertising within the limits of highways in the Commonwealth; and

WHEREAS, the Board, as the governing body of Fairfax County, has an interest in protecting the public health, safety, and welfare, and in protecting the appearance of the County, in general; and

WHEREAS, the Board has found that the proliferation of signs and advertising in the rights-of-way of highways in Fairfax County threatens the public safety and the welfare of the County, and has a negative effect on the appearance of highways; and

WHEREAS, after a public hearing on the matter and as documented by the summary of the Board's meeting on June 27, 2023, attached hereto as Exhibit A, the Board expressed its desire and agreement to enter into this Agreement with the Commissioner to enforce the provisions of § 33.2-1224 of the *Code*, and to collect the penalties and costs provided therein pursuant to § 33.2-1225 and

WHEREAS, the Commissioner desires the Board's assistance in removing signs and advertising from the highways in Fairfax County.

NOW, THEREFORE, for and in consideration of the mutual benefits to be derived from this Agreement, the parties hereto agree as follows:


1. Pursuant to § 33.2-1225 of the *Code*, the Commissioner hereby authorizes the Board to act as the Commissioner's agent for the purpose of removing any signs or advertising located within the rights-of-way, in violation of § 33.2-1224 of the *Code*.
2. The Commissioner further authorizes the Board to act as the Commissioner's agent, pursuant to § 33.2-1225 of the *Code*, for the purpose of collecting the penalties and costs provided for in § 33.2-1224 of the *Code*.
3. The Board may authorize local law-enforcement agencies, including, without limitation, the Fairfax County Sheriff's Office, other local governmental entities, or contractors to act as agents of the Commissioner for the purpose of fulfilling the terms of this Agreement.
4. Any penalties and costs collected under this Agreement shall be paid to Fairfax County.
5. Any signs or advertising promoting and/or providing directions to a special event erected from Saturday through the following Monday shall not be subject to this Agreement.

6. The Board shall require each of its employees, contractors, and any volunteers who are authorized to act on its behalf to comply with the provisions of this Agreement and all applicable laws.
7. If a lawfully placed sign is confiscated by an employee, contractor, or volunteer authorized to act for the Board in violation of the authority granted under this Agreement, the sign owner shall have the right to reclaim the sign within five business days of the date of such confiscation.
8. The Parties agree that the following procedures shall apply to the collection of penalties and costs referenced in Paragraph 2, above, and any appeals thereto:
 - a. The Board, or its designee, when collecting the penalties and costs referenced in Paragraph 2, above, shall issue an invoice to the person, firm, or corporation that erected, painted, printed, placed, put, or affixed such sign, or advertisement, or the person, firm or corporation being advertised, for collection of any and all penalties and costs, as provided in §33.2-1224, which shall provide that within 30 days, 33 days if the invoice is sent by mail, the person, firm, or corporation who receives the invoice shall either (a) remit payment of the invoice to the Board, or its designee, or (b) notify the Board or its designee in writing that matter and/or the penalties and costs are disputed.
 - b. In the event that a person, firm, or corporation disputes the matter and/or penalties and costs as noted in subdivision a. the Board shall be responsible for resolving the dispute in accord with all applicable laws.
9. This Agreement may be terminated upon 30 days' written notice by either party to the other party.
10. This Agreement may be amended at any time by the written agreement of the parties.
11. This Agreement supersedes the March 11, 2013, agreement between the Board of Supervisors and the Commissioner of Highways.

IN WITNESS WHEREOF the Parties have caused this Agreement to be executed by their duly authorized representatives:

VIRGINIA
DEPARTMENT OF TRANSPORTATION

FAIRFAX COUNTY, VIRGINIA


Commissioner of Highways
County Commonwealth of Virginia
Department of Transportation
DIRECTOR, OFFICE OF LAND USE

DocuSigned by:

3CF069274C2440E...
County Executive of Fairfax

60. **4 P.M. - PUBLIC HEARING ON AN AGREEMENT BETWEEN THE COMMISSIONER OF HIGHWAYS AND THE BOARD OF SUPERVISORS REGARDING REMOVING SIGNS LOCATED WITHIN THE LIMITS OF ANY HIGHWAY IN FAIRFAX COUNTY** (6:16 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 9 and June 16, 2023.

David Stoner, Deputy County Attorney, presented the staff report.

Discussion ensued, with input from Gabriel Zakkak, Director, Department of Code Compliance, and Mr. Stoner, regarding:

- Administrative fees
- Sign removal expenses
- Timeline to begin enforcement
- The amount of time signs are allowed to be put on the roadway
- Providing the appropriate County staff with the correct timeframe for signs
- The location of signs included in the agreement

Following the public hearing, Mr. Stoner presented the staff recommendation.

Discussion ensued, with input from Mr. Stoner and Mr. Zakkak, regarding:

- Whether the agreement includes medians and right-of ways
- The roads identified for enforcement
- Increasing the number of roads eligible for enforcement

Bryan Hill, County Executive, asked staff to send the Board the current list of the 99 roads identified for enforcement.

Supervisor Alcorn moved that the Board:

- Enter into the agreement with the Commissioner of Highways regarding removing signs located within the limits of any highway in Fairfax County in substantially the same form as set forth in Attachment 1 of the Board Agenda Item

- Authorize the County Executive to sign the agreement

The motion was multiply seconded and it carried by unanimous vote.

61. **4 P.M. – PROPOSED PLAN AMENDMENT 2021-IV-S2, VILLA PARK ROAD, LOCATED SOUTH OF VILLA PARK ROAD AND WEST OF THE RAMP BETWEEN BACKLICK ROAD AND WESTBOUND FRANCONIA-SPRINGFIELD PARKWAY (FRANCONIA DISTRICT)** (6:35 p.m.)

Sophia Fisher, Planner II, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), presented the staff report.

Discussion ensued, with input from Ms. Fisher, and Thomas Burke, Planner, Transportation Planning Division, Department of Transportation, regarding:

- Tree preservation requirements
- Parking along Wesley Road and whether “No Parking” signs could be a mitigation if the need arises
- Language in the proposed Plan Amendment
- Access to the property, whether there are any alternatives, and what the limitations would be
- Sidewalks

Discussion continued, with input from Graham Owen, Branch Chief, Policy and Plan Development Branch, DPD, and Leanna O’Donnell, Director, Planning Division, DPD, regarding changing and/or adding language to address vehicular and pedestrian safety issues.

Discussion continued, regarding the plan amendment language, with input from Elizabeth Teare, County Attorney, regarding deferring the public hearing.

Supervisor Lusk moved to defer the public hearing on Plan Amendment 2021-IV-S2, Villa Park Road, until **July 25, 2023, at 3 p.m.** The motion was multiply seconded and it carried by unanimous vote.

62. **4 P.M. – PUBLIC COMMENT ON ISSUES OF CONCERN** (7:07 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of June 9 and June 16, 2023.

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3:00 p.m.

Public Hearing to Consider Amendments to the Code of the County of Fairfax, Virginia—Chapter 4 (Taxation and Finance), Article 11 (Cigarette Tax), Increasing the Cigarette Tax Rate

ISSUE:

Public hearing to consider amendments to *Chapter 4, Article 11 of the Fairfax County Code*, that would increase the excise tax rate from one and one-half cents (\$0.015) to two cents (\$0.02) for each cigarette sold, stored, or received.

RECOMMENDATION:

The County Executive recommends that after holding a public hearing, the Board adopt the proposed amendments to *Chapter 4, Article 11 of the Fairfax County Code*, with an effective date of July 1, 2024.

TIMING:

On March 5, 2024, the Board authorized advertisement of a public hearing to be held on April 16, 2024, at 3:00 p.m. The ordinance would become effective July 1, 2024.

BACKGROUND:

Virginia Code § 58.1-3830 authorizes counties to levy a cigarette tax at a maximum rate of two cents (\$0.02) per cigarette sold. *Fairfax County Code Section 4-11-3* sets the county's rate at one and one-half cents (\$0.015) per cigarette sold. Based on the current quantity of packs being sold, it is estimated that increasing this rate by one-half cent (\$0.005) to the maximum amount allowed would generate roughly \$1.3 million in additional annual revenue. The last time this rate was adjusted was in 2004, when it increased from five cents (\$0.05) per pack of 20 cigarettes to twenty cents (\$0.20) per pack of 20 cigarettes effective September 1, 2004, and to thirty cents (\$0.30) per pack of 20 cigarettes effective July 1, 2005.

Presently, the enforcement and collection of the cigarette tax in Fairfax County is administered by the Northern Virginia Cigarette Tax Board. This Board was organized in 1970 and is made up of member jurisdictions throughout Northern Virginia. Because cigarettes are a controlled substance, administration and enforcement of the tax is complex, requiring local and state tax stamping, inventory control, and payment prior to the sale. For comparative purposes, the following chart shows the rate for each of the member jurisdictions:

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Jurisdiction Name	Tax Rate per pack of 20 cigarettes
Fairfax County	\$0.30
Fauquier County	\$0.40
Loudoun County	\$0.40
Prince William County	\$0.40
Spotsylvania County	\$0.30
Stafford County	\$0.30
City of Alexandria	\$1.26
City of Falls Church	\$0.85
City of Fairfax	\$0.85
City of Fredericksburg	\$0.31
City of Manassas	\$0.65
City of Manassas Park	\$0.75
Town of Remington	\$0.40
Town of Round Hill	\$0.40
Town of Lovettsville	\$0.40
Town of Hillsboro	\$0.35
Town of Middleburg	\$0.55
Town of Haymarket	\$0.75
Town of Dumfries	\$0.75
Town of Purcellville	\$0.75
Town of Leesburg	\$0.75
Town of Warrenton	\$0.40
Town of Clifton	\$0.30
Town of Herndon	\$0.75
Town of Vienna	\$0.85

It should be noted that cities and towns with a rate above two cents (\$0.02) per cigarette sold, as of January 1, 2020, were authorized to maintain their higher rate.

FISCAL IMPACT:

The increased rate of two cents (\$0.02) per cigarette is projected to generate roughly \$1.3 million in FY 2025. The additional revenue is already reflected in the County Executive's FY 2025 Advertised Budget Plan.

Board Agenda Item
April 16, 2024

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)
Gregory A. Bruch, Director, Revenue Collection Division, DTA
Albena Assenova, Director, Revenue and Economic Analysis, Department of
Management and Budget

ASSIGNED COUNSEL:

Daniel Robinson, Senior Assistant County Attorney

1 AN ORDINANCE AMENDING
2 ARTICLE 11 OF CHAPTER 4 OF THE FAIRFAX COUNTY CODE, RELATING TO
3 CIGARETTE TAX
4

5 Draft of January 17, 2024
6

7 AN ORDINANCE to amend the Fairfax County Code by amending and
8 readopting Section 4-11-3, relating to the Cigarette Tax rate.
9

10 Be it ordained by the Board of Supervisors of Fairfax County:
11

12 1. That Section 4-11-3 of the Fairfax County Code is amended and readopted as
13 follows:
14

15 Article 11. – Cigarette Tax.
16

17 Section 4-11-3. Levy and rate.
18

19 In addition to all other taxes of every kind now or hereafter imposed by law, there is hereby
20 levied and imposed by the County upon every person who sells or uses cigarettes within the
21 County an excise tax at a rate of ~~five cents for each package containing twenty cigarettes and~~
22 ~~two and one half mills for each cigarette contained in packages of fewer or more than twenty~~
23 ~~cigarettes sold or used within the County prior to September 1, 2004, and at a rate of one cent~~
24 ~~for each such cigarette sold, stored, or received on and after September 1, 2004, through June~~
25 ~~30, 2005, and at a rate of one and one half cents- two cents~~ for each cigarette sold, stored, or
26 received ~~on and after July 1, 2005~~. The tax shall be paid and collected in the manner and at the
27 time hereinafter prescribed; provided, that the tax payable for each cigarette or cigarette
28 package sold or used within the County shall be paid but once.
29

30 2. That the provisions of this ordinance are severable, and if any provision of this
31 ordinance or any application thereof is held invalid, that invalidity will not affect the other
32 provisions or applications of this ordinance that can be given effect without the invalid
33 provision or application.
34

35 3. That this Ordinance will become effective on July 1, 2024.
36

37
38 GIVEN under my hand this _____ day of _____, 2024
39

40 _____
41

42 Jill G. Cooper
43 Clerk for the Board of Supervisors
44 Department of Clerk Services
45

1 AN ORDINANCE AMENDING
2 ARTICLE 11 OF CHAPTER 4 OF THE FAIRFAX COUNTY CODE, RELATING TO
3 CIGARETTE TAX
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5 Draft of January 17, 2024
6

7 AN ORDINANCE to amend the Fairfax County Code by amending and
8 readopting Section 4-11-3, relating to the Cigarette Tax rate.
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10 Be it ordained by the Board of Supervisors of Fairfax County:
11

12 1. That Section 4-11-3 of the Fairfax County Code is amended and readopted as
13 follows:
14

15 Article 11. – Cigarette Tax.
16

17 Section 4-11-3. Levy and rate.
18

19 In addition to all other taxes of every kind now or hereafter imposed by law, there is hereby
20 levied and imposed by the County upon every person who sells or uses cigarettes within the
21 County an excise tax at a rate of two cents for each cigarette sold, stored, or received. The tax
22 shall be paid and collected in the manner and at the time hereinafter prescribed; provided, that
23 the tax payable for each cigarette or cigarette package sold or used within the County shall be
24 paid but once.
25

26 2. That the provisions of this ordinance are severable, and if any provision of this
27 ordinance or any application thereof is held invalid, that invalidity will not affect the other
28 provisions or applications of this ordinance that can be given effect without the invalid
29 provision or application.
30

31 3. That this Ordinance will become effective on July 1, 2024.
32
33

34 GIVEN under my hand this _____ day of _____, 2024
35

36 _____
37
38 Jill G. Cooper
39 Clerk for the Board of Supervisors
40 Department of Clerk Services
41

Board Agenda Item
April 16, 2024

3:00 p.m.

Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 61, Appendix Q, Section H and Chapter 62

ISSUE:

Adjustments to the fees charged for plan review, permits and inspection services in order to support the Fire Marshal's efforts to enhance the plans review, permit and inspection services.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the proposed amendments as set forth in the staff report dated February 8, 2024.

TIMING:

On March 5, 2024, the Board authorized the advertising of public hearings. If approved, these amendments shall become effective on July 1, 2024, at 12:01 a.m., and the revised fees shall be applicable to any submission after the effective date.

BACKGROUND:

The Fire and Rescue Department proposes revising the fees associated with Fire Marshal services, including plan review, permits, and inspections. The hourly rate fees for Fire Marshal services and operational permits were last updated in 2015 (FY 2016). During that revision, the hourly rate fees saw an increase of approximately 21.9%, and fees for most operational permits outlined in Chapter 62 were raised by 20%. These adjustments aimed to cover the actual costs of delivering services. The Board of Supervisors instructed staff, and staff has continued, to review the Fire Marshal's fee structure each year with the goal of achieving a cost recovery threshold ranging from 90% to 100%.

Fire Marshal fees contained in *Appendix Q, Section H in Chapter 61 of the Code of the County of Fairfax* are being presented for revision as well. Staff recommends that the timing of the increases in base hourly Fire Marshal fees incorporated in Chapter 61, Appendix Q, Section H and the flat fees and base hourly fees in Chapter 62 are done concurrently to avoid confusion by industry and allow efficient implementation into the PLUS system.

Board Agenda Item
April 16, 2024

When the last comprehensive increase in fees occurred in 2015, the cost recovery in FY 2016 was approximately at 100 percent. Since then, costs to provide services have continued to increase to support compensation and operational requirements as well as to ensure quality of services. The FY 2025 expenditures included in County Executive's FY 2025 Advertised Budget Plan reflect an increase of 35% compared to FY 2016, while estimated revenues, based on the existing rates, reflect a decline of 9%. As a result, the projected FY 2025 cost recovery is less than 70% without the recommended fee increase. The increased costs are primarily due to increases in personnel costs, fringe benefits and operating costs. The proposed fee increase will ensure that the Fire Marshal achieves its cost recovery threshold.

The current proposals were presented to the Board of Supervisors at the Land Use Policy Committee meeting on February 27, 2024. Staff prepared supplemental information in response to questions raised by the Board at that time, which was shared in advance of the April 16, 2024, Board of Supervisors public hearing.

SUMMARY OF AMENDMENTS:

The proposed amendments increase fees charged by the Fire Marshal. The proposed adjustments will assist the Fire Marshal in efforts to achieve a cost recovery rate of 90 to 100%. In general, the hourly fees contained in *Table 107.2 of the Fire Protection Code of the County of Fairfax (Chapter 62)* concerning plan review, witnessed fire protection systems tests, and certain inspections will be increased from \$156 per hour (billed in ¼ hour increments) to \$208 per hour, representing a 33% increase. Most operational permits contained in *Table 107.2 of the Fire Prevention Code of the County of Fairfax (Chapter 62)* will increase by 30% as well. The increase to the Fire Marshal fees will also apply to the plan review and sprinkler acceptance testing fees contained in *Appendix Q in Chapter 61 of the Code of the County*.

REGULATORY IMPACT:

The proposed fee amendments increase the fees charged by the Fire Marshal for plan review, permits, and inspection services to ensure that the mandated rate of cost recovery is 90 to 100%. For a full list of proposed amendments, refer to Attachment I – Amendments to Chapter 62, Section 62-2-8 [Table 107.2] "Fire Prevention Fees and Detailed Permit Requirements" and Chapter 61/ Section H of Appendix Q.

COORDINATION:

The vetting process for the proposed amendments included meetings with industry representatives to discuss the proposed fee increases and the anticipated financial impact to projects. During those meetings, representatives from industry understood the need for the proposed increases.

Board Agenda Item
April 16, 2024

EQUITY IMPACT:

Plan review, permit, and inspection fees are consistently applied to all applications as determined by the scope and nature of the project. The Fire Marshal recognizes the diverse needs of its customers and in alignment with the principle of equity, the proposed fee increases were applied in a fair and equitable manner across industry, considering the costs associated with delivering services for the respective business areas.

FISCAL IMPACT:

If adopted by the Board, it is anticipated that the proposed fee adjustments will generate increased revenue of approximately \$1.5 million in FY 2025. This revenue estimate is based on the FY 2024 estimated revenue of \$5.6 million for services provided under Chapter 62 and assumes that the workload remains constant in FY 2025. Any reduction in plan and permit activity may have a negative impact on the projected revenue. Staff will work in close coordination with the Department of Management and Budget to monitor these trends. The \$1.5 million in additional revenue will be reflected in the FY 2025 Advertised Budget Plan.

ENCLOSED DOCUMENTS:

Attachment I – Staff Report

STAFF:

Thomas Arnold, Deputy County Executive
Fire Chief John S. Butler, Fire and Rescue Department
Deputy Chief William D. Vannoy, Fire and Rescue Department
Battalion Chief Christopher M. Sampl, Fire and Rescue Department
Margaret Dix, Financial Specialist III, Fire and Rescue Department

ASSIGNED COUNSEL:

Patrick Foltz, Assistant County Attorney



**FAIRFAX
COUNTY**

STAFF REPORT

V I R G I N I A

**Proposed Amendments to the Code of the County of
Fairfax, Chapter 61, Appendix Q, Section H and
Chapter 62**

Fire Marshal Fees

PUBLIC HEARING DATES

Board of Supervisors .

**PREPARED BY
FIRE PREVENTION DIVISION
FIRE AND RESCUE DEPARTMENT
703-246-4753**

NJ



Americans With Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

STAFF COMMENT

The proposed amendments to the Code of the County of Fairfax, Chapter 61 - Building Provisions, Appendix Q, Section H and Chapter 62 - Fire Protection increase Fire Marshal fees for plans submissions, inspections and operational permits.

Existing Fire Prevention Code Provisions

The Fire Prevention Division of the County's Fire and Rescue Department reviews various plans, issues operational permits, performs inspections and witnesses periodic testing of existing fire protection systems for compliance with Fire Prevention Code of the County of Fairfax. Under the existing Fire Prevention Code, Fire Marshal fees are assessed for review of various types of plans, issuance of operational permits, and witnessing annual re-testing of existing fire protection systems. The Fire Marshal fees are based on the actual costs of performing each type of service. The Statewide Fire Prevention Code allows jurisdictions to assess fees to defray the costs associated with enforcing the code. The Fire Marshal's Office was directed by the BOS to set fees so that 90-100% of actual costs are recovered.

Background

The current Fire Marshal review, permit and inspection fees, which were last adjusted in FY 2015 that set the hourly rate at \$156 per hour (billed in ¼ hour increments), per reviewer or inspector. Fees for most operational permits were last reviewed and adjusted in FY 2015 and most permit fees were set at \$150. The Fire and Rescue Department recently reviewed the current fee structure and cost recovery effort within the Fire Prevention Division. As a result of the review, staff recommends an increase in existing fees to more closely align the fees with the cost of performing mandated services. Staff recommends a fee increase to of the hourly rate to \$208 per hour (a 33% increase), per reviewer or inspector and further recommends a 30% increase in fees for most operational permits. The rationale for the proposed rate increases is due to increased personnel costs, fringe benefits and operational expenses. Recent cost recovery rates were 77% in FY23 and 72% estimated in FY24. The projected FY 2025 cost recovery is less than 70% without the recommended fee increase. The recommended increased rates are comparable to those of surrounding jurisdictions and represent a 90% to 100% cost recovery rate.

Proposed Amendments

The proposed Fire Protection Code of the County of Fairfax amendments increase the Fire Marshal review and inspection fee to \$208 per hour and increases the cost of most operational permits to \$195. This includes fees Fire Marshal fees found in Chapter 61, Appendix Q, Section H. The proposed rates represent a 90% to 100% cost recovery rate which aligns with the directive set by the Board.

Conclusion

Given that the current fees do not generate sufficient revenue to recover 90-100% of the Fire Marshal's costs to process and review plans, perform inspections or re-test existing fire protection systems, staff believes that a fee increase is appropriate. It is critical that the hourly rates charged in Chapter 61, Appendix Q, Section H and Chapter 62 remain consistent to avoid confusion among industry.

Staff recommends the adoption of the proposed amendments as advertised with an effective date of 12:01 A.M. on July, 1, 2024.

Chapter 61

Appendix Q – Land Development Services Fee Schedule Effective October 31, 2022 (thru 18-22-Q)

H: FIRE PREVENTION DIVISION (OFFICE OF THE FIRE MARSHAL) FEES

(A) Plan Review Fees:

Fees for all plan review are based on an hourly charge calculated on the quarter hour or part thereof, per reviewer. Fees are due upon completion of the plan review process.

- Per Hour ~~\$156.00~~ \$208.00

(B) Acceptance Testing and Inspection Fees:

Fees are based on an hourly charge calculated on the quarter hour or part thereof, per inspector. Fees for fire protection equipment and systems performance tests and inspections, other equipment and systems performance tests and inspections, occupancy or preoccupancy inspections, fire lanes and required reinspection's shall be imposed per hour calculated on the quarter hour or part thereof, per required inspector.

- Per Hour ~~\$156.00~~ \$208.00

(C) Reinspection Fees:

Reinspection fees shall be based on the hours reserved to perform the test and will be charged per hour calculated on the quarter hour or part thereof, per required inspector. The following matrix is to serve as a guideline in determining when a reinspection fee is required for acceptance testing. A minimum notice of 24 hours (one full business day) for test cancellation is required. The fee is charged when an inspection is not canceled in time to save an unnecessary trip by inspectors.

- Per Hour ~~\$156.00~~ \$208.00

REINSPECTION FEES

CIRCUMSTANCE	CONDITION	INSPECTED	REINSPECTION FEE
Cancelled or rescheduled off site more than 24 hours prior to appointment	N/A	No	No
Cancelled or rescheduled off site less than 24 hours prior to appointment	N/A	No	Yes
Contractor shows, others do not, or inspectors arrive, no one on site	Cannot Test	No	Yes
Cancelled while inspectors on site; test not started	Not Ready	No	Yes
Regular inspection, test started, test not completed	Not Ready or Failure due to fault of contractor	Yes	Yes
Regular inspection, test started, test not completed	Failed, but due to fault of contractor	Yes	No
Regular inspection, test completed	Substantially ready with minor deficiencies	Yes	No
Regular inspection, test completed	No punch list, inspection approved	Yes	No
Final inspection	Deficient	Yes	Yes

(D) Plan Review and Inspections Performed Outside Business Hours: Plan reviews and inspections may be performed outside business hours upon request at the sole discretion of the fire official. Fees for these plan reviews and inspections shall be assessed at twice the rate listed in (A), (B), and (C) above. Fees shall be assessed in 30-minute increments.

CHAPTER 62

FIRE PROTECTION

Article 1. IN GENERAL

Section 62-2-7. Fairfax County Fire Prevention Code.

The regulations set forth herein shall be known as the Fire Prevention Code of the County of Fairfax and shall be herein referred to as such or as this Code.

Section 62-2-8. Amendments, additions, deletions to the Virginia Statewide Fire Prevention Code.

The Virginia Statewide Fire Prevention Code is hereby amended and changed pursuant to Section 27-97 of the Code of Virginia in the following respects:

Table 107.2. Amended as follows:

CHAPTER 62. – Fire Protection

Table 107.2. Delete and Substitute as follows: **Table 107.2.** Duration of permit is 365 days, unless otherwise noted. Amended as follows:

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	New Flat Fee	Hourly Fee	New Hourly Fee
		Section 1 - Detailed Operational Permit Requirements. Note: All permit fees are per line item that applies				
1	5101.2	Aerosol Products, Level 2 or 3. An operational permit is required to manufacture, store or handle, an aggregate quantity in excess of 500 pounds net weight.	\$150	\$195		
2	107.2	Amusement Buildings: Permanent. An operational permit is required to operate a special amusement building.	\$150	\$195		
3	107.2 403.12.2	Amusement Buildings: Temporary or Mobile. An operational permit is required to operate a special amusement building, (e.g., Haunted House). (60-day permit)	\$150	\$195		
4	2001.3	Aviation Facilities. An operational permit is required to use a Group H or Group S Occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.	\$150	\$195		
5	107.2	Assembly, Indoor (to include Exhibits and Trade Shows). An operational permit is required to operate exhibits and trade shows. Permit is valid for up to 30 days, but not past event date.	\$150	\$195		

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	New Flat Fee	Hourly Fee	New Hourly Fee
6	107.2 403.12.2 403.12.3	Assembly, Outdoor (to include Carnivals, Circuses, Fairs, and Festivals). An operational permit is required to conduct an outdoor gathering of 500 persons or more, at one time. Permit is valid for up to 30 days, but not past event date.	\$150	\$195		
7	107.2	Assembly, Place of or Education – Occupant Load 50 or Greater	\$150	\$195		
8	1206.2	Battery Systems, Stationary Storage An operational permit is required for the operation of stationary storage battery systems regulated by Chapter 12.	\$150	\$195		
9	301.2	Cellulose Nitrate Film: An operational permit is required to store, handle, or use cellulose nitrate film in a Group A Occupancy.	\$150	\$195		
10	2201.2	Combustible Dust-Producing Operations. An operational permit is required is required to operate a grain elevator, flour starch mill feed mill, or a plant pulverizing aluminum coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.	\$150	\$195		
11	107.2	Combustible Fibers. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 Cubic Feet Exception: An operational permit is not required for agricultural storage.	\$150	\$195		
12	609.3	Commercial Kitchen Operation Requiring a Type I Hood. An operational permit is required for the operation of a commercial kitchen requiring a Type I hood Exceptions: 1. Assembly (Group A) or Educational (Group E) Occupancies having a Fire Prevention Code Permit (FPCP). 2. Mobile food preparation vehicles.	\$150	\$195		
13	5301.2 5001.5 5401.2	Compressed Gas: Corrosive. An operational permit is required for the storage, use, or handling of corrosive gas in excess of 200 cubic feet at normal temperature and pressure (NTP) Exception: <i>Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.</i>	\$150	\$195		
14	5301.2 5801.2 5001.5	Compressed Gas: Flammable. An operational permit is required for the storage, use, or handling of flammable gas in excess of 200 cubic feet at normal temperature and pressure (NTP) Exceptions: 1. Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle, 2. cryogenic fluids; and 3. liquified petroleum gases.	\$150	\$195		
15	5301.2 6001.2 5001.5	Compressed Gas: Toxic or Highly Toxic. An operational permit is required for the storage, use, or handling of any toxic or highly toxic gas in any amount.	\$150	\$195		
16	5301.2 5001.5	Compressed Gas: Inert or Simple Asphyxiant. An operational permit is required for the storage, use, or handling of inert or simple asphyxiant gas in excess of 6,000 cubic feet at normal temperate and pressure (NTP). Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	\$150	\$195		
17	5301.2 6301.2 5001.5	Compressed Gas: Oxidizing (including Oxygen). An operational permit is required for the storage, use, or handling of oxidizing gas in excess of 504 cubic feet at normal temperature and pressure (NTP). Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	\$150	\$195		

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	New Flat Fee	Hourly Fee	New Hourly Fee																									
18	5301.2 6401.2 5001.5	Compressed Gas: Pyrophoric. An operational permit is required for the storage, use, or handling of pyrophoric gas in any amount.	\$150	\$195																											
19	107.2	Covered and open mall buildings. An operational permit is required for: 1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall. 2. The display of liquid-fired or gas-fired equipment or vehicles in the mall. 3. The use of open-flame or flame-producing equipment in the mall.	\$150	\$195																											
20	5501.2 2301.2 5001.5 5801.2	Cryogenic Fluids. An operational permit is required to produce, store, transport onsite, use, handle or dispense cryogenic fluids in excess of the amounts listed below. Exception: Vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading. <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Type of Cryogenic Building</th> <th style="text-align: center;">Inside Building (gallons)</th> <th style="text-align: center;">Outside (gallons)</th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>Flammable</td> <td>More than 1</td> <td>60.....</td> <td>\$150</td> <td>\$195</td> </tr> <tr> <td>Inert</td> <td>60</td> <td>500.....</td> <td>\$150</td> <td>\$195</td> </tr> <tr> <td>Oxidizing (Includes oxygen)</td> <td>10</td> <td>50.....</td> <td>\$150</td> <td>\$195</td> </tr> <tr> <td>Physical or health hazard not indicated above</td> <td>Any amount</td> <td>Any amount....</td> <td>\$150</td> <td>\$195</td> </tr> </tbody> </table>	Type of Cryogenic Building	Inside Building (gallons)	Outside (gallons)			Flammable	More than 1	60.....	\$150	\$195	Inert	60	500.....	\$150	\$195	Oxidizing (Includes oxygen)	10	50.....	\$150	\$195	Physical or health hazard not indicated above	Any amount	Any amount....	\$150	\$195				
Type of Cryogenic Building	Inside Building (gallons)	Outside (gallons)																													
Flammable	More than 1	60.....	\$150	\$195																											
Inert	60	500.....	\$150	\$195																											
Oxidizing (Includes oxygen)	10	50.....	\$150	\$195																											
Physical or health hazard not indicated above	Any amount	Any amount....	\$150	\$195																											
21	2101.2	Dry Cleaning Plants. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.	\$150	\$195																											
22	601.2	Electrified Security Fence	\$150	\$195																											
23	5601.2	Explosives: Explosives Use, Each Site or Location (6 Month Permit).	\$180	\$234																											
24	5601.2	Explosives: Firm or Company License.	\$150	\$195																											
25	5601.2	Explosives: Storage and Display of Black Powder or Smokeless Propellant Indoors. Exception: Storage in Group R-3 or R-5 occupancies of smokeless propellant, black powder, and small arms primers for personal use, not for resale, and in accordance with the quantity limitations and conditions set forth in Section 5601.1, Exceptions 4 and 12.	\$150	\$195																											
26	5601.2	Explosives: Laboratory Use (6 Month Permit).	\$150	\$195																											
27	3308.2	Fire Prevention Program Manager: A permit is required for the Fire Prevention Program Manager designated by the owner for safeguarding construction, alteration, and demolition operations Exception: Building less than 5 stories above average grade plane and less than 50,000 square feet in size.	\$0	\$0																											

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	New Flat Fee	Hourly Fee	New Hourly Fee
28	5701.4	Flammable and combustible liquids. An operational permit is required:				
		1. To use or operation of a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the U.S. Department of Transportation (DOT), nor does it apply to piping systems.....	\$150	\$195		
		2. Class I: Store, Handle, or Use in Excess of 5 Gallons in a Building or in Excess of 10 Gallons Outside a Building.....	\$150	\$195		
		Exceptions:				
		a. Storage or Use in the Fuel Tank of a Motor Vehicle, Aircraft, Motorboat, Mobile Power Plant, or Mobile Heating Plant, Unless Such Storage, in the Opinion of the Fire Official, Would Cause an Unsafe Condition.				
		b. Storage or Use of Paints, Oils, Varnishes, or Similar Flammable Mixtures When Such Liquids are Stored for Maintenance, Painting, or Similar Purposes for a Period of Not More Than 30 Days.				
29	5701.4	3. Class II or IIIA: Store, Handle or Use in Excess of 25 Gallons in a Building or in Excess of 60 Gallons Outside a Building, except for Fuel oil used in conjunction with oil burning equipment.....	\$150	\$195		
		4. To remove Class I or Class II liquids from an underground storage tank used for fuel fueling motor vehicles by any means other than the approved, stationary, on-site pumps normally used for dispensing purposes.....	\$150	\$195		
		5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.....	\$150	\$195		
		6. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.....	\$150	\$195		
		Flammable/Combustible Liquid Tank. An operational permit is required for the following:				
		a. Underground Storage, with or without dispensing equipment.....	\$450	\$195		
30	2401.3	b. Above-ground Storage, with or without dispensing equipment.....	\$450	\$195		
		c. Bulk Storage Facility – in Excess of 100,000 Gallons.....	\$450	\$195		
		d. Installation, Above-ground or Underground Tank (90 Day Permit).....	\$450	\$195		
		e. Alter or Relocate an Existing Tank (90 Day Permit).....	\$450	\$195		
		f. Place Temporarily Out of Service.....	\$450	\$195		
		g. Underground Abandonment (90 Day Permit).....	\$450	\$195		
		h. Underground Removal (Commercial - 90 Day Permit).....	\$450	\$195		
		i. Underground Removal (Residential - 90 Day Permit).....	\$450	\$195		
		j. Above-ground Removal (Commercial - 90 Day Permit).....	\$450	\$195		
		k. Above-ground Removal (Residential - 90 Day Permit).....	\$450	\$195		
		l. Install Product Lines/Dispensing Equipment (90 Day Permit).....	\$450	\$195		
		m. Manufacture, Process, Blend, or Refine.....	\$450	\$195		
				Note: Installation permits are based on the fee Table in Appendix Q of Chapter 61 of the Code of the County of Fairfax.		
31	2501.2	Floor finishing: An operational permit is required for floor finishing or surfacing exceeding 350 square feet using class I or class II liquids (30-day permit).	\$78	\$104		
31	2501.2	Fruit or crop-ripening: An operational permit is required to operate a fruit or crop ripening facility or conduct a fruit-ripening process using ethylene gas.	\$150	\$195		

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	New Flat Fee	Hourly Fee	New Hourly Fee
32	2601.2	Fumigation, thermal insecticidal and fogging: An operational permit is required to operate a business of fumigation, thermal or insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used. (15-day permit).	\$450	\$195		
33	5001.5	Hazardous Materials. An operational permit is required to store, transport on site , dispense, use or handle hazardous materials in excess of the amounts shown below:				
34		Combustible Liquids: refer to Flammable and Combustible Liquids				
35		Corrosive Gases: refer to Compressed Gases				
36	5401.2	Corrosive Liquids: greater than 55 Gallons	\$450	\$195		
37	5401.2	Corrosive Solids: greater than 1000 Pounds	\$450	\$195		
38		Explosives: refer to Explosive Materials				
39		Flammable Gasses: refer to Compressed Gases				
40		Flammable Liquids: refer to Flammable and Combustible Liquids				
41	5901.2	Flammable Solids: greater than 100 Pounds	\$450	\$195		
42		Highly Toxic Gases: refer to Compressed Gases				
43	6001.2	Highly Toxic Liquids: any amount	\$450	\$195		
44	6001.2	Highly Toxic Solids: any amount	\$450	\$195		
45		Oxidizing Gases: refer to Compressed Gases				
46	6301.2	Oxidizing Liquids: a. Class 4: any amount..... b. Class 3: greater than 1 gallon..... c. Class 2: greater than 10 gallons..... d. Class 1: greater than 55 gallons.....	\$450 \$450 \$450 \$450	\$195 \$195 \$195 \$195		
47	6301.2	Oxidizing Solids: a. Class 4: any amount..... b. Class 3: greater than 10 pounds..... c. Class 2: greater than 100 pounds..... d. Class 1: greater than 500 pounds.....	\$450 \$450 \$450 \$450	\$195 \$195 \$195 \$195		
48	6201.2	Organic Peroxides, Liquid a. Class I: any amount..... b. Class II: any amount..... c. Class III: greater than 1 gallon..... d. Class IV: greater than 2 gallons..... e. Class V: no permit required.....	\$450 \$450 \$450 \$450	\$195 \$195 \$195 \$195		
49	6201.2	Organic Peroxides, Solids: a. Class I: any amount..... b. Class II: any amount..... c. Class III: greater than 10 pounds..... d. Class IV: greater than 20 pounds..... e. Class V: no permit required.....	\$450 \$450 \$450 \$450	\$195 \$195 \$195 \$195		
50	6401.2	Pyrophoric Material: a. Gas: any amount..... b. Liquid: any amount..... c. Solid: any amount	\$450 \$450 \$450	\$195 \$195 \$195		
51	6001.2	Toxic Materials: a. Gases: refer to compressed gases..... b. Liquids: 10 gallons..... c. Solids: 100 pounds.....	\$450 \$450 \$450	\$195 \$195 \$195		

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	New Flat Fee	Hourly Fee	New Hourly Fee
52	6601.2	Unstable (Reactive) Materials: Liquids: a. Class 1: greater than 10 gallons..... b. Class 2: greater than 5 gallons..... c. Class 3: any amount..... d. Class 4: any amount..... Solids: a. Class 1: greater than 100 pounds..... b. Class 2: greater than 50 pounds..... c. Class 3: any amount..... d. Class 4: any amount.....	\$150 \$150 \$150 \$150 \$150 \$150 \$150 \$150	\$195 \$195 \$195 \$195 \$195 \$195 \$195 \$195		
53	6701.2	Water-reactive Materials: Liquids: a. Class 1: greater than 55 gallons..... b. Class 2: greater than 5 gallons..... c. Class 3: greater than any amount..... Solids: a. Class 1: greater than 500 pounds..... b. Class 2: greater than 50 pounds..... c. Class 3: any amount.....	\$150 \$150 \$150 \$150 \$150 \$150	\$195 \$195 \$195 \$195 \$195 \$195		
54	5001.5	Hazardous Production Facilities (HPM): An operational permit is required to store, handle or use hazardous production materials.	\$150	\$195		
55	3201.2	High Piled Storage. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet.	\$150	\$195		
56	3501.2	Hot Work and Welding: Public Exhibitions and Demonstrations (Each Exhibitor/Demo – 10 Day Permit)	\$78	\$104		
57	3501.2	Hot Work and Welding: An operational permit is required for: a. Small Scale Hot Work b. Fixed-Site Hot Work Equipment (Example: Welding Booth)..... c. Cutting or Welding, All Locations..... d. Open Flame Device Roofing Operation, to include Rubberized Asphalt Melter Operations (Each Site/Location – 90 Day permit)..... e. Torch or Open-Flame Operations other than Roofing (Each Site/Location – 30 Day permit).....	\$150 \$150 \$150 \$150 \$78	\$195 \$195 \$195 \$195 \$104		
58	3001.2	Industrial Ovens: An operational permit is required for operation of industrial ovens regulated by Chapter 30.	\$150	\$195		
59	2801.2	Lumber Yards and Agro-Industrial Solid Biomass and Woodworking Plants. Storage or Processing of Lumber Exceeding 100,000 Board Feet (8,333 ft ³) (236 m ³).	\$150	\$195		
60	109.1	Live/Work Units: An operational permit is required for each Live/Work Unit that does not function solely as a dwelling unit.	\$150	\$195		
61	6101.2	LP-Gas: An operational permit is required for: a. Storage or use of LP-gas, (inside or outside any structure).	\$150	\$195		

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	New Flat Fee	Hourly Fee	New Hourly Fee
62	6101.2	LP-Gas: An operational permit is required for storage and/or use outside, portable installation, per event, more than 10 gallons aggregate (30-day permit). Exception: Single-and two-family dwellings.	\$78	\$104		
63	6106 6109	LP-Gas: An operational permit is required for: a. Dispensing and Cylinder Refill Location b. Retail cylinder exchange location..... c. Automated cylinder exchange location.....	\$150 \$150 \$150	\$195 \$195 \$195		
64	315.2	Miscellaneous Combustible Storage: Storage inside any building or upon any premises - in excess of 2500 cubic feet.	\$150	\$195		
65	107.2	Mobile food preparation vehicle: A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease laden vapors.	\$150	\$195		
66	301.2	Open Burning: An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground, as follows: a. Bonfire (10 Day Permit)..... b. Silvicultural / Controlled Burning (90 Day Permit).....	\$150 \$150	\$195 \$195		
67	301.2	Open Flame and Candles. An operational permit is required to use open flames or candles in connection with assembly areas, educational use, dining areas of restaurants or drinking establishments. a. Public meetings or gatherings in assembly or educational use (Each Event)..... b. Assembly areas or dining areas of restaurants or drinking establishments.....	\$78 \$150	\$104 \$195		
68	2901.2	Organic Coatings: An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon in one day.	\$150	\$195		
69	107.2	Private Fire Hydrant – An operational permit is required for the removal from service, use or operation of private fire hydrants.	\$150	\$195		
70	5601.2	Pyrotechnics and Fireworks: An operational permit is required for: a. Outdoor Fireworks Display (Aerial Audience) (One Day Permit)	\$480	\$624		
71	5601.2	Pyrotechnics and Fireworks. An operational permit is required for Retail Sales (inside mercantile establishment) of Permissible Fireworks - Any Amount (45-day permit).	\$720	\$936		
72	5601.2	Pyrotechnics and Fireworks. An operational permit is required for Wholesale Sales of Permissible Fireworks - Any Amount (21-day permit. With a minor site plan, up to 45-day permit).	\$720	\$936		
73	6501.2	Pyroxylin Plastic: Storage or handling, more than 25 pounds of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastic.	\$150	\$195		
74	601.2	Refrigeration Equipment: An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.	\$150	\$195		
75	2301.2	Repair garages and service stations: An operational permit is required for operation of repair garages and automotive, marine and fleet service station.	\$150	\$195		
76	2001.3	Rooftop Heliports: An operational permit is required to operate a rooftop heliport.	\$150	\$195		
<u>77</u>	1204	Solar photovoltaic power systems. An operational permit is required for the installation and operation of a solar photovoltaic power system.	\$150	\$195		

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	New Flat Fee	Hourly Fee	New Hourly Fee
78	2401.3	Spraying or dipping operations: An operational permit is required for the following: a. Flammable/Combustible Liquid Spray Finishing Operation..... b. Flammable/Combustible Liquid Dip Tank Operation..... c. Application of Combustible Powders/Spray/Fluidized d. Organic Peroxides and Dual-component coatings.....	\$150 \$150 \$150 \$150	\$195 \$195 \$195 \$195		
79	5001.5	Swimming Pool Operation: The operation of a public or community pool requires an operational permit.	\$150	\$195		
80	3103.2	Temporary membrane structures and tents, (6 Month Permit). Exceptions: 1. Tents used exclusively for recreational camping purposes. 2. Tents and air-supported structures that cover an area of 900 square feet or less, including all connecting areas or spaces with a common means of egress and with an occupant load of less than 50 persons.	\$150	\$195		
81	3401.2	Tire-rebuilding Plants: An operational permit is required for the operation and maintenance of a tire-rebuilding plant.	\$150	\$195		
82	3401.2	Tire Storage (scrap tires and tire byproducts): An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet of total volume of scrap tires and for indoor storage of tires and tire byproducts.	\$150	\$195		
83	107.2	Waste Handling: An operational permit is required for the operation of wrecking yards, junk yards and waste material handling facilities.	\$150	\$195		
84	2801.2	Wood Products: An operational permit is required to store chips, hogged material, lumber, or plywood in excess of 200 cubic feet.	\$150	\$195		
Note: All permit fees are per line item that applies						
Section 2 – Plan Review Fees						
85	3201.4	Fire Safety and Evacuation Plan Review for High-Piled Combustible Storage Areas in Excess of 500 Square Feet.			\$156	\$208
86	3201.3	High-piled Storage Plan Review			\$156	\$208
87	2803.7	Lumber Yard or Woodworking Facility Plan Review			\$156	\$208
88	6109	Site and Installation Plan Review for LP-gas Cylinder Exchange Program			\$156	\$208
89	5001.5.1	Hazard Communication: Hazardous Material Management Plan Review			\$156	\$208
90	5001.6.3	Hazardous Material Facility Closure Plan Review			\$156	\$208
91	5001	Hazardous materials facility emergency response plan, above the threshold planning quantity of extremely hazardous substances.	\$400	\$133		
92	5001	Tier II submissions, per chemical, to a maximum of \$264.	\$25	\$33		
Section 3 - Inspection and Testing Fees						
93	107.10	County and State Licensing Fire Inspections (each inspection).	\$25	\$33		
94	107.10	Certificate of Occupancy Inspections (Towns of Vienna and Herndon).			\$156	\$208
95	107.10	Fire Prevention Permit Inspections, Follow-ups, Performance Testing, and Re-inspections.			\$156	\$208
96	107.10	Fire Code Inspection (Not Otherwise Specified), (i.e., Pre-Occupancy Punch List – Each Inspector).			\$156	\$208
97	901.6.3.1	Testing and Reinspection of Existing Fire Protection Systems (Each Inspector).			\$156	\$208
98	907.8.5	Unwanted or Nuisance Fire Alarm Inspections, Follow-ups, and Re-inspections.			\$156	\$208

Board Agenda Item
April 16, 2024

3:00 p.m.

Public Hearing on Proposed Amendments to Appendix Q (Land Development Services Fee Schedule) of the Code of the County of Fairfax, Virginia (County Code) Regarding Adjustment of the Fees Charged by Land Development Services for Plan Review, Permits, and Inspection Services

ISSUE:

Adjustments to the fees charged for plan review, permits, and inspection services in order to increase cost recovery and to support Land Development Services' efforts to enhance customer service during the land development review process.

PLANNING COMMISSION RECOMMENDATION:

On April 3, 2024, the Planning Commission voted 10-0 (Commissioners Murphy and Lagana were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Adoption of the proposed amendment to *Appendix Q of the Code of the County of Fairfax, Virginia*, as set forth in the staff report dated March 5, 2024, and that the amendment become effective at 12:01 a.m. on July 1, 2024;
- That the Board of Supervisors direct staff to annually update Land Development Services fees based on general County salary and benefit adjustments, as well as contract cost increases; and
- That the Board of Supervisors direct staff to look comprehensively every fifth year at Land Development Services fees in relation to overall cost recovery targets.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the proposed amendments to Appendix Q of the County Code, as set forth in the staff report dated March 5, 2024. Edits are shown by underlining for added text and strikethrough for deleted text.

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TIMING:

On March 5, 2024, the Board authorized the advertising of public hearings. The Planning Commission public hearing is scheduled for April 3, 2024. If approved, these amendments shall become effective on July 1, 2024, at 12:01 a.m., and the revised fees shall be applicable to any submission after the effective date.

BACKGROUND:

The Department of Land Development Services (LDS) proposes to adjust the LDS Fee Schedule for plan review, permits, and inspection services. The last comprehensive increase in LDS fees occurred in January 2015. At that time, the Board approved a 20% increase to most LDS fees to support initiatives to enhance the timeliness, quality, and customer-centric focus of the regulatory review process. Some fees were left unchanged as they were deemed sufficient to cover the actual costs of providing services.

Since the last fee adjustment in FY 2015, LDS has added 62 new merit positions, a 22.8% increase in staffing (272 positions to 334). These new positions are directly dedicated to supporting permit issuance operations and ongoing efforts to enhance and streamline the permit application process. Additionally, as reflected in the County Executive's FY 2025 Advertised Budget Plan, the total LDS expenditures in FY 2025 are projected to be \$55.3 million, an increase of \$21.5 million compared to budgeted expenditures in FY 2016. These figures indicate a substantial growth equivalent to an increase of 63.6%.

Increased expenditures include:

- Market Rate Adjustments (MRA)
- Performance-based increases
- Benchmark salary increases for certain positions
- Fringe benefits costs (e.g., retirement and health insurance)
- IT costs related to the PLUS system (PLUS positions and licenses)
- Operating Expense costs due to inflation including contract rate increases

LDS conducted two regional fee studies from 2018-2021 benchmarking against neighboring jurisdictions, and prepared a comprehensive fee increase request. The analysis scrutinized fees for comparable projects in neighboring jurisdictions, including Arlington, Fairfax, Loudoun, Prince William, and Stafford counties. The study found significant differences in building fees among neighboring jurisdictions, with Fairfax positioned on the lower end of the spectrum.

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As of FY 2023, LDS is no longer under the umbrella of the General Fund. The majority of the expenditures associated with the mission of the agency are included in an independent Special Revenue Fund. This allows for enhanced transparency to show that expenditures and revenue align. However, the full burden of costs not included in the independent fund but tied to the mission of the agency include but are not limited to: code enforcement efforts performed in the Department of Code Compliance, application review by Zoning Administration in the Department of Planning and Development, rent and utilities for the space occupied by LDS, as well as central services supporting the agency. The cost burden for these direct and indirect services is borne by the General Fund.

As noted at the time of the transition to the Special Revenue Fund, the newly established fund is intended to provide an accounting mechanism to reflect all revenues and expenditures assigned to the fund for LDS activities in a dedicated fund fully paid for by the fees and charges assessed by LDS. At the same time, while expenditures have continued to increase due to new positions, funded employee compensation increases, and inflationary increases across the board, revenue collection is trending downward. Revenue generated from current fees only recovers approximately 76.5% of LDS fee-related departmental costs within the Special Revenue Fund. To ensure that the LDS Special Revenue Fund is sustainable and self-supporting for the costs allocated to the fund, a fee increase effective for FY 2025 is recommended. The anticipated revenue growth created by the proposed fee increases is anticipated to restore the percentage to approximately 100% cost recovery of expenses assigned to the Special Revenue Fund.

In 2023, LDS entered a partnership with a consultant to conduct a thorough examination of existing fees in comparison to the corresponding level of effort. Initial findings from the consultant reveal that Fairfax imposes significantly lower fees for commercial (approximately 25% of the average) and residential (approximately 25% of the average) new construction building permits compared to its peer jurisdictions. Additionally, the consultant conducted an analysis of the Technology Surcharge Fee, which is currently set at 4%. The findings indicate that other comparable jurisdictions impose surcharges ranging from 10% to 14%. The consultant continues to work through their analysis. Once complete in FY 2025, LDS will propose further adjustments to the Appendix Q fee schedule to align fee revenue with task expenditures.

The proposed adjustments will assist LDS in efforts to improve the timeliness, quality, and customer focus of the regulatory review process, conduct ongoing staff training, and enhance the new PLUS platform, as well as maximize cost recovery. The proposed fee increase encompasses a 25% increase in all building fees, a 10% increase in all site fees, a 6-percentage point increase in the technology surcharge fee rate, and an additional 2% fee on all building and trade permits to support code

academy operations, as required by the *Virginia Uniform Statewide Building Code*. LDS believes all proposed fee changes are fair, necessary, and reasonable to comply with the requirements of an independent Special Revenue Fund.

Moving forward, LDS intends to implement annual increases in fees based on agency-specific cost pressures to provide permits, plan review and inspection services. Such pressures could include county-wide salary increases (e.g., market rate adjustments, average performance-based increases, pay compression and benchmarking initiatives) as well as specific operating expenditure increases. The Board and public will have an opportunity to consider these changes through normal public hearings.

The current proposal was presented to the Board of Supervisors at the Land Use Policy Committee meeting on February 27, 2024. Staff is preparing a supplemental report in response to the questions raised by the Board at that time, which will be circulated in advance of the April 16, 2024, Board of Supervisors public hearing.

SUMMARY OF AMENDMENTS:

The proposed amendments to the Appendix Q of the County Code include the following elements:

1. Increase the Technology Surcharge fee, applicable to all fees, from 4% to 10%. This adjustment seeks to ensure sufficient funding for PLUS IT staff, PLUS licenses, and essential technical staff resources. This adjustment focuses on continuous improvements to PLUS and the overall customer experience.
2. Institute a 2% code academy surcharge on all building and trade permit fees. According to *Section §36-137(7) of the Virginia Code*, each local building department is required to either transmit a levy of 2% of all building and trade permit fees collected or allocate 2% of building and trade permit revenue to support local code academy training efforts. Over the last three decades, Fairfax County has chosen to manage its own local code academy. These funds are utilized to ensure that building code staff receive regular training and updates on building code requirements and changes.

Historically, LDS has funded code academy expenditures from the existing fee structure. LDS proposes to implement a separate 2% code academy fee and set aside the revenue generated specifically to cover code academy expenditures in the future.

3. Increase building fees (excluding Vertical Transportation permit fees) by 25%. This adjustment attempts to accommodate increased compensation and fringe benefit costs, as well as new merit and non-merit staff in the Building Division

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and the Customer and Technical Support Center, which handles permit operations. It should be noted that there has been a 31.94% funded employee compensation increase for all existing building staff since fees were last increased in FY 2015.

4. Increase all site fees by 10%. This adjustment is intended to address site-related contract staff and the associated commensurate increases in compensation and fringe benefit costs, as well as new merit and non-merit staff in the site division and the customer and technical support center, which handles permit operations. It should be noted that there has been a 31.94% funded employee compensation increase for all existing site staff since fees were last increased in FY 2015.
5. Remove the following fees, which are no longer used:
 - Digitization fee
 - Substitution fee
 - Recycling fee
 - Radiation, fall out or blast shelter
6. Add a specific fee for Pedestrian Bridges, which clarifies the permitting fees regarding these structures and aligns with staff effort. Previously, these fees were based on the area of bridge decking which significantly over estimated staff effort to review and inspect these structures.
7. Add a fee for Signature Set Review Cycle for site-related plan submissions wherein such minor changes affecting more than five but less than 21 sheets (six to 20 plan sheets) of the plan set. This provides customers a predictable option to avoid a full resubmission fee. Signature Set Review Cycles affecting five or less sheets will not carry a separate fee.
8. Add a fee for Minor Revisions. This provides customers a predictable option to avoid a full revision fee for minor amendments to an approved site-related plan type.

Additionally, there are proposed restructuring changes to Appendix Q to simplify the fee structure, align the language with the PLUS platform, and enhance clarity for residents as well as minor editorial changes to address code reference changes in related state codes.

REGULATORY IMPACT:

The proposed amendment updates Appendix Q of the County Code to ensure compliance with state and local construction-related regulations.

Attachment I includes the proposed fee changes to Appendix Q.

COORDINATION:

The vetting process for the proposed amendments included meetings with industry representatives to discuss the proposed fee increases. During those meetings, representatives of the land development community understood the need for the proposed increases. However, industry signaled that moving forward smaller increments each year rather than large increases periodically were preferred.

EQUITY IMPACT:

Plan review and permit fees are consistently applied to all applications as determined by the scope of the project. However, LDS recognizes the diverse needs of its customers and provides various programs and services to cater to those with unique requirements.

LDS implemented heightened staffing levels to provide thorough in-person customer support, particularly in response to the transition to an all-online platform. This strategic move aims to enhance the customer experience during the shift to online services. The Customer Experience Team is now equipped to provide assistance during business hours, aiding with plan and permit submissions and facilitating inspection scheduling. This initiative aims to enhance the quality and accessibility of customer support services and the requested fees ensure continued high-quality services.

To further enhance the customer experience, a new customer service center is currently in the design phase on the first floor of the Herrity Building, with an anticipated completion date in late 2025. The center will co-locate customer service representatives from various agencies. This initiative is designed to offer a more user-friendly environment for customers, allowing them to visit staff in-person and find answers to all their development-related questions in one centralized location.

In alignment with the principle of equity, the proposed fee increases were also applied in a fair and equitable manner, considering the costs associated with delivering services for the respective business areas. LDS staff remains committed to translating forms and videos into a variety of languages, ensuring accessibility for a diverse audience. Additionally, a coordinator dedicated to nonprofits and religious use continues to provide extra support for customers representing non-profit organizations or places of worship.

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These efforts enhance inclusivity and cater to the unique needs of different community members.

FISCAL IMPACT:

If adopted by the Board, the recommended fee changes are anticipated to generate increased revenue of approximately \$11.8 million in FY 2025. This includes \$8.3 million in incremental building and site revenue and \$3.5 million from technology surcharge fees. This estimate is based on actual FY 2023 revenue, year-to-date revenue collection trends in FY 2024 and assumes a consistent workload in FY 2025. Any reduction in plan and permit activity could have a negative impact on the projected revenue. LDS will work closely with the Department of Management and Budget to monitor these trends. The additional revenue is reflected in the County Executive's FY 2025 Advertised Budget Plan.

If adopted by the Board, it is anticipated that the proposed fee adjustments will be needed to support the expenditure appropriations for LDS in FY 2025, including additional costs associated with PLUS licenses and PLUS system improvements. Without a fee increase, incorporating these additional expenses may necessitate support from the General Fund.

ENCLOSED DOCUMENTS:

Attachment I - Staff Report

Attachment II - [Planning Commission Meeting Actions](#)

STAFF:

Rachel Flynn, Deputy County Executive

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

ASSIGNED COUNSEL:

Patrick V. Foltz, Assistant County Attorney

LAND DEVELOPMENT SERVICES
March 5, 2024

STAFF REPORT

PREPARED BY PERMITTING AND CODE ADMINISTRATION

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

Proposed Amendments to Appendix Q (Land Development Services Fee Schedule) of the *Code of the County of Fairfax, Virginia* (County Code) Regarding Adjustment of the Fees Charged by Land Development Services for Plan Review, Permits, and Inspection Services.

Authorization to Advertise:	<u>March 5, 2024</u>
Planning Commission Hearing:	<u>April 3, 2024</u>
Board of Supervisors Hearing:	<u>April 16, 2024 at 3:00 p.m.</u>
Source:	Department of Land Development Services
Prepared By:	Desiree Roberts, Chief Finance and Human Resource Officer (703) 324-7888

STAFF REPORT

ISSUE

Board of Supervisors (Board) to adopt proposed amendments to Appendix Q (Land Development Services Fee Schedule) of the County Code to adjust the fees charged by the county for plan review, permits, and inspection services to meet the Board's direction for approximately 100% cost recovery through plan review, permits and inspection fee revenue. Adjustments to Appendix Q will also cover enhancements for customer service.

RECOMMENDED ACTION

Staff recommends that the Board of Supervisors adopt the proposed amendments to Appendix Q of the County Code. Edits are shown by underlining for added text and strikethrough for deleted text.

COORDINATION

The proposed amendments were prepared by the Department of Land Development Services and coordinated with the Department of Management and Budget and the Office of the County Attorney.

Discussion

The Department of Land Development Services (LDS) proposes to adjust the LDS Fee Schedule for plan review, permits, and inspection services. The last comprehensive increase in LDS fees occurred in January 2015. At that time, the Board approved a 20% increase to most LDS fees to support initiatives to enhance the timeliness, quality, and customer-centric focus of the regulatory review process. Some fees were left unchanged as they were deemed sufficient to cover the actual costs of providing services.

Since the last fee adjustment in FY 2015, LDS has added 62 new merit positions, a 22.8% increase in staffing (272 positions to 334). These new positions are directly dedicated to supporting permit issuance operations and ongoing efforts to enhance and streamline the permit application process. Additionally, as reflected in the County Executive's FY 2025 Advertised Budget Plan, the total LDS expenditures in FY 2025 are projected to be \$55.3 million, an increase of \$21.5 million compared to budgeted expenditures in FY 2016. These figures indicate a substantial growth equivalent to an increase of 63.6%.

Increased expenditures include:

- Market Rate Adjustments (MRA)
- Performance-based increases

- Benchmark salary increases for certain positions
- Fringe benefits costs (e.g., retirement and health insurance)
- IT costs related to the PLUS system (PLUS positions and licenses)
- Operating Expense costs due to inflation including contract rate increases

LDS conducted two regional fee studies from 2018-2021 benchmarking against neighboring jurisdictions, and prepared a comprehensive fee increase request. The analysis scrutinized fees for comparable projects in neighboring jurisdictions, including Arlington, Fairfax, Loudoun, Prince William, and Stafford counties. The study found significant differences in building fees among neighboring jurisdictions, with Fairfax positioned on the lower end of the spectrum.

As of FY 2023, LDS is no longer under the umbrella of the General Fund. The majority of the expenditures associated with the mission of the agency are included in an independent Special Revenue Fund. This allows for enhanced transparency to show that expenditures and revenue align. However, the full burden of costs not included in the independent fund but tied to the mission of the agency include, but are not limited to: code enforcement efforts performed in the Department of Code Compliance, application review by Zoning Administration in the Department of Planning and Development, rent and utilities for the space occupied by LDS, as well as central services supporting the agency. The cost burden for these direct and indirect services is borne by the General Fund.

As noted at the time of the transition to the Special Revenue Fund, the newly established fund is intended to provide an accounting mechanism to reflect all revenues and expenditures assigned to the fund for LDS activities in a dedicated fund fully paid for by the fees and charges assessed by LDS. At the same time, while expenditures have continued to increase due to new positions, funded employee compensation increases, and inflationary increases across the board, revenue collection is trending downward. Revenue generated from current fees only recovers approximately 76.5% of LDS fee-related departmental costs within the Special Revenue Fund. To ensure that the LDS Special Revenue Fund is sustainable and self-supporting for the costs allocated to the fund, a fee increase effective for FY 2025 is recommended. The anticipated revenue growth created by the proposed fee increases is anticipated to restore the percentage to approximately 100% cost recovery of expenses assigned to the Special Revenue Fund.

In 2023, LDS entered a partnership with a consultant to conduct a thorough examination of existing fees in comparison to the corresponding level of effort. Initial findings from the consultant reveal that Fairfax imposes significantly lower fees for commercial (approximately 25% of the average) and residential (approximately 25% of the average) new construction building permits compared to its peer jurisdictions. Additionally, the consultant conducted an analysis of the Technology Surcharge Fee, which is currently

set at 4%. The findings indicate that other comparable jurisdictions impose surcharges ranging from 10% to 14%. The consultant continues to work through their analysis. Once complete in FY 2025, LDS will propose further adjustments to the Appendix Q fee schedule to align fee revenue with task expenditures.

The proposed adjustments will assist LDS in efforts to improve the timeliness, quality, and customer focus of the regulatory review process, conduct ongoing staff training, and enhance the new PLUS platform, as well as maximize cost recovery. The proposed fee increase encompasses a 25% increase in all building fees, a 10% increase in all site fees, a 6-percentage point increase in the technology surcharge fee rate, and an additional 2% fee on all building and trade permits to support code academy operations, as required by the *Virginia Uniform Statewide Building Code*. LDS believes all proposed fee changes are fair, necessary, and reasonable to comply with the requirements of an independent Special Revenue Fund.

Moving forward, LDS intends to implement annual increases in fees based on agency-specific cost pressures to provide permit, plan review and inspection services. Such pressures could include county-wide salary increases (e.g., market rate adjustments, average performance-based increases, pay compression and benchmarking initiatives) as well as specific operating expenditure increases. The Board and public will have an opportunity to consider these changes through normal public hearings.

PROPOSED AMENDMENTS

The proposed amendments to the Appendix Q of the County Code include the following elements:

1. Increase the Technology Surcharge fee, applicable to all fees, from 4% to 10%. This adjustment seeks to ensure sufficient funding for PLUS IT staff, PLUS licenses, and essential technical staff resources. This adjustment focuses on continuous improvements to PLUS and the overall customer experience.
2. Institute a 2% code academy surcharge on all building and trade permit fees. According to Section §36-137(7) of the Virginia Code, each local building department is required to either transmit a levy of 2% of all building and trade permit fees collected or allocate 2% of building and trade permit revenue to support local code academy training efforts. Over the last three decades, Fairfax County has chosen to manage its own local code academy. These funds are utilized to ensure that building code staff receive regular training and updates on building code requirements and changes.

Historically, LDS has funded code academy expenditures from the existing fee structure. LDS proposes to implement a separate 2% code academy fee and set

aside the revenue generated specifically to cover code academy expenditures in the future.

3. Increase building fees (excluding Vertical Transportation permit fees) by 25%. This adjustment attempts to accommodate increased compensation and fringe benefit costs, as well as new merit and non-merit staff in the Building Division and the Customer and Technical Support Center, which handles permit operations. It should be noted that there has been a 31.94% funded employee compensation increase for all existing building staff since fees were last increased in FY 2015.
4. Increase all site fees by 10%. This adjustment is intended to address site-related contract staff and the associated commensurate increases in compensation and fringe benefit costs, as well as new merit and non-merit staff in the site division and the customer and technical support center, which handles permit operations. It should be noted that there has been a 31.94% funded employee compensation increase for all existing site staff since fees were last increased in FY 2015.
5. Remove the following fees, which are no longer used:
 - Digitization fee
 - Substitution fee
 - Recycling fee
 - Radiation, fall out or blast shelter
6. Add a specific fee for Pedestrian Bridges, which clarifies the permitting fees regarding these structures and aligns with staff effort. Previously, these fees were based on the area of bridge decking which significantly over estimated staff effort to review and inspect these structures.
7. Added a fee for Signature Set Review Cycle for site-related plan submissions wherein such minor changes affecting more than five but less than 21 sheets (six to 20 plan sheets) of the plan set. This provides customers a predictable option to avoid a full resubmission fee. Signature Set Review Cycles affecting five or less sheets will not carry a separate fee.
8. Added a fee for Minor Revisions. This provides customers a predictable option to avoid a full revision fee for minor amendments to an approved site-related plan types.

Additionally, there are proposed restructuring changes to Appendix Q to simplify the fee structure, align the language with the PLUS platform, and enhance clarity for residents as well as minor editorial changes to address code reference changes in related state codes.

EQUITY IMPACT

Plan review and permit fees are consistently applied to all applications as determined by the scope of the project. However, LDS recognizes the diverse needs of its customers and provides various programs and services to cater to those with unique requirements.

LDS implemented heightened staffing levels to provide thorough in-person customer support, particularly in response to the transition to an all-online platform. This strategic move aims to enhance the customer experience during the shift to online services. The Customer Experience Team is now equipped to provide assistance during business hours, aiding with plan and permit submissions and facilitating inspection scheduling. This initiative aims to enhance the quality and accessibility of customer support services and the requested fees ensure continued high-quality services.

To further enhance the customer experience, a new customer service center is currently in the design phase on the first floor of the Herrity Building, with an anticipated completion date in late 2025. The center will co-locate customer service representatives from various agencies. This initiative is designed to offer a more user-friendly environment for customers, allowing them to visit staff in-person and find answers to all their development-related questions in one centralized location.

In alignment with the principle of equity, the proposed fee increases were also applied in a fair and equitable manner, considering the costs associated with delivering services for the respective business areas. LDS staff remains committed to translating forms and videos into a variety of languages, ensuring accessibility for a diverse audience. Additionally, a coordinator dedicated to nonprofits and religious use continues to provide extra support for customers representing non-profit organizations or places of worship. These efforts enhance inclusivity and cater to the unique needs of different community members.

REGULATORY IMPACT

The proposed amendment updates Appendix Q of the Code to ensure compliance with state and local construction-related regulations.

Attachment 1 includes the proposed fee changes to Appendix Q.

FISCAL IMPACT

If adopted by the Board, the recommended fee changes are anticipated to generate increased revenue of approximately \$11.8 million in FY 2025. This includes \$8.3 million in incremental building and site revenue and \$3.5 million from technology surcharge fees. This estimate is based on actual FY 2023 revenue, year-to-date revenue collection trends in FY 2024 and assumes a consistent workload in FY 2025. Any reduction in plan and permit activity could have a negative impact on the projected revenue. LDS will work closely with the Department of Management and Budget to monitor these trends. The additional revenue is reflected in the County Executive's FY 2025 Advertised Budget Plan.

If adopted by the Board, it is anticipated that the proposed fee adjustments will be needed to support the expenditure appropriations for LDS in FY 2025, including additional costs associated with PLUS licenses and PLUS system improvements. Without a fee increase, incorporating these additional expenses will necessitate support from the General Fund.

ATTACHED DOCUMENTS

Attachment 1– Amendment to Appendix Q (LDS Fee Schedule)

**Proposed Amendment to
Appendix Q (Land Development Services Fee Schedule) of
The Code of the County of Fairfax, Virginia**

Amend Appendix Q where insertions are underlined and deletions are stricken, to read as follows. Amend Table of Contents, by adding the page numbers upon adoption.

This proposed amendment is based on the Appendix Q in effect as of January 1, 2024, and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

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 the authority granted by §§ 15.2-2241(A)(9), 15.2-2286(A)(6), ~~62.1-44.15:54(J)~~, ~~62.1-44.15:27(H)(4)~~, 36-98.3, 36-105, ~~62.1-44.15:28(A)~~ and ~~62.1-44.15:28(9)~~, 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).

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I. BUILDING DEVELOPMENT FEES

The following building development fees to cover the cost of reviewing plans, issuing permits, performing inspections, licensing, home improvement contractors and other expenses incidental to the enforcement of the Uniform Statewide Building Code, (USBC) and Chapters 61, 64, 65 and 66 of the Code are hereby adopted:

A: STANDARD FEES

Listed below are standard fees that apply to building, mechanical, electrical, plumbing, fire alarm, fire suppression and fire lane permits. The fees shall apply provided all of the applicable conditions set forth in § 61-1-3 of the Code are met.

1. Base fee: The minimum fee charged for any permit. (Ch. 61-1-3 (d)1) A reduced fee shall <u>will</u> apply as noted below.	\$108.00 <u>135.00</u>
2. Reduced fees:	
• Multiple permits, per unit (Ch. 61-1-3(d)2a)	\$36.00 <u>45.00</u>
• Fee for permits requiring no inspections (Ch. 61-1-3(d)2b)	\$36.00 <u>45.00</u>
• Casualty Permits (Ch. 61-1-3(d)2c)	\$0.00
3. After-hours time-specific inspection fee for each 30-minute period or fraction thereof (Ch. 61-1-3(d)4)	\$241.00 <u>301.00</u>
4. Amendment of permit (Ch. 61-1-3(d)5) The fee shall be the fee for any equipment added or the fee for any additional work involved, whichever fee is greater. In no case shall the fee be less than:	\$36.00 <u>45.00</u>
5. Annual permit fee (Ch. 61-1-3(d)7) Same as Base Fee	\$108.00 <u>135.00</u>
6. Asbestos removal/abatement (Ch. 61-1-3(d)8) Same as Base Fee	\$108.00 <u>135.00</u>
7. Re-inspection fee (Ch. 61-1-3(d)18) Same as Base Fee	\$108.00 <u>135.00</u>
8. Modular residential units, including manufactured homes (Ch. 61-1-3(d)14) Percentage of the regular permit fee	50.00%
9. Permit extensions: Permit authorizing construction of:	
• Interior alteration to an existing building	\$36.00 <u>45.00</u>
• An addition(s) or exterior alteration(s) to an existing residential structure (R-3, R-4 and R-5 construction)	\$36.00 <u>45.00</u>
• An accessory structure(s) on a residential property (R-3, R-4 and R-5 construction)	\$36.00 <u>45.00</u>
• A new structure (other than noted above)	\$241.00 <u>301.00</u>

• An addition(s) to a non-residential structure	\$241.00 <u>301.00</u>
10. Radiation, fallout or blast shelter	\$0.00
4110. Solar Energy (Ch. 61-1-3(d)23)	\$0.00
4211. Maximum Occupancy Load Posting	\$156.00 <u>195.00</u>
<u>12. Code Academy levy – collected for all building development fees in Section I-A, B, C, D, E, F, G, I, J</u>	<u>2.0%</u>
13. Electric Vehicle Charging Equipment	\$0.00

This provision will expire eighteen (18) months from the effective date of this provision, unless the Board of Supervisors expressly authorizes its continuation by an appropriate amendment to this Article.

B: BUILDING PERMIT AND OTHER FEES

(A) *New Buildings, Additions or Enlargements*: The fee for the construction of a new building, an addition or an enlargement shall be based on the area (as determined by the exterior dimension) of all floors, including basements or cellars and horizontally projected roof areas, for the following types of construction as defined in the USBC in effect, and specified in Table I below.

TABLE 1

Residential Fees

• Type IA, and IB, per square foot	\$0.216 <u>0.270</u>
• Type IIA, IIIA and IV, per square foot	\$0.169 <u>0.211</u>
• Type IIB, IIIB and VA, <u>VB</u> per square foot	\$0.114 <u>0.143</u>
• Type VB, per square foot	\$0.114

Commercial Fee

• Type IA, and IB, per square foot	\$0.216 <u>0.270</u>
• Type IIA, <u>IIB</u> , IIIA, <u>IIIB</u> , and IV, <u>VA</u> and <u>VB</u> per square foot	\$0.169 <u>0.211</u>
• Type IIB, IIIB and VA, per square foot	\$0.169
• Type VB, per square foot	\$0.169

(B) *Plan Resubmissions*: A fee per plan review discipline (i.e., building, electrical, mechanical or plumbing) will be assessed for each resubmission of plans.

• For all new commercial buildings and additions to existing commercial buildings	\$204.00 <u>255.00</u>
• For all new residential buildings and additions <u>and alterations</u> to existing residential buildings	
Same as Base Fee	\$108.00 <u>135.00</u>
• For each resubmission of plans for alterations to existing commercial buildings	
Same as Base Fee	\$108.00 <u>135.00</u>

(C) *Countywide Master File Review*: A fee per plan review discipline (i.e., building, electrical, mechanical or plumbing) will be assessed at the time of the initial permit application. When based on an approved Masterfile, fees shall be based on Table 1.

~~\$246.00~~ 270.00

(D) *New Structure*: The fee for erection or installation of structures other than buildings (e.g., signs and canopies)

- For structures accessory to R-3, R-4 and R-5 construction
Percentage of the estimated cost of construction 2.40 3.00%
(The permittee must provide verifiable detail of the cost of construction.)
 - For other structures
Percentage of the estimated cost of construction 4.40 5.13%
(The permittee must provide verifiable detail of the cost of construction.)
- (E) *Basement Finishing:* (R-3, R-4 and R-5 construction)
- Same as Base Fee \$108.00 135.00
- (F) *Demolition:* (Ch. 61-1-3(d)9)
- Entire Structure: The fee for a permit to demolish a structure
Same as Base Fee \$108.00 135.00
 - Partial Demolition for renovation: The fee for a permit to partially demolish a structure in preparation for renovation
Percentage of estimated cost of demolition 2.40 3.00%
(The permittee must provide verifiable detail of the cost of construction.)
- (G) *Filing Fees for Permit Application and Plans Examination* (does not apply to Fire Prevention Division fees for fire alarm, fire suppression and fire lane permits): To allow for permit application processing and plan examination in the event a building permit is not issued, the following fees shall be paid prior to plan review for such a permit.
- For ~~non-walk-through~~ all single-family residential projects-(new and repairs/remodels)
Percentage of the permit fee 50.00%
 - For all commercial work, apartment buildings, garden apartments,
and high-rise residential buildings
Percentage of the permit fee 35.00%
 - For ~~walk-through~~ fast-track residential projects
Percentage of the permit fee 100.00%
- ~~(H) Home Improvements: See applicable fees for new buildings, additions, enlargements, repairs and alterations.~~
- (H) *Modular Furniture:* The fee for the installation of modular furniture per floor or portion thereof when:
- The estimated cost of construction is \$10,000 or more \$440.00 513.00
(The permittee must provide verifiable detail of the cost of construction.)
 - The estimated cost of construction is less than \$10,000
Percentage of the estimated cost of construction 4.40 5.13%
with a minimum fee of \$205.00 256.00
(The permittee must provide verifiable detail of the cost of construction.)
- (J) *Partitions (metal studs only):* (Ch. 61-1-3(d)16)
- Same as base fee \$108.00 135.00
- (K) *Removal and Relocation:* (Ch. 61-1-3(d)20) The fee shall be based on a percentage of the cost of moving, plus a percentage of the cost of all work necessary to place the building or structure in its completed condition in the new location.
- Percentage of the cost of moving plus 2.40 3.00%
Percentage of the cost of construction 2.40 3.00%
(The permittee must provide verifiable detail of the cost of moving and cost of construction.)
- (L) *Repairs and Alterations:* The fees for repairs and alterations of any building or structure where there is no addition or enlargement:
- For commercial work, including tenant fit outs

Percentage of the estimated cost of construction 4.40 5.13%
 (The permittee must provide verifiable detail of the cost of construction.)

- For residential work (R-3, R-4 and R-5 construction) roof repairs, new roof structures, re-siding
 Percentage of the estimated cost of construction 2.40 3.00%
 (The permittee must provide verifiable detail of the cost of construction.)

(ML) Retaining Walls: The fee for installation and repair of a retaining wall:

- Retaining walls reviewed/inspected under the International Building Code (generally commercial or multi-family)
 Percentage of the estimated cost of construction 4.40 5.13%
- Retaining walls reviewed/inspected under the International Residential Code (generally single-family detached dwellings)
 Percentage of the estimated cost of construction. 2.40 3.00%
 (The permittee must provide verifiable detail of the cost of construction.)

~~(N) Roof Repairs, New Roof Structures, Re-siding: Fees for repairs and alterations apply.~~

(OM) Swimming Pool: The fee for a building permit to construct a swimming pool. \$216.00 270.00

(PN) Temporary Structures: (Ch. 61-1-3(d)26)

- Same as Base Fee \$408.00 135.00

(QO) Tenant alterations and Layouts: (Ch. 61-1-3(d)25)

- Except for those tenant layouts shown on the originally approved plans for a new building, separate building permits shall be required for each tenant layout. The fee shall be based on a percentage of the estimated cost of construction.
 Percentage of the estimated cost of construction 4.40 5.13%
- The permittee must provide verifiable detail of the cost of construction.
 In no case, shall the permit fee be less than: \$440.00 513.00
- Fee per plan review discipline for each submission of plans for alterations to existing commercial buildings
 Same as Base Fee \$408.00 135.00

(RP) Home Improvement Contractor License Fees: (Ch. 61-3)

All contractor application and license fees are charged per individual for a sole proprietorship, per general partner for a partnership, or per corporate officer for a corporation.

- Application processing fee \$103.00 129.00
- Fee of license issuance \$64.00 80.00
- Fee to renew expired license, in addition to license renewal fee* \$61.00 76.00
- Fee to renew license \$85.00 106.00
- ~~Fee to maintain license in inactive state \$30.00~~

*The fee to renew expired license. The Building Official or his designee has the authority to waive the penalty fee when the failure to renew a license is due to circumstances beyond the control of the licensee.

(Q) Pedestrian Bridges:

Pedestrian bridges constructed outside of VDOT right-of-way, where there is no approved masterfile: \$4,200.00

Permits based on masterfiles shall be subject to Table 1.

C: MECHANICAL PERMIT FEES**(A) Mechanical Equipment Installation Fees:**

1. The permit fee for installation, repair, or replacement of all mechanical equipment installed in buildings other than buildings in the R-3 or R-5 use groups. This fee is in addition to the fees listed below in this section.

Percentage of the contract value less the value of listed equipment 4.0 1.25%
 (The permittee must provide verifiable detail of the cost of construction and total contract value.)

2. New Residential Mechanical (For New Dwelling Units in R-2, R-3, R-4, and R-5 Use Groups): Fees for the initial installation of equipment listed on the mechanical permit application that includes the HVAC equipment for the dwelling.

• 1 New Zone	Base Fee
• 2 New Zones	\$211.00 <u>264.00</u>
• 3 New Zones	\$317.00 <u>396.00</u>
• 4 New Zones	\$422.00 <u>527.00</u>
• 5 or more New Zones	\$528.00 <u>660.00</u>

3. Mechanical Residential HVAC Equipment Installation Fees (For Gas Fixtures in Addition to New HVAC Equipment):

The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:

• Level One (1-7 Fixtures)	Base Fee
• Level Two (8-12 Fixtures)	\$137.00 <u>171.00</u>
• Level Three (13-17 Fixtures)	\$180.00 <u>225.00</u>
• Level Four (18-22 Fixtures)	\$224.00 <u>280.00</u>
• Level Five (Over 22 Fixtures)	\$267.00 <u>334.00</u>

4. Mechanical Commercial HVAC Equipment Installation Fees:

The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:

• Level One (1-7 Fixtures)	Base Fee
• Level Two (8-12 Fixtures)	\$211.00 <u>264.00</u>
• Level Three (13-17 Fixtures)	\$317.00 <u>396.00</u>
• Level Four (18-22 Fixtures)	\$422.00 <u>527.00</u>
• Level Five (23-27 Fixtures)	\$528.00 <u>660.00</u>
• Level Six (28-32 Fixtures)	\$633.00 <u>791.00</u>
• Level Seven (33-37 Fixtures)	\$738.00 <u>923.00</u>
• Level Eight (38-42 Fixtures)	\$844.00 <u>1055.00</u>
• Level Nine (43-47 Fixtures)	\$950.00 <u>1188.00</u>
• Level Ten (48-52 Fixtures)	\$1055.00 <u>1319.00</u>
• Level Eleven (53-57 Fixtures)	\$1161.00 <u>1451.00</u>
• Level Twelve (58-62 Fixtures)	\$1266.00 <u>1589.00</u>
• Level Thirteen (63-67 Fixtures)	\$1372.00 <u>1715.00</u>
• Level Fourteen (68-72 Fixtures)	\$1478.00 <u>1848.00</u>
• Level Fifteen (Over 72 Fixtures)	\$1583.00 <u>1979.00</u>

5. Mechanical Commercial Miscellaneous Equipment Installation Fees:

The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:

• Level One (1-5 Fixtures)	Base Fee
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• Level Two (6-20 Fixtures)	\$190.00 238.00
• Level Three (21-35 Fixtures)	\$340.00 452.00
• Level Four (36-50 Fixtures)	\$490.00 613.00
• Level Five (51-65 Fixtures)	\$640.00 800.00
• Level Six (66-80 Fixtures)	\$790.00 989.00
• Level Seven (81-95 Fixtures)	\$940.00 1175.00
• Level Eight (96-110 Fixtures)	\$1090.00 1363.00
• Level Nine (111-125 Fixtures)	\$1240.00 1550.00
• Level Ten (126-140 Fixtures)	\$1390.00 1738.00
• Level Eleven (141-155 Fixtures)	\$1540.00 1925.00
• Level Twelve (156-170 Fixtures)	\$1690.00 2113.00
• Level Thirteen (171-185 Fixtures)	\$1840.00 2300.00
• Level Fourteen (186-200 Fixtures)	\$1990.00 2488.00
• Level Fifteen (Over 200 Fixtures)	\$2140.00 2675.00

(B) Piping of Equipment: Base Fee

(C) Ductwork: Base Fee

D: ELECTRICAL PERMIT FEES

(A) Electrical Equipment Installation Fees:

1. The permit fee for installation, repair, or replacement of all electrical equipment installed in buildings other than buildings in the R-3 or R-5 use groups. This fee is in addition to the fees listed below in this section.

Percentage of the contract value less the value of listed equipment 1-0 1.25%
 (The permittee must provide verifiable detail of the cost of construction and total contract value.)

2. New Residential Electrical Installation Fees:

Fees for the initial construction of new dwelling units in R-2, R-3, R-4 and R-5 use groups. The fees include the initial installation of equipment listed on the electrical permit application that includes the main electrical service for the dwelling unit. Any equipment installed pursuant to other electrical permit applications shall be charged in accordance with the fees prescribed in Sections 2, 3, 4, 5, 6 and 7 below.

• 0-149 Amps	\$273.00 341.00
• 150-399 Amps	\$302.00 378.00
• 400-599 Amps	\$343.00 429.00
• 600-799 Amps	\$372.00 465.00
• More than 799 Amps	\$475.00 594.00

3. Residential Addition/Alteration Electrical Installation Fees:

The total permit fee is based on total number of fixtures, circuits, equipment:

• Level One (1-100 fixtures, circuits, equipment)	Base Fee
• Level Two (101-125 fixtures, circuits, equipment)	\$117.00 146.00
• Level Three (126-150 fixtures, circuits, equipment)	\$145.00 181.00
• Level Four (151-175 fixtures, circuits, equipment)	\$173.00 216.00
• Level Five (Over 175 fixtures, circuits, equipment)	\$202.00 253.00

4. Commercial Building/Addition/Alteration Electrical Installation Fees:	
The total permit fee is based on total number of fixtures, circuits, equipment:	
• Level One (1-50 fixtures, circuits, equipment)	Base Fee
• Level Two (51-150 fixtures, circuits, equipment)	\$300.00 <u>375.00</u>
• Level Three (151-250 fixtures, circuits, equipment)	\$500.00 <u>625.00</u>
• Level Four (251-350 fixtures, circuits, equipment)	\$700.00 <u>875.00</u>
• Level Five (351-450 fixtures, circuits, equipment)	\$900.00 <u>1125.00</u>
• Level Six (451-550 fixtures, circuits, equipment)	\$1100.00 <u>1375.00</u>
• Level Seven (551-650 fixtures, circuits, equipment)	\$1300.00 <u>1625.00</u>
• Level Eight (651-750 fixtures, circuits, equipment)	\$1500.00 <u>1875.00</u>
• Level Nine (751-850 fixtures, circuits, equipment)	\$1700.00 <u>2125.00</u>
• Level Ten (851-950 fixtures, circuits, equipment)	\$1900.00 <u>2375.00</u>
• Level Eleven (951-1050 fixtures, circuits, equipment)	\$2100.00 <u>2625.00</u>
• Level Twelve (1051-1150 fixtures, circuits, equipment)	\$2300.00 <u>2875.00</u>
• Level Thirteen (1151-1250 fixtures, circuits, equipment)	\$2500.00 <u>3125.00</u>
• Level Fourteen (1251-1350 fixtures, circuits, equipment)	\$2700.00 <u>3375.00</u>
• Level Fifteen (Over 1350 fixtures, circuits, equipment)	\$2900.00 <u>3625.00</u>
5. Service Panels	
• Service Panel	\$60.00 <u>75.00</u>
• Temporary to Permanent	\$60.00 <u>75.00</u>
• Temporary for Construction	\$60.00 <u>75.00</u>
• Sub Panel	\$60.00 <u>75.00</u>
• Transfer Switch	\$60.00 <u>75.00</u>
6. Generator	\$60.00 <u>75.00</u>
7. Low Voltage (per system per floor)	\$108.00 <u>135.00</u>

E: PLUMBING PERMIT FEES

1. The permit fee for installation, repair, or replacement of all plumbing equipment installed in buildings other than buildings in R-3 or R-5 use groups. This fee is in addition to the fees listed below in this section.

Percentage of the contract value less the value of listed equipment	4.0 <u>1.25%</u>
(The permittee must provide verifiable detail of the cost of construction and total contract value.)	

2. New Residential Townhouse/Condo Plumbing Installation Fees:
The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:

• Level One (1-19 Fixtures)	\$206.00 <u>258.00</u>
• Level Two (20-24 Fixtures)	\$250.00 <u>313.00</u>
• Level Three (25-29 Fixtures)	\$278.00 <u>348.00</u>
• Level Four (30-34 Fixtures)	\$293.00 <u>366.00</u>
• Level Five (Over 34 Fixtures)	\$322.00 <u>403.00</u>

3. New Residential Single-Family Detached Dwelling Plumbing Installation Fees:
The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:

• Level One (1-29 Fixtures)	\$272.00 <u>340.00</u>
• Level Two (30-39 Fixtures)	\$359.00 <u>449.00</u>
• Level Three (40-49 Fixtures)	\$446.00 <u>558.00</u>
• Level Four (50-59 Fixtures)	\$533.00 <u>665.00</u>
• Level Five (Over 59 Fixtures)	\$624.00 <u>780.00</u>

4. Residential Addition/Alteration Plumbing Installation Fees:

The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:

• Level One (1-7 Fixtures)	Base Fee
• Level Two (8-12 Fixtures)	\$137.00 <u>171.00</u>
• Level Three (13-17 Fixtures)	\$180.00 <u>225.00</u>
• Level Four (18-22 Fixtures)	\$224.00 <u>280.00</u>
• Level Five (Over 22 Fixtures)	\$267.00 <u>334.00</u>

5. Commercial Building/Addition/Alteration Plumbing Installation Fees:

The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:

• Level One (1-5 Fixtures)	Base Fee
• Level Two (6-20 Fixtures)	\$190.00 <u>238.00</u>
• Level Three (21-35 Fixtures)	\$340.00 <u>425.00</u>
• Level Four (36-50 Fixtures)	\$490.00 <u>613.00</u>
• Level Five (51-65 Fixtures)	\$640.00 <u>800.00</u>
• Level Six (66-80 Fixtures)	\$790.00 <u>988.00</u>
• Level Seven (81-95 Fixtures)	\$940.00 <u>1175.00</u>
• Level Eight (96-110 Fixtures)	\$1090.00 <u>1363.00</u>
• Level Nine (111-125 Fixtures)	\$1240.00 <u>1550.00</u>
• Level Ten (126-140 Fixtures)	\$1390.00 <u>1738.00</u>
• Level Eleven (141-155 Fixtures)	\$1540.00 <u>1925.00</u>
• Level Twelve (156-170 Fixtures)	\$1690.00 <u>2113.00</u>
• Level Thirteen (171-185 Fixtures)	\$1840.00 <u>2300.00</u>
• Level Fourteen (186-200 Fixtures)	\$1990.00 <u>2488.00</u>
• Level Fifteen (Over 200 Fixtures)	\$2140.00 <u>2675.00</u>

6. Sewer/Water Service

• Sewer (New, Replacement or Repair)	\$59.00 <u>74.00</u>
• Sewer Tap (Manhole or Line)	\$59.00 <u>74.00</u>
• Water Service (New, Replacement or Repair)	\$59.00 <u>74.00</u>

F: HOUSEHOLD APPLIANCE PERMIT FEES(A) Household Appliance Fees: (61-1-3(d)13)

• One Appliance	\$60.00 <u>75.00</u>
• Two Appliances	\$74.00 <u>92.00</u>
• Three Appliances	\$89.00 <u>111.00</u>
• Four Appliances	\$103.00 <u>129.00</u>

G: VERTICAL TRANSPORTATION PERMIT FEES

All vertical transportation equipment operating in Fairfax County must be permitted for installation, modernization, and/or replacement. In order to maintain a valid Certificate of Compliance, all commercial

vertical transportation equipment (other than single-family detached dwellings) must also be permitted; tested periodically (six months); annually (one year); and submitted for re-acceptance every five years. Commercial vertical transportation equipment must have a valid Certificate of Compliance to operate.

(A) *Floor Fee*: For all permits; annual certificates of compliance; five-year tests; and all re-inspections, the floor fee will be added to the cost for each individual piece of equipment. For these purposes, this will be defined as the fee charged for each floor in the building where an individual passenger or freight elevator is installed. \$15.00

(B) *Testing Fees*: Unless otherwise stated in the following sections, fees for individual tests that must be performed on each piece of equipment will be as follows:

- Governor Test \$296.00
- Load Test \$445.00
- Speed Test \$296.00
- Static Pressure Test \$296.00
- Fire and Smoke Test \$296.00
- Generator Test \$296.00

(C) *Commercial Vertical Transportation Equipment Installation Fees*: The permit fee for installation, repair, modernization, or replacement of all vertical transportation equipment installed in buildings other than within single-family detached dwellings. This fee is in addition to the equipment fees listed below in this section.

1. Floor fee plus 2.40% of the vertical transportation installation/repair/modernization, or replacement cost as indicated by the associated contract value less the value of the equipment listed below:
2.00%
(The permittee must provide verifiable cost detail of construction and total contract value.)
2. Elevator (Electric/Hydraulic) \$289.00
3. Escalator/Moving Walk \$487.00
4. Dumbwaiter \$146.00
5. Lift \$146.00

(D) *Residential Vertical Transportation Equipment Installation Fees (new, repair, modernization, or replacement)*:

- Private residence elevators, lifts, or dumbwaiters \$308.00
- Private residence elevator re-inspection fee (if acceptance fails) \$308.00

(E) *Temporary Construction Use*:

- After required elevator permit (including floor fees) is issued \$266.00
- Temporary construction use extension \$115.00

(F) *Annual Certificate of Compliance Inspection Fee*: All vertical transportation equipment, other than those in single-family detached dwellings, and other than conveyors, requires an annual certificate of compliance. The annual certificate of compliance covers the permit renewal, one regular and one periodic inspection during the certificate, payable by the owner of the building to the County of Fairfax before the expiration of the certificate. This will be calculated for each individual piece of equipment, which is designated by a unique equipment ID number, as follows:

- Elevator (Electric/Hydraulic) Floor Fee + \$289.00
- Escalator/Moving Walk Floor Fee + \$487.00
- Dumbwaiter Floor Fee + \$146.00
- Lift Floor Fee + \$146.00

If the vertical transportation equipment is not inspection ready at the appointed time, or if a potential safety issue is noted during the periodic, or annual inspection, and immediate corrective action is prescribed, then a reinspection fee (and any applicable testing fees referenced in Section B above), will be payable prior to a reinspection being scheduled, and calculated as follows:

- Per inspection visit \$246.00
- + Floor Fee per equipment ID + applicable testing fee(s) per equipment ID

(G) *Acceptance of Modernization/Repair and/or Five-Year Testing and Inspection Fees*: Once commercial vertical transportation equipment has been permitted for repair/modernization and/or the equipment reaches five years since acceptance testing was performed, the following fee shall be assessed:

- Per equipment ID Floor Fee + \$1,750.00

If the vertical transportation equipment is not inspection ready at the appointed time, or if a potential safety issue is noted during the modernization/repair acceptance, or five-year testing inspection, and immediate corrective action is prescribed, then a reinspection fee (and any applicable testing fees referenced in Section B above), will be payable prior to a reinspection being scheduled, and calculated as follows:

- Per inspection visit \$246.00
- + Floor Fee per equipment ID + applicable testing fee(s) per equipment ID

(H) *Removal (Demolition)*: Applies to the complete removal of all associated equipment for a specific equipment ID within a commercial or residential structure:

- Permit Fee \$108.00
- Inspection Fees
 - Elevator (Electric/Hydraulic) \$289.00
 - Escalator/Moving Walk \$487.00
 - Dumbwaiter \$146.00
 - Lift \$146.00

H: FIRE PREVENTION DIVISION (OFFICE OF THE FIRE MARSHAL) FEES

(A) Plan Review Fees:

Fees for all plan review are based on an hourly charge calculated on the quarter hour or part thereof, per reviewer. Fees are due upon completion of the plan review process.

- Per Hour \$156.00

(B) Acceptance Testing and Inspection Fees:

Fees are based on an hourly charge calculated on the quarter hour or part thereof, per inspector. Fees for fire protection equipment and systems performance tests and inspections, other equipment and systems performance tests and inspections, occupancy or preoccupancy inspections, fire lanes and required reinspections shall be imposed per hour calculated on the quarter hour or part thereof, per required inspector.

- Per Hour \$156.00

(C) Reinspection Fees:

Reinspection fees shall be based on the hours reserved to perform the test and will be charged per hour calculated on the quarter hour or part thereof, per required inspector. The following matrix is to serve as a guideline in determining when a reinspection fee is required for acceptance testing. A minimum notice of 24 hours (one full business day) for test cancellation is required. The fee is charged when an inspection is not canceled in time to save an unnecessary trip by inspectors.

- Per Hour \$156.00

REINSPECTION FEES

CIRCUMSTANCE	CONDITION	INSPECTED	REINSPECTION FEE
Cancelled or rescheduled off site more than 24 hours prior to appointment	N/A	No	No
Cancelled or rescheduled off site less than 24 hours prior to appointment	N/A	No	Yes
Contractor shows, others do not, or inspectors arrive, no one on site	Cannot test	No	Yes
Cancelled while inspectors on site; test not started	Not ready	No	Yes
Regular inspection, test started, test not completed	Not Ready or Failure due to fault of contractor	Yes	Yes
Regular inspection, test started, test not completed	Failed, but due to fault of contractor	Yes	No
Regular inspection, test completed	Substantially ready with minor deficiencies	Yes	No
Regular inspection, test completed	No punch list, inspection approved	Yes	No
Final inspection	Deficient	Yes	Yes

I: AMUSEMENT DEVICE PERMIT FEES

The permit fees for each amusement device or carnival ride shall be the maximum in accordance with the Virginia Amusement Device Regulations (VADR) (Ch. 61-1-3(d)6)

J. BUILDING AND FIRE PREVENTION CODE MODIFICATIONS AND LOCAL BOARD OF BUILDING CODE APPEALS FEES:

- Building and Fire Prevention Code Modification Fees \$~~208.00~~ 260.00
- Applications for appeals to local Board of Building Code Appeals based on the VUSBC, the VSFPC, the Virginia Amusement Device Regulations (VADR) and Chapters 61, 64, 65, and 66 of the Code of the County of Fairfax \$~~208.00~~ 260.00

II. SITE DEVELOPMENT FEES

The following site development fees to cover the cost of reviewing site and subdivision plans and related documents; processing site and subdivision plan agreements; making inspections of required site improvements; permitting any work or construction on any land dedicated or proposed for dedication to public use; and other fees incidental to the administration of these activities pursuant to Chapters 2, 101, 104, 112.1, and 124 of the Code, and any fees paid to the County upon submission of any request for a waiver, exception, and modification of the County Ordinances, are hereby adopted:

A: PLAN AND DOCUMENT REVIEW FEES

The following fees are due upon submission to the County of the following plans and documents. The Fire Prevention Division review fees are listed in Part D.

(A) Pre-Submission Filing and Review Fees for Certain Plans:

- Gateway Review Fee
 Fee assessed at the initial plan submission for bonded plans and minor site plans, for a quality and content review of plan submissions by technical staff prior to the beginning of the comprehensive review. For minor site plans, a Minimum Submission Review may substitute for a Gateway Review, based on plan complexity. Fee will be charged for each Gateway Review regardless of pass or fail and comprehensive review will not begin until Gateway passes.
 - First Gateway Review Fee \$500.00 550.00
 - Subsequent Gateway Review Fee (each time plan fails, requiring Gateway resubmission) Previous Gateway Review Fee + 10%

- Minimum Submission Review Fee
 Fee assessed at initial plan submission for non-bonded plans excluding minor site plans to ensure that the plan submission meets all necessary technical and formatting requirements. Fee will be charged for each Minimum Submission Review (MSR) regardless of pass or fail and comprehensive review will not begin until MSR passes.
 - Fee per MSR Submission \$108.00 120.00
 - Subsequent MSR Submission (each time plan fails, requiring MSR resubmission) Previous MSR Review Fee + 10%

(B) Plats:

- 1. Easement plat, per submission \$432.00 475.00

- 2. Preliminary subdivision plat: (101-2-3)
 - Initial Submission
 - Less than 10 lots \$4,193.00 4,612.00
 - Plus, fee per lot or division of land including outlots and parcels \$79.00 87.00
 - 10 lots or more \$6,826.00 7,509.00
 - Plus, fee per lot or division of land including outlots and parcels \$79.00 87.00

- Redate (reapproval/extension): fee for reapproval of a previously approved preliminary plat submitted to the County for approval during the validity period of the preliminary plat, each. \$851.00 936.00

- Resubmission, per submission – Percentage of the Original Fee 25.00%

• Revisions, per submission – Percentage of the Original Fee	25.00%
3. Record (final) subdivision plat: <u>(101-2-5)</u>	
• Initial Submission	\$727.00 <u>800.00</u>
○ Plus, fee per lot or division of land including outlots and parcels	\$36.00 <u>40.00</u>
• Resubmission Fee, per submission	\$370.00 <u>407.00</u>
• Redate (reapproval <u>extension</u>): fee for reapproval of a previously approved final plat that has expired, per submission	\$635.00 <u>699.00</u>

(C) *Subdivision Plans, Site Plans, and Site Plans for Public Improvements Only: The following schedule shall be used to tabulate the fees for review of subdivision and site plans, and site plans for public improvements only.*

1. Base Fee:

• Subdivision Plans	
○ 1 st Review Cycle	\$7,336.00 <u>8,070.00</u>
• Site Plans	
○ 1 st Review Cycle	\$10,187.00 <u>11,206.00</u>
○ Site Plans and Subdivision Plans Additional fee per disturbed acre or any fraction thereof	\$1,061.00 <u>1,167.00</u>
• The maximum base fee (as part of the initial review cycle) is as follows:	
○ For Subdivision Plans	\$17,862.00 <u>19,648.00</u>
○ For Site Plans	\$59,526.00 <u>65,479.00</u>
• Site plans for public improvements only including sanitary sewer, trail, sidewalk, storm sewer, channel improvements, waterline, and/or road construction pursuant to Chapter 2 of the Code.	
○ 1 st Review Cycle	4,224.00 <u>\$4,646.00</u>

2. Fees in addition to base fees:

• Site Plans for the following public improvements only including sanitary sewer, trail, sidewalk, storm sewer, channel improvements, waterline, and/or road construction pursuant to Chapter 2 of the Code. Additional fee per linear foot or fraction thereof, of each improvement	\$2.00 <u>2.20</u>
• Additional plan review, as a result of an approved zoning action associated with the proposed construction to include the following with a maximum cumulative fee of	\$4,158.00 <u>4,574.00</u>
○ Sites subject to rezoning	\$2,442.00 <u>2,686.00</u>
○ Sites subject to special exception	\$1,713.60 <u>1,885.00</u>
○ Sites subject to special permit	\$1,713.60 <u>1,885.00</u>
○ Sites subject to variance	\$1,269.60 <u>1,397.00</u>
• Review resulting from site conditions and proposed improvements	
○ SWM/BMP facility, for each proposed facility serving the site (on or off-site), except as noted, with a maximum cumulative fee of	\$7,500.00 <u>8,250.00</u>
▪ Constructed Wetland or Ponds	\$3,200.00 <u>3,520.00</u>

▪ Bioretention Basin or Filter, Infiltration Facility, Filtering Practice ¹ , Innovative BMP ² , or Detention-Only Facility ³	\$1,900.00 <u>2,090.00</u>
▪ Dry Swale, Wet Swale, or Grass Channel (per linear foot)	\$5.00
with a minimum of	\$1,500.00
▪ Rainwater Harvesting System, per square foot of collection area, with a minimum of	\$0.12 <u>0.13</u> \$1,900.00 <u>2,090.00</u>
▪ Permeable Pavement, Vegetated Roof, per square foot of surface with a minimum of	\$0.12 <u>0.13</u> \$1,500.00 <u>1,650.00</u>
▪ Manufactured BMP ⁴ , Micro- or Urban Bioretention ⁵	\$1,200.00 <u>1,320.00</u>
▪ Rooftop Disconnection, for each building served	\$500.00
▪ Sheet Flow to Vegetated Filter Strip or Conserved Open Space, Soil Amendments, Reforestation, flat fee per plan	\$500.00
○ Floodplain area (existing and proposed)	\$857.00 <u>943.00</u>
○ Natural drainage way (non-floodplain watersheds)	\$857.00 <u>943.00</u>
○ Problem soils (area with soil types A or B, per the official map adopted by the Board or as deemed by the Director)	\$1,270.00 <u>1,397.00</u>

3. Additional Review Cycles:

- ~~2nd Subsequent Review Cycle~~ Fee: fee tabulated at a percentage of all fees due at initial submission (Base Fee + all other associated fees assessed in accordance with (C1) and (C2) above).

Percentage of all fees	55.00%
○ Plus, additional fees charged in accordance with (C1) and (C2) above for changes in the amount of disturbed area, zoning action, site conditions, and/or proposed improvements from that indicated on the first submission.	Tabulated Fee
- Signature Set Review Cycle (formerly ~~3rd Submission~~): Site Plans, Subdivision Plans, and Site Plans with public improvements only, consisting of 5 or less modified plan sheets \$0.00
- Signature Set Review Cycle : Site Plans, Subdivision Plans, and Site Plans with public improvements only, consisting of 6-20 modified plan sheets \$135.00 + \$80.00 per modified sheet
- Additional review cycles if Signature Set Review Cycle is not approved; per review cycle (does not apply to site plans with public improvements only) \$6,568.00 7,225.00
- Additional review cycles for site plans with public improvements only, if Signature Set Review Cycle is not approved; per review cycle \$3,068.00 3,375.00

¹ Filtering practices include facilities such as sand filters.

² BMPs not on the Virginia Stormwater BMP Clearinghouse approved list or listed with a Pilot Use Designation or Conditional Use Designation.

³ Vaults or other underground storage systems providing detention only. No ponds.

⁴ Includes proprietary devices.

⁵ Includes residential rain gardens, urban stormwater planters, expanded tree pits, and stormwater curb extensions.

4. Revisions to approved plans:	
• Fee, per submission	\$1,346.00 <u>1,481.00</u>
○ Plus, additional fees charged in accordance with (C1) and (C2) above for changes in the disturbed area, zoning action, site conditions, and/or proposed improvements from that indicated on the approved plan.	Tabulated Fee
• <u>Minor Revisions</u>	<u>\$159.00</u>
5. Plan extensions (redate), per request	\$ 4,713.60 <u>1,884.00</u>

(D) *Minor Site Plans and Grading Plans:*

1. Minor Site Plans,	
• 1 st Review Cycle	\$ 4,282.00 <u>4710.00</u>
• 2 nd Subsequent Review Cycle	
Percentage of the 1 st Review Cycle Fee	55.00%
• <u>Signature Set Review Cycle (Formerly 3rd Submission), consisting of 5 or less modified plan sheets</u>	<u>\$0.00</u>
• <u>Signature Set Review Cycle : Minor Site Plans, and Grading Plans with public improvements only, consisting of 6-20 modified plan sheets</u>	<u>\$135.00 + \$80.00 per modified sheet</u>
• Additional review cycles if Signature Set Review Cycle is not approved; per review cycle	\$4,318.00 <u>4,750.00</u>
• <u>Revisions; per submission</u>	\$790.00 <u>869.00</u>
• <u>Minor Revisions</u>	<u>\$159.00</u>

2. Grading plans for building permits on existing lots within a subdivision currently bonded with the County (Subdivision Lot Grading Plans or Site Plan Lot Grading Plans):

• 1 st submission	\$1,270.00 <u>1,397.00</u>
• <u>Resubmissions and revisions to approved plans</u>	\$432.00 <u>475.00</u>
• <u>Minor Revisions</u>	<u>\$159.00</u>

3. Grading plans for building permits on existing lots that are not within a subdivision currently bonded within the County and parcels with lots of 5 acres or more, per infill lot (Infill Lot Grading Plans):

• 1 st Review Cycle	\$1,924.00 <u>2,113.00</u>
• 2 nd Subsequent Review Cycle	
Percentage of the 1 st Review Cycle Fee	55.00%
• <u>Signature Set Review Cycle (Formerly 3rd Submission), consisting of 5 or less modified plan sheets</u>	<u>\$0.00</u>
• <u>Signature Set Review Cycle : Minor Site Plans, and Grading Plans with public improvements only, consisting of 6-20 modified plan sheets</u>	<u>\$135.00 + \$80.00 per modified sheet</u>
• Additional review cycles if Signature Set Review Cycle is not approved; per review cycle	\$700.00 <u>770.00</u>
• <u>Revisions to approved plans, per submission</u>	\$712.00 <u>783.00</u>
• <u>Minor Revisions</u>	<u>\$159.00</u>

4. Rough grading plan (RGP) and filling parcels:

• 1 st Review Cycle, per division of land or disturbed acre, or fraction thereof, whichever amount is greater	\$1,284.00 <u>1,412.00</u>
Not to Exceed	<u>\$16,671.00</u>
18,338.00	
• 2 nd - Subsequent Review Cycle	
Percentage of the 1 st Review Cycle Fee	55.00%
• Signature Set Review Cycle (Formerly 3 rd Submission), consisting of 5 or less modified plan sheets	<u>\$0.00</u>
• Signature Set Review Cycle : Minor Site Plans, and Grading Plans with public improvements only, consisting of 6-20 modified plan sheets	<u>\$135.00 + \$80.00 per modified sheet</u>
• Additional review cycles if Signature Set Review Cycle is not approved; per review cycle	<u>\$900.00 990.00</u>
• Revisions, per submission	<u>\$500.00 550.00</u>
• Minor Revisions	<u>\$135.00</u>

5. Conservation plan without a grading plan, per submission \$1,208.00 1,329.00

(E) Processing of Studies, Soils Reports and Other Plans:

1. Studies:

• Drainage study, per submission (non-floodplain watersheds)	\$1,961.00 <u>2,157.00</u>
• Floodplain study	
○ Per submission, per linear foot of baseline or fraction thereof	\$2.76 <u>3.04</u>
○ Plus, fee per road crossing and per dam,	<u>\$611.00 672.00</u>
Not to exceed total fee, per submission:	<u>\$11,226.00</u>
12,349.00	
• Floodplain Use Determination	<u>\$ 0</u>
• Parking study	
○ Parking tabulation for change in use, per submission	\$980.00
○ Parking redesignation plan, per submission	\$980.00
○ Administrative parking reduction for churches, chapels, temples, synagogues and other such places of worship with child care center, nursery school or private school of general or special education, per submission	\$980.00
• Parking reduction based on the sum of the hourly parking demand or the sum of the hourly parking demand in combination with other factors when the required spaces are:	
○ Under 225 spaces	\$2,812.00
○ 225 to 350 spaces	\$4,883.00
○ 351 to 599 spaces	\$7,806.00
○ 600 spaces or more	\$16,351.00
• Parking reduction based on proximity to a mass transit station, transportation facility, or bus service, or a parking reduction within a Transit Station Area	\$2,812.00
• Parking reduction based on the unique nature of the proposed use(s)	\$2,812.00
• Recycling study: When the plan or study is submitted to the County for the sole purpose of placing recycling containers on a commercial or industrial	

site, as required by the Fairfax County Business Implementation Recycling Plan, per submission.	\$0.00
• <u>Parking study</u>	
○ <u>Parking tabulation for change in use, per submission</u>	<u>\$ 1,078.00</u>
○ <u>Parking redesignation plan, per submission</u>	<u>\$ 1,078.00</u>
• <u>Shared parking adjustment based on:</u>	
○ <u>Shared adjustment (Subsection 6100.6.B.(1) of the Zoning Ordinance)</u>	<u>\$ 3,093.00</u>
○ <u>Sum of the hourly parking demand or the sum of the hourly parking demand in combination with other factors (Subsection 6100.6.B.(2) of the Zoning Ordinance)</u>	
▪ <u>Under 225 spaces</u>	<u>\$ 3,093.00</u>
▪ <u>225 to 350 spaces</u>	<u>\$ 5,371.00</u>
▪ <u>351 to 599 spaces</u>	<u>\$ 8,587.00</u>
▪ <u>600 spaces or more</u>	<u>\$ 17,986.00</u>
○ <u>Offsite parking (Subsection 6100.6.B.(3) of the Zoning Ordinance)</u>	<u>\$ 2,812.00</u>
• <u>Parking adjustments, including:</u>	<u>\$ 2,812.00</u>
○ <u>Transit-related adjustment (Subsection 6100.6.C of the Zoning Ordinance)</u>	
○ <u>Parking adjustments based on affordable housing (Subsection 6100.6.D of the Zoning Ordinance)</u>	
○ <u>Parking adjustments based on publicly available parking (Subsection 6100.6.E of the Zoning Ordinance)</u>	
○ <u>Parking adjustments based on public benefit (Subsection 6100.6.F of the Zoning Ordinance)</u>	
○ <u>Parking adjustment based on the unique nature of the proposed site or use(s) (Subsection 6100.6.G of the Zoning Ordinance)</u>	
• <u>Water Quality Fees*</u>	
○ <u>Resource Protection Area (RPA) Boundary Delineations and Resource Management Area (RMA) Boundary Delineations</u>	
▪ <u>Non-bonded lots: existing lots and acreage, rough grading and filing parcels, and parcels with lots of 5 acres or more not within a subdivision or site plan development currently bonded with the County; and minor site plans; per submission</u>	<u>\$419.00 461.00</u>
▪ <u>Bonded lots: lots in conjunction with multiple construction within a subdivision currently bonded with the County, per submission:</u>	
▪ <u>Projects with 150 linear feet or less of baseline</u>	<u>\$419.00 461.00</u>
▪ <u>Projects with greater than 150 linear feet of baseline</u>	<u>\$419.00 461.00</u>
○ <u>Plus, fee per linear foot of baseline or fraction thereof, in excess of 150 linear feet</u>	<u>\$1.00 1.10</u>
• <u>Water Quality Impact Assessments (WQIA)</u>	
○ <u>Minor WQIA</u>	<u>\$324.00 356.00</u>
○ <u>Major WQIA</u>	
▪ <u>Non-bonded lots: existing lots and acreage, rough grading and filling parcels, and parcels with lots of 5 acres or more not within a subdivision or site plan development currently bonded with the County; and minor site plans; per submission</u>	<u>\$432.00 475.00</u>
▪ <u>Bonded lots: lots in conjunction with multiple construction sites within a subdivision or site plan currently bonded with the County, per submission</u>	<u>\$1,652.00 1,817.00</u>

*In the event that an RPA and RMA Boundary Delineation and a WQIA are submitted simultaneously, only one fee shall be required and such fee shall be the higher of the fees required for the individual studies.

2. Soils Reports:

- Commercial and multi-family development, bonded residential lots: lots in conjunction with multiple constructions in a newly bonded subdivision development, site plan or site plan for public improvements only
 - 1st submission ~~\$3,422.00~~ 3,764.00
 - Resubmissions and revisions to approved reports, per submission ~~\$1,122.00~~ 1,234.00
- Non-bonded residential lots: existing lots and acreage, rough grading and filling parcels, and parcels with lots of 5 acres or more, not within a subdivision or site plan development currently bonded with the County; and minor site plans; per submission
 - 1st submission ~~\$2,201.00~~ 2,421.00
 - Resubmissions and revisions to approved reports, per submission ~~\$1,122.00~~ 1,234.00

3. Other Plans:

- As-built plans
 - Sanitary Sewer, per submission ~~\$635.00~~ 699.00
 - Site and subdivision, per submission ~~\$432.00~~ 475.00
- Debris landfill design plan
 - Base fee, per submission ~~\$1,344.00~~ 1,478.00
 - Plus, per acres ~~\$89.00~~ 98.00
- Debris landfill permit, semi-annual, each annual permit ~~\$2,935.00~~ 6,457.00
- Environmental Site Assessment:
 - 1st submission ~~\$3,181.00~~ 3,499.00
 - Resubmissions and revisions, per submission ~~\$1,122.00~~ 1,234.00
- Photometric or Sports Illumination Plan, fee per submission when such plan is not submitted as part of a required site plan submission ~~\$882.00~~ 970.00

(F) Miscellaneous fees:

- Lot Validation Application ~~\$444.00~~ 488.00
- Landscape Deferral Application ~~\$108.00~~ 119.00

B. BONDING AND AGREEMENT FEES

The following fees shall be paid upon submission to the County of agreement packages.

(A) Agreement Package Processing Fee, per agreement package:

- Security value exceeding \$10,000 ~~\$2,460.00~~ 2,706.00
- Security value of \$10,000 or less ~~\$339.60~~ 374.00

(B) Agreement Extensions, Replacements and Reductions:

- Agreement extensions ~~\$986.40~~ 1,085.00
- Replacement agreement: There shall be no replacement agreement fee if the rating for the corporate surety has fallen to a "B" level according to the A.M. Best Key Rating Guide and the replacement request is submitted to and approved by the Director prior to the expiration date of the agreement ~~\$1,756.80~~ 1,932.00

- Agreement security reductions in support of an agreement \$~~1,670.40~~ 1,837.00
- Agreement extension and reduction submitted simultaneously \$~~1,670.40~~ 1,837.00

Also see Part C, Site Inspection Fees, for inspection fee for agreement extensions

C. SITE INSPECTION FEES

Unless otherwise noted, the following fees shall be paid at the time of bonding, or prior to issuance of a construction permit for land disturbing activity, whichever occurs first. The Fire Prevention inspection fees are listed in Part D.

(A) *Base Fee for Projects with Bonded Improvements including agreement only plans:*
Fee is based on a percentage of the bonded amount

- Major Site Plans 4.0 ~~4.4~~%
 - With a minimum of \$~~7,500~~ 8,250
 - With a maximum of \$~~230,000~~ 253,000
- Subdivision Plans 3.0 ~~3.3~~%
 - With a minimum of \$~~20,000~~ 22,000
 - With a maximum of \$~~150,000~~ 165,000
- Public Improvement Plans 4.0 ~~4.4~~%
 - With a minimum of \$~~5,500~~ 6,050
 - With a maximum of \$~~35,000~~ 38,500

(B) *Inspection Fee for Agreement Extensions* Per disturbed acre, per agreement month. A one-time fifty-percent reduction of the extension inspection fee may be permitted. \$~~46.26~~ 50.89

(C) *Inspection following a stop work order:* each, payable at next bonding action \$~~740.00~~ 814.00

(D) *Inspection following a violation:* each inspection, payable at next bonding action \$~~370.00~~ 407.00

D. FIRE PREVENTION DIVISION (FIRE MARSHAL) FEES

The following Fire Prevention Division fees shall be paid for the review and inspection of the following plans and plats. Plan review fees are due upon submission to the County of such plans and plats except that fees for plans submitted directly to the Fire Prevention Division shall be due upon completion of the plan review process or within 120 days of plan submission, whichever comes first. Inspection fees are due upon completion of the inspection.

- | | |
|-------------------------------------|---|
| Site plans | Subdivision plans |
| Site plan revisions | Site plans for public improvements only |
| Site plan extensions | Revisions and reapprovals to subdivision |
| Rough grading plans | plans and site plans for public improvements only |
| As-built site and subdivision plans | |
| Plats | |

(A) *Plan Review fees:* Fees are based on an hourly charge calculated on the hour or part thereof, per reviewer
 Per Hour \$156.00

(B) *Testing and Inspection Fees:* Fees are based on an hourly charge calculated per hour on the quarter hour or part thereof, per inspector
 Per Hour \$156.00

E. SITE PERMIT FEES

Before a permit is issued for any work or construction on any land dedicated or proposed for dedication to public use, the following fees shall be paid to the County. A separate utility permit is required for each of the following types of surface work, overhead installations or underground installations:

(A) *Surface work:*

- Private entrances by homeowner ~~\$369.60~~ 407.00
- Private property being developed for sale by subdivision (i.e., land developer) ~~\$369.60~~ 407.00
- Drainage structures ~~\$369.60~~ 407.00
- Steps, sidewalks, curb and gutter, etc. ~~\$369.60~~ 407.00

(B) *Overhead installations:*

- Crossings ~~\$369.60~~ 407.00
- Poles ~~\$369.60~~ 407.00
- Guys and anchors ~~\$369.60~~ 407.00
- Streetlights ~~\$369.60~~ 407.00
- Removal/demolition ~~\$407.00~~ 407.00

(C) *Underground installations:*

- Crossings ~~\$567.60~~ 624.00
- Parallel installations, any length on one permit ~~\$567.60~~ 624.00
- Emergency permits or permits for repairs of existing facilities ~~\$369.60~~ 407.00
- Valve boxes ~~\$369.60~~ 407.00
- Manholes (construction, reconstruction, adjust when on existing line) ~~\$369.60~~ 407.00
- Test holes ~~\$369.60~~ 407.00
- Fire hydrants, installed on existing line ~~\$369.60~~ 407.00
- Service connections ~~\$369.60~~ 407.00
- Removal/demolition ~~\$407.00~~ 407.00

F. WAIVER, EXCEPTION, MODIFICATION AND EXEMPTION FEES

Fees in accordance with the table below shall be paid to the County upon submission of any request for a waiver, exception, and modification of the County Ordinances, including but not limited to the Chesapeake Bay Preservation Ordinance (Chapter 118), the Subdivision Ordinance (Chapter 101), the Zoning Ordinance (Chapter 112.1), Stormwater Management Ordinance (Chapter 124), and the Public Facilities Manual (PFM). The fee assessed shall be based on the Ordinance requirement and the type of plan submitted pursuant to Chapter 101, 112.1 or 104 of the Code.

Resource Projection Area (RPA) Applications

County Ordinance

- | | | |
|----|--|--------|
| 1. | <i>Chapter 118-5-1(a): Exemption</i> | |
| | <i>Pursuant to Chapter 101</i> | No fee |
| | <i>Pursuant to Chapter 104</i> | No fee |
| | <i>Pursuant to Chapter 112.1</i> | No fee |
| 2. | <i>Chapter 118-5-1(b): Exemption</i> | |
| | Reconstruction of structures destroyed/damaged by casualty, if such reconstruction is otherwise permitted by law and as long as the structure is reconstructed in the same location and creates no more impervious area than existed with the prior structure. | |
| | <i>Pursuant to Chapter 101</i> | No fee |
| | <i>Pursuant to Chapter 104</i> | No fee |
| | <i>Pursuant to Chapter 112.1</i> | No fee |
| 3. | <i>Chapter 118-5-2: Exemption for public utilities</i> | |
| | <i>Pursuant to Chapter 101</i> | No fee |
| | <i>Pursuant to Chapter 104</i> | No fee |
| | <i>Pursuant to Chapter 112.1</i> | No fee |
| 4. | <i>Chapter 118-5-3(a): Exemption</i> | |
| | Water wells, site amenities for passive recreation, historic preservation, and archeological activities located within an RPA. | |
| | <i>Pursuant to Chapter 101</i> | No fee |
| | <i>Pursuant to Chapter 104</i> | No fee |
| | <i>Pursuant to Chapter 112.1</i> | No fee |
| 5. | <i>Chapter 118-5-3(b): Exemption for less than 2500 sf. Disturbance in RMA.</i> | |
| | <i>Pursuant to Chapter 101</i> | No fee |
| | <i>Pursuant to Chapter 104</i> | No fee |
| | <i>Pursuant to Chapter 112.1</i> | No fee |
| 6. | <i>Chapter 118-5-3(c): Exemption</i> | |
| | <i>Pursuant to Chapter 101</i> | No fee |
| | <i>Pursuant to Chapter 104</i> | No fee |
| | <i>Pursuant to Chapter 112.1</i> | No fee |

~~6-7.~~ Chapter 118-5-4(a): Waiver

Loss of buildable area in RPA for lots recorded prior to 10/01/89 with no encroachment into the seaward 50 feet of the RPA buffer area.

Pursuant to Chapter 101

Pursuant to Chapter 104

\$204.00 224.00

Pursuant to Chapter 112.1

\$876.00 964.00

~~7-8.~~ Chapter 118-5-4(b): Waiver

Loss of buildable area in RPA for lots recorded between 10/01/89 and 11/18/03 for houses located within the RPA, with no encroachment into the seaward 50 feet for the RPA buffer area.

Pursuant to Chapter 101

Pursuant to Chapter 104

\$204.00 224.00

Pursuant to Chapter 112.1

\$876.00 964.00

~~8-9.~~ Chapter 118-5-5(a): Exception

Waiver of the performance criteria for minor additions to principal structures established as of 7/01/93. No accessory structures or uses.

Pursuant to Chapter 101

Pursuant to Chapter 104

\$204.00 224.00

Pursuant to Chapter 112.1

\$876.00 964.00

~~9-10.~~ Chapter 118-5-5(b): Exception

Waiver of the performance criteria for minor additions to principal structures established between 7/01/93 and 11/18/03 and located within the RPA. No accessory structures or uses.

Pursuant to Chapter 101

Pursuant to Chapter 104

\$204.00 224.00

Pursuant to Chapter 112.1

\$876.00 964.00

~~10-11.~~ Chapter 118-6-7: Exception

Loss of buildable area in RPA for lots recorded prior to 1/18/03 that does not meet the requirements of 118-5-4. A Public Hearing is required. (see note 4)

Pursuant to Chapter 101

Pursuant to Chapter 104

\$204.00 224.00

Pursuant to Chapter 112.1

\$876.00 964.00

~~11-12.~~ Chapter 118-6-8: Exception

Construction of accessory structures and uses to principal structures that were established as of 7/1/93 and do not result in the creation of 1,000 sq. ft. of additional impervious area within RPA, or that exceeds 2 percent of the lot area up to maximum 2,500 sq. ft., whichever is greater. A Public Hearing is required. (see note 4)

Pursuant to Chapter 101

Pursuant to Chapter 104

\$204.00 224.00

Pursuant to Chapter 112.1

\$876.00 964.00

~~12-13.~~ Chapter 118-6-9: General Exception

General exception for construction in an RPA. A Public Hearing is required. (see note 4)

Pursuant to Chapter 101

\$876.00 964.00

Pursuant to Chapter 104

\$204.00 224.00

Pursuant to Chapter 112.1

\$876.00 964.00

Best Management Practices (BMP) and Stormwater Management (SWM) Applications (see note 5)**County Ordinance**

- | | |
|---|--|
| 1. <i>PFM 6-0402.4: SWM/BMP Modification:
to use an innovative water quality or detention facility
Pursuant to Chapter 101
Pursuant to Chapter 104
Pursuant to Chapter 112.1</i> | No fee
No fee
No fee |
| 2. Chapter 124-6-1, Chapter 118-3-2(e):
Water Quality Exception for site and subdivision plans
<i>Pursuant to Chapter 101
Pursuant to Chapter 104
Pursuant to Chapter 112.1</i> | \$876.00 <u>964.00</u>
\$876.00 <u>964.00</u> |
| 3. Chapter 124-6-1, Chapter 112-7-808(1) <i>PFM 6-0401.2:</i>
Water Quality Exception for sites located in the Water Supply Overlay District
<i>Pursuant to Chapter 101
Pursuant to Chapter 104
Pursuant to Chapter 112.1</i> | \$876.00 <u>964.00</u>
\$876.00 <u>964.00</u> |
| 4. <i>PFM 6-0301.2 General Water Quantity Exception
Pursuant to Chapter 101
Pursuant to Chapter 104
Pursuant to Chapter 112.1</i> | \$876.00 <u>964.00</u>
\$876.00 <u>964.00</u> |
| 5. <i>PFM 6-0303.6 SWM Modification to construct an underground detention facility with non-standard materials.
Pursuant to Chapter 101
Pursuant to Chapter 104
Pursuant to Chapter 112.1</i> | \$876.00 <u>964.00</u>
\$876.00 <u>964.00</u> |
| 6. <i>PFM 6-1603.4: SWM Waiver of the dam breach analysis for dams <70 acres, <15 feet high and <25 acre-feet of storage.
Pursuant to Chapter 101
Pursuant to Chapter 104
Pursuant to Chapter 112.1</i> | \$876.00 <u>964.00</u>
\$876.00 <u>964.00</u> |
| 7. <i>PFM 6-1600: SWM Waiver of the dam standards
Pursuant to Chapter 101
Pursuant to Chapter 104
Pursuant to Chapter 112.1</i> | \$876.00 <u>964.00</u>
\$876.00 <u>964.00</u> |
| 8. Chapter 124-6-1, Chapter 118-3-2(e), <i>PFM 6-0401.3: Water Quality Exception for a single lot grading plan.
Pursuant to Chapter 101
Pursuant to Chapter 104
Pursuant to Chapter 112.1</i> | \$204.00 <u>224.00</u> |

9. *Chapter 101-2-2(12), PFM 6-0303.7: SWM Modification to locate a detention facility on an individual residential lot.*
Pursuant to Chapter 101 ~~\$876.00~~ 964.00
Pursuant to Chapter 104
Pursuant to Chapter 112.1

**General Applications
County Ordinance**

1. General Waiver:
 Except as noted otherwise in this section, the fee associated with a request for a waiver, exception, or modification of the requirements of the County's Ordinances, including but not limited to the Subdivision Ordinance, Zoning Ordinance, the Stormwater Management Ordinance, and the Public Facilities Manual. ~~\$876.00~~ 964.00
2. *Chapter 101-2-2: Public Street Frontage Waiver*
Fee for a waiver of the public street frontage requirement.
A Public Hearing is required (see note 4) ~~\$2,460.00~~ 2,706.00
3. *Minor Adjustment of Property Lines:* Fee for a waiver associated with the minor adjustment of property lines. ~~\$312.00~~ 343.00

Notes:

1. CBPO waivers and exception requests submitted under §§ 118-5 and 118-6 require submission of a concurrent Water Quality Impact Assessment (WQIA) and application fee.
2. Water quality fees are not required for plans and permits reviewed under Chapter 104 for which fees have been paid in connection with the review and approval of WQIA's, RPA Boundary Delineations, RMA Boundary Delineations, and CBPO exceptions filed under Chapters 101 and 112.1 of the Code.
3. In no instance shall the total fee for all waivers, exceptions and modifications associated with a subdivision, site plan or minor site plan exceed: ~~\$3,504.00~~ 3,854.00
 CBPO waivers and exceptions associated with grading plans shall not exceed: ~~\$876.00~~ 964.00
4. An additional fee shall be paid with the submission of an exception request when a public hearing is required under Article 6 of Chapter 118 of the Code, in the amount of: ~~\$438.00~~ 482.00
5. A single fee shall be paid when combined stormwater and BMP waivers are submitted simultaneously, in the amount of: ~~\$1,030.00~~ 1,133.00
6. The cumulative fee for any modifications or waivers requested for the portion of a development in which affordable dwelling units are located, and which relate to typical street sections, sidewalks, and/or curb and gutter, shall not exceed: ~~\$876.00~~ 964.00
7. A single fee shall be paid when a combined WQIA and PFM Modification of RPA planting density requirements are submitted simultaneously, in the amount of WQIA Fee

Case Review of Fees: In the event that, prior to plan approval for review fees or prior to bond release for inspection fees, the payor disputes the fee charged, he may request in writing to the Director a case review of costs incurred by the County. In the case where the review reveals that the fees paid exceed 100% of the costs, then a refund of the difference shall be made. If the case review reveals that 100% of the costs incurred by the County exceed the fees paid, then the developer shall pay the difference to the County prior to plan approval for review fees, or prior to bond release for inspection fees.

G. PERMITS FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITY FEES

The following fees shall be paid for permits for Chesapeake Bay Preservation Act land-disturbing activities, General Permits for Discharges of Stormwater from Construction Activities, modification or transfer of coverage under a permit, and permit maintenance.

(A) General / Stormwater Management – Base Fee

The state’s portion of the fees for initial coverage under the General Permit for Discharges of Stormwater from Construction Activities shall be paid directly to the state in accordance with § 124-3-3.

- 1. Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; Sites with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre.) Fee not required for land-disturbing activities exempt from the Stormwater Management Ordinance under § 124-1-7. \$~~308.00~~ 339.00
- 2. All land disturbing activities requiring General Permit coverage for Discharges of Stormwater from Construction Activities. \$~~308.00~~ 339.00

(B) General / Stormwater Management – Modifications

Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities. If the permit modifications result in changes to stormwater management plans that require additional review by the County, such reviews shall be subject to the fees set out in this part. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the permit modification fee paid to the County, modifications resulting in an increase of total disturbed acreage shall pay to the state the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage.

- 1. Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre) \$0.00
- 2. Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres for construction of single-family detached residential structures) \$0.00
- 3. Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one

acre and less than five acres except for construction of single-family detached residential structures)	\$200.00 <u>220.00</u>
4. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres)	\$250.00 <u>275.00</u>
5. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$300.00 <u>330.00</u>
6. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450.00 <u>495.00</u>
7. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres)	\$700.00 <u>770.00</u>

(C) General / Stormwater Management – Permit Maintenance

Fees for annual permit maintenance including expired state permits that have been administratively continued. With respect to the General Permit for Discharges of Stormwater from Construction Activities, these fees shall apply until the state permit coverage is terminated. Fees for annual permit maintenance will be collected on a schedule consistent with the bond acceptance, approval, extension, reduction, and release process for bonded projects and as part of the process for acceptance and release of conservation deposits for non-bonded projects.

1. Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; Sites with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre)	\$0.00
2. Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre)	\$0.00
3. Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres for construction of single-family detached residential structures)	\$0.00
4. Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres except for construction of single-family detached residential structures)	\$400.00 <u>440.00</u>
5. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres)	\$500.00 <u>550.00</u>

6. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$ 650.00 <u>715.00</u>
7. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$ 900.00 <u>990.00</u>
8. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres)	\$ 1,400.00 <u>1,540.00</u>

III. MISCELLANEOUS FEES

The following fees must be paid to the County incidental to the Building and Site Development Fees identified in Parts I and II above. Fees must be paid in conjunction with the submission of the related plan, permit or application for processing.

- ~~Digitization Fee per square foot of paper plan for each paper submission for an ePlan designated plan type~~ ~~\$0.75~~
- Technology Surcharge – Percentage of each transaction 4.00 10.00%
- ~~Sheet substitution (insert): fee paid before plan approval of any insert sheet to a study, report, plan, or waiver.~~ ~~\$108.00~~

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April 16, 2024

3:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Zoning Application Fees and Planned District Recreational Facilities Minimum Expenditure

ISSUE:

The proposed Zoning Ordinance amendment would increase zoning application fees by up to 35 percent, except appeals (where staff recommends an increase of 20 percent), and Wireless Reviews to Determine Compliance with Sect. 6409 of the Spectrum Act and Family Health Care Structures (where the fees are set by the Virginia Code and no increase is proposed). Zoning application fees apply to applications for a rezoning, special exception, special permit, variance, appeal, compliance letter, administrative permit, and other miscellaneous permits and approvals. Additionally, the amendment proposes an increase in the minimum required expenditure for recreational facilities in certain Planned Districts, from \$1,900 per unit to up to \$2,400 per unit.

PLANNING COMMISSION RECOMMENDATION:

On April 3, 2024, the Planning Commission voted 10-0 (Commissioners Murphy and Lagana were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Adoption of the proposed Zoning Ordinance Amendment for zoning application fees and planned district recreational facilities minimum expenditures with the staff recommended options and the proposed amendments to Appendix 1 related to previous approvals, as set forth in the staff report dated March 15, 2024, and that the amendment become effective at 12:01 a.m. on July 1, 2024;
- That the Board of Supervisors direct staff to conduct a comprehensive review of zoning fees every two years as part of the Zoning Ordinance work program; and
- That the Board of Supervisors direct staff to review alternative approaches other than acreage, such as density, as part of the next comprehensive fee amendment.

RECOMMENDATION:

The County Executive recommends adoption of the Zoning Ordinance Amendment regarding Zoning Application Fees and Planned District Recreational Facilities Minimum Expenditure with the staff recommended options and the amendment to Appendix 1 of the Zoning Ordinance relating to previous approvals as provided in the Staff Report

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dated March 13, 2024. Further, the County Executive recommends an effective date of July 1, 2024, at 12:01 A.M.

TIMING:

The Board authorized advertisement of the public hearings for this amendment on March 5, 2024; the Planning Commission public hearing is scheduled for April 3, 2024, at 7:30 p.m.; and the Board public hearing is scheduled for April 16, 2024, at 3:00 p.m.

BACKGROUND:

Increases to zoning application fees and the Planned District recreational minimum expenditure were both identified on the FY 2024/2025 Zoning Ordinance Work Program (ZOWP) as first-tier items. The proposed increase also reflects the results of a comprehensive General Fund user fees review as part of FY 2025 budget development process, coordinated by the Department of Management and Budget. The review was focused on revenue maximization, cost recovery and consistency with the other jurisdictions.

Zoning Application Fees

Zoning application fees were last increased comprehensively in 2009 (200 percent increase) and 2011 (3.1 percent increase, with a minimum fee increase of \$5). The fee increases instituted at that time for certain application types allowed the County to recover 75 to 78 percent of its zoning application review costs. In FY 2011, revenue from zoning application fees made up approximately 32 percent of the budget of the Department of Planning and Development (DPD). Minor updates were made with the Zoning Ordinance Modernization project originally adopted in 2021, and readopted in 2023. Those updates lowered fees for certain use types and introduced new fees for new uses.

Since the previous comprehensive amendment for zoning application fees in 2011, the Consumer Price Index (CPI) has increased 36 percent. In addition, between FY 2011 and FY 2023, full-time planner positions within DPD have increased by 34 percent (or 21 employees) in response to Board initiatives. Reflective of inflation, the midpoint hourly salary increased by 36 percent, and the total hourly salary (which includes midpoint hourly salary plus fringe benefits) has increased by 51 percent. Time spent on an average zoning application review has not decreased over time, therefore fees for zoning application review continue to cover a reduced portion of the cost over time. In FY 2023, zoning application fees only covered 18 percent of DPD's budget.

Staff also reviewed the zoning application fees of surrounding jurisdictions, including Loudoun County, Arlington County, Prince William County, Montgomery County, and Prince George's County. The attached staff report includes a comparison table showing

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Fairfax County's current and proposed fees for certain application types compared to other jurisdictions. Generally, Fairfax County is comparable with neighboring jurisdictions, even following the proposed increase. Arlington County, Loudoun County, and Montgomery County have indicated that they are each considering increasing application fees.

Given the increase in inflation and personnel costs, staff recommends an increase of up to 35 percent for a majority of zoning application fees. Staff is recommending a lesser increase of 20 percent for appeal applications, which would increase the current \$600 fee to \$720. Appeals of Zoning Administrator determinations or Notices of Violation (NOVs) to the Board of Zoning Appeals (BZA) are most often filed by individual homeowners or property owners. This fee was specifically identified for a lower increase during the last major fee increase due to concerns about ensuring an individual's right to due process if they feel aggrieved by a decision of the Zoning Administrator or NOV. This fee also applies to appeals of proffer interpretations or NOVs related to proffers that are heard by the Board. In addition, staff does not propose an increase to the fee for family health care structures (\$100) or the fee for wireless reviews that fall under Sect. 6409 of the Spectrum Act (\$500), as these fees are set by Virginia Code and cannot be increased.

On February 27, 2024, staff presented the proposed amendment to the Board's Land Use Policy Committee where questions were raised regarding the appropriate percentage increase at this time, and about the potential to do a portion of the increase this year and a portion in a future year. To preserve flexibility and allow for consideration of community feedback, an increase of up to 35 percent will be advertised, allowing the Board to keep certain fees static or to increase all or certain fees by a lesser percentage. Additional discussion is included in the staff report (Attachment 1), including tables showing application fee increases at 10 to 35 percent and impacts on projected revenue.

In summary, the proposed fee increase would track with inflation, help offset increased personnel costs, and would be consistent with zoning application fees throughout the region.

Planned District Recreational Minimum Expenditure

Zoning Ordinance subsections 2105.2.B(4)(b), 2105.4.B(4)(b), 2105.5.B(4)(b), and 2105.6.B(3)(b) require the provision of recreation facilities as part of developments in all PDH, PDC, PRM, and PTC Districts with a residential component; this expenditure is not required in the PRC and PCC Districts. These recreation facilities must be provided on site by the developer, unless the Board approves the provision of the facilities off site. A per-unit recreation expenditure of \$500 was first added to the Zoning Ordinance in 1975 and has been subsequently amended to the current minimum expenditure of \$1,900 per dwelling unit. The \$1,900 expenditure has been in effect

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since 2017. In consultation with the Park Authority, staff has identified the Engineering News-Record (ENR) as an industry standard for construction cost indices (CCIs). Based on ENR's CCIs, average construction costs have increased approximately 25 percent since the Planned District expenditure was last adjusted.

Considering this increase in construction costs, staff recommends increasing the current \$1,900 per-dwelling-unit recreation facilities expenditure by approximately 26 percent to \$2,400 in the PDH, PDC, PRM, and PTC Districts. While facilities such as pools, play equipment, sports courts, and other similar recreational facilities that are provided by the developer typically exceed the per unit cost required, this increase ensures that recreational facilities commensurate with the expectations of the Planned Districts will continue to be provided for the residents of these developments.

The staff report providing additional details and analysis is attached and includes a copy of the proposed draft text.

EQUITY IMPACT:

Zoning application fees are uniformly applied countywide and contribute directly to a portion of the cost of staff review time. Staff does not track application data by population, and there is a lack of sufficient information to determine an equity impact. Zoning application fees are generally a small percentage of overall project cost and are not considered a barrier to access; however, the Board does have the ability to waive fees for good cause shown.

The proposed increase in Planned District recreational minimum expenditures from \$1,900 per unit up to \$2,400 per unit has the potential to advance equity through providing additional funding for high-quality on-site recreation amenities to residents, which is in alignment with One Fairfax Area of Focuses 11 and 13.

REGULATORY IMPACT:

The proposed amendment would increase the costs to applicants filing zoning applications and increase the required expenditure for those developing residential developments in the PDH, PDC, PRM, and PTC Districts.

FISCAL IMPACT:

Zoning fee revenue was approximately \$2.2 million in FY 2022, and approximately \$2.5 million in FY 2023. If adopted by the Board, the recommended fee adjustments are anticipated to generate increased revenue of approximately \$980,000 in FY 2025 over the projected FY 2024 revenue level. The additional revenue is reflected in the County Executive's FY 2025 Advertised Budget Plan. Regarding the Planned District

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Recreational Minimum Expenditure, given increases in the Construction Cost Index, as well as the length of time since the last update, the increase from \$1,900 up to \$2,400 would allow for the recreation facilities expenditure to better align with market conditions.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

STAFF:

Rachel Flynn, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Jai Cole, Executive Director, Park Authority
Leslie B. Johnson, Zoning Administrator, DPD
William Mayland, Assistant Zoning Administrator, DPD
Casey Judge, Deputy Zoning Administrator, DPD
Adam Nowaczyk, Planner, DPD

ASSIGNED COUNSEL:

Sara Silverman, Assistant County Attorney



FAIRFAX COUNTY

PROPOSED ZONING ORDINANCE AMENDMENT

STAFF REPORT

Zoning Application Fees and Planned District Recreational Facilities Minimum Expenditure

March 15, 2024

Hearing Dates

Planning Commission: April 3, 2024, at 7:30 p.m.

Board of Supervisors: April 16, 2024, at 3:00 p.m.

Staff Contact

Adam Nowaczyk, 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 TTY 711 (Virginia Relay Center).



PLANNING & DEVELOPMENT

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

www.fairfaxcounty.gov/planning-development

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Background

A review of zoning application fees and the Planned District recreational facilities minimum expenditure is included as Topic #3 on the Priority 1 FY 2024/2025 Zoning Ordinance Work Program. Specifically, the Work Program states that the review should consider an overall cost of living increase for zoning application fees in accordance with the Construction Cost Index and other adjustments, as well as to consider increasing the minimum expenditure per dwelling unit for on-site recreational facilities required in the PDH, PDC, PRM, and PTC Districts. This document provides an analysis and recommendation for potential fee and expenditure increases.

Zoning Application Fees

Previous Zoning Ordinance Amendments

Zoning application fees were last increased comprehensively in 2009 (ZO 09-418 included a 200-percent increase for a majority of application fees) and in 2011 (ZO-11-429 included 3.1-percent increase, with a minimum fee increase of \$5). Minor updates were made with the Zoning Ordinance Modernization (zMOD) project originally adopted in 2021 and readopted in 2023, which lowered fees for certain uses and introduced new fees for new uses. One of the main justifications for the increases in 2009 and 2011 was to initially meet a cost recovery percentage of approximately 75 percent of staff costs and overhead attributed to the processing and staff review of zoning applications and to ensure that the fees for applications continued to keep pace with increases in staff and overhead costs. In FY 2011, revenue from zoning application fees made up approximately 32 percent of the budget for the Department of Planning and Development (DPD). While personnel and overhead costs continue to increase, application fees have not kept up with inflation and other cost indices.

Research on CPI, Personnel and Overhead Costs, and Neighboring Jurisdictions

The zoning application fee increase in 2011 was based on the CPI-W (Consumer Price Index for Urban Wage Earners and Clerical Workers), which tracks inflation and other costs nationwide. For the current proposed increase, staff has used CPI-U (or the standard Consumer Price Index); CPI-U is based on expenditures of all families living in urban areas, where than CPI-W only captures a subset of families that meet additional employment requirements. Figure 1 below shows the CPI-U annual change using 2011 as the base year.

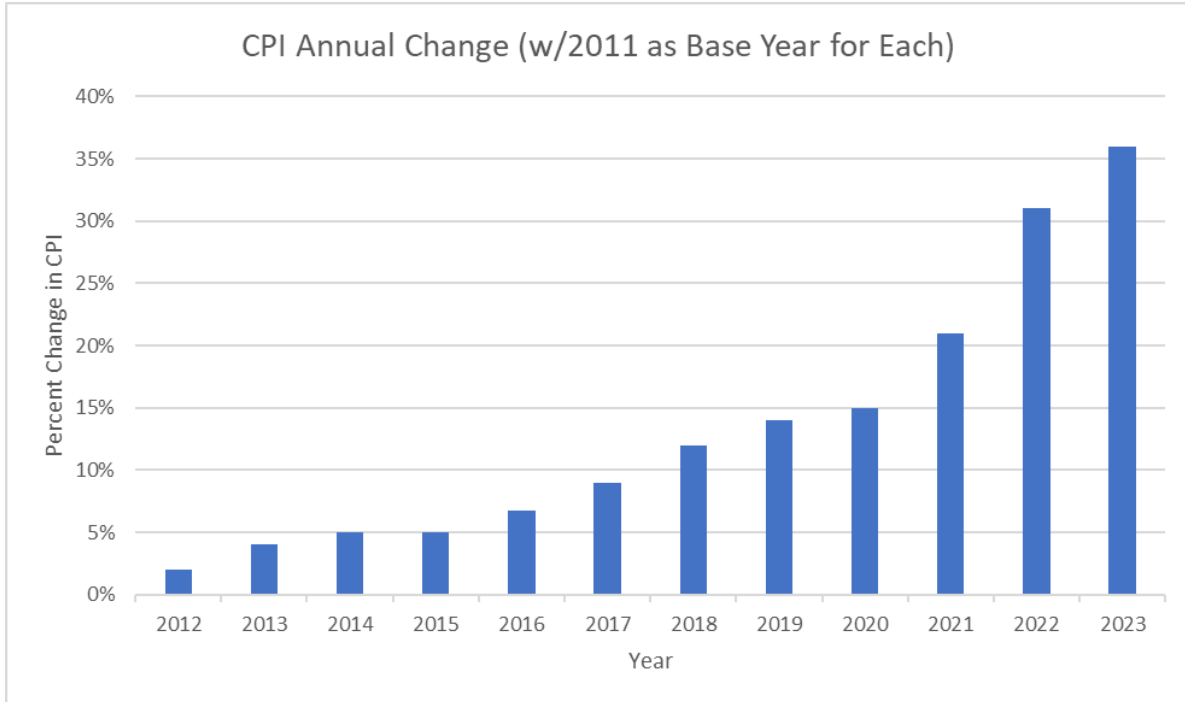


Figure 1: Consumer Price Index Annual Change from 2011

In reviewing personnel costs based on the number of full-time equivalent (FTE) employees for the Planner I-V series, there have been significant increases since 2011. The number of FTE increased by 34 percent (or 21 employees) between 2011 and 2023 in response to Board initiatives and increased caseload. As an example, in 2011 the Zoning Evaluation Division (ZED) had 12 staff coordinators (the planner positions that review and negotiate zoning cases that go through the public hearing process and related work). The FY 2012 caseload of 253 applications resulted in 21 cases/planner. Comparatively, in 2023 ZED had 16 staff coordinators and 335 cases; also resulting in 21 cases/planner. In addition, reflective of inflation, the midpoint hourly salary increased by 36 percent and total hourly salary (midpoint hourly rate and fringe benefits) increased by 51 percent during the same period. As a result, fees for zoning application review continue to cover a reduced portion of the cost over time. In FY 2023, zoning application fees only covered 18 percent of DPD’s total budget as compared to 32% in 2011.

Staff also reviewed the zoning application fees of surrounding jurisdictions, including Loudoun County, Arlington County, Prince William County, Montgomery County, and Prince George’s County for similar application types. Table 1 below provides an overview of neighboring jurisdictions fees relative to Fairfax County’s current and proposed fees. In general, even with the proposed increase of 35 percent, application fees will continue to be comparable to those in other jurisdictions. It should be noted that this comparison reviews the most similar zoning application type, but there may be additional fees associated with the process that are not captured in this chart. Other additional fees may also apply, such as technology fees and additional resubmission fees. During research of surrounding jurisdictions’ fees, Arlington

County, Loudoun County, and Montgomery County indicated that they are each considering increasing application fees.

Application Type	Fairfax Co.	Proposed Fairfax Co. (35%)	Loudoun Co.	Arlington Co.	Prince William Co.	Montgomery Co.	Prince George's Co.
Compliance Letter	\$320	\$430	\$485	\$385	\$100	\$490	\$45
Appeals	\$600	\$720	\$350	\$645	\$825	\$220	\$200
Special Permit (Community Pool)	\$4,085	\$5,515	\$260	\$2,100	\$55	\$1,640	\$825
Special Permit (Home Day Care)	\$435	\$585	\$350	\$143	\$445	\$490	\$700
Special Exception (Religious Assembly)	\$1,100	\$1,485	\$5,955	NA	\$2,925	NA	NA
Special Exception (Vehicle Fueling Station)	\$16,375	\$22,105	\$10,805	\$9,787	\$11,695	\$16,390	\$5,500
Rezoning (Planned District)	\$27,280	\$36,380	\$35,605	\$16,791	\$15,935	\$7,800	\$5,000
+ per acre	\$910	\$1,230	\$180	NA	\$475	\$700	\$200

Note: Appeals proposed increase 20%

Table 1: Zoning Application Fees by Jurisdiction

Staff Recommendation for Zoning Application Fees

Given rising personnel costs and inflation demonstrated by the increase in CPI since 2011, staff recommends an increase of 35 percent for most zoning application fees. Staff recommends a 20 percent increase for filing an appeal to the Board of Zoning Appeals or Board of Supervisors to challenge a decision of the Zoning Administrator or other administrative authority or the issuance of a Notice of Violation. This limited increase will partially offset increases in staff costs while not being overly burdensome or limiting the ability of an appellant to seek due process through the appeal process if they feel a decision was made in error or incorrectly. In addition, the fees for temporary family health care structures, and those for wireless facility reviews that fall under Sect. 6409 of the Spectrum Act, cannot be increased because they are set by Virginia Code; therefore, staff has proposed to maintain the \$100 fee for family health care structures and the \$500 fee for wireless reviews that fall under Sect. 6409 of the Spectrum Act. Overall, staff believes the proposed fee increases are a necessary, fair, and reasonable approach to offsetting the cost of zoning application review.

On February 27, 2024, staff presented the proposed amendment to the Board's Land Use Policy Committee where questions were raised regarding the appropriate percentage increase. To preserve flexibility and allow for consideration of community feedback, an increase of up to 35 percent will be advertised, allowing the Board to keep certain fees static or to increase all or certain fees by a lesser percentage. Table 2 shows the resulting application fees at 10 percent, 20 percent, 30 percent, and 35 percent; in addition, Attachment 2 shows fees by individual application type at five percent increments from 10 percent up to 35 percent.

Application Type	Current Fairfax Co.	+ 10% Fairfax Co.	+ 20% Fairfax Co.	+ 30% Fairfax Co.	+ 35% Fairfax Co.
Compliance Letter	\$320	\$350	\$485	\$415	\$430
Appeals	\$600	\$660	\$720	\$780	\$810
Special Permit (Community Pool)	\$4,085	\$4,495	\$4,900	\$5,310	\$5,515
Special Permit (Home Day Care)	\$435	\$480	\$520	\$565	\$585
Special Exception (Religious Assembly)	\$1,100	\$1,210	\$1,320	\$1,430	\$1,485
Special Exception (Vehicle Fueling Station)	\$16,375	\$18,015	\$19,650	\$21,290	\$22,105
Rezoning (Planned District)	\$27,280	\$30,010	\$32,735	\$35,465	\$36,380
+ per acre	\$910	\$1,000	\$1,090	\$1,185	\$1,230

Table 2: Increase in Zoning Application Fees by Percentage

Staff has estimated the total additional projected revenue using the FY 2024 adopted budget revenue of \$2,804,352 as the base. Table 3 below shows the additional and total projected revenue based on the different levels of percent increase.

Projected Revenues Based on 2024 Adopted Budget		
Percent Increase	Additional Projected Revenue	Total Projected Revenue
10%	\$ 280,435	\$3,084,787
15%	\$ 420,653	\$3,225,005
20%	\$ 560,870	\$3,365,222
25%	\$ 701,088	\$3,505,440
30%	\$ 841,306	\$3,645,658
35%	\$ 981,523	\$3,785,875

Table 3: Additional and Total Revenue Projections

At the February 27, 2024, Land Use Policy Committee, the Board also requested additional information about complexity and number of cases over time, and staff review costs over time. While cost recovery is not the only goal of the proposal to increase fees, staff estimated the Zoning Evaluation Division (ZED) review of an average application that is taken through the public hearing process to be approximately \$36,750. While some cases, especially a ‘homeowner’ case such as a special permit heard by the BZA, will cost less to review, those smaller cases also have a significantly smaller fee. (These homeowner special permit fees range from \$435 to \$910). Additionally, this estimation includes only the ZED staff time and costs for review; including review for acceptance, scheduling, advertising, and posting public hearings; for negotiating cases and preparing staff reports and recommendations to the Board of Supervisors, Planning Commission, and Board of Zoning Appeals; and other related review

functions. This does not include costs incurred by the many different County review agencies that may be involved in zoning application review, such as the Planning Division of DPD, the Fairfax County Department of Transportation, Land Development Services, the Park Authority, Department of Public Works and Environmental Services, and others.

Over time, the time spent working on a typical application has increased based on efforts to increase transparency, by providing more information on-line, utilizing mapping tools and other technology and providing more real time information for review by the community, and based on increased complexity of the cases. Staff reviewed a sample of rezoning applications and subsequent amendments to see if the length and complexity of these applications has changed over time. As an example, a proffered condition amendment application filed in 2004 for modifications to an office/mixed use development in the PDC District included a Final Development Plan Amendment with 15 pages. A smaller portion of the same property submitted a subsequent PCA in 2015, and the Final Development Plan Amendment was 50 pages. In general, while staff has worked to increase speed, consistency, and predictability during the application review process, the nature of zoning applications has increased in complexity due to additional review such as more detailed stormwater management submission requirements, and higher expectations for design details.

As DPD is funded by the General Fund, any portion of the application review that exceeds the application fee is funded by the County. Applicants seeking a zoning approval are effectively paying a one-time “user fee,” so aligning application fees to be closer to the actual cost of review reflects the additional value that is created by that action. DPD also does not charge application fees for a variety of additional land development-related services, such as pre-application meetings, Zoning Ordinance amendments, interpretations of the Zoning Ordinance, Comprehensive Plan amendments, and Urban Revitalization efforts. In addition, staff spends significant time conducting a zoning review for all building permits, with no additional zoning fee charged.

The proposed fee increases are in conformance with §15.2-2286 (6) of the Virginia Code, which allows for the collection of fees to cover the costs of making inspections, issuing permits, advertising notices, and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendments thereto.

Planned District Recreational Facilities Minimum Expenditure

Section 2105 of the Fairfax County Zoning Ordinance requires the provision of recreational facilities in all PDH, PDC, PRM, and PTC Districts that include a residential component; this expenditure is not required in the PRC and PCC Districts. The developer must provide on-site recreational facilities, unless the Board approves the provision of the facilities on land outside of the proposed development.

Research on Planned District Recreational Facilities Minimum Expenditure

Zoning Ordinance subsections 2105.2.B(4)(b), 2105.4.B(4)(b), 2105.5.B(4)(b), and 2105.6.B(3)(b) require the provision of recreation facilities as part of developments in all PDH, PDC, PRM, and PTC Districts with a residential component. The minimum expenditure is intended to set an expectation for, and deliverance of, the level of recreational amenities that are necessary to serve the new residents of these more highly designed Planned Districts. These recreation facilities must be provided on site by the developer, unless the Board approves the provision of the facilities on land outside of the proposed development. A per-unit recreation expenditure of \$500 was first added to the Zoning Ordinance in 1975 and has been subsequently amended to the current minimum expenditure of \$1,900 per dwelling unit. The \$1,900 expenditure has been in effect since 2017. The 2017 adjustment was based on increases to The Architects, Contractors, Engineers (ACE) Guide to Construction Costs Construction Cost Index (CCI), 2017 Edition.

Park Authority staff has since identified the Engineering News-Record (ENR) as a more appropriate industry standard for construction cost indices (CCI). ENR's CCI incorporates labor and various material rates, allowing for a more precise inflation estimate than the previously used ACE CCI. Based on ENR's CCI, average construction costs have increased approximately 25 percent since 2017.

Staff Recommendation for Planned District Recreational Facilities Minimum Expenditure

Considering that the average construction costs have increased approximately 25 percent since 2017, in staff's opinion an adjustment to the current \$1,900 per dwelling unit minimum expenditure is appropriate. The proposed amendment would increase the per-dwelling unit recreational facilities minimum expenditure requirement up to \$2,400 (an approximately 26 percent increase for rounding purposes). While facilities such as pools, play equipment, sports courts, and other similar recreational facilities that are provided by the developer typically exceed the per unit cost required, this increase ensures that recreational facilities commensurate with the expectations of high-quality design and additional amenities provided beyond those typically included in conventional residential districts.

Proposed amendments to [Section 8102](#) (Table 8102.1: Fee Schedule), as well as an increase in the Planned District Recreational Facilities Minimum Expenditure from \$1,900 to \$2,400, are provided in Attachment 1

Appendix 1 – Provisions Related to Previous Approvals

While not part of the Zoning Ordinance, staff recommends adding language to Appendix 1 – Provisions Relating to Previous Approvals to address zoning applications *filed* before the effective date of the amendment on July 1, 2024. The proposed language would allow zoning applications that were filed before the effective date of July 1, 2024, to be subject to the previously applicable zoning fee. Any application filed on or after the effective date of will be subject to the new application fee. Given that the electronic PLUS system now used for filing and reviewing applications requires a complete application packet for an application to be

“filed,” and that the application fee is assessed at that time, staff believes this provision is appropriate.

For the Planned District recreational facilities minimum expenditure, staff recommends adding language stating that rezoning applications and proffered condition amendments that are *accepted* before the effective date of the amendment on July 1, 2024, are subject to the previous \$1,900 per dwelling unit minimum expenditure. Any rezoning or proffered condition amendment application proposing to add dwelling units accepted on or after the effective date of the amendment would be subject to the \$2,400 per dwelling unit minimum expenditure for the additional residential units. Because the assessment of expenditure occurs much later in the process (at the time of site plan approval, well after the zoning case has been approved), there is sufficient time for an applicant to plan for the increased cost over the course of the application.

Outreach

Staff presented these proposed amendments to the Board’s Land Use Policy Committee on February 27, 2024, and the Planning Commission’s Land Use Process Review Committee on February 29, 2024. Both meetings were open to the public (to attend in-person or view online) and were posted on Fairfax County’s website. In addition, staff has met with a land use attorneys’ workgroup and plans to present to NVBIA/NAIOP in March 2024. A community lunch and learn session will also be held in advance of the scheduled Planning Commission public hearing.

Summary

Overall, the proposed increase in zoning application fees of 35 percent is in alignment with the increase in CPI since the last comprehensive fee amendment, is reflective of increases in personnel costs and is in alignment with fees charged by neighboring jurisdictions. Similarly, with regard to the planned district recreational facilities minimum expenditure, the expenditure increase is in alignment with increases in the Construction Cost Index since the expenditure was last increased in 2017. It is recommended that the amendment become effective at 12:01 a.m. on July 1, 2024.

Attachments

Attachment 1 – Proposed Text

Attachment 2 – Fee Table with Range of Percentages

Proposed Text

In the revisions shown below, text to be deleted is identified with ~~strike-through~~ and text to be added is underlined. Advertised options are included **(in parentheses, italics, and bold)**. When an option is presented as a range, the Board may approve any number within the advertised range. The proposed changes are based on the provision of the adopted Zoning Ordinance in effect as of March 5, 2024.

2105. Planned Districts

#1 INSTRUCTION: Amend subsection 2105.2.B(4)(b) by increasing the minimum recreational facilities expenditure in the PDH District up to \$2,400.

- (b) As part of the open space to be provided in accordance with Table 2105.2 above, recreational facilities are required to be provided in all PDH Districts in conjunction with approval of a final development plan. Such facilities are subject to the provisions of subsection 8100.2.E(4), and those requirements are based on a minimum expenditure of ~~\$1,900~~ \$2,400 per dwelling unit for the recreational facilities and either:
1. The facilities are provided on-site by the developer in substantial conformance with the approved final development plan; and/or
 2. The Board may approve facilities on land that is not part of the subject PDH District.

#2 INSTRUCTION: Amend subsection 2105.4.B(4)(b) by increasing the minimum recreational facilities expenditure in the PDC District up to \$2,400.

- (b) In a PDC District development where dwelling units are proposed, as part of the open space to be provided in accordance with subsection (a) above, recreational facilities for the enjoyment of the residents of the dwelling units must be provided and shown on the final development plan. The required recreational facilities are subject to the provisions of subsection 8100.2.E(4), and must be based on a minimum expenditure of ~~\$1,900~~ \$2,400 per dwelling unit and either:
1. The facilities are provided on-site by the developer in substantial conformance with the approved final development plan. In the administration of this provision, credit may be considered where there is a plan to provide common recreational facilities for the residents of the dwelling units and the occupants of the principal uses; or
 2. The Board may approve the provision of the facilities located on property that is not part of the subject PDC District.

#3 INSTRUCTION: Amend subsection 2105.5.B(4)(b) by increasing the minimum recreational facilities expenditure in the PRM District up to \$2,400.

- (b) Recreational facilities must be provided in conjunction with approval of a final development plan. Provision of recreational facilities is subject to the provisions of subsection 8100.2.E(4); however, recreational facilities located on rooftops, deck areas, or areas within a building, such as swimming pools, exercise rooms, or health clubs, may be used to fulfill this requirement. The requirement for providing recreational facilities is based on a minimum expenditure of ~~\$1,900~~ \$2,400 per dwelling unit for recreational facilities and either:

ATTACHMENT 1 – PROPOSED TEXT

1. The facilities will be provided on-site by the developer in substantial conformance with the approved final development plan; or
2. The Board may approve facilities on land that is not part of the subject PRM District.

#4 INSTRUCTION: Amend subsection 2105.6.B(3)(b) by increasing the minimum recreational facilities expenditure in the PTC District up to \$2,400.

- (b) Recreational facilities must be provided in conjunction with approval of a final development plan. These facilities are subject to the provisions of subsection 8100.2.E(4); however, recreational facilities, such as swimming pools, exercise rooms, or health clubs located on rooftops, deck areas, or areas within a building may be used to fulfill this requirement. The requirement for providing recreational facilities will be based on a minimum expenditure of ~~\$1,900~~ \$2,400 per dwelling unit for recreational facilities and either:
1. The facilities will be provided on-site by the developer in substantial conformance with the approved final development plan; or
 2. The Board may approve the provision of the facilities on land that is not part of the subject PTC District.

#5 INSTRUCTION: Amend Table 8102.1 to increase fees up to 35 percent and rounded to the nearest \$5 (*advertised range: 0 percent to 35 percent, rounded to nearest \$5*) except appeals (where staff recommends an increase of 20 percent), and Wireless Reviews to Determine Compliance with Sect. 6409 of the Spectrum Act and Family Health Care Structures (where the fees are set by the Virginia Code, and staff recommends no increase).

8102. Fee Schedule

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]
MISCELLANEOUS PERMITS AND APPROVALS		
General		
Interpretation of Approved Zoning Application or Minor Variation to Proffered Conditions		\$520 <u>\$700</u>
Modification to the Affordable Dwelling Unit Program		\$2,755 <u>\$3,720</u>
Nonresidential Use Permit (NonRUP)		\$70 <u>\$95</u>
Zoning Compliance Letter	Dwelling, Single-Family, Per Lot	\$115 <u>\$155</u>
	All Other Uses, Per Lot	\$320 <u>\$430</u>
General Public Facilities	2232 Review with Public Hearing	\$1,500 <u>\$2,025</u>
	2232 Review without Public Hearing	\$750 <u>\$1,015</u>
Sign Permits		\$95 <u>\$130</u>
Wireless Telecommunications		
Wireless Reviews to Determine Compliance with Sect. 6409 of the Spectrum Act		\$500
Wireless Facilities	Standard Process Project	\$6,200 <u>\$8,370</u>
Variance [2]		
Increase in Maximum Fence or Wall Height	Residential District	\$435 <u>\$585</u>
	Commercial or Industrial District	\$2,500 <u>\$3,375</u>
Modification of Residential Setback		\$910 <u>\$1,230</u>

ATTACHMENT 1 – PROPOSED TEXT

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]
Modification of Residential Accessory Structure Use or Location Standards per subsection 4102.7		\$910 <u>\$1,230</u>
Modification of Grade for Single-Family Detached Dwelling		\$910 <u>\$1,230</u>
Increase in Building Height for a Single-Family Detached Dwelling		\$910 <u>\$1,230</u>
All Other Variances		\$8,180 <u>\$11,045</u>
Appeal		
Appeal to BZA		\$600 <u>\$720</u>
Appeal to Board		\$600 <u>\$720</u>
ADMINISTRATIVE PERMITS		
General Fee Unless Otherwise Listed		\$205 <u>\$275</u>
Accessory Uses		
Accessory Living Unit	Permit	\$200 <u>\$270</u>
	Renewal Fee	\$70 <u>\$95</u>
Agritourism Tier 4	Permit	\$205 <u>\$275</u>
	Renewal Fee	\$50 <u>\$70</u>
Family Health Care Structure		\$100
Home-Based Business		\$100 <u>\$135</u>
Limited Riding or Boarding Stable		\$50 <u>\$70</u>
Short-Term Lodging	Two Year Permit	\$200 <u>\$270</u>
Temporary Uses		
Community Garden	Permit	\$205 <u>\$275</u>
	Two Year Renewal Fee	\$50 <u>\$70</u>
Farmer’s Market	Permit	\$205 <u>\$275</u>
	Two Year Renewal Fee	\$50 <u>\$70</u>
Food Truck	One Year Operation Permit	\$100 <u>\$135</u>
	Location Permit	\$100 <u>\$135</u>
Portable Storage Container		\$0
SPECIAL PERMITS [2]		
Standard fees for special permit approvals are listed below.		
General Fee Unless Otherwise Listed		\$16,375 <u>\$22,105</u>
Principal Uses		
Community Swim, Tennis and Recreation Club		\$4,085 <u>\$5,515</u>
Group Household or Religious Group Living		\$1,100 <u>\$1,485</u>
Marina, Private Noncommercial		\$4,085 <u>\$5,515</u>
Religious Assembly		\$1,100 <u>\$1,485</u>
Religious Assembly with Private School, Specialized Instruction Center, or Child Care Center	Private School, Specialized Instruction Center, or Child Care Center with fewer than 100 children	\$1,100 <u>\$1,485</u>
	Private School, Specialized Instruction Center, or Child Care Center with 100 children or more	\$11,025 <u>\$14,885</u>

ATTACHMENT 1 – PROPOSED TEXT

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]
Stable, Riding or Boarding		\$8,180 <u>\$11,045</u>
Accessory and Temporary Uses		
Accessory Living Unit	Special Permit	\$435 <u>\$585</u>
	Renewal Fee	\$70 <u>\$95</u>
Community Garden		\$435 <u>\$585</u>
Home Day Care Facility		\$435 <u>\$585</u>
Home-Based Business		\$435 <u>\$585</u>
Special Event for longer than 21 days		\$4,090 <u>\$5,520</u>
Other Special Permits		
Accessory Structures on Through Lots		\$910 <u>\$1,230</u>
Increase in the Cumulative Square Footage of Freestanding Accessory Structures		\$910 <u>\$1,230</u>
Increase in Fence or Wall Height	Dwelling, Single-Family	\$435 <u>\$590</u>
	All Other Uses	\$2,500 <u>\$3,375</u>
Increase in Flagpole Height		\$435 <u>\$590</u>
Increase in the Height of a Freestanding Accessory Structure		\$910 <u>\$1,230</u>
Increase in Percentage of Rear Setback Coverage		\$910 <u>\$1,230</u>
Installation or Modification of a Noise Barrier on a Single Residential Lot		\$910 <u>\$1,230</u>
Modification of Grade for Single-Family Detached Dwelling		\$910 <u>\$1,230</u>
Modification of Limits to Keeping of Animals		\$435 <u>\$590</u>
Modification of Minimum Setback Requirements	Error in Building Location	\$910 <u>\$1,230</u>
	Certain Existing Structures and Uses	\$910 <u>\$1,230</u>
	Certain Additions to Existing Single-Family Detached Dwelling	\$910 <u>\$1,230</u>
	Reduction of Required Setbacks for a Single-Family Lot	\$910 <u>\$1,230</u>
	All Other Uses	\$8,180 <u>\$11,045</u>
SPECIAL EXCEPTIONS [2]		
Standard fees for special exception approvals are listed below.		
General Fee Unless Otherwise Listed		\$16,375 <u>\$22,105</u>
Principal Uses		
Adult Day Care Center	Fewer Than 100 Adults	\$1,100 <u>\$1,485</u>
	100 or More Adults	\$11,025 <u>\$14,885</u>
Adult Day Support Center	Fewer Than 100 Adults	\$1,100 <u>\$1,485</u>
	100 or More Adults	\$11,025 <u>\$14,885</u>
Agritourism		\$4,090 <u>\$5,520</u>
Alternative Use of Historic Building		\$8,180 <u>\$11,045</u>
Bed and Breakfast		\$8,180 <u>\$11,045</u>
Child Care Center	Fewer Than 100 Children	\$1,100 <u>\$1,485</u>
	100 or More Children	\$11,025 <u>\$14,885</u>
Club, Service Organization, or Community Center		\$4,085 <u>\$5,515</u>

ATTACHMENT 1 – PROPOSED TEXT

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]
Congregate Living Facility		\$8,180 <u>\$11,045</u>
Farm Winery, Limited Brewery, or Limited Distillery	R-C District: That does not permit access by any member of the public, whether a customer, guest, or attendee at a public or private event or activity	\$1,000 <u>\$1,350</u>
	R-C District: Development of a new use or expansion of an existing use for any agricultural building or structure: With no construction of buildings or structures over 400 SF in GFA or no land disturbance over 2,500 SF	\$4,090 <u>\$5,520</u>
	R-C District: Establishment of a new use or expansion of an existing use with construction of buildings or structures over 400 SF in GFA or land disturbance over 2,500 SF	\$8,180 <u>\$11,045</u>
	R-A, R-C, R-E, and R-1 District: Modification of the number of attendees, frequency, or duration of events or activities	\$4,090 <u>\$5,520</u>
Group Household or Religious Group Living		\$1,100 <u>\$1,485</u>
Independent Living Facilities for Low Income Tenants per Subsection 4102.4.P(1)(c) [3]		\$1,100 <u>\$1,485</u>
Marina, Private Noncommercial		\$4,085 <u>\$5,520</u>
Quasi-Public Park, Playground, or Athletic Field		\$8,180 <u>\$11,045</u>
Religious Assembly		\$1,100 <u>\$1,485</u>
Religious Assembly with Private School, Specialized Instruction Center, or Child Care Center	Private School, Specialized Instruction Center, or Child Care Center with fewer than 100 children	\$1,100 <u>\$1,485</u>
	Private School, Specialized Instruction Center, or Child Care Center with 100 children or more	\$11,025 <u>\$14,885</u>
School, Private	Fewer than 100 students	\$1,100 <u>\$1,485</u>
	100 or more students	\$11,025 <u>\$14,885</u>
Specialized Instruction Center	Fewer than 100 students	\$1,100 <u>\$1,485</u>
	100 or more students	\$11,025 <u>\$14,885</u>
Stable, Riding or Boarding		\$8,180 <u>\$11,045</u>
Accessory Uses and Other Special Exceptions		
Home Day Care Facility		\$435 <u>\$590</u>
Modification of Shape Factor		\$8,180 <u>\$11,045</u>
Modification of Grade for Single-Family Detached Dwellings		\$910 <u>\$1,230</u>
Modification of Minimum Setback Requirements	Certain Existing Structures and Uses	\$910 <u>\$1,230</u>
	Reconstruction of Certain Single-Family Detached Dwellings that are Destroyed by Casualty	\$0
Sign Modifications		\$8,260 <u>\$11,045</u>
Amendment to Approved Sign Modifications		\$4,130 <u>\$5,575</u>
Waiver of Minimum Lot Size Requirements		\$8,180 <u>\$11,045</u>

ATTACHMENT 1 – PROPOSED TEXT

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]
Addition to or Replacement of a Single-Family Detached Dwelling Existing as of May 10, 2023, in a Floodplain		\$8,180 <u>\$11,045</u>
ZONING MAP AMENDMENTS [5]		
District Requested		
Residential District		\$27,280 plus \$570 per acre <u>\$36,830 plus \$770 per acre</u>
Commercial, Industrial, or Overlay District		\$27,280 plus \$910 per acre <u>\$36,830 plus \$1,230 per acre</u>
PRC District	Rezoning with Concurrent Development Plan	\$27,280 plus \$910 per acre <u>\$36,680 plus \$1,230 per acre</u>
	Rezoning with Concurrent Development Plan and PRC Plan	\$27,280 plus \$1,345 per acre <u>\$36,680 plus \$1,815 per acre</u>
	PRC Plan	\$13,640 plus \$435 per acre <u>\$18,415 plus \$590 per acre</u>
	PRC Plan with Concurrent DPA, PCA, Special Exception, or Special Permit	\$16,375 plus \$435 per acre <u>\$22,105 plus \$590 per acre</u>
PDH, PDC, PRM, PTC, and PCC Districts	Rezoning with Concurrent Conceptual Development Plan	\$27,280 plus \$910 per acre <u>\$36,680 plus \$1,230 per acre</u>
	Rezoning with Concurrent Conceptual and Final Development Plans	\$27,280 plus \$1,345 per acre <u>\$36,680 plus \$1,815 per acre</u>
	Final Development Plan after Prior Approval of Rezoning and Conceptual Development Plan	\$13,640 plus \$435 per acre <u>\$18,415 plus \$590 per acre</u>
AMENDMENTS TO PENDING AND PREVIOUSLY APPROVED APPLICATIONS AND EXTENSIONS OF TIME [4][5]		
Applications for Variance, SP, or SE Approvals		
Extension of Time for a Special Permit or Special Exception Per Subsection 8100.3.D(3) or 8100.4.D(3)		1/8 of Application Fee
Amendment to a Pending Application for a Variance, Special Permit, or Special Exception		1/10 of Application Fee
Amendment to a Previously Approved and Currently Valid Application	Change of Permittee Only (SP)	\$500 or 1/2 of Application Fee, <u>Whichever is Less The lesser of \$675 or 1/2 of Application Fee</u>
	With No New Construction (Variance, SP, or SE)	1/2 of New Application Fee
	With New Construction (Variance, SP, or SE)	New Application Fee
Applications for Zoning Map and Related Plan Approvals		
Amendment to a Pending Amendment to Zoning Map in all Districts	\$4,545 plus applicable per acre fee for acreage affected by the amendment <u>\$6,135 plus applicable per acre fee for acreage affected by the amendment</u>	
Pending Application for a Final Development Plan or Development Plan Amendment or PRC Plan		\$4,130 <u>\$5,575</u>

ATTACHMENT 1 – PROPOSED TEXT

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 a Previously Approved Proffered Condition and/or Development Plan, Final Development Plan, Conceptual Development Plan, PRC Plan or Concurrent Conceptual/Final Development Plan for:	Increase in Fence or Wall Height on a Single-Family Lot	\$435 <u>\$590</u>
	Increase in Fence or Wall Height on All Other Uses	\$2,500 <u>\$3,375</u>
	Reduction of Certain Setback Requirements on a Single-Family Lot	\$910 <u>\$1,230</u>
	Reduction of Certain Yard Requirements on All Other Uses	\$8,180 <u>\$11,045</u>
	Increase in Coverage Limitation for Minimum Required Rear Setbacks	\$910 <u>\$1,230</u>
	The Addition of or Modification to an Independent Living Facility for Low Income Tenants	\$1,100 <u>\$1,485</u>
	All Other Uses With New Construction	1/2 of prevailing fee plus applicable per acre fee for acreage affected by the amendment
	All Other Uses Without New Construction	1/2 of prevailing fee
	Deletion of Land Area Only	1/4 of prevailing fee
Deferrals of Public Hearings		
Before the Planning Commission or Board of Supervisors	After Public Notice Has Been Given and that are Related Solely to Affidavit Errors	\$260 plus actual costs of advertising, up to a maximum of \$1,000 <u>\$350 plus actual costs of advertising, up to a maximum of \$1,350</u>
Notes:		
<p>[1] In calculating fees that <u>are</u> based on acreage, any portion of an acre will count as a full acre.</p> <p>[2] When one application is filed by one applicant for (1) two or more Variances on the same lot, or (2) two or more Special Permit uses on the same lot, or (3) two or more Special Exception uses on the same lot, or (4) a combination of two or more Variances or Special Permits on the same lot, only one filing fee will be required, and that fee will be the highest of the fees required for the individual uses included in the application.</p> <p>[3] Applies to a new application or an amendment to a previously approved and currently valid application, with or without new construction.</p> <p>[4] The fee for an amendment to a pending application is only applicable when the amendment request results in a substantial revision, as determined by the Zoning Administrator.</p> <p>[5] For purposes of computing acreage fees, any portion of an acre is counted as an acre.</p>		

#6 INSTRUCTION: Add 2.b(4) to Appendix 1 as shown below:

APPENDIX 1 - PROVISIONS RELATING TO PREVIOUS APPROVALS

#6 INSTRUCTION: Add 2.B(4) to Appendix 1 as shown below:

2. Specific Provisions Regarding Previous Approvals

B. Amendments Adopted After May 10, 2023

(4) Zoning Application Fees and Planned District Recreational Minimum Expenditure (ZO 112.2-2024-X)

- (a)** Any application filed before *[insert effective date]* is subject to the previous applicable zoning application fee. Any application filed on or after *[insert effective date]* is subject to the new application fee.
- (b)** Any rezoning application or proffered condition amendment application proposing to add dwelling units in the PDH, PDC, PRM, and PTC zoning districts that is filed before *[insert effective date]* is subject to the previous \$1,900 per dwelling unit minimum expenditure for recreational facilities. Any rezoning or proffered condition amendment application proposing to add dwelling units that is filed on or after the effective date is subject to the minimum expenditure for recreational facilities of \$2,400 per dwelling unit.

ATTACHMENT 2 - ZONING FEES INCREASE RANGE TABLE

TABLE 8102.1: FEE SCHEDULE ***NOTE: ALL FEES ARE ROUNDED TO THE NEAREST \$5**

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]	+ 10%	+ 15%	+ 20%	+ 25%	+ 30%	+ 35%
MISCELLANEOUS PERMITS AND APPROVALS								
General								
Interpretation of Approved Zoning Application or Minor Variation to Proffered Conditions		\$520	\$570	\$600	\$625	\$650	\$675	\$700
Modification to the Affordable Dwelling Unit Program		\$2,755	\$3,030	\$3,170	\$3,305	\$3,445	\$3,580	\$3,720
Nonresidential Use Permit (NonRUP)		\$70	\$75	\$80	\$85	\$90	\$90	\$95
Zoning Compliance Letter	Dwelling, Single-Family, Per Lot	\$115	\$125	\$130	\$140	\$145	\$150	\$155
	All Other Uses, Per Lot	\$320	\$350	\$370	\$385	\$400	\$415	\$430
General Public Facilities	2232 Review with Public Hearing	\$1,500	\$1,650	\$1,725	\$1,800	\$1,875	\$1,950	\$2,025
	2232 Review without Public Hearing	\$750	\$825	\$860	\$900	\$940	\$975	\$1,015
Sign Permits		\$95	\$105	\$110	\$115	\$120	\$125	\$130
Wireless Telecommunications								
Wireless Reviews to Determine Compliance with Sect. 6409 of the Spectrum Act		\$500 (no change per Va. Code 15.2-2316.4:1)						
Wireless Facilities	Standard Process Project	\$6,200	\$6,820	\$7,130	\$7,440	\$7,750	\$8,060	\$8,370
Variance [2]								
Increase in Maximum Fence or Wall Height	Residential District	\$435	\$480	\$500	\$520	\$545	\$565	\$585
	Commercial or Industrial District	\$2,500	\$2,750	\$2,875	\$3,000	\$3,125	\$3,250	\$3,375
Modification of Residential Setback		\$910	\$1,000	\$1,045	\$1,090	\$1,140	\$1,185	\$1,230
Modification of Residential Accessory Structure Use or Location Standards per subsection 4102.7		\$910	\$1,000	\$1,045	\$1,090	\$1,140	\$1,185	\$1,230
Modification of Grade for Single-Family Detached Dwelling		\$910	\$1,000	\$1,045	\$1,090	\$1,140	\$1,185	\$1,230
Increase in Building Height for a Single-Family Detached Dwelling		\$910	\$1,000	\$1,045	\$1,090	\$1,140	\$1,185	\$1,230
All Other Variances		\$8,180	\$9,000	\$9,405	\$9,815	\$10,225	\$10,635	\$11,045
Appeal (NOTE: 20% INCREASE PROPOSED FOR APPEALS)								
Appeal to BZA		\$600	\$660	\$690	\$720	\$750	\$780	\$810
Appeal to Board		\$600	\$660	\$690	\$720	\$750	\$780	\$810

ATTACHMENT 2 - ZONING FEES INCREASE RANGE TABLE

APPLICATION TYPE		FEE [1]	+ 10%	+ 15%	+ 20%	+ 25%	+ 30%	+ 35%
ADMINISTRATIVE PERMITS								
General Fee Unless Otherwise Listed		\$205	\$225	\$235	\$245	\$255	\$265	\$275
Accessory Uses								
Accessory Living Unit	Permit	\$200	\$220	\$230	\$240	\$250	\$260	\$270
	Renewal Fee	\$70	\$75	\$80	\$85	\$90	\$90	\$95
Agritourism Tier 4	Permit	\$205	\$225	\$235	\$245	\$255	\$265	\$275
	Renewal Fee	\$50	\$55	\$60	\$60	\$65	\$65	\$70
Family Health Care Structure		\$100 (no change per Va. Code § 15.2-2292.1)						
Home-Based Business		\$100	\$110	\$115	\$120	\$125	\$130	\$135
Limited Riding or Boarding Stable		\$50	\$55	\$60	\$60	\$65	\$65	\$70
Short-Term Lodging	Two Year Permit	\$200	\$220	\$230	\$240	\$250	\$260	\$270
Temporary Uses								
Community Garden	Permit	\$205	\$225	\$235	\$245	\$255	\$265	\$275
	Two Year Renewal Fee	\$50	\$55	\$60	\$60	\$65	\$65	\$70
Farmer’s Market	Permit	\$205	\$225	\$235	\$245	\$255	\$265	\$275
	Two Year Renewal Fee	\$50	\$55	\$60	\$60	\$65	\$65	\$70
Food Truck	One Year Operation Permit	\$100	\$110	\$115	\$120	\$125	\$130	\$135
	Location Permit	\$100	\$110	\$115	\$120	\$125	\$130	\$135
Portable Storage Container		\$0						
SPECIAL PERMITS [2]								
Standard fees for special permit approvals are listed below.								
General Fee Unless Otherwise Listed		\$16,375	\$18,015	\$18,830	\$19,650	\$20,470	\$21,290	\$22,105
Principal Uses								
Community Swim, Tennis and Recreation Club		\$4,085	\$4,495	\$4,700	\$4,900	\$5,105	\$5,310	\$5,515
Group Household or Religious Group Living		\$1,100	\$1,210	\$1,265	\$1,320	\$1,375	\$1,430	\$1,485
Marina, Private Noncommercial		\$4,085	\$4,495	\$4,700	\$4,900	\$5,105	\$5,310	\$5,515
Religious Assembly		\$1,100	\$1,210	\$1,265	\$1,320	\$1,375	\$1,430	\$1,485

ATTACHMENT 2 - ZONING FEES INCREASE RANGE TABLE

APPLICATION TYPE		FEE [1]	+ 10%	+ 15%	+ 20%	+ 25%	+ 30%	+ 35%
Religious Assembly with Private School, Specialized Instruction Center, or Child Care Center	Private School, Specialized Instruction Center, or Child Care Center with fewer than 100 children	\$1,100	\$1,210	\$1,265	\$1,320	\$1,375	\$1,430	\$1,485
	Private School, Specialized Instruction Center, or Child Care Center with 100 children or more	\$11,025	\$12,130	\$12,680	\$13,230	\$13,780	\$14,335	\$14,885
Stable, Riding or Boarding		\$8,180	\$9,000	\$9,405	\$9,815	\$10,225	\$10,635	\$11,045
Accessory and Temporary Uses								
Accessory Living Unit	Special Permit	\$435	\$480	\$500	\$520	\$545	\$565	\$585
	Renewal Fee	\$70	\$75	\$80	\$85	\$90	\$90	\$95
Community Garden		\$435	\$480	\$500	\$520	\$545	\$565	\$585
Home Day Care Facility		\$435	\$480	\$500	\$520	\$545	\$565	\$585
Home-Based Business		\$435	\$480	\$500	\$520	\$545	\$565	\$585
Special Event for longer than 21 days		\$4,090	\$4,500	\$4,705	\$4,910	\$5,115	\$5,315	\$5,520
Other Special Permits								
Accessory Structures on Through Lots		\$910	\$1,000	\$1,045	\$1,090	\$1,140	\$1,185	\$1,230
Increase in the Cumulative Square Footage of Freestanding Accessory Structures		\$910	\$1,000	\$1,045	\$1,090	\$1,140	\$1,185	\$1,230
Increase in Fence or Wall Height	Dwelling, Single-Family	\$435	\$480	\$500	\$520	\$545	\$565	\$585
	All Other Uses	\$2,500	\$2,750	\$2,875	\$3,000	\$3,125	\$3,250	\$3,375
Increase in Flagpole Height		\$435	\$480	\$500	\$520	\$545	\$565	\$585
Increase in the Height of a Freestanding Accessory Structure		\$910	\$1,000	\$1,045	\$1,090	\$1,140	\$1,185	\$1,230
Increase in Percentage of Rear Setback Coverage		\$910	\$1,000	\$1,045	\$1,090	\$1,140	\$1,185	\$1,230
Installation or Modification of a Noise Barrier on a Single Residential Lot		\$910	\$1,000	\$1,045	\$1,090	\$1,140	\$1,185	\$1,230
Modification of Grade for Single-Family Detached Dwelling		\$910	\$1,000	\$1,045	\$1,090	\$1,140	\$1,185	\$1,230
Modification of Limits to Keeping of Animals		\$435	\$480	\$500	\$520	\$545	\$565	\$585
	Error in Building Location	\$910	\$1,000	\$1,045	\$1,090	\$1,140	\$1,185	\$1,230
	Certain Existing Structures and Uses	\$910	\$1,000	\$1,045	\$1,090	\$1,140	\$1,185	\$1,230

**NOTE: ALL FEES ARE ROUNDED TO THE NEAREST \$5*

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.

ATTACHMENT 2 - ZONING FEES INCREASE RANGE TABLE

TABLE 8102.1: FEE SCHEDULE			*NOTE: ALL FEES ARE ROUNDED TO THE NEAREST \$5						
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]	+ 10%	+ 15%	+ 20%	+ 25%	+ 30%	+ 35%
Modification of Minimum Setback Requirements	Certain Additions to Existing Single-Family Detached Dwelling		\$910	\$1,000	\$1,045	\$1,090	\$1,140	\$1,185	\$1,230
	Reduction of Required Setbacks for a Single-Family Lot		\$910	\$1,000	\$1,045	\$1,090	\$1,140	\$1,185	\$1,230
	All Other Uses		\$8,180	\$9,000	\$9,405	\$9,815	\$10,225	\$10,635	\$11,045
SPECIAL EXCEPTIONS [2]									
Standard fees for special exception approvals are listed below.									
General Fee Unless Otherwise Listed			\$16,375	\$18,015	\$18,830	\$19,650	\$20,470	\$21,290	\$22,105
Principal Uses									
Adult Day Care Center	Fewer Than 100 Adults		\$1,100	\$1,210	\$1,265	\$1,320	\$1,375	\$1,430	\$1,485
	100 or More Adults		\$11,025	\$12,130	\$12,680	\$13,230	\$13,780	\$14,335	\$14,885
Adult Day Support Center	Fewer Than 100 Adults		\$1,100	\$1,210	\$1,265	\$1,320	\$1,375	\$1,430	\$1,485
	100 or More Adults		\$11,025	\$12,130	\$12,680	\$13,230	\$13,780	\$14,335	\$14,885
Agritourism			\$4,090	\$4,500	\$4,705	\$4,910	\$5,115	\$5,315	\$5,520
Alternative Use of Historic Building			\$8,180	\$9,000	\$9,405	\$9,815	\$10,225	\$10,635	\$11,045
Bed and Breakfast			\$8,180	\$9,000	\$9,405	\$9,815	\$10,225	\$10,635	\$11,045
Child Care Center	Fewer Than 100 Children		\$1,100	\$1,210	\$1,265	\$1,320	\$1,375	\$1,430	\$1,485
	100 or More Children		\$11,025	\$12,130	\$12,680	\$13,230	\$13,780	\$14,335	\$14,885
Club, Service Organization, or Community Center			\$4,085	\$4,495	\$4,700	\$4,900	\$5,105	\$5,310	\$5,515
Congregate Living Facility			\$8,180	\$9,000	\$9,405	\$9,815	\$10,225	\$10,635	\$11,045
Farm Winery, Limited Brewery, or Limited Distillery	R-C District: Development of a new use or expansion of an existing use for any agricultural building or structure:	That does not permit access by any member of the public, whether a customer, guest, or attendee at a public or private event or activity	\$1,000	\$1,100	\$1,150	\$1,200	\$1,250	\$1,300	\$1,350

ATTACHMENT 2 - ZONING FEES INCREASE RANGE TABLE

TABLE 8102.1: FEE SCHEDULE **NOTE: ALL FEES ARE ROUNDED TO THE NEAREST \$5*
 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]	+ 10%	+ 15%	+ 20%	+ 25%	+ 30%	+ 35%
	With no construction of buildings or structures over 400 SF in GFA or no land disturbance over 2,500 SF	\$4,090	\$4,500	\$4,705	\$4,910	\$5,115	\$5,315	\$5,520
	R-C District: Establishment of a new use or expansion of an existing use with construction of buildings or structures over 400 SF in GFA or land disturbance over 2,500 SF	\$8,180	\$9,000	\$9,405	\$9,815	\$10,225	\$10,635	\$11,045
	R-A, R-C, R-E, and R-1 District: Modification of the number of attendees, frequency, or duration of events or activities	\$4,090	\$4,500	\$4,705	\$4,910	\$5,115	\$5,315	\$5,520
Group Household or Religious Group Living		\$1,100	\$1,210	\$1,265	\$1,320	\$1,375	\$1,430	\$1,485
Independent Living Facilities for Low Income Tenants per Subsection 4102.4.P(1)(c) [3]		\$1,100	\$1,210	\$1,265	\$1,320	\$1,375	\$1,430	\$1,485
Marina, Private Noncommercial		\$4,085	\$4,495	\$4,700	\$4,900	\$5,105	\$5,310	\$5,515
Quasi-Public Park, Playground, or Athletic Field		\$8,180	\$9,000	\$9,405	\$9,815	\$10,225	\$10,635	\$11,045
Religious Assembly		\$1,100	\$1,210	\$1,265	\$1,320	\$1,375	\$1,430	\$1,485
Religious Assembly with Private School, Specialized Instruction Center, or Child Care Center	Private School, Specialized Instruction Center, or Child Care Center with fewer than 100 children	\$1,100	\$1,210	\$1,265	\$1,320	\$1,375	\$1,430	\$1,485
	Private School, Specialized Instruction Center, or Child Care Center with 100 children or more	\$11,025	\$12,130	\$12,680	\$13,230	\$13,780	\$14,335	\$14,885
School, Private	Fewer than 100 students	\$1,100	\$1,210	\$1,265	\$1,320	\$1,375	\$1,430	\$1,485
	100 or more students	\$11,025	\$12,130	\$12,680	\$13,230	\$13,780	\$14,335	\$14,885
	Fewer than 100 students	\$1,100	\$1,210	\$1,265	\$1,320	\$1,375	\$1,430	\$1,485

ATTACHMENT 2 - ZONING FEES INCREASE RANGE TABLE

APPLICATION TYPE		FEE [1]	+ 10%	+ 15%	+ 20%	+ 25%	+ 30%	+ 35%
Specialized Instruction Center	100 or more students	\$1,100	\$1,210	\$1,265	\$1,320	\$1,375	\$1,430	\$1,485
Stable, Riding or Boarding		\$8,180	\$9,000	\$9,405	\$9,815	\$10,225	\$10,635	\$11,045
Accessory Uses and Other Special Exceptions								
Home Day Care Facility		\$435	\$480	\$500	\$520	\$545	\$565	\$585
Modification of Shape Factor		\$8,180	\$9,000	\$9,405	\$9,815	\$10,225	\$10,635	\$11,045
Modification of Grade for Single-Family Detached Dwellings		\$910	\$1,000	\$1,045	\$1,090	\$1,140	\$1,185	\$1,230
Modification of Minimum Setback Requirements	Certain Existing Structures and Uses	\$910	\$1,000	\$1,045	\$1,090	\$1,140	\$1,185	\$1,230
	Reconstruction of Certain Single-Family Detached Dwellings that are Destroyed by Casualty	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sign Modifications		\$8,260	\$9,085	\$9,500	\$9,910	\$10,325	\$10,740	\$11,150
Amendment to Approved Sign Modifications		\$4,130	\$4,545	\$4,750	\$4,955	\$5,165	\$5,370	\$5,575
Waiver of Minimum Lot Size Requirements		\$8,180	\$9,000	\$9,405	\$9,815	\$10,225	\$10,635	\$11,045
Addition to or Replacement of a Single-Family Detached Dwelling Existing as of May 10, 2023, in a Floodplain		\$8,180	\$9,000	\$9,405	\$9,815	\$10,225	\$10,635	\$11,045
ZONING MAP AMENDMENTS [5]								
District Requested								
Residential District		\$27,280 plus \$570 per acre	\$30,010 \$625	\$31,370 \$655	\$32,735 \$685	\$34,100 \$715	\$35,465 \$740	\$36,830 \$770
Commercial, Industrial, or Overlay District		\$27,280 plus \$910 per acre	\$30,010 \$1,000	\$31,370 \$1,045	\$32,735 \$1,090	\$34,100 \$1,140	\$35,465 \$1,180	\$36,830 \$1,230
PRC District	Rezoning with Concurrent Development Plan	\$27,280 plus \$910 per acre	\$30,010 \$1,000	\$31,370 \$1,045	\$32,735 \$1,090	\$34,100 \$1,140	\$35,465 \$1,180	\$36,830 \$1,230
	Rezoning with Concurrent Development Plan and PRC Plan	\$27,280 plus \$1,345 per acre	\$30,010 \$1,480	\$31,370 \$1,545	\$32,735 \$1,615	\$34,100 \$1,680	\$35,465 \$1,710	\$36,830 \$1,815
	PRC Plan	\$13,640 plus \$435 per acre	\$15,005 \$480	\$15,685 \$500	\$16,370 \$520	\$17,050 \$545	\$17,730 \$565	\$18,415 \$590
	PRC Plan with Concurrent DPA, PCA, Special Exception, or Special Permit	\$16,375 plus \$435 per acre	\$18,010 \$480	\$18,830 \$500	\$19,650 \$520	\$20,470 \$545	\$21,290 \$565	\$22,105 \$585

*NOTE: ALL FEES ARE ROUNDED TO THE NEAREST \$5

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.

ATTACHMENT 2 - ZONING FEES INCREASE RANGE TABLE

TABLE 8102.1: FEE SCHEDULE

**NOTE: ALL FEES ARE ROUNDED TO THE NEAREST \$5*

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]	+ 10%	+ 15%	+ 20%	+ 25%	+ 30%	+ 35%
PDH, PDC, PRM, PTC, and PCC Districts	Rezoning with Concurrent Conceptual Development Plan	\$27,280 plus \$910 per acre	\$30,010 \$1,000	\$31,370 \$1,045	\$32,735 \$1,090	\$34,100 \$1,140	\$35,465 \$1,180	\$36,830 \$1,230
	Rezoning with Concurrent Conceptual and Final Development Plans	\$27,280 plus \$1,345 per acre	\$30,010 \$1,480	\$31,370 \$1,545	\$32,735 \$1,615	\$34,100 \$1,680	\$35,465 \$1,710	\$36,830 \$1,815
	Final Development Plan after Prior Approval of Rezoning and Conceptual Development Plan	\$13,640 plus \$435 per acre	\$15,005 \$480	\$15,685 \$500	\$16,370 \$520	\$17,050 \$544	\$17,730 \$565	\$18,415/ \$590
AMENDMENTS TO PENDING AND PREVIOUSLY APPROVED APPLICATIONS AND EXTENSIONS OF TIME [4][5]								
Applications for Variance, SP, or SE Approvals								
Extension of Time for a Special Permit or Special Exception Per Subsection 8100.3.D(3) or 8100.4.D(3)		1/8 of Application Fee						
Amendment to a Pending Application for a Variance, Special Permit, or Special Exception		1/10 of Application Fee						
Amendment to a Previously Approved and Currently Valid Application	Change of Permittee Only (SP)	\$500 or 1/2 of Application Fee, Whichever is Less	\$550	\$575	\$600	\$625	\$650	\$675
	With No New Construction (Variance, SP, or SE)	1/2 of New Application Fee						
	With New Construction (Variance, SP, or SE)	New Application Fee						
Applications for Zoning Map and Related Plan Approvals								
Amendment to a Pending Amendment to Zoning Map in all Districts		\$4,545 plus applicable per acre fee for acreage affected by the amendment	\$5,000	\$5,225	\$5,455	\$5,681	\$5,910	\$6,135
Pending Application for a Final Development Plan or Development Plan Amendment or PRC Plan		\$4,130	\$4,545	\$4,750	\$4,955	\$5,165	\$5,370	\$5,575
Amendments to a Previously Approved Proffered Condition and/or Development Plan, Final	Increase in Fence or Wall Height on a Single-Family Lot	\$435	\$480	\$500	\$520	\$545	\$565	\$585

ATTACHMENT 2 - ZONING FEES INCREASE RANGE TABLE

TABLE 8102.1: FEE SCHEDULE

**NOTE: ALL FEES ARE ROUNDED TO THE NEAREST \$5*

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]	+ 10%	+ 15%	+ 20%	+ 25%	+ 30%	+ 35%
Development Plan, Conceptual Development Plan, PRC Plan or Concurrent Conceptual/Final Development Plan for:	Increase in Fence or Wall Height on All Other Uses	\$2,500	\$2,750	\$2,875	\$3,000	\$3,125	\$3,250	\$3,375
	Reduction of Certain Setback Requirements on a Single-Family Lot	\$910	\$1,000	\$1,045	\$1,090	\$1,140	\$1,185	\$1,230
	Reduction of Certain Yard Requirements on All Other Uses	\$8,180	\$9,000	\$9,405	\$9,815	\$10,225	\$10,635	\$11,045
	Increase in Coverage Limitation for Minimum Required Rear Setbacks	\$910	\$1,000	\$1,045	\$1,090	\$1,140	\$1,185	\$1,230
	The Addition of or Modification to an Independent Living Facility for Low Income Tenants	\$1,100	\$1,210	\$1,265	\$1,320	\$1,375	\$1,430	\$1,485
	All Other Uses With New Construction	1/2 of prevailing fee plus applicable per acre fee for acreage affected by the amendment						
	All Other Uses Without New Construction	1/2 of prevailing fee						
	Deletion of Land Area Only	1/4 of prevailing fee						
	Deferrals of Public Hearings							
Before the Planning Commission or Board of Supervisors	After Public Notice Has Been Given and that are Related Solely to Affidavit Errors	\$260 plus actual costs of advertising, up to a maximum of \$1,000	\$285	\$300	\$310	\$325	\$340	\$350

ATTACHMENT 2 - ZONING FEES INCREASE RANGE TABLE

TABLE 8102.1: FEE SCHEDULE

**NOTE: ALL FEES ARE ROUNDED TO THE NEAREST \$5*

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]	+ 10%	+ 15%	+ 20%	+ 25%	+ 30%	+ 35%
<p>Notes:</p> <ul style="list-style-type: none"> [1] In calculating fees that based on acreage, any portion of an acre will count as a full acre. [2] When one application is filed by one applicant for (1) two or more Variances on the same lot, or (2) two or more Special Permit uses on the same lot, or (3) two or more Special Exception uses on the same lot, or (4) a combination of two or more Variances or Special Permits on the same lot, only one filing fee will be required, and that fee will be the highest of the fees required for the individual uses included in the application. [3] Applies to a new application or an amendment to a previously approved and currently valid application, with or without new construction. [4] The fee for an amendment to a pending application is only applicable when the amendment request results in a substantial revision, as determined by the Zoning Administrator. [5] For purposes of computing acreage fees, any portion of an acre is counted as an acre. 							

Board Agenda Item
April 16, 2024

3:00 p.m.

Public Hearing on the FY 2025 Effective Tax Rate Increase

ISSUE:

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

RECOMMENDATION:

The revenue projections included in the FY 2025 Advertised Budget Plan are based on a Real Estate Tax rate of \$1.135 per \$100 of assessed value. However, a balance of \$3,826,826 remains unallocated and is available for the Board's consideration. A real estate tax rate of \$1.35 per \$100 of assessed value was authorized by the Board of Supervisors for advertisement to provide the Board flexibility during their deliberations on the FY 2025 budget. Action on the tax rate is recommended to take place on May 7, 2024, as part of the annual adoption of the tax rate resolution, after the public hearings on the FY 2025 Advertised Budget Plan beginning on April 16, 2024, and the Board markup on April 30, 2024.

TIMING:

On March 5, 2024, the Board authorized advertisement of a public hearing to be held on April 16, 2024, at 3:00 p.m.

BACKGROUND:

The FY 2025 Advertised Budget Plan is based on a real estate tax rate of \$1.135 per \$100 of assessed value. The tax rate included in the proposed budget is an increase of 4-cents over the FY 2024 Adopted Budget Plan. Based on the total assessed value of existing property, the effective tax rate has increased by more than one percent. Under such circumstances, *Virginia Code Section 58.1-3321* requires that the Board advertise a public hearing and take action to adopt the proposed FY 2025 rate rather than the rate computed by the statutory formula. It should be noted that the total increase in assessed value of existing properties is expected to be 1.91 percent, including an increase of 2.86 percent for residential real property and a decrease of 1.24 percent for non-residential real property. As a result, most property owners would experience an increase in their real estate tax bill.

Board Agenda Item
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The following language, based on Virginia Code and included in the advertisement for this public hearing, describes the effective tax increase due to appreciation and a constant tax rate.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 1.91 percent.

Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$1.0745 per \$100 of assessed value. This rate will be known as the "lowered tax rate."

3. Effective Rate Increase: Fairfax County, Virginia, proposes to adopt a tax rate of \$1.135 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$0.0605 per \$100, or 5.63 percent. This difference will be known as the "effective tax rate increase."

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

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of Fairfax County, Virginia, will exceed last year's by 6.01 percent¹.

FISCAL IMPACT:

The advertised FY 2025 real estate tax rate of \$1.135 per \$100 of assessed value results in the revenue projections outlined in the FY 2025 Advertised Budget Plan. If the tax rate is lowered to a rate of \$1.0745 per \$100 of assessed value as described by *Virginia Code Section 58.1-3321*, then the revenue projection set forth in the FY 2025 Advertised Budget Plan would decrease by \$195.5 million.

ENCLOSED DOCUMENTS:

None.

Board Agenda Item
April 16, 2024

STAFF:

Bryan J. Hill, County Executive
Christina Jackson, Deputy County Executive/Chief Financial Officer
Jaydeep Doshi, Director, Department of Tax Administration
Philip Hagen, Director, Department of Management and Budget
Katie Horstman, Deputy Director, Department of Management and Budget
Joe LaHait, Deputy Director, Department of Management and Budget

ASSIGNED COUNSEL:

Patricia McCay, Senior Assistant County Attorney

¹ The total budget increase is based on all revenues received by the General Fund of Fairfax County. Projected FY 2025 disbursements as shown in the FY 2025 Advertised Budget Plan reflect an increase of 0.72 percent from the FY 2024 level.

Board Agenda Item
April 16, 2024

3:00 p.m.

Public Hearing on Proposed Amendments to Section 67.1-10-2 of the Fairfax County Code Relating to Sewer Availability Charges (Including the Fixture Unit Rate), Service Charges, Base Charges, and Hauled Wastewater Charges

ISSUE:

The Board of Supervisors' (Board) adoption of ordinances to amend and readopt Fairfax County (County) Code Section 67.1-10-2, relating to Sewer Availability Charges (including the Fixture Unit Rate), Service Charges, Base Charges, and Hauled Wastewater Charges:

- 1) Re-affirming the Availability Charges (including the fixture unit rate) for FY 2024 through FY 2028, and establishing the Availability Charges for FY 2029;
- 2) Re-affirming the Sewer Service Charges for FY 2024 through FY 2026, adjusting the Sewer Service Charges for FY 2027 and FY 2028, and establishing the Sewer Service Charges for FY 2029;
- 3) Re-affirming the Base Charges for FY 2024 through FY 2026, adjusting the Base Charges for FY 2027 and FY 2028, and establishing the Base Charges for FY 2029; and
- 4) Re-affirming the Hauled Wastewater Charges for FY 2024 and maintaining the same charges as FY 2024 for FY 2025.

Although the sewer charges in the sewer ordinance, Chapter 67.1, are multi-year, all sewer charges are reviewed, adjusted as necessary, and adopted annually to ensure sewer charges are accurately priced.

RECOMMENDATION:

The County Executive recommends that the Board adopt the amended ordinances as set forth in Attachment I.

TIMING:

Public notices of the ordinance revisions were advertised on April 2nd and April 9th, 2024. Decision on the sewer rate revisions will coincide with the markup and adoption of the FY 2025 Advertised Budget Plan. The FY 2025 new charges will become effective on July 1, 2024, if adopted by the Board.

BACKGROUND:

In December 2023, the Wastewater Management Program (Program) and its consultants, Raftelis, completed the annual “Revenue Sufficiency and Rate Analysis” (the Rate Study) for the Sewer System. Based upon the results of the Rate Study, changes are proposed to the previously approved rates for FY 2027 and FY 2028 and new rates are proposed for FY 2029.

The following proposed 5-year rate schedule will meet the Program’s current and projected 5-year revenue requirements of approximately \$1.6 billion by increasing the Availability Charges, the Sewer Service Charges, and the Base Charges, all of which are the industry practice. This allows for recovering a portion of the Program’s costs through the Base Charge and recovering the remaining required revenues through the Sewer Service Charge, based on the volume of water consumed by the commercial customers and volume of the winter quarter average consumed by residential customers; Availability Charges, based on the capacity needs of new connections to the system; and Hauled Wastewater Charges, based on the volume of the hauling truck. New or revised rates that were not advertised as part of last year’s annual rate schedule review are shown in **bold**. Note that the proposed adjustments to the Sewer Service Charges for FY 2027 and FY 2028 are slightly more than those presented to the Board during last year’s budget process. These increases are due to higher operating expenses associated with inflation and the revised sewer reimbursement policy.

PROPOSED AVAILABILITY CHARGE SCHEDULE

The County has completed reviewing the adequacy of the amount of the Availability Charges. Based upon the results of this review, the Availability Charges are proposed to increase to \$9,038 in FY 2025 from \$8,860 in FY 2024, a 1.0 percent increase for a single-family residence in FY 2025 for purchase of capacity in the system plus an additional 1.0 percent increase due to the revised sewer reimbursement policy, as was identified in the prior fiscal year rate study. Proposed Availability Charge increases for a single-family residence in FY 2026 to FY 2029 are 1.0 percent for purchase of capacity in the system plus an addition of approximately 1.0 percent due to the revised sewer reimbursement policy, as was identified in the prior fiscal year. The Availability Charge is a one-time charge, which is paid at the time of connection to the sewer system. The revised, five-year rate schedule for the Availability Charges is as follows:

AVAILABILITY CHARGE SCHEDULE						
Proposed New Rates in Bold						
Type of Connection	Current Rate	New Rates				
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Single-Family Detached	\$8,860	\$9,038	\$9,218	\$9,398	\$9,578	\$9,759
Lodging House, Hotel, Inn, or Tourist Cabin	\$8,860	\$9,038	\$9,218	\$9,398	\$9,578	\$9,759
Townhouse	\$7,088	\$7,231	\$7,374	\$7,518	\$7,662	\$7,807
Apartment	\$7,088	\$7,231	\$7,374	\$7,518	\$7,662	\$7,807
Mobile Home	\$7,088	\$7,231	\$7,374	\$7,518	\$7,662	\$7,807
Any other residential dwelling unit	\$7,088	\$7,231	\$7,374	\$7,518	\$7,662	\$7,807
Hotels, Motels, or Dormitory rental unit	\$2,215	\$2,260	\$2,304	\$2,349	\$2,394	\$2,440

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

AVAILABILITY CHARGE SCHEDULE						
Cost (\$) per Quarterly Bill						
Proposed New Rates in Bold						
	Current Rate	New Rates				
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Nonresidential per fixture unit	\$443	\$452	\$461	\$470	\$479	\$488

PROPOSED SEWER SERVICE CHARGE SCHEDULE

The following proposed Sewer Service Charge of \$8.81 per 1,000 gallons of water consumption in FY 2025 will recover a portion of the sewer system costs in FY 2025 based on the volume of water consumed by the commercial customers and the volume of the winter quarter average consumed by residential customers. The revised, five-year rate schedule for the Sewer Service Charges is as follows:

SEWER SERVICE CHARGE SCHEDULE*						
Per 1,000 gallons of water consumption						
Proposed New Rates in Bold						
	Current Rate	New Rates				
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Sewer Service Charge	\$8.46	\$8.81	\$9.33	\$9.88	\$10.46	\$11.08

PROPOSED BASE CHARGE SCHEDULE

The following proposed Base Charge of \$49.73 per quarterly bill for FY 2025 will recover approximately 25.6 percent of the sewer system costs in FY 2025. Industry practice is to recover 25 to 30 percent of the total costs through a Base Charge. To strive towards such a recovery rate, a phased-in approach is being proposed, as shown in the table on the following page.

BASE CHARGE SCHEDULE*						
Cost (\$) per Quarterly Bill						
Proposed New Rates in Bold						
Type of Connection	Current Rate	New Rates				
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Residential (3/4" meter)	\$44.81	\$49.73	\$52.62	\$55.78	\$59.08	\$62.57
All customers based on meter size						
3/4" and smaller, or no meter	\$44.81	\$49.73	\$52.62	\$55.78	\$59.08	\$62.57
1"	\$112.03	\$124.33	\$131.55	\$139.45	\$147.70	\$156.43
1 1/2"	\$224.05	\$248.65	\$263.10	\$278.90	\$295.40	\$312.85
2"	\$358.48	\$397.84	\$420.96	\$446.24	\$472.64	\$500.56
3"	\$672.15	\$745.95	\$789.30	\$836.70	\$886.20	\$938.55
4"	\$1,120.25	\$1,243.25	\$1,315.50	\$1,394.50	\$1,477.00	\$1,564.25
6"	\$2,240.50	\$2,486.50	\$2,631.00	\$2,789.00	\$2,954.00	\$3,128.50
8"	\$3,584.80	\$3,978.40	\$4,209.60	\$4,462.40	\$4,726.40	\$5,005.60
10" and larger	\$5,153.15	\$5,718.95	\$6,051.30	\$6,414.70	\$6,794.20	\$7,195.55

*Adjustment to the Base Charge for nonresidential customers who have sub-meters for irrigation and other water uses that do not enter the sewer system must be justified.

PROPOSED HAULED WASTEWATER CHARGES

The County’s Septage Receiving Facility (SRF) was constructed to receive and treat septage from local onsite sewage disposal systems in accordance with *Section 15.2-2123 of the Code of Virginia*. In addition, the SRF receives landfill leachate, portable toilet waste, restaurant grease, and recycled carwash water. Hauled Wastewater Charges were introduced in FY 2020 to recover a portion of the costs of operation, maintenance, and upcoming necessary improvements to the SRF. It is proposed that the charge for High-Strength and Low-Strength Wastes remain the same as the FY 2024 charges as follows:

- (1) High-Strength Waste - \$27 per 1,000 gallons of the hauler’s truck capacity for septic tank and restaurant grease wastes.
- (2) Low-Strength Waste - \$7.72 per 1,000 gallons of the hauler's truck capacity for portable toilet, recycled carwash water, landfill leachate, or other such low-strength waste.

The County’s sewer charges remain very competitive on a local basis. Below are average annual sewer service billings and Availability Charges per Single-Family Residential Equivalent (SFRE) for Fairfax County compared to other regional jurisdictions, as of December 2023 (FY 2024). Average sewer service billings for the other regional jurisdictions have been developed by applying each jurisdiction’s equivalent base charge and sewer service rate to appropriate SFRE water usage determined from Fairfax Water’s average water usage for SFREs.

**Comparison of Average Service Charges, Availability Charges, and Base Charges for SFREs as of December 2023 (FY 2024)
 Based on 16,000 gallons per quarter for all jurisdictions**

Jurisdiction*	Average Annual Sewer Service Billing	Sewer Availability Fees
DCWASA	\$1,344	\$2,809
City of Alexandria	\$1,083	\$10,506
WSSC (improved)	\$895	\$14,500
Fairfax County	\$721	\$8,860
Arlington County	\$669	\$3,720
Prince William County	\$589	\$11,200
Loudoun Water	\$514	\$9,241

The table below outlines base charges by other regional utilities for comparison to Fairfax County’s current Base Charge of \$44.81 as of December 2023 (FY 2024).

Quarterly Base Charges for Sewer Service for Residential Customers	
DC Water	\$ 77.22
Fairfax County	\$ 44.81
Alexandria Renew Enterprises	\$ 41.55
Loudoun Water	\$ 38.94
Prince William County Service Authority	\$ 37.65
Washington Suburban Sanitation Commission	\$ 30.39
Arlington	\$ 13.52
Neighboring Utilities Average	\$ 39.88

EQUITY IMPACT:

This board action has no adverse equity impact. The sewer rates are a significant part of the County’s award-winning wastewater management program which protects public health and the environment. They are also the primary revenue source for repayment of the proposed sewer revenue bonds to be sold, and current as well as out year estimated rates are included in annual County budget documents. Untreated wastewater causes diseases to proliferate, including hepatitis, tetanus, typhoid, cholera, enterovirus, and others, that thrive in untreated human sewage. Untreated wastewater also ruins water quality and kills aquatic life. The U.S. Environmental Protection Agency (U.S. EPA) has identified inequitable nationwide trends where communities “allow continued discharges of raw sewage into waters used for drinking, recreation, and/or ecological habitat—depending on the ability of a wastewater system and its customers to pay for necessary infrastructure upgrades” (See Attachment III).

DPWES administers an integrated sewer system, with fees dedicated to capital improvements county-wide, regardless of the amount of fees contributed. Fairfax County also surpasses the U.S. EPA national average for good control of its sewer system by controlling sanitary sewer overflows with aggressive cleaning of sewers Countywide (See Attachment IV).

The Fairfax County Wastewater Management Program also ensures proper conveyance and treatment of sewage away from 91 percent of households with high vulnerability index ratings, and 100 percent of households with a vulnerability index greater than 4. The Sewer Service area map (Attachment II) shows Fairfax County Approved Sewer Service Area (ASSA) in comparison to the vulnerability index scores.

Vulnerability Index	Number of Households in ASSA	Number of Households Not in ASSA	% IN	% OUT
0-1	1,501	181	89%	11%
1-2	133,782	21,021	86%	14%
2-3	133,687	5,299	96%	4%
3-4	34,169	4,684	88%	12%
4-5	2,037	-	100%	0%
	305,176	31,185	91%	9%

The sewer rates are structured to be equivalent across all customers of the County. The quarterly sewer bills have two components, a Sewer Service (or volumetric) Charge and Base Charge. The volumetric charge is based on the amount of water consumed by a customer, providing customers the ability to reduce the amount of water they use and thereby reduce the amount they are charged. In addition, the volumetric charge is capped at the volume of water used during winter quarter months. So, residential customers are not charged a wastewater fee for water used outside of the house (e.g., for landscape irrigation, washing cars) during warmer months. Commercial customers are charged based on all the water consumed. However, commercial customers may install a “deduct water meter” to measure and subtract from the total water consumed the amount of water that does not enter the sewer system.

The County’s sewer charge is well below the Environmental Protection Agency’s Financial Capability Assessment Guidance. One common measure of rate affordability is to evaluate the typical residential bill (annualized) relative to the annual median household income (“MHI”) within the service area. Industry standards consider a wastewater bill at 1 percent or lower of the MHI as a low potential economic impact on residents. The proposed residential wastewater charges for the County for 2024 would be 0.5 percent of MHI, well below the lowest industry threshold.

The sewer rate equity impact is further addressed by the county-wide programs that assist low-income households and those living in vulnerable communities, Fairfax Water’s policy for providing water service, and the current Fairfax Water Low-Income Household Water Assistance Program (LIHWAP) (See Attachment V). Fairfax Water bills ratepayers on behalf of the Department of Public Works and Environmental Services (DPWES) wastewater management program. Customers who do not pay their water bills on time receive a grace period to come into compliance. Fairfax Water directs customers to the following assistance options, provided in multiple languages:

- Set up a Payment Plan. Customers may establish a payment plan with Fairfax Water.
- Request payment assistance through local community organizations that may assist with utility bill payment.

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- Refers customers to:
 - Fairfax County Department of Family Services - 703.324.7450
 - Fairfax Department of Housing - 703.324.8122
 - Fairfax County Coordinated Services Planning - 703.222.0880

When Fairfax Water refers the nonpaying community to Coordinated Services Planning, community members can rely on several County-wide programs. Ratepayers who are struggling to pay their water and sewer bills are typically experiencing other hardships, and several Fairfax County departments focus on providing a holistic solution to improve the food and water security for vulnerable households through the Community Consolidated Funding Pool and Coordinated Services Planning:

- Offers 17 languages on staff.
- Provides a CAREVAN, which targets areas of food insecurity, and Title I schools to provide food pantry availability.
- Community Services Planning (CSP) does outreach to the community as part of a program. They have a long-standing relationship with the community and the partners in the community.
- The Community Partner Strategy Team (CPST) represents a collaborative network of community/county health and human services providers representative of Fairfax County's diversity. The CPST strategically works to increase a collective capacity to serve and meet urgent and ongoing basic needs in the Fairfax County community.

In addition, the Department of Neighborhood and Community Services operates community centers throughout the County that can assist ratepayers. The Department of Housing and Community Development provides Section 8 housing and administers a Home Improvement Loan Program.

Finally, DPWES has sought opportunities to improve equitable service delivery, because the LIHWAP is a federally funded program that will expire when funding is expended. Under current state law, DPWES is not empowered by state law to establish a sewer fee to assist low-income and vulnerable households. As a county in the Commonwealth of Virginia, Fairfax County is subject to the Dillon Rule, and can only establish programs and ordinances expressly empowered by Virginia. As a result, the best improvement currently available is for DPWES to perform outreach by contributing wastewater ratepayer information to the NCS and CPST outreach programs.

FISCAL IMPACT:

In FY 2025, assuming a water usage for a typical residential customer of 16,000 gallons/quarter (or 64,000 gallons/year), the annual sewer bill will be approximately \$762.76 per year, which is an increase of 5.8 percent or \$42.08 over the FY 2024 annual sewer bill. This is equal to an increase of \$3.51 per month.

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In FY 2025, revenue is projected to be \$304.0 million, which is an increase of approximately \$22.0 million over the FY 2024 Adopted Budget Plan primarily due to the proposed rate increases. Revenues from the collection of Sewer Availability Charges, Service Charges, Base Charges, and Hauled Wastewater Charges are recorded in Fund 69000, Sewer Revenue.

ENCLOSED DOCUMENTS:

Attachment I - The Proposed Amendment to Chapter 67.1 Article 10 (Charges), Section 2 of the Code of the County of Fairfax (clean version)

Attachments II - The Proposed Amendment to Chapter 67.1 Article 10 (Charges), Section 2 of the Code of the County of Fairfax (with amendments tracked)

Attachment III - [NRDC Comments on FCA Guidance](#) & [NRDC - EDA Press Release](#)

Attachment IV - [Fairfax County Sewer Certification Report](#)

Attachment V - [Fairfax Water Low-Income Household Water Assistance Program \(LIHWAP\)](#)

STAFF:

Rachel Flynn, Deputy County Executive

Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)

Eleanor Ku Coddling, Deputy Director, Stormwater and Wastewater Divisions, DPWES

Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES

ASSIGNED COUNSEL:

Emily H. Smith, Assistant County Attorney

1 **AN ORDINANCE AMENDING**
 2 **ARTICLE 10 OF CHAPTER 67.1 OF THE FAIRFAX COUNTY CODE, RELATING TO**
 3 **CHARGES FOR THE AVAILABILITY OF, CONNECTION TO, AND/OR USE OF THE**
 4 **SEWERAGE FACILITIES OF THE COUNTY**
 5

6 **AN ORDINANCE to amend the Fairfax County Code by amending and**
 7 **readopting Section 67.1-10-2, relating to charges for the availability of,**
 8 **connection to, and/or use of the sewerage facilities of the County.**
 9

10
 11 **Be it ordained by the Board of Supervisors of Fairfax County:**

- 12 **1. That Section 67.1-10-2 of the Fairfax County Code is amended and readopted as**
 13 **follows:**
 14

15 **ARTICLE 10. - Charges**

16 **Section 67.1-10-2. – Availability, Connection, Lateral Spur, Service Charges, Base Charges,**
 17 **and Hauled Wastewater Charges.**

18 (a) *Availability Charges:*

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

		Fiscal Year (July 1-June 30)					
	Customer Class	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
(A)	Single-Family Detached	\$8,860	\$9,038	\$9,218	\$9,398	\$9,578	\$9,759
(B)	Lodging House, Hotel, Inn or Tourist Cabin	\$8,860	\$9,038	\$9,218	\$9,398	\$9,578	\$9,759
(C)	Townhouse	\$7,088	\$7,231	\$7,374	\$7,518	\$7,662	\$7,807
(D)	Apartment	\$7,088	\$7,231	\$7,374	\$7,518	\$7,662	\$7,807
(E)	Mobile Home	\$7,088	\$7,231	\$7,374	\$7,518	\$7,662	\$7,807
(F)	Any other residential dwelling unit	\$7,088	\$7,231	\$7,374	\$7,518	\$7,662	\$7,807

(G)	Hotel, Motel, or Dormitory rental unit	\$2,215	\$2,260	\$2,304	\$2,349	\$2,394	\$2,440
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21

22

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

	Fiscal Year (July 1-June 30)					
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Fixture unit rate	\$443	\$452	\$461	\$470	\$479	\$488

26

27 The availability charge will be computed as the number of fixture units (including roughed-in
 28 fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code
 29 (VUSBC), (as amended), Section 101.2, Note 1, which incorporates by reference the 2012
 30 International Plumbing Code (Chapter 7, Section 709) ("VUSBC"), times the fixture unit rate with
 31 a minimum charge equivalent to one single-family detached dwelling per premises. For Significant
 32 Industrial Users with wastewater discharge permits authorizing discharge into the Integrated Sewer
 33 System and other industrial or commercial Users determined by the Director to have processes
 34 generating significant wastewater flows, the availability charge will be calculated on the basis of
 35 equivalent units. One equivalent unit is equal to 280 gallons per day and rated equal to one single-
 36 family detached dwelling unit. Therefore, the availability charge for Significant Industrial Users
 37 and other industrial or commercial Users determined by the Director to have processes generating
 38 significant flow will be equal to the current rate for a single-family detached dwelling unit times
 39 the number of equivalent units associated with the permitted flow. The number of equivalent units
 40 is equal to the permitted or projected flow in gallons per day divided by 280 gallons per day.
 41 Fixture unit counts, for Users having fixtures discharging continuously or semi-continuously to
 42 drainage system leading to the County sanitary sewer facilities, shall be increased by two fixture
 43 units for each gallon per minute of such continuous or semi-continuous discharge. The rate of such
 44 discharge shall be deemed to be that rate certified by the manufacturer of the fixture or other
 45 equipment, or such other rates as the Director shall determine.

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

48 (b) *Connection Charges.*

- 49 (1) *Residential and community uses:* Except as otherwise provided herein, there is hereby
50 established and imposed a connection charge of \$152.50 per front foot of premises (with
51 a minimum of \$7,625 and a maximum of \$15,250 for the connection of single-family
52 detached and attached dwellings, churches, schools, fire stations, community centers, or
53 other such similar community uses, to the Facilities of the County.
- 54 (2) *All other uses:* There is hereby established and imposed a connection charge of \$152.50
55 per front foot of premises (with a minimum charge of \$15,250) for the connection of all
56 other uses to the Facilities of the County.
- 57 (3) The connection charges established and imposed above shall not apply to premises to
58 be connected to the Facilities of the County if such Facilities of the County are
59 constructed totally at private expense.
- 60 (4) For the purposes of Section 67.1-10-2(b), front foot of premises will be determined by
61 measuring the frontage of the premises located on the street address side of the premises.
- 62 (c) *Lateral spur charges:* There is hereby established and imposed a lateral spur charge of
63 \$600.00 for the connection of all uses to a lateral spur, where such lateral spur has been
64 installed by the County at the expense of Fairfax County.
- 65 (d) *Service charges:* There are hereby established and imposed the following sanitary sewer
66 service charges:

	Sewer Service Charges — Fiscal Year (July 1 - June 30)					
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Sewer Service Charge, \$/1,000 gallons	\$8.46	\$8.81	\$9.33	\$9.88	\$10.46	\$11.08

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

BASE CHARGE Cost (\$) per Quarterly Bill						
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Residential Base Charge	\$44.81	\$49.73	\$52.62	\$55.78	\$59.08	\$62.57

Commercial: (meter size)						
¾" and smaller, or no meter	\$44.81	\$49.73	\$52.62	\$55.78	\$59.08	\$62.57
1"	\$112.03	\$124.33	\$131.55	\$139.45	\$147.70	\$156.43
1½"	\$224.05	\$248.65	\$263.10	\$278.90	\$295.40	\$312.85
2"	\$358.48	\$397.84	\$420.96	\$446.24	\$472.64	\$500.56
3"	\$672.15	\$745.95	\$789.30	\$836.70	\$886.20	\$938.55
4"	\$1,120.25	\$1,243.25	\$1,315.50	\$1,394.50	\$1,477.00	\$1,564.25
6"	\$2,240.50	\$2,486.50	\$2,631.00	\$2,789.00	\$2,954.00	\$3,128.50
8"	\$3,584.80	\$3,978.40	\$4,209.60	\$4,462.40	\$4,726.40	\$5,005.60
10" and larger	\$5,153.15	\$5,718.95	\$6,051.30	\$6,414.70	\$6,794.20	\$7,195.55

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71 If requested, the Base Charge for nonresidential customers, who have irrigation systems and other
72 water uses that do not enter the sewer system, will be adjusted. Calculations prepared by a Virginia
73 licensed professional engineer must be provided to demonstrate what size of main water meter
74 would be necessary for the building to accommodate only the water that enters the sewer system.
75 The Base Charge will be adjusted based on the calculated meter size. In no case the Base Charge
76 will be smaller than that for ¾" meter.

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

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

Category of Use	Service Charges
(A) Single-family detached and single-family attached dwellings such as townhouses, duplexes, multiplexes, semi-	For each 1,000 gallons of water, based on winter-quarter consumption or current quarterly consumption, as measured by the service line

detached, rowhouses, garden court and patio houses with a separate water service line meter.	meter, whichever is lower, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(B) All other uses.	For each 1,000 gallons of water as measured by the water service line, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(C) All users.	Base charge per billing as established in Section 67.1-10-2(e).

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

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

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

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

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

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112 by such meter. The cost of all inspections required by the foregoing provisions
113 for elective metering, as determined by normal cost accounting methods, shall
114 be an additional charge for sanitary sewer service to the premises on which such
115 meter or meters are installed.

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

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

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

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

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

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

145 (f) Hauled Wastewater Charges: There are hereby established and imposed the following Hauled
146 Wastewater Charges:

147 (1) High-Strength Waste - \$27 per 1,000 gallons of the hauler's truck capacity for septic
148 tank and restaurant grease wastes.

149 (2) Low-Strength Waste - \$7.72 per 1,000 gallons of the hauler's truck capacity for
150 portable toilet, landfill leachate, or any such low-strength wastewater.

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153 *TABLE I. Table of Fixture Units*

Type of Fixture or Group of Fixtures	Drainage Fixture Unit Value (DFU)
Commercial automatic clothes washer (2" standpipe)	3
Bathroom group consisting of water closet, lavatory and bathtub or shower stall (Residential):	
Tank type closet	6
Bathtub (with or without overhead shower)	2
Combination sink-and-tray with food disposal unit	2
Combination sink-and-tray with 1½" trap	2
Dental unit or cuspidor	1
Dental lavatory	1
Drinking fountain	½
Dishwasher, domestic	2
Floor drains with 2" waste	2
Kitchen sink, domestic, with one 1½" waste	2
Kitchen sink, domestic, with food waste grinder and/or dishwasher	2
Lavatory with 1¼" waste	1
Laundry tray (1 or 2 compartments)	2
Shower stall	2

Sinks:	
Surgeon's	3
Flushing rim (with valve)	6
Service (trap standard)	3
Service (P trap)	2
Pot, scullery, etc.	4
Urinal, pedestal, syphon jet blowout	6
Urinal, wall lip	4
Urinal stall, washout	4
Urinal trough (each 6-ft. section)	2
Wash sink (circular or multiple) each set of faucets	2
Water closet, tank-operated	4
Water closet, valve-operated	6
Fixture drain or trap size:	
1¼ inches and smaller	1
1½ inches	2
2 inches	3
2½ inches	4
3 inches	5
4 inches	6

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

Fixture Units	Load Factor	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
20 or less	1.00	135.36	140.96	149.28	158.08	167.36	177.28
21 to 30	1.25	169.20	176.20	186.60	197.60	209.20	221.60
31 to 40	1.45	196.27	204.39	216.46	229.22	242.67	257.06
41 to 50	1.60	216.58	225.54	238.85	252.93	267.78	283.65
51 to 60	1.75	236.88	246.68	261.24	276.64	292.88	310.24
61 to 70	1.90	257.18	267.82	283.63	300.35	317.98	336.83
71 to 80	2.05	277.49	288.97	306.02	324.06	343.09	363.42
81 to 90	2.20	297.79	310.11	328.42	347.78	368.19	390.02
91 to 100	2.30	311.33	324.21	343.34	363.58	384.93	407.74
101 to 110	2.40	324.86	338.30	358.27	379.39	401.66	425.47
111 to 120	2.55	345.17	359.45	380.66	403.10	426.77	452.06
121 to 130	2.65	358.70	373.54	395.59	418.91	443.50	469.79
131 to 140	2.75	372.24	387.64	410.52	434.72	460.24	487.52
141 to 150	2.85	385.78	401.74	425.45	450.53	476.98	505.25
151 to 160	2.95	399.31	415.83	440.38	466.34	493.71	522.98

161 to 170	3.05	412.85	429.93	455.30	482.14	510.45	540.70
171 to 180	3.15	426.38	444.02	470.23	497.95	527.18	558.43
181 to 190	3.25	439.92	458.12	485.16	513.76	543.92	576.16
191 to 200	3.35	453.46	472.22	500.09	529.57	560.66	593.89
201 to 210	3.45	466.99	486.31	515.02	545.38	577.39	611.62
211 to 220	3.55	480.53	500.41	529.94	561.18	594.13	629.34
221 to 230	3.65	494.06	514.50	544.87	576.99	610.86	647.07
231 to 240	3.75	507.60	528.60	559.80	592.80	627.60	664.80
241 to 250	3.85	521.14	542.70	574.73	608.61	644.34	682.53
251 to 260	3.90	527.90	549.74	582.19	616.51	652.70	691.39
261 to 270	4.00	541.44	563.84	597.12	632.32	669.44	709.12
271 to 280	4.05	548.21	570.89	604.58	640.22	677.81	717.98
281 to 290	4.10	554.98	577.94	612.05	648.13	686.18	726.85
291 to 300	4.15	561.74	584.98	619.51	656.03	694.54	735.71
301 to 310	4.20	568.51	592.03	626.98	663.94	702.91	744.58
311 to 320	4.30	582.05	606.13	641.90	679.74	719.65	762.30
321 to 330	4.40	595.58	620.22	656.83	695.55	736.38	780.03
331 to 340	4.50	609.12	634.32	671.76	711.36	753.12	797.76
341 to 350	4.60	622.66	648.42	686.69	727.17	769.86	815.49
351 to 360	4.70	636.19	662.51	701.62	742.98	786.59	833.22

361 to 370	4.80	649.73	676.61	716.54	758.78	803.33	850.94
371 to 380	4.90	663.26	690.70	731.47	774.59	820.06	868.67
381 to 390	5.00	676.80	704.80	746.40	790.40	836.80	886.40
391 to 400	5.10	690.34	718.90	761.33	806.21	853.54	904.13
401 to 410	5.20	703.87	732.99	776.26	822.02	870.27	921.86
411 to 420	5.30	717.41	747.09	791.18	837.82	887.01	939.58
421 to 430	5.40	730.94	761.18	806.11	853.63	903.74	957.31
431 to 440	5.50	744.48	775.28	821.04	869.44	920.48	975.04
441 to 450	5.60	758.02	789.38	835.97	885.25	937.22	992.77
451 to 460	5.70	771.55	803.47	850.90	901.06	953.95	1,010.50
461 to 470	5.80	785.09	817.57	865.82	916.86	970.69	1,028.22
471 to 480	5.90	798.62	831.66	880.75	932.67	987.42	1,045.95
481 to 490	6.00	812.16	845.76	895.68	948.48	1,004.16	1,063.68
491 to 500	6.10	825.70	859.86	910.61	964.29	1,020.90	1,081.41
501 to 525	6.25	846.00	881.00	933.00	988.00	1,046.00	1,108.00
526 to 550	6.50	879.84	916.24	970.32	1,027.52	1,087.84	1,152.32
551 to 575	6.75	913.68	951.48	1,007.64	1,067.04	1,129.68	1,196.64
576 to 600	7.00	947.52	986.72	1,044.96	1,106.56	1,171.52	1,240.96
601 to 625	7.25	981.36	1,021.96	1,082.28	1,146.08	1,213.36	1,285.28
626 to 650	7.50	1,015.20	1,057.20	1,119.60	1,185.60	1,255.20	1,329.60

651 to 675	7.75	1,049.04	1,092.44	1,156.92	1,225.12	1,297.04	1,373.92
676 to 700	8.00	1,082.88	1,127.68	1,194.24	1,264.64	1,338.88	1,418.24
701 to 725	8.20	1,109.95	1,155.87	1,224.10	1,296.26	1,372.35	1,453.70
726 to 750	8.40	1,137.02	1,184.06	1,253.95	1,327.87	1,405.82	1,489.15
751 to 775	8.60	1,164.10	1,212.26	1,283.81	1,359.49	1,439.30	1,524.61
776 to 800	8.80	1,191.17	1,240.45	1,313.66	1,391.10	1,472.77	1,560.06
801 to 825	9.00	1,218.24	1,268.64	1,343.52	1,422.72	1,506.24	1,595.52
826 to 850	9.20	1,245.31	1,296.83	1,373.38	1,454.34	1,539.71	1,630.98
851 to 875	9.35	1,265.62	1,317.98	1,395.77	1,478.05	1,564.82	1,657.57
876 to 900	9.50	1,285.92	1,339.12	1,418.16	1,501.76	1,589.92	1,684.16
901 to 925	9.65	1,306.22	1,360.26	1,440.55	1,525.47	1,615.02	1,710.75
926 to 950	9.80	1,326.53	1,381.41	1,462.94	1,549.18	1,640.13	1,737.34
951 to 975	9.95	1,346.83	1,402.55	1,485.34	1,572.90	1,665.23	1,763.94
976 to 1,000	10.15	1,373.90	1,430.74	1,515.19	1,604.51	1,698.70	1,799.39
1,001 to 1,050	10.55	1,428.05	1,487.13	1,574.90	1,667.74	1,765.65	1,870.30
1,051 to 1,100	10.90	1,475.42	1,536.46	1,627.15	1,723.07	1,824.22	1,932.35
1,101 to 1,150	11.30	1,529.57	1,592.85	1,686.86	1,786.30	1,891.17	2,003.26
1,151 to 1,200	11.70	1,583.71	1,649.23	1,746.58	1,849.54	1,958.11	2,074.18
1,201 to 1,250	12.00	1,624.32	1,691.52	1,791.36	1,896.96	2,008.32	2,127.36
1,251 to 1,300	12.35	1,671.70	1,740.86	1,843.61	1,952.29	2,066.90	2,189.41

1,301 to 1,350	12.70	1,719.07	1,790.19	1,895.86	2,007.62	2,125.47	2,251.46
1,351 to 1,400	13.00	1,759.68	1,832.48	1,940.64	2,055.04	2,175.68	2,304.64
1,401 to 1,450	13.25	1,793.52	1,867.72	1,977.96	2,094.56	2,217.52	2,348.96
1,451 to 1,500	13.50	1,827.36	1,902.96	2,015.28	2,134.08	2,259.36	2,393.28
1,501 to 1,600	14.05	1,901.81	1,980.49	2,097.38	2,221.02	2,351.41	2,490.78
1,601 to 1,700	14.60	1,976.26	2,058.02	2,179.49	2,307.97	2,443.46	2,588.29
1,701 to 1,800	15.15	2,050.70	2,135.54	2,261.59	2,394.91	2,535.50	2,685.79
1,801 to 1,900	15.70	2,125.15	2,213.07	2,343.70	2,481.86	2,627.55	2,783.30
1,901 to 2,000	16.25	2,199.60	2,290.60	2,425.80	2,568.80	2,719.60	2,880.80
2,001 to 2,100	16.80	2,274.05	2,368.13	2,507.90	2,655.74	2,811.65	2,978.30
2,101 to 2,200	17.35	2,348.50	2,445.66	2,590.01	2,742.69	2,903.70	3,075.81
2,201 to 2,300	17.90	2,422.94	2,523.18	2,672.11	2,829.63	2,995.74	3,173.31
2,301 to 2,400	18.45	2,497.39	2,600.71	2,754.22	2,916.58	3,087.79	3,270.82
2,401 to 2,500	19.00	2,571.84	2,678.24	2,836.32	3,003.52	3,179.84	3,368.32
2,501 to 2,600	19.55	2,646.29	2,755.77	2,918.42	3,090.46	3,271.89	3,465.82
2,601 to 2,700	20.10	2,720.74	2,833.30	3,000.53	3,177.41	3,363.94	3,563.33
2,701 to 2,800	20.65	2,795.18	2,910.82	3,082.63	3,264.35	3,455.98	3,660.83
2,801 to 2,900	21.20	2,869.63	2,988.35	3,164.74	3,351.30	3,548.03	3,758.34
2,901 to 3,000	21.75	2,944.08	3,065.88	3,246.84	3,438.24	3,640.08	3,855.84
3,001 to 4,000	26.00	3,519.36	3,664.96	3,881.28	4,110.08	4,351.36	4,609.28

4,001 to 5,000	29.50	3,993.12	4,158.32	4,403.76	4,663.36	4,937.12	5,229.76
5,001 to 6,000	33.00	4,466.88	4,651.68	4,926.24	5,216.64	5,522.88	5,850.24
6,001 to 7,000	36.40	4,927.10	5,130.94	5,433.79	5,754.11	6,091.90	6,452.99
7,001 to 8,000	39.60	5,360.26	5,582.02	5,911.49	6,259.97	6,627.46	7,020.29
8,001 to 9,000	42.75	5,786.64	6,026.04	6,381.72	6,757.92	7,154.64	7,578.72
9,001 to 10,000	46.00	6,226.56	6,484.16	6,866.88	7,271.68	7,698.56	8,154.88
10,001 to 11,000	48.85	6,612.34	6,885.90	7,292.33	7,722.21	8,175.54	8,660.13
11,001 to 12,000	51.60	6,984.58	7,273.54	7,702.85	8,156.93	8,635.78	9,147.65
12,001 to 13,000	54.60	7,390.66	7,696.42	8,150.69	8,631.17	9,137.86	9,679.49
13,001 to 14,000	57.40	7,769.66	8,091.10	8,568.67	9,073.79	9,606.46	10,175.87
14,001 to 15,000	60.00	8,121.60	8,457.60	8,956.80	9,484.80	10,041.60	10,636.80

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161 NOTES:

162 (1) Base charge is not included in rates above.

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GIVEN under my hand this _____ day of _____, 2024

 Jill G. Cooper
 Clerk for the Board of Supervisors

1 AN ORDINANCE AMENDING
 2 ARTICLE 10 OF CHAPTER 67.1 OF THE FAIRFAX COUNTY CODE, RELATING TO
 3 CHARGES FOR THE AVAILABILITY OF, CONNECTION TO, AND/OR USE OF THE
 4 SEWERAGE FACILITIES OF THE COUNTY
 5

6 AN ORDINANCE to amend the Fairfax County Code by amending and
 7 readopting Section 67.1-10-2, relating to charges for the availability of,
 8 connection to, and/or use of the sewerage facilities of the County.
 9

10
 11 Be it ordained by the Board of Supervisors of Fairfax County:

- 12 1. That Section 67.1-10-2 of the Fairfax County Code is amended and readopted as
 13 follows:
 14

15 ARTICLE 10. - Charges

16 Section 67.1-10-2. – Availability, Connection, Lateral Spur, Service Charges, Base Charges,
 17 and Hauled Wastewater Charges.

18 (a) *Availability Charges:*

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

		Fiscal Year (July 1-June 30)					
	Customer Class	FY 202 43	FY 202 54	FY 202 65	FY 202 76	FY 202 87	FY 202 98
(A)	Single-Family Detached	\$8,860 \$8,592	\$9,038 \$8,860	\$9,218 \$9,038	\$9,398 \$9,218	\$9,578 \$9,398	\$9,759 \$9,578
(B)	Lodging House, Hotel, Inn or Tourist Cabin	\$8,860 \$8,592	\$9,038 \$8,860	\$9,218 \$9,038	\$9,398 \$9,218	\$9,578 \$9,398	\$9,759 \$9,578
(C)	Townhouse	\$7,088 \$6,874	\$7,231 \$7,088	\$7,374 \$7,231	\$7,518 \$7,374	\$7,662 \$7,518	\$7,807 \$7,662
(D)	Apartment	\$7,088 \$6,874	\$7,231 \$7,088	\$7,374 \$7,231	\$7,518 \$7,374	\$7,662 \$7,518	\$7,807 \$7,662

(E)	Mobile Home	\$7,088 \$6,874	\$7,231 \$7,088	\$7,374 \$7,231	\$7,518 \$7,374	\$7,662 \$7,518	\$7,807
(F)	Any other residential dwelling unit	\$7,088 \$6,874	\$7,231 \$7,088	\$7,374 \$7,231	\$7,518 \$7,374	\$7,662 \$7,518	\$7,807
(G)	Hotel, Motel, or Dormitory rental unit	\$2,215 \$2,148	\$2,260 \$2,215	\$2,304 \$2,260	\$2,349 \$2,304	\$2,394 \$2,349	\$2,440

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

	Fiscal Year (July 1-June 30)					
	FY 202 4 ₃	FY 202 5 ₄	FY 202 6 ₅	FY 202 7 ₆	FY 202 8 ₇	FY 202 9 ₈
Fixture unit rate	\$4 3 ₃₀	\$4 5 ₂₄₃	\$4 6 ₁₅₂	\$4 7 ₀₆₁	\$47 9 ₀	\$4 8 ₈₇₉

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27 The availability charge will be computed as the number of fixture units (including roughed-in
 28 fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code
 29 (VUSBC), (as amended), Section 101.2, Note 1, which incorporates by reference the 2012
 30 International Plumbing Code (Chapter 7, Section 709) ("VUSBC"), times the fixture unit rate with
 31 a minimum charge equivalent to one single-family detached dwelling per premises. For Significant
 32 Industrial Users with wastewater discharge permits authorizing discharge into the Integrated Sewer
 33 System and other industrial or commercial Users determined by the Director to have processes
 34 generating significant wastewater flows, the availability charge will be calculated on the basis of
 35 equivalent units. One equivalent unit is equal to 280 gallons per day and rated equal to one single-
 36 family detached dwelling unit. Therefore, the availability charge for Significant Industrial Users
 37 and other industrial or commercial Users determined by the Director to have processes generating
 38 significant flow will be equal to the current rate for a single-family detached dwelling unit times
 39 the number of equivalent units associated with the permitted flow. The number of equivalent units
 40 is equal to the permitted or projected flow in gallons per day divided by 280 gallons per day.
 41 Fixture unit counts, for Users having fixtures discharging continuously or semi-continuously to

42 drainage system leading to the County sanitary sewer facilities, shall be increased by two fixture
 43 units for each gallon per minute of such continuous or semi-continuous discharge. The rate of such
 44 discharge shall be deemed to be that rate certified by the manufacturer of the fixture or other
 45 equipment, or such other rates as the Director shall determine.

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

48 (b) *Connection Charges.*

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

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

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

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

62 (c) *Lateral spur charges:* There is hereby established and imposed a lateral spur charge of
 63 \$600.00 for the connection of all uses to a lateral spur, where such lateral spur has been
 64 installed by the County at the expense of Fairfax County.

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

	Sewer Service Charges — Fiscal Year (July 1 - June 30)					
	FY 202 43	FY 202 54	FY 202 65	FY 202 76	FY 202 87	FY 202 98
Sewer Service Charge, \$ /1,000 gallons	\$8. 4609	\$8. 8146	\$ 9.338.81	\$9. 8833	\$ 10.469.83	\$ 11.080.35

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

BASE CHARGE Cost (\$) per Quarterly Bill						
	FY 202 4 ₃	FY 202 5 ₄	FY 202 6 ₅	FY 202 7 ₆	FY 202 8 ₇	FY 202 9 ₈
Residential Base Charge	\$44.81 14	\$49.73 81	\$52.62 49.73	\$55.78 2.62	\$59.08 5.41	\$62.57 58.35
Commercial: (meter size)						
¾" and smaller, or no meter	\$44.81 40.14	\$49.73 44.81	\$52.62 49.73	\$55.78 2.62	\$59.08 5.41	\$62.57 58.35
1"	\$112.03 100.35	\$124.33 112.03	\$131.55 124.33	\$139.45 1.55	\$147.70 38.53	\$156.43 45.88
1½"	\$224.05 200.70	\$248.65 224.05	\$263.10 248.65	\$278.90 63.10	\$295.40 77.05	\$312.85 291.75
2"	\$358.48 321.12	\$397.84 358.48	\$420.96 397.84	\$446.24 20.96	\$472.64 43.28	\$500.56 466.80
3"	\$672.15 602.10	\$745.95 672.15	\$789.30 745.95	\$836.70 789.30	\$886.20 31.15	\$938.55 875.25
4"	\$1,120.25 1,003.50	\$1,243.25 1,120.25	\$1,315.50 243.25	\$1,394.50 15.50	\$1,477.00 385.25	\$1,564.25 458.75
6"	\$2,240.50 2,007.00	\$2,486.50 2,240.50	\$2,631.00 486.50	\$2,789.00 631.00	\$2,954.00 770.50	\$3,128.50 2,917.50

8"	\$3,584.8 0 \$3,211.2 0	\$3,978.4 0 \$3,584.8 0	\$4,209.603,97 8.40	\$4,462.40209 .60	\$4,726.40432 .80	\$5,005.604,66 8.00
10" and larger	\$5,153.1 5 \$4,616.1 0	\$5,718.9 5 \$5,153.1 5	\$6,051.305,71 8.95	\$6,414.70051 .30	\$6,794.20372 .15	\$7,195.556,71 0.25

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71 If requested, the Base Charge for nonresidential customers, who have irrigation systems and other
72 water uses that do not enter the sewer system, will be adjusted. Calculations prepared by a Virginia
73 licensed professional engineer must be provided to demonstrate what size of main water meter
74 would be necessary for the building to accommodate only the water that enters the sewer system.
75 The Base Charge will be adjusted based on the calculated meter size. In no case the Base Charge
76 will be smaller than that for 3/4" meter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

145 (f) Hauled Wastewater Charges: There are hereby established and imposed the following Hauled
 146 Wastewater Charges:

147 (1) High-Strength Waste - \$27 per 1,000 gallons of the hauler's truck capacity for septic
 148 tank and restaurant grease wastes.

149 (2) Low-Strength Waste – \$7.72 per 1,000 gallons of the hauler's truck capacity for
 150 portable toilet, landfill leachate, or any such low- strength wastewater.

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153 *TABLE I. Table of Fixture Units*

Type of Fixture or Group of Fixtures	Drainage Fixture Unit Value (DFU)
Commercial automatic clothes washer (2" standpipe)	3

Bathroom group consisting of water closet, lavatory and bathtub or shower stall (Residential):	
Tank type closet	6
Bathtub (with or without overhead shower)	2
Combination sink-and-tray with food disposal unit	2
Combination sink-and-tray with 1½" trap	2
Dental unit or cuspidor	1
Dental lavatory	1
Drinking fountain	½
Dishwasher, domestic	2
Floor drains with 2" waste	2
Kitchen sink, domestic, with one 1½" waste	2
Kitchen sink, domestic, with food waste grinder and/or dishwasher	2
Lavatory with 1¼" waste	1
Laundry tray (1 or 2 compartments)	2
Shower stall	2
Sinks:	
Surgeon's	3
Flushing rim (with valve)	6
Service (trap standard)	3

Service (P trap)	2
Pot, scullery, etc.	4
Urinal, pedestal, syphon jet blowout	6
Urinal, wall lip	4
Urinal stall, washout	4
Urinal trough (each 6-ft. section)	2
Wash sink (circular or multiple) each set of faucets	2
Water closet, tank-operated	4
Water closet, valve-operated	6
Fixture drain or trap size:	
1¼ inches and smaller	1
1½ inches	2
2 inches	3
2½ inches	4
3 inches	5
4 inches	6

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

Fixture Units	Load Factor	FY 202 4 ₃	FY 202 5 ₄	FY 202 6 ₅	FY 202 7 ₆	FY 202 8 ₇	FY 202 9 ₈
20 or less	1.00	<u>135.36</u> <u>202.25</u>	<u>140.96</u> <u>211.50</u>	<u>149.28</u> <u>220.25</u>	<u>158.08</u> <u>233.25</u>	<u>167.36</u> <u>245.75</u>	<u>177.28</u> <u>258.75</u>
21 to 30	1.25	<u>169.20</u> <u>252.81</u>	<u>176.20</u> <u>264.38</u>	<u>186.60</u> <u>275.31</u>	<u>197.60</u> <u>291.56</u>	<u>209.20</u> <u>307.19</u>	<u>221.60</u> <u>323.44</u>
31 to 40	1.45	<u>196.27</u> <u>293.26</u>	<u>204.39</u> <u>306.68</u>	<u>216.46</u> <u>319.36</u>	<u>229.22</u> <u>338.21</u>	<u>242.67</u> <u>356.34</u>	<u>257.06</u> <u>375.19</u>
41 to 50	1.60	<u>216.58</u> <u>323.60</u>	<u>225.54</u> <u>338.40</u>	<u>238.85</u> <u>352.40</u>	<u>252.93</u> <u>373.20</u>	<u>267.78</u> <u>393.20</u>	<u>283.65</u> <u>414.00</u>
51 to 60	1.75	<u>236.88</u> <u>353.94</u>	<u>246.68</u> <u>370.13</u>	<u>261.24</u> <u>385.44</u>	<u>276.64</u> <u>408.19</u>	<u>292.88</u> <u>430.06</u>	<u>310.24</u> <u>452.81</u>
61 to 70	1.90	<u>257.18</u> <u>384.28</u>	<u>267.82</u> <u>401.85</u>	<u>283.63</u> <u>418.48</u>	<u>300.35</u> <u>443.18</u>	<u>317.98</u> <u>466.93</u>	<u>336.83</u> <u>491.63</u>
71 to 80	2.05	<u>277.49</u> <u>414.61</u>	<u>288.97</u> <u>433.58</u>	<u>306.02</u> <u>451.51</u>	<u>324.06</u> <u>478.16</u>	<u>343.09</u> <u>503.79</u>	<u>363.42</u> <u>530.44</u>

81 to 90	2.2 0	<u>297.79</u> 444.95	<u>310.11</u> 465.30	<u>328.42484.5</u> 5	<u>347.78513.1</u> 5	<u>368.19540.6</u> 5	<u>390.02569.2</u> 5
91 to 100	2.3 0	<u>311.33465.1</u> 8	<u>324.21</u> 486.45	<u>343.34</u> 506.58	<u>363.58536.4</u> 8	<u>384.93565.2</u> 3	<u>407.74595.1</u> 3
101 to 110	2.4 0	<u>324.86485.4</u> 0	<u>338.30507.6</u> 0	<u>358.27</u> 528.60	<u>379.39559.8</u> 0	<u>401.66589.8</u> 0	<u>425.47621.0</u> 0
111 to 120	2.5 5	<u>345.17</u> 515.74	<u>359.45</u> 539.33	<u>380.66</u> 561.64	<u>403.10594.7</u> 9	<u>426.77626.6</u> 6	<u>452.06659.8</u> 1
121 to 130	2.6 5	<u>358.70</u> 535.96	<u>373.54</u> 560.48	<u>395.59583.6</u> 6	<u>418.91618.1</u> 1	<u>443.50651.2</u> 4	<u>469.79685.6</u> 9
131 to 140	2.7 5	<u>372.24</u> 556.19	<u>387.64581.6</u> 3	<u>410.52</u> 605.69	<u>434.72641.4</u> 4	<u>460.24675.8</u> 1	<u>487.52711.5</u> 6
141 to 150	2.8 5	<u>385.78576.4</u> 1	<u>401.74602.7</u> 8	<u>425.45627.7</u> 1	<u>450.53664.7</u> 6	<u>476.98700.3</u> 9	<u>505.25737.4</u> 4
151 to 160	2.9 5	<u>399.31596.6</u> 4	<u>415.83623.9</u> 3	<u>440.38649.7</u> 4	<u>466.34688.0</u> 9	<u>493.71724.9</u> 6	<u>522.98763.3</u> 1
161 to 170	3.0 5	<u>412.85616.8</u> 6	<u>429.93645.0</u> 8	<u>455.30671.7</u> 6	<u>482.14711.4</u> 1	<u>510.45749.5</u> 4	<u>540.70789.1</u> 9
171 to 180	3.1 5	<u>426.38637.0</u> 9	<u>444.02666.2</u> 3	<u>470.23693.7</u> 9	<u>497.95734.7</u> 4	<u>527.18774.1</u> 1	<u>558.43815.0</u> 6

181 to 190	3.2 5	<u>439.92657.3</u> ‡	<u>458.12687.3</u> 8	<u>485.16715.8</u> ‡	<u>513.76758.0</u> 6	<u>543.92798.6</u> 9	<u>576.16840.9</u> 4
191 to 200	3.3 5	<u>453.46677.5</u> 4	<u>472.22708.5</u> 3	<u>500.09737.8</u> 4	<u>529.57781.3</u> 9	<u>560.66823.2</u> 6	<u>593.89866.8</u> ‡
201 to 210	3.4 5	<u>466.99697.7</u> 6	<u>486.31729.6</u> 8	<u>515.02759.8</u> 6	<u>545.38804.7</u> ‡	<u>577.39847.8</u> 4	<u>611.62892.6</u> 9
211 to 220	3.5 5	<u>480.53717.9</u> 9	<u>500.41750.8</u> 3	<u>529.94781.8</u> 9	<u>561.18828.0</u> 4	<u>594.13872.4</u> ‡	<u>629.34918.5</u> 6
221 to 230	3.6 5	<u>494.06738.2</u> ‡	<u>514.50771.9</u> 8	<u>544.87803.9</u> ‡	<u>576.99851.3</u> 6	<u>610.86896.9</u> 9	<u>647.07944.4</u> 4
231 to 240	3.7 5	<u>507.60758.4</u> 4	<u>528.60793.1</u> 3	<u>559.80825.9</u> 4	<u>592.80874.6</u> 9	<u>627.60921.5</u> 6	<u>664.80970.3</u> ‡
241 to 250	3.8 5	<u>521.14778.6</u> 6	<u>542.70814.2</u> 8	<u>574.73847.9</u> 6	<u>608.61898.0</u> ‡	<u>644.34946.1</u> 4	<u>682.53996.1</u> 9
251 to 260	3.9 0	<u>527.90788.7</u> 8	<u>549.74824.8</u> 5	<u>582.19858.9</u> 8	<u>616.51909.6</u> 8	<u>652.70958.4</u> 3	<u>691.391,009.</u> 13
261 to 270	4.0 0	<u>541.44809.0</u> 0	<u>563.84846.0</u> 0	<u>597.12881.0</u> 0	<u>632.32933.0</u> 0	<u>669.44983.0</u> 0	<u>709.121,035.</u> 00
271 to 280	4.0 5	<u>548.21819.1</u> ‡	<u>570.89856.5</u> 8	<u>604.58892.0</u> ‡	<u>640.22944.6</u> 6	<u>677.81995.2</u> 9	<u>717.981,047.</u> 94

281 to 290	4.1 0	<u>554.98829.2</u> 3	<u>577.94867.1</u> 5	<u>612.05903.0</u> 3	<u>648.13956.3</u> 3	<u>686.181,007.</u> 58	<u>726.851,060.</u> 88
291 to 300	4.1 5	<u>561.74839.3</u> 4	<u>584.98877.7</u> 3	<u>619.51914.0</u> 4	<u>656.03967.9</u> 9	<u>694.541,019.</u> 86	<u>735.711,073.</u> 81
301 to 310	4.2 0	<u>568.51849.4</u> 5	<u>592.03888.3</u> 0	<u>626.98925.0</u> 5	<u>663.94979.6</u> 5	<u>702.911,032.</u> 15	<u>744.581,086.</u> 75
311 to 320	4.3 0	<u>582.05869.6</u> 8	<u>606.13909.4</u> 5	<u>641.90947.0</u> 8	<u>679.741,002</u> .98	<u>719.651,056.</u> 73	<u>762.301,112.</u> 63
321 to 330	4.4 0	<u>595.58889.9</u> 0	<u>620.22930.6</u> 0	<u>656.83969.1</u> 0	<u>695.551,026</u> .30	<u>736.381,081.</u> 30	<u>780.031,138.</u> 50
331 to 340	4.5 0	<u>609.12940.1</u> 3	<u>634.32951.7</u> 5	<u>671.76991.1</u> 3	<u>711.361,049</u> .63	<u>753.121,105.</u> 88	<u>797.761,164.</u> 38
341 to 350	4.6 0	<u>622.66930.3</u> 5	<u>648.42972.9</u> 0	<u>686.691,013</u> .15	<u>727.171,072</u> .95	<u>769.861,130.</u> 45	<u>815.491,190.</u> 25
351 to 360	4.7 0	<u>636.19950.5</u> 8	<u>662.51994.0</u> 5	<u>701.621,035</u> .18	<u>742.981,096</u> .28	<u>786.591,155.</u> 03	<u>833.221,216.</u> 13
361 to 370	4.8 0	<u>649.73970.8</u> 0	<u>676.611,015</u> .20	<u>716.541,057</u> .20	<u>758.781,119</u> .60	<u>803.331,179.</u> 60	<u>850.941,242.</u> 00
371 to 380	4.9 0	<u>663.26991.0</u> 3	<u>690.701,036</u> .35	<u>731.471,079</u> .23	<u>774.591,142</u> .93	<u>820.061,204.</u> 18	<u>868.671,267.</u> 88

381 to 390	5.0 0	676.801,011 .25	704.801,057 .50	746.401,101 .25	790.401,166 .25	836.801,228. 75	886.401,293. 75
391 to 400	5.1 0	690.341,031 .48	718.901,078 .65	761.331,123 .28	806.211,189 .58	853.541,253. 33	904.131,319. 63
401 to 410	5.2 0	703.871,051 .70	732.991,099 .80	776.261,145 .30	822.021,212 .90	870.271,277. 90	921.861,345. 50
411 to 420	5.3 0	717.411,071 .93	747.091,120 .95	791.181,167 .33	837.821,236 .23	887.011,302. 48	939.581,371. 38
421 to 430	5.4 0	730.941,092 .15	761.181,142 .10	806.111,189 .35	853.631,259 .55	903.741,327. 05	957.311,397. 25
431 to 440	5.5 0	744.481,112 .38	775.281,163 .25	821.041,211 .38	869.441,282 .88	920.481,351. 63	975.041,423. 13
441 to 450	5.6 0	758.021,132 .60	789.381,184 .40	835.971,233 .40	885.251,306 .20	937.221,376. 20	992.771,449. 00
451 to 460	5.7 0	771.551,152 .83	803.471,205 .55	850.901,255 .43	901.061,329 .53	953.951,400. 78	1,010.50474. 88
461 to 470	5.8 0	785.091,173 .05	817.571,226 .70	865.821,277 .45	916.861,352 .85	970.691,425. 35	1,028.22500. 75
471 to 480	5.9 0	798.621,193 .28	831.661,247 .85	880.751,299 .48	932.671,376 .18	987.421,449. 93	1,045.95526. 63

481 to 490	6.0 0	<u>812.161,213</u> .50	<u>845.761,269</u> .00	<u>895.681,321</u> .50	<u>948.481,399</u> .50	<u>1,004.161,47</u> 4.50	<u>1,063.68552</u> 50
491 to 500	6.1 0	<u>825.701,233</u> .73	<u>859.861,290</u> .15	<u>910.611,343</u> .53	<u>964.291,422</u> .83	<u>1,020.90499</u> 08	<u>1,081.41578</u> 38
501 to 525	6.2 5	<u>846.001,264</u> .06	<u>881.001,321</u> .88	<u>933.001,376</u> .56	<u>988.001,457</u> .81	<u>1,046.00535</u> 94	<u>1,108.00617</u> 19
526 to 550	6.5 0	<u>879.841,314</u> .63	<u>916.241,374</u> .75	<u>970.321,431</u> .63	<u>1,027.52516</u> .13	<u>1,087.84597</u> 38	<u>1,152.32681</u> 88
551 to 575	6.7 5	<u>913.681,365</u> .19	<u>951.481,427</u> .63	<u>1,007.641,4</u> 86.69	<u>1,067.04574</u> .44	<u>1,129.68658</u> 81	<u>1,196.64746</u> 56
576 to 600	7.0 0	<u>947.521,415</u> .75	<u>986.721,480</u> .50	<u>1,044.961,5</u> 41.75	<u>1,106.56632</u> .75	<u>1,171.52720</u> 25	<u>1,240.96811</u> 25
601 to 625	7.2 5	<u>981.361,466</u> .31	<u>1,021.961,5</u> 33.38	<u>1,082.281,5</u> 96.81	<u>1,146.08691</u> .06	<u>1,213.36781</u> 69	<u>1,285.281,87</u> 5.94
626 to 650	7.5 0	<u>1,015.201,5</u> 16.88	<u>1,057.201,5</u> 86.25	<u>1,119.601,6</u> 51.88	<u>1,185.60749</u> .38	<u>1,255.20843</u> 13	<u>1,329.601,94</u> 0.63
651 to 675	7.7 5	<u>1,049.041,5</u> 67.44	<u>1,092.441,6</u> 39.13	<u>1,156.921,7</u> 06.94	<u>1,225.12807</u> .69	<u>1,297.041,90</u> 4.56	<u>1,373.922,00</u> 5.31
676 to 700	8.0 0	<u>1,082.881,6</u> 18.00	<u>1,127.681,6</u> 92.00	<u>1,194.241,7</u> 62.00	<u>1,264.64866</u> .00	<u>1,338.881,96</u> 6.00	<u>1,418.242,07</u> 0.00

701 to 725	8.2 0	<u>1,109.951,6</u> 58.45	<u>1,155.871,7</u> 34.30	<u>1,224.101,8</u> 06.05	<u>1,296.261,9</u> 12.65	<u>1,372.352,01</u> 5.15	<u>1,453.702,12</u> 1.75
726 to 750	8.4 0	<u>1,137.021,6</u> 98.90	<u>1,184.061,7</u> 76.60	<u>1,253.951,8</u> 50.10	<u>1,327.871,9</u> 59.30	<u>1,405.822,06</u> 4.30	<u>1,489.152,17</u> 3.50
751 to 775	8.6 0	<u>1,164.101,7</u> 39.35	<u>1,212.261,8</u> 18.90	<u>1,283.811,8</u> 94.15	<u>1,359.492,0</u> 05.95	<u>1,439.302,11</u> 3.45	<u>1,524.612,22</u> 5.25
776 to 800	8.8 0	<u>1,191.171,7</u> 79.80	<u>1,240.451,8</u> 61.20	<u>1,313.661,9</u> 38.20	<u>1,391.102,0</u> 52.60	<u>1,472.772,16</u> 2.60	<u>1,560.062,27</u> 7.00
801 to 825	9.0 0	<u>1,218.241,8</u> 20.25	<u>1,268.641,9</u> 03.50	<u>1,343.521,9</u> 82.25	<u>1,422.722,0</u> 99.25	<u>1,506.242,21</u> 1.75	<u>1,595.522,32</u> 8.75
826 to 850	9.2 0	<u>1,245.311,8</u> 60.70	<u>1,296.831,9</u> 45.80	<u>1,373.382,0</u> 26.30	<u>1,454.342,1</u> 45.90	<u>1,539.712,26</u> 0.90	<u>1,630.982,38</u> 0.50
851 to 875	9.3 5	<u>1,265.621,8</u> 91.04	<u>1,317.981,9</u> 77.53	<u>1,395.772,0</u> 59.34	<u>1,478.052,1</u> 80.89	<u>1,564.822,29</u> 7.76	<u>1,657.572,41</u> 9.31
876 to 900	9.5 0	<u>1,285.921,9</u> 21.38	<u>1,339.122,0</u> 09.25	<u>1,418.162,0</u> 92.38	<u>1,501.762,2</u> 15.88	<u>1,589.922,33</u> 4.63	<u>1,684.162,45</u> 8.13
901 to 925	9.6 5	<u>1,306.221,9</u> 51.71	<u>1,360.262,0</u> 40.98	<u>1,440.552,1</u> 25.41	<u>1,525.472,2</u> 50.86	<u>1,615.022,37</u> 1.49	<u>1,710.752,49</u> 6.94
926 to 950	9.8 0	<u>1,326.531,9</u> 82.05	<u>1,381.412,0</u> 72.70	<u>1,462.942,1</u> 58.45	<u>1,549.182,2</u> 85.85	<u>1,640.132,40</u> 8.35	<u>1,737.342,53</u> 5.75

951 to 975	9.9 5	<u>1,346.832,0</u> 12.39	<u>1,402.552,1</u> 04.43	<u>1,485.342,1</u> 91.49	<u>1,572.902,3</u> 20.84	<u>1,665.232,44</u> 5.21	<u>1,763.942,57</u> 4.56
976 to 1,000	10. 15	<u>1,373.902,0</u> 52.84	<u>1,430.742,1</u> 46.73	<u>1,515.192,2</u> 35.54	<u>1,604.512,3</u> 67.49	<u>1,698.702,49</u> 4.36	<u>1,799.392,62</u> 6.31
1,001 to 1,050	10. 55	<u>1,428.052,1</u> 33.74	<u>1,487.132,2</u> 31.33	<u>1,574.902,3</u> 23.64	<u>1,667.742,4</u> 60.79	<u>1,765.652,59</u> 2.66	<u>1,870.302,72</u> 9.81
1,051 to 1,100	10. 90	<u>1,475.422,2</u> 04.53	<u>1,536.462,3</u> 05.35	<u>1,627.152,4</u> 00.73	<u>1,723.072,5</u> 42.43	<u>1,824.222,67</u> 8.68	<u>1,932.352,82</u> 0.38
1,101 to 1,150	11. 30	<u>1,529.572,2</u> 85.43	<u>1,592.852,3</u> 89.95	<u>1,686.862,4</u> 88.83	<u>1,786.302,6</u> 35.73	<u>1,891.172,77</u> 6.98	<u>2,003.262,92</u> 3.88
1,151 to 1,200	11. 70	<u>1,583.712,3</u> 66.33	<u>1,649.232,4</u> 74.55	<u>1,746.582,5</u> 76.93	<u>1,849.542,7</u> 29.03	<u>1,958.112,87</u> 5.28	<u>2,074.183,02</u> 7.38
1,201 to 1,250	12. 00	<u>1,624.322,4</u> 27.00	<u>1,691.522,5</u> 38.00	<u>1,791.362,6</u> 43.00	<u>1,896.962,7</u> 99.00	<u>2,008.322,94</u> 9.00	<u>2,127.363,10</u> 5.00
1,251 to 1,300	12. 35	<u>1,671.702,4</u> 97.79	<u>1,740.862,6</u> 12.03	<u>1,843.612,7</u> 20.09	<u>1,952.292,8</u> 80.64	<u>2,066.903,03</u> 5.01	<u>2,189.413,19</u> 5.56

1,30 1 to 1,35 0	12. 70	<u>1,719.072,5</u> 68.58	<u>1,790.192,6</u> 86.05	<u>1,895.862,7</u> 97.18	<u>2,007.622,9</u> 62.28	<u>2,125.473,12</u> 1.03	<u>2,251.463,28</u> 6.13
1,35 1 to 1,40 0	13. 00	<u>1,759.682,6</u> 29.25	<u>1,832.482,7</u> 49.50	<u>1,940.642,8</u> 63.25	<u>2,055.043,0</u> 32.25	<u>2,175.683,19</u> 4.75	<u>2,304.643,36</u> 3.75
1,40 1 to 1,45 0	13. 25	<u>1,793.522,6</u> 79.81	<u>1,867.722,8</u> 02.38	<u>1,977.962,9</u> 18.31	<u>2,094.563,0</u> 90.56	<u>2,217.523,25</u> 6.19	<u>2,348.963,42</u> 8.44
1,45 1 to 1,50 0	13. 50	<u>1,827.36</u> <u>2,730.38</u>	<u>1,902.962,8</u> 55.25	<u>2,015.282,9</u> 73.38	<u>2,134.083,1</u> 48.88	<u>2,259.363,31</u> 7.63	<u>2,393.283,49</u> 3.13
1,50 1 to 1,60 0	14. 05	<u>1,901.812,8</u> 41.61	<u>1,980.492,9</u> 71.58	<u>2,097.383,0</u> 94.51	<u>2,221.023,2</u> 77.16	<u>2,351.413,45</u> 2.79	<u>2,490.783,63</u> 5.44
1,60 1 to 1,70 0	14. 60	<u>1,976.262,9</u> 52.85	<u>2,058.023,0</u> 87.90	<u>2,179.493,2</u> 15.65	<u>2,307.973,4</u> 05.45	<u>2,443.463,58</u> 7.95	<u>2,588.293,77</u> 7.75
1,70 1 to 1,80 0	15. 15	<u>2,050.703,0</u> 64.09	<u>2,135.543,2</u> 04.23	<u>2,261.593,3</u> 36.79	<u>2,394.913,5</u> 33.74	<u>2,535.503,72</u> 3.11	<u>2,685.793,92</u> 0.06
1,80 1 to 1,90 0	15. 70	<u>2,125.153,1</u> 75.33	<u>2,213.073,3</u> 20.55	<u>2,343.703,4</u> 57.93	<u>2,481.863,6</u> 62.03	<u>2,627.553,85</u> 8.28	<u>2,783.304,06</u> 2.38

1,90 1 to 2,00 0	16. 25	<u>2,199.603,2</u> 86.56	<u>2,290.603,4</u> 36.88	<u>2,425.803,5</u> 79.06	<u>2,568.803,7</u> 90.31	<u>2,719.603,99</u> 3.44	<u>2,880.804,20</u> 4.69
2,00 1 to 2,10 0	16. 80	<u>2,274.05</u> 3,397.80	<u>2,368.133,5</u> 53.20	<u>2,507.903,7</u> 00.20	<u>2,655.743,9</u> 18.60	<u>2,811.654,12</u> 8.60	<u>2,978.304,34</u> 7.00
2,10 1 to 2,20 0	17. 35	<u>2,348.503,5</u> 09.04	<u>2,445.663,6</u> 69.53	<u>2,590.013,8</u> 21.34	<u>2,742.694,0</u> 46.89	<u>2,903.704,26</u> 3.76	<u>3,075.814,48</u> 9.31
2,20 1 to 2,30 0	17. 90	<u>2,422.943,6</u> 20.28	<u>2,523.183,7</u> 85.85	<u>2,672.113,9</u> 42.48	<u>2,829.634,1</u> 75.18	<u>2,995.744,39</u> 8.93	<u>3,173.314,63</u> 1.63
2,30 1 to 2,40 0	18. 45	<u>2,497.393,7</u> 31.51	<u>2,600.713,9</u> 02.18	<u>2,754.224,0</u> 63.61	<u>2,916.584,3</u> 03.46	<u>3,087.794,53</u> 4.09	<u>3,270.824,77</u> 3.94
2,40 1 to 2,50 0	19. 00	<u>2,571.843,8</u> 42.75	<u>2,678.244,0</u> 18.50	<u>2,836.324,1</u> 84.75	<u>3,003.524,4</u> 31.75	<u>3,179.844,66</u> 9.25	<u>3,368.324,91</u> 6.25
2,50 1 to 2,60 0	19. 55	<u>2,646.293,9</u> 53.99	<u>2,755.774,1</u> 34.83	<u>2,918.424,3</u> 05.89	<u>3,090.464,5</u> 60.04	<u>3,271.894,80</u> 4.41	<u>3,465.825,05</u> 8.56
2,60 1 to 2,70 0	20. 10	<u>2,720.744,0</u> 65.23	<u>2,833.304,2</u> 51.15	<u>3,000.534,4</u> 27.03	<u>3,177.414,6</u> 88.33	<u>3,363.944,93</u> 9.58	<u>3,563.335,20</u> 0.88

2,70 1 to 2,80 0	20. 65	<u>2,795.184,1</u> 76.46	<u>2,910.824,3</u> 67.48	<u>3,082.634,5</u> 48.16	<u>3,264.354,8</u> 16.61	<u>3,455.985,07</u> 4.74	<u>3,660.835,34</u> 3.19
2,80 1 to 2,90 0	21. 20	<u>2,869.634,2</u> 87.70	<u>2,988.354,4</u> 83.80	<u>3,164.744,6</u> 69.30	<u>3,351.304,9</u> 44.90	<u>3,548.035,20</u> 9.90	<u>3,758.345,48</u> 5.50
2,90 1 to 3,00 0	21. 75	<u>2,944.084,3</u> 98.94	<u>3,065.884,6</u> 00.13	<u>3,246.844,7</u> 90.44	<u>3,438.245,0</u> 73.19	<u>3,640.085,34</u> 5.06	<u>3,855.845,62</u> 7.81
3,00 1 to 4,00 0	26. 00	<u>3,519.365,2</u> 58.50	<u>3,664.965,4</u> 99.00	<u>3,881.285,7</u> 26.50	<u>4,110.086,0</u> 64.50	<u>4,351.366,38</u> 9.50	<u>4,609.286,72</u> 7.50
4,00 1 to 5,00 0	29. 50	<u>3,993.125,9</u> 66.38	<u>4,158.326,2</u> 39.25	<u>4,403.766,4</u> 97.38	<u>4,663.366,8</u> 80.88	<u>4,937.127,24</u> 9.63	<u>5,229.767,63</u> 3.13
5,00 1 to 6,00 0	33. 00	<u>4,466.886,6</u> 74.25	<u>4,651.686,9</u> 79.50	<u>4,926.247,2</u> 68.25	<u>5,216.647,6</u> 97.25	<u>5,522.888,10</u> 9.75	<u>5,850.248,53</u> 8.75
6,00 1 to 7,00 0	36. 40	<u>4,927.107,3</u> 61.90	<u>5,130.947,6</u> 98.60	<u>5,433.798,0</u> 17.10	<u>5,754.118,4</u> 90.30	<u>6,091.908,94</u> 5.30	<u>6,452.999,41</u> 8.50
7,00 1 to 8,00 0	39. 60	<u>5,360.268,0</u> 09.10	<u>5,582.028,3</u> 75.40	<u>5,911.498,7</u> 21.90	<u>6,259.979,2</u> 36.70	<u>6,627.469,73</u> 1.70	<u>7,020.2910,2</u> 46.50

8,00 1 to 9,00 0	42. 75	<u>5,786.648,6</u> 46.19	<u>6,026.049,0</u> 41.63	<u>6,381.729,4</u> 15.69	<u>6,757.929,9</u> 71.44	<u>7,154.6410,5</u> 05.81	<u>7,578.7211,0</u> 61.56
9,00 1 to 10,0 00	46. 00	<u>6,226.569,3</u> 03.50	<u>6,484.169,7</u> 29.00	<u>6,866.8810,</u> 131.50	<u>7,271.6810,</u> 729.50	<u>7,698.5611,3</u> 04.50	<u>8,154.8811,9</u> 02.50
10,0 01 to 11,0 00	48. 85	<u>6,612.349,8</u> 79.91	<u>6,885.9010,</u> 331.78	<u>7,292.3310,</u> 759.21	<u>7,722.2111,</u> 394.26	<u>8,175.5412,0</u> 04.89	<u>8,660.1312,6</u> 39.94
11,0 01 to 12,0 00	51. 60	<u>6,984.5810,</u> 436.10	<u>7,273.5410,</u> 913.40	<u>7,702.8511,</u> 364.90	<u>8,156.9312,</u> 035.70	<u>8,635.7812,6</u> 80.70	<u>9,147.6513,3</u> 51.50
12,0 01 to 13,0 00	54. 60	<u>7,390.6611,</u> 042.85	<u>7,696.4211,</u> 547.90	<u>8,150.6912,</u> 025.65	<u>8,631.1712,</u> 735.45	<u>9,137.8613,4</u> 17.95	<u>9,679.4914,1</u> 27.75
13,0 01 to 14,0 00	57. 40	<u>7,769.6611,</u> 609.15	<u>8,091.1012,</u> 140.10	<u>8,568.6712,</u> 642.35	<u>9,073.7913,</u> 388.55	<u>9,606.4614,1</u> 06.05	<u>10,175.8714,</u> 852.25
14,0 01 to 15,0 00	60. 00	<u>8,121.6012,</u> 135.00	<u>8,457.6012,</u> 690.00	<u>8,956.8013,</u> 215.00	<u>9,484.8013,</u> 995.00	<u>10,041.6014,</u> 745.00	<u>10,636.8015,</u> 525.00

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161 NOTES:

162 (1) Base charge is not included in rates above.
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164 GIVEN under my hand this _____ day of _____, 202~~3~~⁴

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Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
April 16, 2024

4:00 p.m.

Public Hearing on the FY 2025 Advertised Budget Plan, the FY 2025 – FY 2029 Advertised Capital Improvement Program (with Future Fiscal Years to 2034) and to Amend the Current Appropriation Level of the FY 2024 Revised Budget Plan as Proposed in the FY 2024 Third Quarter Review (Public Hearings Continue on April 17 and 18)

ENCLOSED DOCUMENTS:

None. Board Members will receive the Planning Commission's recommendations on the FY 2025 – FY 2029 Advertised Capital Improvement Program (with Future Fiscal Years to 2034) prior to the April 16, 2024, meeting.

Board Members are directed to the following budget documents available online at the links provided below:

1. FY 2024 Third Quarter Review
<https://www.fairfaxcounty.gov/budget/fy-2024-third-quarter-review>
2. FY 2025 Advertised Budget Plan
<https://www.fairfaxcounty.gov/budget/advertised-budget-plan>
3. FY 2025 – FY 2029 Advertised Capital Improvement Program (With Future Fiscal Years to 2034)
<https://www.fairfaxcounty.gov/budget/fy-2025-fy-2029-advertised-capital-improvement-program-cip>

STAFF:

Bryan J. Hill, County Executive
Christina Jackson, Deputy County Executive/Chief Financial Officer
Philip Hagen, Director, Department of Management and Budget
Katie Horstman, Deputy Director, Department of Management and Budget
Joe LaHait, Deputy Director, Department of Management and Budget